

Poland

Reception conditions and access to the asylum procedure for Dublin returnees



United Nations Geospatial, Poland, 1 August 2016, [url](https://www.un.org/geospatial/)

This report was researched, written and edited by the Danish Refugee Council (DRC). The report is based on research of publicly available information and documents as well as on information provided by one expert interviewed by Danish Refugee Council (DRC).

The report is not, and does not purport to be, a detailed or comprehensive survey of all aspects of the issues addressed and it is not a general report on human rights conditions in Poland. The report should thus be weighed against other information available on the topic.

Great efforts have been made to ensure the accuracy and reliability of the presented information. Users of the report are encouraged to independently verify the information or consult the original sources for more in-depth information.

The research and editing of this report were finalised beginning of June 2025.

DRC is a private, humanitarian organisation working with refugees and displaced people in 34 countries and counselling asylum seekers in Denmark.

Content

1. Introduction	4
2. Recent developments concerning the Polish asylum system	4
3. Dublin returnees to Poland	6
3.1. Reception at the airport	6
3.2. Access to the asylum procedure after a transfer to Poland	6
3.3. Risk of detention following transfer to Poland and access to asylum from detention	8
3.4. Risk of refoulement following transfer	9
4. The Polish asylum procedure	10
4.1. Access to the asylum procedure	10
4.2. Access to the asylum procedure in detention	11
4.3. Pushbacks	11
4.4. Monitoring of pushbacks	13
5. The Polish Reception System	13
5.1. Access to reception and reception conditions	14
5.2. Reception of vulnerable persons	15
5.3. Access to health care during the asylum procedure	15
6. Detention	16
6.1. Risk of detention, including for children and vulnerable persons	17
6.2. Detention conditions	18
7. Sources	23
Annex I - Terms of Reference	26
Annex II - Interview	27

1. Introduction

The report at hand compiles publicly available information on the Polish asylum system, including access to the procedure and accommodation, risk of detention and detention conditions.

The focus of the report is on persons transferred to Poland under the Dublin III Regulation (hereafter: Dublin returnees) but includes more general information to the extent that it may be relevant to Dublin returnees. The purpose of this report is thus to collect relevant and updated information on Dublin returnees in Poland to be used in Dublin cases. The Terms of Reference (ToR) for the report are included at the end of the report (Annex I).

The publicly available information is supplemented with information gathered through one interview with a Polish civil society organisation that provides free legal assistance to refugees and asylum seekers in Poland, including Dublin-returnees. The interview was conducted online via video conferencing. After the interview, the meeting minutes were sent to the source for written approval, which gave the source the opportunity to correct and comment on their statements. The minutes from the interview have been approved by the source and can be found at the end of the report (Annex II).

It should be noted that the situation of refugees and asylum seekers - particularly in countries at the EU's external borders - can change rapidly. This includes fluctuations in the number of arrivals, the number of individuals accommodated within the asylum system, and the number of Dublin transfers to Poland. The dynamic nature of the situation should be taken into account when reading this report.

2. Recent developments concerning the Polish asylum system

The Polish government has since 2021 intensified its border control, particularly along its border with Belarus. This is in response to what the Polish government describes as "weaponized migration" by Belarusian authorities, who are accused of directing migrants towards Poland. In 2021, the number of attempted border crossings along the 418-kilometer Polish Belarusian border suddenly surged, and Poland's Prime Minister Donald Tusk has stated that he considers this to be a threat to Poland orchestrated by neighboring Belarus and Russia.¹

¹ Deutsche Welle, *Poland temporarily suspends right to asylum*, 28 February 2025, [url](#)

Poland's border guards have been accused of turning away people without allowing them to apply for international protection. Polish and international courts have repeatedly confirmed and condemned illegal pushbacks at the border.²

In June 2024 the Polish government declared a “buffer zone” around the border with Belarus and restricted the access of journalists and civil society to monitor and report on the situation. Civil society organizations expressed concern about an amendment to the Criminal Code that, among other things, legalized the use of firearms for law enforcement officers at the border in violation of existing laws governing the use of deadly force.³

On 27 March 2025 a law introducing a mechanism for temporary suspension of the right to apply for international protection entered into force.⁴ Prime Minister Donald Tusk has argued that the “instrumentalization” of migrants at the Polish border has created a state of emergency that justifies this new law suspending the right to seek asylum.⁵ Prime Minister Donald Tusk furthermore announced that Poland will no longer comply with the re-admission agreement with Germany nor the Dublin Regulation and stated that “*We will not accept migrants from other European countries*”.⁶

The new law has been widely criticized for being inconsistent with national law, including the Constitution of the Republic of Poland, EU law and standards of international law.⁷

As of late September 2024, 970,120 Ukrainian refugees remained under temporary protection in Poland, out of a total of 1,837,620 who had registered for temporary protection in Poland since the Russian invasion of Ukraine in February 2022.⁸

² Association for Legal Intervention, HFHR - Helsinki Foundation for Human Rights, Rusiłowicz, Karolina, Łysienia, Maja (authors), ECRE (ed. or publisher): *Country Report: Poland (hereafter AIDA Country report - Poland); 2023 Update*, June 2024, p. 20 ff, [url](#) please refer to chapter 4.3 for further information.

³ Amnesty International, *The State of the World's Human Rights - Poland 2024*, 29 April 2025, [url](#)

⁴ Act of 21 February 2025 amending the Act on Granting Protection to Foreigners within the Territory of the Republic of Poland (colloquially referred to as the asylum act) and Helsinki Foundation for Human Rights, *Position on the mechanism of temporary and territorial restriction on the foreigner's right to apply for international protection in Poland*, 28 March 2025, [url](#)

⁵ Forbes, *Poland Suspends Right To Asylum Amid EU Clash With Belarus Over Border*, March 2025, [url](#)

⁶ Notes from Poland, *Tusk: Poland will no longer comply with EU's Dublin Regulation on returning asylum seekers*, 21 March 2025, [url](#)

⁷ Helsinki Foundation for Human Rights - Poland, position paper, *Position on the mechanism of temporary and territorial restriction on the foreigner's right to apply for international protection in Poland*, 28 March 2025, [url](#); Amnesty International, *Poland: Plans to suspend the right to seek asylum 'flagrantly unlawful'*, 16 October 2024, [url](#); Deutsche Welle, *Poland temporarily suspends right to asylum*, 28 February 2025, [url](#);

Politico, *EU warns Poland over bombshell plan to suspend asylum claims*, 14 October 2024, [url](#)

⁸ Human Rights Watch, *World Report 2025*, 16 January 2025, [url](#)

3. Dublin returnees to Poland

Poland remains primarily a receiving country under the Dublin Regulation. In 2023, it received 3,907 requests and accepted 747 transfers—mostly from Germany. In 2024, it received 3,918 requests and 695 transfers. Most were “take back” cases involving applicants who had first applied in Poland but reapplied elsewhere.⁹

3.1. Reception at the airport

According to the AIDA report, the Border Guard in Poland can organise transport to reception centres in specific cases, where the asylum seeker belongs to one of the following vulnerable groups: individuals with disabilities, elderly people, single parents or pregnant women. These groups can benefit from organised transport after a Dublin transfer or after release from a detention centre. However, by law, other vulnerable asylum seekers cannot benefit from organised transport, which the AIDA report identifies as a gap in the asylum system. Moreover, in practice, even those eligible to receive support rarely receive it.¹⁰

Stowarzyszenie Interwencji Prawnej/Association for Legal Intervention (SIP) explained in an interview that they do not monitor airport procedures and therefore cannot provide details about what happens upon arrival. In exceptional circumstances, if informed by an NGO in another country about the transfer of a particularly vulnerable individual, SIP can arrange to be present at the airport.¹¹

3.2. Access to the asylum procedure after a transfer to Poland

According to the AIDA report, there are concerns about whether Dublin returnees in Poland are always entitled to re-open their original asylum proceedings. Polish law sets a nine-month time limit for reopening such procedures, which can pose a barrier.¹² This concern was confirmed by SIP during an interview.¹³

⁹ AIDA Country Report – Poland, 2023 Update, June 2024, p. 34, [url](#); Eurostat, *Incoming 'Dublin' requests by submitting country (PARTNER), type of request, legal provision, sex and type of applicant*, accessed 1 May 2025, [url](#); Eurostat, *Outgoing 'Dublin' requests by receiving country (PARTNER), type of request, legal provision, sex and type of applicant*, accessed 1 May 2025; [url](#); Eurostat, *Incoming 'Dublin' transfers by submitting country (PARTNER), legal provision, duration of transfer, sex and type of applicant* accessed 1 May 2025, [url](#)

¹⁰ AIDA Country Report – Poland, 2023 Update, June 2024, p. 77, [url](#)

¹¹ Interview with SIP, p. 1.

¹² AIDA Country Report – Poland, 2023 Update, June 2024, p. 36, [url](#)

¹³ Interview with SIP, p. 2-12.

