Poland amends its Asylum Act to allow the detention of unaccompanied minors seeking asylum and to change the rules governing entitlement to accommodation and social assistance for applicants who breach house rules or abscond

On 1 January 2026, an amendment the Act on Granting Protection to Foreigners, introduced on 21 November 2025 (Journal of Laws, Item 1794), entered into force, modifying several provisions of the Act. These include Article 72, which now provides for social assistance to be granted exclusively in the form of cash benefits, rather than accommodation and other in-kind assistance, to applicants who seriously violate reception-centre rules, behave aggressively, damage property, or refuse medical examinations, treatment or epidemiological surveillance. Article 77 also introduces restrictions on access to social assistance and healthcare for applicants assigned to reception centres who remain absent for more than two days.

The amendments also modified Articles 61 and 88a(3)(3). The amended Article 61 expanded the responsibilities of guardians appointed for unaccompanied asylum-seeking children to include submitting applications for integration assistance on their behalf and representing them in proceedings before administrative courts. The amendment to Article 88a(3)(3), meanwhile, removed the previous explicit exemption from detention for unaccompanied minors applying for international protection, thereby allowing their placement in guarded centres. While unaccompanied children aged 15 or older could previously be detained for migration-related reasons, asylum-seeking minors had been explicitly exempt from detention under earlier versions of the law.

The Polish Ombudsperson, the Ombudsperson for Children and 12 civil society organisations (CSO) commented on the amendment, arguing that it was inserted into a broader legal modification concerning migration without adequate transparency or public consultation. Notably, the issue of detaining children was absent from the government's draft presented to the lower house of the Parliament on 6 August 2025 and only appeared after the first reading in October 2025.

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.

The Polish Ombudsperson emphasised that the amendment conflicts with the principle of the best interests of the child, as enshrined in Article 72 of the Polish Constitution, Article 3 of the Convention on the Rights of the Child, and Article 24 of the EU Charter of Fundamental Rights. In a similar statement, the Ombudsperson for Children stressed that EU law requires unaccompanied children to be placed in reception conditions suited to their specific needs. Civil society organisations also highlighted this requirement and pointed to established case law from the European Court of Human Rights, including cases in Poland, where the detention of children violated Articles 5 (right to liberty) and 8 (respect for private and family life) of the European Convention of Human Rights

In a response to the Polish Ombudsperson, the Ministry of the Interior and Administration recognised the need to strengthen guarantees, including judicial review, psychological care and the development of alternative forms of non-custodial care.

Source(s)

- Ombudsman | Rzecznik Praw Obywatelskich (3 February, 2026), Sprawa cudzoziemskich dzieci bez opieki, które wnoszą o ochronę międzynarodową w RP. Odpowiedź MSWiA [The case of unaccompanied foreign children who apply for international protection in the Republic of Poland. Response of the Ministry of Interior and Administration], https://bip.brpo.gov.pl/pl/content/rpo-cudzoziemcy-dzieci-ochrona-miedzynarodowa-mswia-odpowiedz
- Global Detention Project (11 February, 2026), [GUEST POST: Poland – More Migrant Children To Be Detained Following Controversial Legislative Changes], https://www.globaldetentionproject.org/guest-post-poland-more-migrant-children-to-be-detained-following-controversial-legislative-changes

Related development(s)
Poland enacted amendments to Migration, Asylum and Temporary Protection laws, introducing CUKR residence cards
Date of development
03.02.2026
Country
Poland
Thematic area(s)

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.
Document generated on 25-11-2026
For more information, please contact: ias@euaa.europa.eu

Reception, Accommodation, Material reception conditions, Rights, obligations and limitations, Sanctions, Detention, Applicants with special needs, Unaccompanied minors

Development type

Legislation

© European Union Agency for Asylum, 2026. Reproduction is authorised, provided the source is acknowledged.