3.2.1. Returnees without a previous asylum application

If an individual returned under the Dublin Regulation has not previously applied for asylum in Poland, it is crucial to do so immediately upon contact with the Polish authorities. Failure to apply for asylum promptly will result in return procedures, unless another legal basis for stay exists, e.g. a residence permit or a visa.¹⁴

According to SIP, there is a serious lack of legal information and legal assistance at entry points to Poland, including at the airport. The lack of information can have severe legal consequences for the person in question.¹⁵ In some cases, individuals apply for asylum only after receiving legal aid—such delays may negatively affect credibility assessments and increase the risk of detention.¹⁶

According to SIP there is no time-limit for submitting an asylum application, but noting the information above, it is very important that the application is submitted as soon as possible. SIP recommends arriving with a written statement in English expressing the wish to apply for asylum to present to the authorities upon arrival.¹⁷ However, SIP has documented cases where even an expressed wish to apply for asylum was ignored by the Border Guards and were only registered following legal intervention.¹⁸

3.2.2. Returnees with a previous asylum application

For Dublin returnees who have previously applied for asylum in Poland, it is crucial to clearly express their wish to *re-enter* the asylum procedure upon arrival. However, according to SIP, even when individuals do so, Border Guards may still register the request as a subsequent application.¹⁹ According to the AIDA report this problem was similarly reported in cases of detention.²⁰

According to SIP, many returnees lack adequate information about the asylum procedure and their rights. They are not informed that they must explicitly state their intention to *resume* the previous procedure, and some mistakenly select “new” application on the forms, even if they have previously applied for asylum. Once an application is misregistered as a subsequent application, it can have consequences for the procedure going forward.²¹ If later corrected through legal intervention, ensuring the continuation of the initial asylum claim, the person will be admitted into the normal procedure. The case will thus not be treated as a subsequent application, however, according to SIP, the application will remain registered as a subsequent application. This has significant consequences. If an applicant later submits new evidence or information (such as changes occurring in their country of origin), it will be registered as a *third* application. Such applications are not given automatic suspensive effect, meaning return procedures will continue, which according to SIP renders the application an ineffective remedy.²²

¹⁴ Interview with SIP, p.3.

¹⁵ Interview with SIP, p.2.

¹⁶ Interview with SIP, p.4.

¹⁷ Interview with SIP, p.5.

¹⁸ Interview with SIP, p.6.

¹⁹ Interview with SIP, p. 7.

²⁰ AIDA Country Report – Poland, 2023 Update, June 2024, p. 36, [url](#)

²¹ Interview with SIP, p. 8.

²² Interview with SIP, p. 9.

Additionally, if an individual left Poland while their application was being processed by the appeal authority and the procedure was discontinued by the Refugee Board, reopening is not possible - even within the nine-month deadline. In such cases, any renewed application is treated as a subsequent application.²³

In 2023, the Office for Foreigners registered 185 requests to reopen procedures lodged *within* the nine-month time limit. Out of these, 70 applications were deemed admissible.²⁴

3.2.3. Returnees with a previous asylum application who return after the nine-month deadline

As mentioned initially, under Polish law (the Law on Protection), asylum seekers have nine months to request the reopening of their original asylum procedure. After this deadline, any new application is treated as a subsequent application, and assessed only in an admissibility procedure, not on its merits.²⁵

According to the AIDA report and to SIP, Polish law does not provide *any* exception to the nine months deadline, meaning that persons returned under Dublin fall under the same deadline. The deadline stands even when delays are caused by other Member States, for instance due to detention or lengthy procedures.²⁶

Once the nine-month time limit has passed, the only option is to submit a subsequent application. However, such applications may not be examined on their merits.²⁷

According to SIP, it is very difficult to determine when an asylum procedure is discontinued in Poland. This is primarily because the decision to discontinue the asylum procedure is not formally communicated to the applicant, making it challenging to identify when the nine-month deadline expires. If the returnee entered Poland through a border crossing, they may have appointed a *proxy* (i.e. a representative) who may be able to assist in obtaining information about, for example, the date of the discontinuation of the asylum case.²⁸

3.3. Risk of detention following transfer to Poland and access to asylum from detention

According to SIP, individuals returned to Poland under the Dublin regulation are generally at increased risk of detention. This is due to the authorities' perception that a previous departure from Poland indicates a

²³ AIDA, *Country Report – Poland, 2023 Update*, June 2024, p. 36, [url](#)

²⁴ AIDA, *Country Report – Poland, 2023 Update*, June 2024, p. 37, [url](#)

²⁵ AIDA, *Country Report – Poland, 2023 Update*, June 2024, p. 36, [url](#)

²⁶ AIDA, *Country Report – Poland, 2023 Update*, June 2024, p. 36, [url](#); interview with SIP, p. 10.

²⁷ Interview with SIP, p. 10.

²⁸ Interview with SIP, p. 11.

future risk of absconding.²⁹ While not explicitly required by law, SIP observes that detention upon return is a common practice, with non-detention being the exception rather than the rule.³⁰

Difficulties in re-entering the asylum procedure upon return (see section 3.2.) contribute to the risk of repeated detention. Dublin returnees who had already spent the maximum period of six months in detention prior to leaving Poland, could face a second period of detention upon return. In such cases, the summary detention period exceeds six months.³¹

SIP explained that they litigate detention cases, including claims for compensation due to unlawful detention. However, these proceedings are often prolonged, and the judges handling them typically specialize in criminal law and not asylum law.³²

3.4. Risk of refoulement following transfer

The Polish Rule of Law Institute has in a recent article stated that the guarantees given by the Polish government in return procedures cannot be trusted. As an illustration of this the Rule of Law institute refers to a case concerning a Tajik national transferred from the Netherlands to Poland on 3 April 2025 under the Dublin Regulation. According to the Institute, the individual was not allowed to apply for international protection and was informed that he would be deported. Deportation attempts reportedly took place the following day, despite prior assurances to the European Court of Human Rights that he would not be deported. The deportation was halted after the Institute's intervention, though the person was subsequently informed that the deportation was still intended.³³ A Dutch Court ordered the return of the asylum seeker to the Netherlands on 15 May 2025.³⁴

In a 2024 evaluation, the European Commission identified several deficiencies in Poland's return procedures. Observations highlighted concerns related to the principle of non-refoulement, shortcomings undermining procedural safeguards for individuals subject to return and pointed to broader structural issues. These included limited access to legal aid, obstacles to effectively appealing return decisions, and weaknesses in the monitoring mechanisms for forced returns.³⁵

²⁹ Interview with SIP, p. 22.

³⁰ Interview with SIP, p. 23.

³¹ AIDA, *Country Report – Poland, 2023 Update*, June 2024, p. 36, [url](#)

³² Interview with SIP, p. 24.

³³ The Rule of Law Institute, *The Words of a Polish State are not worth the paper they are written on*, 9 April 2025, [url](#)

³⁴ Judgement by the Rechtbank den Haag, Netherlands, (judgment no. NL 25.3915), 15 May 2025, [url](#) (In Dutch, unofficially translated with google translate.). It follows from the judgement that The European Court of Human Rights granted an Interim Measure in the case 26 February 2025 halting the applicant's transfer to Poland. This was extended to 1 April 2025 pending responses from Polish authorities. On 31 March 2025, the ECtHR declined further extension, expressing trust, based on Polish responses, that the applicant would not be deported while awaiting outcomes.

³⁵ European Commission, *Schengen Evaluation of Poland*, evaluation carried out in March – April 2024, 23 April 2025, p. 4, [url](#)

In 2025, The Rule of Law Institute documented a significant number of serious incidents involving the treatment of asylum seekers. Based on these observations, the organization highlighted that the conditions in Poland raise serious concerns which according to the Institute justify suspending Dublin transfers to the country.³⁶

4. The Polish asylum procedure

4.1. Access to the asylum procedure

An application for international protection can be lodged either on the territory, including from a detention centre, or at the border. The Border Guard is responsible for receiving applications and forwarding them to the Head of the Office for Foreigners (OFF), which is the authority responsible for examining applications at first instance.³⁷

Polish law provides for an inadmissibility procedure. The Head of the Office for Foreigners also determines the admissibility of applications. In 2023, a total of 814 inadmissibility decisions were issued; in 806 of these cases, the application was deemed inadmissible on the grounds that it constituted a subsequent application.³⁸

Negative decisions by the Office for Foreigners can be appealed to The Refugee Board, an administrative body. Appeals to the Refugee Board have an automatic suspensive effect. However, proceedings before the Board are not adversarial, and applicants are not granted a hearing. In most cases, the Refugee Board upholds the first instance decision.³⁹ This practice has been subject to criticism by civil society actors. The Helsinki Foundation for Human Rights (HFHR) commented in the European Union Agency for Asylum (EUAA) annual report that: “Our experience and the experience of other organizations providing legal assistance to refugees in Poland show that proceedings in the second instance conducted by this authority are often symbolic and largely uncritically confirm the findings of the Head of the Office for Foreigners”.⁴⁰ Available statistics support this assessment, indicating a very low rate of success in appeals procedures.⁴¹

³⁶ The Rule of Law Institute, *The words of the Polish state are not worth the paper they are written on*, 9 April 2025, [url](#). Full intervention in Polish can be found [here](#).

³⁷ AIDA, *Country Report – Poland, 2023 Update*, June 2024, p. 17 and 24, [url](#)

³⁸ AIDA, *Country Report – Poland, 2023 Update*, June 2024, p. 38, [url](#)

³⁹ AIDA, *Country Report – Poland, 2023 Update*, June 2024, p. 18 and 28 ff. [url](#)

⁴⁰ Helsinki Foundation for Human Rights, *Input by civil society organisations to the Asylum Report 2023*, p.11, 3 February 2023, [url](#)

⁴¹ AIDA, *Country Report – Poland, 2023 Update*, June 2024, p. 29, [url](#)

According to the numbers referred in the report the Refugee Board issued decisions in 980 cases in 2023 concerning 1576 persons. In cases concerning 23 persons the first instance decision was overturned, 1.325 persons had their decisions upheld, 77 persons had their decisions discontinued and cases of 134 persons were remitted to the first instance.)

Once a negative decision or a decision to discontinue the international protection procedure is served (delivered), the individual concerned is required to leave Poland within 30 days (unless they are in detention).⁴²

In 2024, Poland registered 14,445 first-time applicants for international protection. 6.135 of these applicants were Ukrainian nationals and 3.615 were Belarussian nationals.⁴³ Serious obstacles to accessing the asylum procedure have been documented, particularly at Poland's Borders, see section 4.3. Additional barriers have been identified for individuals returned under the Dublin regulation and for those attempting to access the procedure from detention, see section 3.2 and 4.2 respectively.

4.2. Access to the asylum procedure in detention

The Helsinki Foundation for Human Rights reports that even when returnees are entitled to re-open their first procedure, Border Guards in detention centres often require them to submit a subsequent application instead.⁴⁴ Subsequent applications are subject to an admissibility procedure, and if based on the same facts as the first, they are usually declared inadmissible. Polish domestic law does not provide exceptions for Dublin returnees in this regard.⁴⁵

Additionally, following information in the AIDA report, *“NGOs have reported that for detained asylum seekers, the Refugee Board does not conduct evidentiary proceedings, meaning that they do not assess the grounds for international protection.”*⁴⁶

4.3. Pushbacks

According to a February 2025 report compiled by nine NGO's, including the European Council on Refugees and Exiles (ECRE) and We are Monitoring Association in Poland, a total of 13,600 pushbacks were recorded at the Polish Belarussian border between January and the end of November 2024.⁴⁷ Numerous sources have documented that these pushbacks frequently involved excessive use of force. Reported abuses include beatings, theft, humiliation, denial of food and medical assistance and abandonment in hazardous conditions that sometimes resulted in death.⁴⁸ A 2024 Médecins Sans Frontières (MSF) update contained

⁴² AIDA, *Country Report – Poland, 2023 Update*, June 2024, p. 29, [url](#)

⁴³ Information according to Eurostat, [url](#).

⁴⁴ HFRH, *input by civil society organisations to the EU Agency for Asylum Report 2023*, 3 February 2023 p. 7, [url](#)

⁴⁵ AIDA, *Country Report – Poland, 2023 Update*, June 2024, p. 36, [url](#)

⁴⁶ AIDA, *Country Report – Poland, 2023 Update*, June 2024, p. 86, [url](#)

⁴⁷ ECRE et al. (11.11.11 (Belgium), Hungarian Helsinki Committee, We Are Monitoring Association (Poland), Center for Peace Studies (Croatia), Lebanese Center for Human Rights (CLDH), Sienos Grupė (Lithuania), Centre for Legal Aid – Voice in Bulgaria (CLA), Foundation Mission Wings (Bulgaria), I Want to Help Refugees/Gribu palīdzēt bēgļiem (Latvia)), *Pushed, Beaten, Left to Die – European Pushback Report 2024*, p. 11, February 2025, [url](#)

⁴⁸ Among others: MSF, *Death, Despair and Destitution: The Human Costs of EU's Migration Policies*, February 2024, [url](#); Human Rights Watch, *Brutal Pushbacks at Belarus Border*, 10 December 2024, [url](#); We Are Monitoring, *I said “I want to stay in Poland” but they pushed me back*, 13 December 2024, [url](#); Oxfam and Egala, *Brutal Barriers*, 18 March 2025, [url](#)

testimonies describing that: “EU border guards have opened fire on them, teargassed them, beaten them, stolen their valuables, destroyed their possessions and threatened them with tasers, dogs, metal rods, and chains. People also report being pushed back into Belarus through rivers, stripped of their clothing and forced to stand in their underwear for hours at night in the rain.”⁴⁹

According to a Briefing Note published by the Norwegian Refugee Council (NRC) in July 2024, increased violence against people on the move by uniformed personnel was reported at the Polish-Belarusian border, including pushbacks of individuals who had explicitly expressed their intention to seek asylum.⁵⁰ In September 2024, NRC reported that since June 2024, uniformed personnel routinely forced migrants to sign documents stating that they had been informed about their right to apply for international protection but chose not to exercise it. This practice builds upon previously documented cases where individuals were pressured to sign statements agreeing to voluntarily leave Poland.⁵¹ These practices were also documented in detail in the December 2024 Report from We are Monitoring.⁵²

SIP has documented cases in which asylum seekers were pushed back to Belarus by Polish Border Guards despite holding interim measures from the European Court of Human Rights in their hand ordering the Polish authorities to allow them to remain on Polish territory.⁵³

Poland has extended the duration of the ‘exclusion zone’ on its border with Belarus. The current iteration of the exclusion zone, which is located along a 60 kilometer stretch of the border, was introduced by the government in June 2024 and has since been extended twice (September and December). The latest extension came into effect on 7 June 2025 for an additional 90 days.⁵⁴

In July 2024, the Polish parliament adopted legislation making it easier for border guards, soldiers, and other uniformed staff at the border to use firearms. In response, the Council of Europe Human rights Commissioner, in September 2024, called on Poland to repeal the law.⁵⁵

The issue of pushbacks at the Polish Belarusian border has led to multiple complaints submitted to the European Court of Human Rights (ECtHR). As of early 2025, over 30 cases concerning alleged pushbacks at the borders with Belarus were pending before the Court (also including Belarusian border with Lithuania and Latvia). These include cases involving applicants reportedly stranded in makeshift camps at the

⁴⁹ MSF, *Two years of response to the acute humanitarian crisis at EU’s Eastern Borders*, 28 February, [url](#)

⁵⁰ NRC, *Refugees trapped in Europe’s “death zone”*, July 2024, [url](#)

⁵¹ NRC, *I couldn’t believe this was Europe – Inside the “death zone” of the Polish-Belarusian Border*, 27 September 2024, [url](#)

⁵² We Are Monitoring, *I said “I want to stay in Poland” but they pushed me back*, 13 December 2024, [url](#)

⁵³ SIP, *Poland defies Strasbourg Court decision and pushes refugees back to Belarus*, 18 April 2025, [url](#)

⁵⁴ Polish Ministry of the Interior and Administration, *Buffer zone on the border with Belarus extended for another 90 day*, 7 June 2025, (informally translated with Google Translate) [url](#)

ECRE, *Weekly – Poland*, 20 March 2025, [url](#)

⁵⁵ Human Rights Watch, *World report 2025*, 16 January 2025, [url](#)

border and subsequently returned to their countries of origin, including Afghanistan, without access to asylum procedures.⁵⁶

4.4. Monitoring of pushbacks

According to the AIDA Country Report on Poland, official border monitoring is carried out under the framework of an agreement signed on 21 October 2009 between United Nations High Commissioner for Refugees (UNHCR) for Central Europe and the Polish Border Guards Headquarters. Under this agreement, monitoring visits are to be conducted by the NGO Halina Niec Legal Aid Center with visits intended to occur on a monthly basis, according to UNHCR. Reports from these visits are not publicly available.⁵⁷

As referred in a fact-finding report by ECRE, UNHCR has indicated that its monitoring activities are limited to official border crossing points, Border Guard posts and registration centres along the Polish Belarusian border.⁵⁸

Following a visit to Poland in September 2024, the Human Rights Commissioner of the Council of Europe reiterated his recommendation that an independent human rights monitoring mechanism to monitor respect for human rights along the border is established on a permanent basis.⁵⁹

5. The Polish Reception System

The Office for Foreigners (OFF), under the supervision of the Ministry of Interior and Administration, is the main body responsible for reception of asylum seekers in Poland. Material reception conditions are provided from the moment the applicant is registered in a reception centre, not from the moment the asylum application is lodged.⁶⁰

Reception conditions are provided under the following circumstances a) up to two months after a final positive decision on international protection, b) up to 14 days after a final decision to discontinue the asylum procedure, c) up to 30 days after a final negative decision on the merits issued by the OFF or the Refugee Board.⁶¹

⁵⁶ R.A and others v. Poland, appl. 42120/21, hearing on 12. February 2025, See Press Release from the European Court of Human Rights, *Grand Chamber hearing concerning alleged “pushbacks” at the Polish-Belarusian border*, 12. February 2025, [url](#)

⁵⁷ AIDA, *Country Report – Poland, 2023 Update*, June 2024, p. 22, [url](#)

⁵⁸ ECRE, *Seeking refuge in Poland: A fact-finding report on access to asylum and reception conditions for asylum seekers*, April 2023, p. 16, [url](#)

⁵⁹ Council of Europe, *News – Poland needs to respect its international Human Rights obligations on the Belarussian border, says Commissioner O’Flaherty*, 23 September 2024, [url](#)

⁶⁰ AIDA, *Country Report – Poland, 2023 Update*, June 2024, p. 53, [url](#)

⁶¹ AIDA, *Country Report – Poland, 2023 Update*, June 2024, p. 53, [url](#)

At the end of 2023, nine reception centres were operating in Poland with a total capacity of 1479 places.⁶²

5.1. Access to reception and reception conditions

The Polish reception system is two-tiered. Asylum seekers are either accommodated in reception centres managed by OFF or they opt to receive a financial allowance to live in private accommodation. Most asylum seekers choose the latter option.⁶³ In order to access reception, applicants must present themselves at a designated first reception centre.⁶⁴

According to the AIDA report, the financial allowance granted to asylum seekers living outside of reception centres is not sufficient to meet basic needs.⁶⁵ SIP further noted that in the case of families with more than four members, the financial assistance for asylum seekers who are accommodated privately falls below the subsistence level. This issue has been brought before the European Commission and is still pending.⁶⁶ NGOs have also raised concerns that allowances for individuals accommodated in reception centres are similarly inadequate to cover basic needs. Despite criticism, the allowance levels have remained unchanged for several years, resulting in continued reliance on humanitarian assistance provided by NGOs and private individuals.⁶⁷

Difficulties in accessing reception conditions have also been reported in the context of release from detention. Upon release from detention, asylum seekers face difficulties accessing reception centres due to the travel distance between the detention facility and the nearest reception centre. Material reception conditions are only granted upon physical registration at a reception centre. It is reported that asylum seekers released from detention face difficulties reaching the designated reception facility within the two-day timeframe, due to logistical challenges and a lack of financial means to cover transportation costs.⁶⁸

⁶² Two first-reception centres located in Podkowa Leśna-Dębak and Biała Podlaska and seven accommodation centres, located in Białystok, Czerwony Bór, Bezwola, Łuków, Kolonia-Horbów, Grupa and Linin. Information from AIDA, *Country Report – Poland, 2023 Update*, June 2024, p. 53, [url](#)

⁶³ AIDA, *Country Report – Poland, 2023 Update*, June 2024, p. 53, [url](#)

⁶⁴ ECRE, *Seeking refuge in Poland: A fact-finding report on access to asylum and reception conditions for asylum seekers*, April 2023, p. 22, [url](#)

⁶⁵ AIDA, *Country Report – Poland, 2023 Update*, June 2024, p. 53, [url](#)

⁶⁶ Interview with SIP, p. 17

⁶⁷ AIDA, *Country Report – Poland, 2023 Update*, June 2024, p. 59, [url](#)

⁶⁸ AIDA, *Country Report – Poland, 2023 Update*, June 2024, p. 56, [url](#)

5.2. Reception of vulnerable persons

Identification of vulnerable applicants is conducted by the Border Guard while registering the application for international protection and by the Office for Foreigners. For applicants placed in detention, vulnerability screening is also conducted by the Border Guard.⁶⁹

The Head of the Office for Foreigners is legally obliged to assess whether applicants identified as vulnerable require special procedural safeguards or specific forms of social assistance during the asylum procedure. According to information from the Office for Foreigners, all applicants accommodated in reception centres undergo an initial medical screening (referred to as an “epidemiological filter”), which should include vulnerability screening. However, according to the AIDA report, NGOs have reported that the identification system prescribed by law does not work in practice. NGOs report that survivors of violence, especially torture victims, are expected to provide evidence that is difficult or impossible to obtain. In one case reported by SIP, an applicant returned to Poland under the Dublin Regulation submitted a statement from a psychologist from the sending country confirming that they had been subjected to torture. Both the first and second instance authorities reportedly disregarded this evidence, stating that the applicant’s torture had not been medically proven. In another case, the authorities also ignored the fact that the applicant had been a victim of torture, despite the visible signs of violence on their body.⁷⁰

There are no dedicated accommodation centres for asylum seekers with mental health issues, or other vulnerable persons.⁷¹ Some reception centres are adapted to the needs of asylum seekers with disabilities; however, the National Human Rights Commissioner has reported limited preparedness for housing applicants with disabilities.⁷²

The Office for Foreigners has announced plans to open a dedicated reception centre for women and children in Jachranka.⁷³

5.3. Access to health care during the asylum procedure

Health care services for asylum applicants in the asylum procedure are provided by a private company by the name of Petra Medica Company. Access to a doctor and a psychologist is reportedly available in all reception centres, however, the availability and quality of psychological support for asylum seekers is

⁶⁹ AIDA, *Country Report – Poland*, 2023 Update, June 2024, p. 42, [url](#)

⁷⁰ AIDA, *Country Report – Poland*, 2023 Update, June 2024, p. 42-43, [url](#)

⁷¹ AIDA, *Country Report – Poland*, 2023 Update, June 2024, p. 77, [url](#)

⁷² ECRE, *Seeking refuge in Poland: A fact-finding report on access to asylum and reception conditions for asylum seekers*, April 2023, p. 25, [url](#)

⁷³ AIDA, *Country Report – Poland*, 2023 Update, June 2024, p. 77, [url](#)

generally considered insufficient and the overall provision of medical assistance by Petra Medica has been subject to criticism.⁷⁴

According to HFHR, organizations specialized in supporting asylum-seekers in Poland have criticized the low standard of health care benefits for many years. In addition to concerns about the quality of medical care, medical clinics are located in remote parts of the city, making access difficult for applicants.⁷⁵

Another reported issue concerns both the limited availability and inadequate quality of interpretation services. It has been reported that asylum seekers, who do not speak Polish, English or Russian face great difficulties in accessing medical assistance. According to the AIDA report, asylum seekers are facing difficulties in making appointments and understanding health care professionals due to a lack of adequate interpretation.⁷⁶

SIP has reported that it regularly receives complaints regarding the functioning of Petra Medica. According to SIP, the barriers to accessing adequate medical care have led many asylum seekers to give up on their rights to medical assistance during the asylum proceedings.⁷⁷

6. Detention

As of April 2024, Poland operated six detention centres for asylum seekers.⁷⁸ Families with children and unaccompanied children are placed in Lesznowola, while the remaining detention facilities are designated for single adult men only.⁷⁹

According to information from SIP, article 8 (3) b of the EU Reception Conditions Directive⁸⁰ is the most frequently cited legal basis for detention. This provision is interpreted as allowing detention in order to secure the presence of the asylum seeker for the purpose of gathering necessary information relevant to the asylum procedure.⁸¹ In practice, the maximum duration of detention is two years, which is the worst-case scenario. This would include six months of asylum procedure and 18 months of return procedure. Usually, the best-case scenario is 60 days of detention.⁸²

⁷⁴ AIDA, *Country Report – Poland*, 2023 Update, June 2024, p. 53-54, [url](#)

⁷⁵ HFHR, Input by civil society organisations to the EUAA Asylum Report 2023, p. 9, [url](#)

⁷⁶ AIDA, *Country Report – Poland*, 2023 Update, June 2024, p. 72, [url](#)

⁷⁷ AIDA, *Country Report – Poland*, 2023 Update, June 2024, p. 73, [url](#)

⁷⁸ Białystok, Kętrzyn, Biała Podlaska, Przemyśl, Lesznowola, Krosno Odrzańskie, AIDA, *Country Report – Poland*, 2023 Update, June 2024, p. 83 ff., [url](#)

⁷⁹ AIDA, *Country Report – Poland*, 2023 Update, June 2024, p. 83 ff., [url](#)

⁸⁰ DIRECTIVE 2013/33/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 26 June 2013, laying down standards for the reception of applicants for international protection (recast), article 8 (3) *An applicant may be detained only: in order to determine those elements on which the application for international protection is based which could not be obtained in the absence of detention, in particular when there is a risk of absconding of the applicant.*

⁸¹ Interview with SIP, p. 20

⁸² Interview with SIP, p. 21

According to the latest AIDA report, Poland has been subject to several communicated cases before the European Court of Human Rights (ECtHR) concerning its detention practices. The communicated cases include concerns related to prolonged detention of families with children, inadequate conditions in detention facilities, and restricted access to healthcare.⁸³

6.1. Risk of detention, including for children and vulnerable persons

According to the latest AIDA report, detention of families with children continues to be a regular practice in Poland. The principle of the best interests of the child is mostly not taken into account during court proceedings concerning detention.⁸⁴ SIP confirms the ongoing detention of families with children and has actively litigated against this practice. SIP explains that the organisation has successfully argued before the competent local court responsible for the previous detention center for families (Ketrzyn detention center). According to SIP, the Polish authorities have responded to this by detaining families with children in different detention centres located in other jurisdictions.⁸⁵

According to the AIDA report, courts place families in guarded detention centres for the maximum permissible period rather than for the shortest possible duration. Detention is not treated as a measure of a last resort, and no assessment is carried out to determine whether less restrictive alternatives to detention could be applied.⁸⁶

In January 2022, the Commissioner for Human Rights, in a letter addressed to the Presidents of the Regional Courts (*Prezesów Sądów Okręgowych*) expressed concerns regarding the detention of families with children. In his assessment none of the detention centres were appropriate for children. According to the Commissioner, detention may have a negative and irreversible impact on a child's development and psychophysical condition, particularly in cases involving traumatic migration experience. The Commissioner further noted that the Border Guard rarely released children whose mental health significantly deteriorated following placement in detention, even in cases where hospitalization was justified.⁸⁷

According to SIP, unaccompanied minors in the asylum procedure are the only group for whom non-detention can be ensured – provided that their age is properly documented. In all other cases, this is not

⁸³ AIDA, *Country Report – Poland*, 2023 Update, June 2024, p. 99 ff., [url](#)

⁸⁴ AIDA, *Country Report – Poland*, 2023 Update, June 2024, p. 12, [url](#)

⁸⁵ Interview with SIP, p. 25.

⁸⁶ AIDA, *Country Report – Poland*, 2023 Update, June 2024, p. 98, [url](#)

⁸⁷ AIDA, *Country Report – Poland*, 2023 Update, June 2024, p. 97, [url](#)

possible.⁸⁸ However, SIP reports that with legal assistance, generally speaking, families have a better chance of being released from detention earlier.⁸⁹

Despite binding regulations prohibiting detention of victims of torture, such individuals are reportedly still placed in detention centres in practice. There is no formal identification system for victims of violence in place.⁹⁰ Where an individual shows visible signs of violence, such as scars or injuries, or possesses medical documentation confirming they are survivors of violence, there is a greater likelihood – particularly with legal intervention – that detention may be avoided or not prolonged. However, the decisions remain at the discretion of the authorities, who reportedly do not always take such documentation into account.⁹¹ According to SIP, courts do not adequately examine individual circumstances of each case. Border Guards are responsible for continuously monitoring detainees to determine whether they still meet the criteria for detention, including evaluating whether an individual is too vulnerable to remain in detention. In practice, however, such assessments do not always occur. Courts frequently rely on one or two sentences written by the Border Guards or a prison doctor, concluding that detention can continue.⁹²

According to SIP, another category of individuals who should not be detained includes those whose life or health would be at risk – such as persons with serious medical conditions or those at risk of suicide. In such cases, documentation is crucial. If medical or psychological records exist in the transferring country, SIP recommends that they are translated and provided to the person before transfer. The availability and presentation of relevant documentation may significantly decrease the risk of detention.⁹³

Individuals without identified vulnerabilities, particularly those originating from countries with low recognition rates, those lacking passports, or those who have committed offences, are reportedly much more likely to be detained for the maximum permissible duration. However, SIP highlights that this does not mean that it can be inversely concluded that persons from countries with high recognition rates are not at risk of detention.⁹⁴

6.2. Detention conditions

6.2.1. Access to health care

According to the AIDA report, asylum seekers in detention centres have limited access to independent psychologists and medical specialists. Instead, psychological services are offered in detention centres by specialists employed by the Border Guard, which reportedly discourages some individuals from seeking

⁸⁸ Interview SIP, p. 27.

⁸⁹ Interview with SIP, p. 26.

⁹⁰ AIDA, *Country Report – Poland*, 2023 Update, June 2024, p. 12, [url](#); Interview with SIP, p.28.

⁹¹ Interview with SIP, p. 30.

⁹² Interview with SIP, p. 29.

⁹³ Interview with SIP, p. 31.

⁹⁴ Interview with SIP, p. 33.

support due to a lack of trust in the impartiality of such services.⁹⁵ One former detainee described the experience as follows:” The Border Guard says it has its own psychologists on site – but the Border Guard psychologist is an officer. A guard. A guard-psychologist. He does not ask: “how do you feel”. He asks: “why don’t you want to go home?”. *Talking to him is not support, it is interrogation. People use this form of assistance because they have to. But there is no trust*.”⁹⁶ The Polish Ombudsman has similarly expressed concern about the limited availability of psychological assistance provided by NGOs, noting that access to such external assistance is significantly limited.⁹⁷

The European Committee for the Prevention of Torture and Inhuman and Degrading Treatment or Punishment (CPT) also raised concerns in its report to the Polish government about the lack of access to mental health care specialist in detention centres.⁹⁸ The Committee expressed concern that mental health issues remain undetected and/or remain inadequately addressed, primarily due to a lack of mental health care specialists. The Committee highlighted that many detainees, given their personal histories, stress related to arrival, deportation prospects, and prolonged detention, face heightened risks of self-harm, suicide, and symptoms of post-traumatic stress disorder or other mental disorders.⁹⁹

Furthermore, the Commissioner expressed concern about victims of violence in poor psychophysical condition being detained and emphasised the insufficient level of medical and psychological care. Despite these deficiencies, the Border Guards reportedly denied NGOs specializing in psychological support access to detention centres in Kętrzyn, Biała Podlaska and Lesznowola.¹⁰⁰

According to the CPT- report, none of the visited centres had regular psychiatric visits, and clinical psychologists were absent from healthcare teams. Psychologists employed by the Border Guard formed part of the administrative staff and were usually not involved in any therapeutic work.¹⁰¹

⁹⁵ AIDA, *Country Report – Poland*, 2023 Update, June 2024, p. 13, [url](#)

⁹⁶ Polish Migration Forum and Save the Children, *Everyone around is suffering - Report on psychological support offered by the Polish Migration Forum Foundation to persons staying in guarded detention centres for foreigners*, May 2024, p. 83, [url](#)

⁹⁷ AIDA, *Country Report – Poland*, 2023 Update, June 2024, p. 94, [url](#)

⁹⁸ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Report to the Polish Government on the visit to Poland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 21 March to 1 April 2022, February 2024, p. 4, [url](#)

⁹⁹ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Report to the Polish Government on the visit to Poland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 21 March to 1 April 2022, February 2024, p. 21, premise 42, [url](#)

¹⁰⁰ AIDA, *Country Report – Poland*, 2023 Update, June 2024, p. 93, [url](#); Commissioner for Human Rights, Letter to the regional Courts, 24. January 2022, in Polish, [url](#) (unofficially translated with google translate)

¹⁰¹ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Report to the Polish Government on the visit to Poland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 21 March to 1 April 2022, February 2024, p. 21, Footnote 40, [url](#)

The same issues were identified in a May 2024 Report by the Polish Migration Forum and Save the Children.¹⁰² A team of psychologists from the Polish Migration Forum Foundation have been providing psychological support to migrants both in guarded detention centres for foreigners and after release. According to the report the Polish body that audits the detention noted the limited number of psychologists available in the guarded detention centres and that the detainees questioned the independence of psychologists working as part of the management.¹⁰³

Regarding access to somatic health care the CPT reported difficulties in accessing specialist care (including dental and gynecological services) in all the visited centres. Although referrals to external specialists are possible, these reportedly involve long delays.¹⁰⁴ The CPT observed that consultations with external specialists and during hospitalization are conducted in the presence of guards. Detainees reported that officers communicate with medical personnel prior to consultations and that the medical interviews are limited to confirming personal details of the patient in detention.¹⁰⁵

The Polish Commissioner for Human Rights has in a letter to the Regional Courts, pointed out that psychologists working with detained individuals do not speak the detainees' language, making it difficult or even impossible to establish proper contact.¹⁰⁶ This fact was additionally noted by the CPT, who recommended that qualified, preferably professional, interpretation be made available in all situations where the language barrier hinders a proper diagnostic evaluation and/or communication of treatment.¹⁰⁷

6.2.2. Living conditions

According to the AIDA report, the space available for each detainee ranged between 2 and 3,5 square metres per person, depending on the specific detention centre and the time of detention.¹⁰⁸

¹⁰² Polish Migration Forum and Save the Children, *Everyone around is suffering - Report on psychological support offered by the Polish Migration Forum Foundation to persons staying in guarded detention centres for foreigners*, May 2024, p. 24, [url](#)

¹⁰³ Polish Migration Forum and Save the Children, *Everyone around is suffering - Report on psychological support offered by the Polish Migration Forum Foundation to persons staying in guarded detention centres for foreigners*, May 2024, p. 24, [url](#)

¹⁰⁴ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Report to the Polish Government on the visit to Poland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 21 March to 1 April 2022, February 2024, p. 20, premise 20, [url](#)

¹⁰⁵ Polish Migration Forum and Save the Children, *Everyone around is suffering - Report on psychological support offered by the Polish Migration Forum Foundation to persons staying in guarded detention centres for foreigners*, May 2024, p. 40, [url](#)

¹⁰⁶ AIDA, *Country Report – Poland*, 2023 Update, June 2024, p. 94, [url](#)

¹⁰⁷ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Report to the Polish Government on the visit to Poland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 21 March to 1 April 2022, February 2024, p. 21, premise 43, [url](#)

¹⁰⁸ AIDA, *Country Report – Poland*, 2023 Update, June 2024, p. 84-85, [url](#)

According to the Polish Commissioner of Human Rights, unannounced visits to detention centres revealed poor living conditions and prolonged isolation. The commissioner urged judges to consider alternative, non-custodial measures to detention, particularly for vulnerable groups.¹⁰⁹

6.2.3. Use of force and risk of violence

The CPT delegation observed that a woman at the Guarded Centre in Białystok, was mechanically restrained to a bed for more than 19 hours using five-point fixation with leather belts (and a helmet) before being transferred to a psychiatric hospital. During her restraint there was no continuous direct supervision (via the presence of a staff member in the room), only video surveillance. The Committee stressed that if mechanical restraint is unavoidable, it should only take place in a medical environment, where such an intervention can be safely applied under clinical supervision and recommended that the Polish authorities put an immediate end to the use of restraint beds in detention facilities for foreigners and remove them from all such facilities in the country.¹¹⁰

According to the AIDA report forceful measures, such as use of physical force, handcuffing, and isolation were reported to be used in the detention centres.¹¹¹ The report from the Polish Migration Forum and Save the Children likewise reports use of forceful measures. It follows from the report: “*Numerous accounts of people held in GDCs [Guarded Detention Centres] show that group strikes or individual acts of disobedience are dealt with using direct coercive measures or solitary confinement. People in detention fear that reporting their problems to the authorities or people outside the centre could result in deportation*”.¹¹² And furthermore: “*People in detention tell psychologists that the prospect of solitary confinement is used as a form of intimidation to discourage them from reporting mental health issues. Although the transfer to solitary confinement should be ordered by a doctor, according to the accounts of migrants using the support of the PMF [Polish Migration Forum], people on hunger strike and people in psychological crisis are placed in there.*”¹¹³

The CPT delegation received reports from several foreign nationals (including children of all ages), that they were routinely strip searched in the Biała Podlaska and Białystok centres. These searches were, allegedly, carried out without following the legally required two-stage procedure designed to prevent detainees from being fully naked. The CPT noted that strip-searches are highly invasive and potentially

¹⁰⁹ Polish Commissioner for Human Rights, Bulletin, *migrant families with children should not be sent to guarded centres. Marcin Wiqcek writes to Polish courts, 2 February 2025*, (informally translated with Google Translate), [url](#)

¹¹⁰ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Report to the Polish Government on the visit to Poland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 21 March to 1 April 2022, February 2024, p. 22, premise 47, [url](#)

¹¹¹ AIDA, *Country Report – Poland, 2023 Update*, June 2024, p. 86, [url](#)

¹¹² Polish Migration Forum and Save the Children, *Everyone around is suffering - Report on psychological support offered by the Polish Migration Forum Foundation to persons staying in guarded detention centres for foreigners*, p. 36, May 2024, [url](#)

¹¹³ Polish Migration Forum and Save the Children, *Everyone around is suffering - Report on psychological support offered by the Polish Migration Forum Foundation to persons staying in guarded detention centres for foreigners*, p. 36, May 2024, [url](#)

degrading and should only be conducted when absolutely necessary and based on justifiable risk and never with the person fully undressed.¹¹⁴

In April 2023, a Syrian man died in the detention centre of Przemyśl. An investigation into the actions of border guards and medical personnel present on the day is ongoing.¹¹⁵

Between October 2021 and October 2023, there were reportedly 25 suicide attempts in detention centres, twelve of which took place in detention center Kętrzyn.¹¹⁶

The Polish Migration Forum's psychologists have documented frequent reports from detainees of xenophobia and racism. Black detainees have reported emotional, psychological and physical abuse by other detainees. Reportedly, management place black people in one room or allocate an entire floor to them. Furthermore, the same report highlights widespread homophobia, which allegedly prevents LGBT+ detainees from revealing or expressing their identity. Additionally, heterosexual detainees perceived as not conforming to traditional norms have also faced homophobic comments and behavior from other detainees.¹¹⁷

6.2.4. Access to legal aid

According to the EUAA Asylum Report 2024, the Polish government states that the right to free legal aid is guaranteed by law. However, in the same report the Helsinki Foundation for Human Rights reported ongoing difficulties for detained asylum seekers in accessing legal assistance, citing practical limitations on visits to detention facilities. The Polish authorities underlined that the decision to allow visits depends on several factors, including the time and conditions in a facility and that the number of visits must not have an adverse impact on resident's rights and on the order of the day.¹¹⁸

Likewise, the CPT observed that legal assistance was largely provided by NGOs and reiterated that immigration detainees should be able to effectively benefit from the services of a lawyer in all phases of the legal procedures, including through the provision of free legal aid.¹¹⁹

¹¹⁴ Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), Report to the Polish Government on the visit to Poland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 21 March to 1 April 2022, February 2024, p. 22–23, [url](#)

¹¹⁵ AIDA, *Country Report – Poland*, 2023 Update, June 2024, p. 86, [url](#)

¹¹⁶ Polish Migration Forum and Save the Children, *Everyone around is suffering - Report on psychological support offered by the Polish Migration Forum Foundation to persons staying in guarded detention centres for foreigners*, p. 37, May 2024, [url](#)

¹¹⁷ Polish Migration Forum and Save the Children, *Everyone around is suffering - Report on psychological support offered by the Polish Migration Forum Foundation to persons staying in guarded detention centres for foreigners*, p. 40, May 2024, [url](#)

¹¹⁸ European Union Agency for Asylum (EUAA), *Asylum Report 2024*, p. 167, [url](#)

¹¹⁹ CPT, *Report to the Polish Government on the visit to Poland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 21 March to 1 April 2022*, February 2024, p. 22, premise 46, [url](#)

7. Sources

Reports

- Amnesty International, *The State of the World's Human Rights - Poland 2024*, 29 April 2025, [Human rights in Poland Amnesty International](#)
- Council of Europe, European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), *Report to the Polish Government on the visit to Poland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 21 March to 1 April 2022*, February 2024, [Council of Europe anti-torture Committee \(CPT\) publishes report on Poland - CPT](#)
- ECRE (ed. or publisher), *Country Report: Poland ; 2023 Update. Referred to as: AIDA Country report – Poland*, June 2024, [AIDA-PL_2023-Update.pdf](#)
- ECRE et al. (11.11.11 (Belgium), Hungarian Helsinki Committee, We Are Monitoring Association (Poland), Center for Peace Studies (Croatia), Lebanese Center for Human Rights (CLDH), Sienos Grupė (Lithuania), Centre for Legal Aid – Voice in Bulgaria (CLA), Foundation Mission Wings (Bulgaria), I Want to Help Refugees/Gribu palīdzēt bēgļiem (Latvia)), *Pushed, Beaten, Left to Die – European Pushback Report 2024*, February 2025, [20250217-Pushbacks-Report-2024-Pushed-Beaten-Left-to-die.pdf](#)
- ECRE, *Seeking refuge in Poland: A fact-finding report on access to asylum and reception conditions for asylum seekers*, April 2023, [Seeking-refuge-in-Poland.pdf](#)
- European Commission, *Schengen Evaluation of Poland*, 23 April 2025, [aa985c3b-2c11-47e7-99e3-a7459e7c2bc8_en](#)
- European Union Agency for Asylum (EUAA), *Asylum Report 2024*, p. 167, [Asylum Report 2024](#)
- Human Rights Watch, *World Report 2025 - Poland*, 16 January 2025, [World Report 2025: Poland | Human Rights Watch](#)
- Médecins Sans Frontières, *Death, Despair and Destitution: The Human Costs of EU's Migration Policies*, February 2024, [Death, despair and destitution: The human costs of the EU's migration policies | MSF](#)
- Oxfam and Egala, *Brutal Barriers*, 18 March 2025, [Brutal Barriers: Pushbacks, violence and the violation of human rights on the Poland-Belarus border | Oxfam International](#)
- Polish Migration Forum and Save the Children, *Everyone around is suffering - Report on psychological support offered by the Polish Migration Forum Foundation to persons staying in guarded detention centres for foreigners*, May 2024, [Everyone around is suffering Report on psychological support offered by the Polish Migration Forum Foundation to persons staying in guarded detention centres for foreigners | Save the Children's Resource Centre](#)
- Politico, *EU warns Poland over bombshell plan to suspend asylum claims*, 14 October 2024, [EU warns Poland over bombshell plan to suspend asylum claims – POLITICO](#)

- We Are Monitoring, *I said “I want to stay in Poland” but they pushed me back*, 13 December 2024, [WAM-Report-12-months-of-the-new-government.pdf](#)

Articles, Briefing Notes and Position papers

- Amnesty International, *Plans to suspend the right to seek asylum ‘flagrantly unlawful’*, 16 October 2024, [Poland: Plans to suspend the right to seek asylum ‘flagrantly unlawful’ - Amnesty International](#)
- Council of Europe, *News – Poland needs to respect its international Human Rights obligations on the Belarussian border, says Commissioner O’Flaherty*, 23 September 2024, [Poland needs to respect its international human rights obligations on the Belarussian border, says Commissioner O’Flaherty - Portal](#)
- Deutsche Welle, *Poland temporarily suspends right to asylum*, 28 February 2025, [Poland temporarily suspends right to asylum – DW – 02/28/2025](#)
- Forbes, *Poland Suspends Right To Asylum Amid EU Clash With Belarus Over Border*, March 2025, [Poland Suspends Right To Asylum Amid EU Clash With Belarus Over Border](#)
- Helsinki Foundation for Human Rights, *Input by civil society organisations to the Asylum Report 2023*, 3 January 2023, [Microsoft Word - EUAA raport 2022.docx](#)
- Helsinki Foundation for Human Rights, *Position on the mechanism of temporary and territorial restriction on the foreigner’s right to apply for international protection in Poland*, 28 march 2025, [Position on the mechanism of temporary and territorial restriction on the foreigner’s right to apply for international protection in Poland Helsinki Foundation For Human Rights](#)
- Human Rights Watch, *Brutal Pushbacks at Belarus Border*, 10 December 2024, [Poland: Brutal Pushbacks at Belarus Border | Human Rights Watch](#)
- Médecins Sans Frontières, *Two years of response to the acute humanitarian crisis at EU’s Eastern Borders*, 28 February, [Belarus: Two years of response to the acute humanitarian crisis on EU eastern borders | MSF](#)
- Notes from Poland, *Tusk: Poland will no longer comply with EU’s Dublin Regulation on returning asylum seekers*, 21 March 2025, [Tusk: Poland will no longer comply with EU’s Dublin Regulation on returning asylum seekers | Notes From Poland](#)
- Norwegian Refugee Council, *Refugees trapped in Europe’s “death zone”*, July 2024, [Refugees trapped in Europe’s “death zone” | NRC](#)
- Norwegian Refugee Council, *I couldn’t believe this was Europe – Inside the “death zone” of the Polish-Belarusian Border*, 27 September 2024, [“I couldn’t believe this was Europe” | NRC](#)
- Polish Commissioner for Human Rights, *Bulletin, migrant families with children should not be sent to guarded centres. Marcin Wiqcek writes to Polish courts*, 2 February 2025, (informally translated with google), [m.in migrant families with children should not be sent to guarded centres. Marcin Wiqcek writes to Polish courts](#)

- Polish Commissioner for Human Rights, “Letter to the Regional Courts”, 25 January 2022, (in polish) available from website, [Do strzeżonych ośrodków nie powinny trafiać m.in. rodziny migrantów z dziećmi. Marcin Wiącek pisze do polskich sądów](#), (inofficially translated with google translate)
- Polish Ministry of the Interior and Administration, *Buffer zone on the border with Belarus extended for another 90 day*, 7 June 2025, (Informally translated with google translate) [Buffer zone on the border with Belarus extended for another 90 days - Ministry of the Interior and Administration - Portal Gov.pl](#)
- SIP, *Poland defies Strasbourg Court decision and pushes refugees back to Belarus*, 18 April 2025, [Poland defies Strasbourg Court decision and pushes refugees back to Belarus - Association for Legal Intervention](#)
- The Rule of Law Institute, *The words of the Polish state are not worth the paper they are written on*, 9 April 2025, [Gwarancje polskiego państwa nie są warte złamanego grosza! - Instytut na Rzecz Państwa Prawa](#)

Additional sources

- Act of 21 February 2025 amending the Act on Granting Protection to Foreigners within the Territory of the Republic of Poland (colloquially referred to as the asylum act), [Changes in Asylum Law | Department for Foreigners](#)
- European Court of Human Rights, *Press Release Grand Chamber hearing concerning alleged “pushbacks” at the Polish-Belarusian border*, 12. February 2025, [Grand Chamber hearing in the case R.A. and Others v. Poland](#)
- Eurostat, accessed 1 May 2025, Eurostat, *Incoming 'Dublin' requests by submitting country (PARTNER), type of request, legal provision, sex and type of applicant*, [url](#); *Outgoing 'Dublin' requests by receiving country (PARTNER), type of request, legal provision, sex and type of applicant*, [url](#); *Incoming 'Dublin' transfers by submitting country (PARTNER), legal provision, duration of transfer, sex and type of applicant*, [url](#)
- Eurostat, *Asylum applications - annual statistics*, accessed 1 May 2025, [Asylum applications - annual statistics - Statistics Explained - Eurostat](#)
- Judgement by the Rechtbank den Haag, Netherlands, judgment no. NL 25.3915, 15 May 2025, [Grand Chamber hearing in the case R.A. and Others v. Poland](#)

Annex I - Terms of Reference

The situation of persons transferred to Poland in accordance with the Dublin III Regulation (Dublin returnees)

1. Introduction and scope of work

Brief introduction and scope of work of the interviewees (scope of work with Dublin-returnees, including in detention.)

2. Arrival of Dublin-returnees

- 2.1 Reception at airport and assistance to vulnerable persons
- 2.2. Access to the asylum procedure after Dublin-return
- 2.3. Access to the reception system after Dublin-return

3. Reception conditions

- 3.1. Conditions for vulnerable groups and access to specialized accommodation
- 3.2 Special considerations for certain groups, e.g. LGBT+
- 3.3 Access to health care
- 3.4 Complaint mechanisms

4. The asylum procedure

- 4.1 Challenges and obstacles in the in-merits procedure
- 4.2 Issues related to specific groups or nationalities.
- 4.3 Special rights or procedural guarantees for people who are trafficked

5. Detention

- 5.1 Risk of detention for Dublin-returnees.
- 5.2 Detention of children and families
- 5.3 Detention of other vulnerable groups
- 5.4 Conditions in detention, access to medical assistance and specialized assistance for vulnerable persons
- 5.5 Asylum procedure in detention

6. Pushbacks and refoulement

- 6.1 Prevalence of pushbacks/refoulement of Dublin-returnees
- 6.2 Risk of pushbacks/refoulement for certain nationalities or specific groups (e.g. ethnic minorities)

Annex II - Interview

Interview with Stowarzyszenie Interwencji Prawnej / Association for Legal Intervention, 27. March 2025

Interview with Małgorzata Jaźwińska and Zuzanna Kaciupska, attorneys with Stowarzyszenie Interwencji Prawnej (SIP) / Association for Legal Intervention.

SIP is a civil society organization that works to ensure the rights of refugees and migrants in Poland. SIP provides free legal assistance to migrants and refugees, including Dublin-returnees and represents cases before the European Court of Human Rights and makes third-party interventions in pending proceedings.

SIP furthermore provides legal aid and legal assistance to detained asylum seekers and refugees. SIP visits three out of five detention centers (the task of offering legal aid and assistance in detention centers is shared between several NGO's working in the field.)

Arrival of Dublin returnees at Warsaw airport

1. SIP does not monitor the situation at the airport and is therefore not able to share information about the exact course of events at the airport. Under exceptional circumstances, if SIP is informed by an NGO in another country about the transfer of a very vulnerable person, they can arrange to be present.

Access to procedure

Returnees without a previous asylum application

2. According to SIP, there is a serious problem concerning lack of legal information and legal assistance at the entry points to Poland, including at the airport. The possibility of accessing legal information and assistance is very important also for Dublin returnees, because lack of information can have grave legal consequences for the person in question.
3. If the Dublin returnee has not yet applied for asylum in Poland, it is crucial to do so as soon as possible after contact with the Polish authorities. Failure to apply for asylum promptly will result in the initiation of return procedures, unless there is another basis for a legal stay, e.g. a residence permit or a visa.
4. If a person who did not apply for asylum immediately upon arrival later decides to do so - often after receiving legal information or legal aid - the person can enter the asylum procedure. However, the delay in applying may impact the credibility assessment during the merits procedure and increase the risk of detention.
5. According to SIP there is no time-limit for the asylum application, but noting point 4, it is very important that the application is submitted as soon as possible. It could be a good idea to have the expressed wish to apply for asylum written down on a piece of paper upon arrival to Poland (in English).
6. According to SIP there have been cases where even an expressed wish to apply for asylum was not registered by the Border Guards and the asylum application was only duly registered after legal intervention.

Returnees with a previous asylum application:

7. According to SIP it is very important that Dublin returnees explicitly make a statement of their wish to re-enter the procedure upon arrival. However, there is still a risk that a wish to re-enter the procedure will be registered as a subsequent application by the border guards.
8. Returnees, with a previous asylum application, often lack the relevant information about the asylum procedure. They are not informed about the right to submit a statement of their wish to reenter the procedure. There are also cases where people tick off the wrong option. They tick of “new” application, even if they have previously submitted an application for asylum. This will then be registered as a subsequent application and even if corrected later it still has consequences.
9. According to SIP, if Dublin returnees - through legal intervention – manage to have their application corrected to be treated as a continuation of their initial asylum claim, they are admitted into the normal procedure and the case is not treated as a subsequent application, however, the subsequent application will remain registered. This means that if, after their asylum procedure is closed, they later submit new evidence or information (such as changes occurring in their country of origin), that application will be registered as a third application. As a result, it will not be given suspensive effect and the return procedure will continue, which according to SIP makes it an ineffective remedy.

Returnees that return after the nine-month deadline

10. For a Dublin returnee that returns after the nine-month deadline:

According to SIP there are no exceptions to the nine-month deadline, even if the returnee was awaiting a Dublin procedure in another member state or was detained during that procedure and therefore unable to return to Poland. Once the nine-month period has passed, the only option is to submit a subsequent application, which might not be examined on its merits. The fact that a transfer did not take place due to the actions of another member state does not alter this as the deadline is established in law and no exceptions are permitted.

11. It is very difficult to determine when an asylum procedure is discontinued in Poland, as the decision to discontinue the asylum procedure is not sent to the parties involved, making it challenging to know when the nine-month deadline expires. One option is to grant Power-of-Attorney to someone who can inquire about the file. While it may be possible to contact the Office for Foreigners by e-mail, SIP is unsure whether this will help in obtaining the necessary information.
12. Many individuals who crossed the border have *proxies* (i.e. representatives) who may be able to assist, provided the person in question can recall the name of their proxy. The proxy sometimes receives or can obtain information about, for example, the date of the discontinuation of the asylum case.

Victims of violence in the asylum procedure

13. According to SIP there is a general problem with cases involving survivors of violence. Even if they have visible scars or wounds, the authorities will look at it, but they will not give it importance when it comes to assessing the case. The authorities will suggest that what happened was a criminal offence and not political and thus not related to the asylum motive. There is a shift of narrative into saying “we don’t know, who inflicted these wounds”.

14. A statement from a psychologist will not change this, because the authorities will say that the psychological opinion is based on the oral statement of the client (the applicant), so if the person is not considered credible then the psychological opinion is also not considered credible.
15. According to SIP, as a rule every person that is granted reception should have access to psychological help, but SIP is unsure if this happens in practice. There are no special accommodation places for vulnerable groups.

Access to legal aid and assistance

16. SIP stresses that the right to and access to legal assistance is crucial. While free legal aid is available during the appeal stage, it is not provided earlier in the process. However, the information and documentation submitted during the initial stage of the asylum application are decisive for the outcome. Submitting evidence and documentation later can negatively impact credibility and without legal guidance, it is difficult to determine what is relevant and important.

Accommodation

17. SIP explains that for families that consist of more than four people the financial allowance for asylum seekers who are not in reception centers is below subsistence level. This question has been brought before the European Commission and is still pending.

Recognition rates

18. Currently, the recognition rate is high, due to the Ukrainian cases, but not necessarily for other nationalities if you subtract the Ukrainian cases. Poland used to look positively on asylum applications from Chechnya, but now there is a presumption, that these cases do not qualify for asylum.
19. According to SIP, there are not a lot of positive cases concerning LGBT+ -persons.

Detention

20. Article 8 (3) b of the reception conditions directive is the most commonly cited legal basis for detention. It is interpreted as allowing detention to secure the presence of the asylum seeker in order to obtain the necessary information for assessing the asylum case.
21. The maximum duration of detention is two years, which is the worst-case scenario. That would be six months asylum procedure and 18 months of return procedure. Usually the best case scenario is 60 days of detention.

Risk of detention for Dublin returnees

22. There is generally a higher risk of detention for persons returned under the Dublin Regulation as their previous departure from the country is often seen as an indication of a risk of absconding.
23. In the assessment of SIP, it is only in exceptional cases that Dublin returnees are not detained. This is not mandated by law but is the prevailing practice.
24. SIP litigates these cases, including compensation claims for wrongful detention, but the cases often take a very long time. The judges who oversee these cases typically specialize in criminal law and not asylum law.

Detention of children and families

25. Families with children are detained. SIP has litigated against this practice and successfully persuaded the local court responsible for the Ketrzyn detention center (previously the detention center for families), that detaining children violates the European Convention of Human Rights and the rights of children. As a result, the local court began to halt the detention of families with children. However, authorities responded by transferring these families to a different detention center in another jurisdiction, which means that litigation has to start all over again.
26. Generally, in cases concerning families with children, SIP has a greater chance of assisting them and helping them out of detention earlier.
27. According to SIP, unaccompanied minors, who are in the asylum procedure, are the only group for whom non-detention can be guaranteed – provided their age is properly documented. In all other cases, such a guarantee does not exist.

Detention of other vulnerable persons

28. SIP explained that, as a rule, victims of violence should not be placed in detention. However, in practice, vulnerable individuals are often not properly identified. SIP is aware of multiple cases involving survivors of violence – including severe forms - who were not recognized as such during the procedure.
29. According to SIP, courts do not adequately examine individual cases. Border Guards are responsible for continuously monitoring detainees to determine whether they still meet the criteria for detention. This includes identifying if someone is too vulnerable to remain in detention and should be released. However, this does not always happen, and courts frequently base their decision on one or two sentences written by the Border Guards or a prison doctor, concluding that detention can continue.
30. If a person bears visible scars or marks from violence or has medical documentation confirming they are survivors of violence, there is a higher chance – especially with legal intervention - that they will either avoid detention or that the detention is not prolonged. However, this decision is made by the authorities, who sometimes fail to take the relevant documentation into account.
31. Another group that should not be detained includes individuals whose life or health would be at risk – for example those who are seriously ill or at risk of suicide. In such cases, documentation is crucial. If medical or psychological records exist in the transferring country, they should be translated and provided to the person before transfer. This can significantly increase the likelihood of preventing detention.
32. Generally, when vulnerable individuals are transferred to Poland, it is essential that they carry all their psychological and medical documentation translated into English. This can reduce the risk of detention upon arrival in Poland.
33. Individuals without vulnerabilities, particularly those from countries with low recognition rates, and who lack passports, or have committed offences, are much more likely to be detained for the maximum duration. However, SIP is aware of for example a case of an Eritrean man, who was

returned under the Dublin regulation and detained for five months, despite the relatively high recognition rates for Eritreans.

Use of force in detention

34. SIP has knowledge of the use of pepper spray in detention and from time to time there are reports of excessive use of force in the detention center. The center where the most reports of excessive use of force came from was a center close to the border with Belarus, but this has been closed now.
35. SIP litigates in cases concerning excessive use of force.

Risk of push-back and refoulment

36. SIP mentions that they are not aware of cases where there has been a direct pushback of a Dublin returnee, but as of today (date of interview) a new law has come into force and it is very difficult to say how it will be implemented.
37. The general idea of the new legislation is, according to SIP, that there is no suspensive effect of litigation. The Prime Minister has mentioned that it will relate to the German border, but it is unclear how far into Poland it will be used and not yet clear to whom it will apply.



Founded in 1956, the Danish Refugee Council (DRC) is Denmark's largest international NGO, with a specific expertise in forced displacement. DRC is present in 34 countries and employs 6,000 staff globally.

DRC advocates for the rights of and solutions for displacement-affected communities, and provides assistance during all stages of displacement: In acute crisis, in exile, when settling and integrating in a new place, or upon return. DRC supports displaced persons in becoming self-reliant and included into hosting societies. DRC works with civil society and responsible authorities to promote protection of rights and inclusion.

Our 6,200 volunteers in Denmark make an invaluable difference in integration activities throughout the country.

DRC's code of conduct sits at the core of our organizational mission, and DRC aims at the highest ethical and professional standards. DRC has been certified as meeting the highest quality standards according to the Core Humanitarian Standard on Quality and Accountability.

HM Crown Princess Mary is DRC's patron.

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