The Council of Europe’s Division on Migration and Refugees reports on Ukrainian reception, detention and anti-instrumentalisation of migration

On 4 and 5 February 2026, a delegation from the Division on Migration and Refugees (DMR) of the Council of Europe visited Poland and met with relevant stakeholders, including the Ministry of the Interior, the Border Guard, the Ministry of Education, the Ministry of Family, Labour and Social Policy, the UNHCR, the IOM, and several CSOs, namely the Rule of Law Institute, the Polish Migration Forum, the Association for Legal Intervention, La Strada, and the Helsinki Foundation for Human Rights. The visit addressed the following issues:

Detention:
The Act on Foreigners requires authorities to assess alternatives to detention as a first resort before detaining migrants, particularly families with children, with courts authorising and overseeing detention.

During the mission, the DMR delegation also **visited the Lesznowola immigration detention centre**, which has a capacity of 300 persons and is one of Poland’s 6 guarded detention centres for foreigners. The delegation noted that the centre was operating at less than half of its full capacity, was adequately staffed, and functioned properly. Information on rights and obligations was provided in 25 languages; social assistance was tailored to individual needs; medical care was well organised; and educational activities were age-appropriate. Rooms, including family rooms, were adapted to detainees’ family structures and size. The centre is equipped with a gym, computer rooms with internet access, a library, a dining room, and kitchens available to detainees.

According to the mission report, statistical data show an increased use of alternatives to detention and a steady decline in the detention of migrant children in guarded centres in recent years (from 571 in 2021 to 68 in 2024).

Concerning the **detention of unaccompanied children**, legislative amendments adopted in January 2026 expanded the grounds for placing unaccompanied minors aged 15 to 18 in guarded detention centres in Poland. According to the DMR report, unaccompanied minors placed in open-type care institutions had absconded from these facilities on a large scale, and authorities

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justified the changes as necessary to provide protection in light of insufficient foster care capacity in Poland. The delegation noted objections from CSOs and international bodies that these measures may fall short of the standards set out in Recommendation CM/Rec(2019)11 on effective guardianship for unaccompanied and separated children in the context of migration, as well as Recommendation CM/Rec(2022)17 on protecting the rights of migrant, refugee and asylum-seeking women and girls.

In this context, the report highlighted the need to enhance vulnerability screening, best interests procedures, and **age assessments**, noting that Poland frequently relies on medicalised methods such as X-rays and dental examinations, while documentary and psychosocial evidence may receive insufficient consideration.

Reception and integration of Ukrainian nationals in Poland:
Poland structured its response to the mass influx of persons fleeing Ukraine following Russia's invasion through the March 2022 "Law on Assistance to Citizens of Ukraine in Connection with the Armed Conflict on the Territory of that Country" ("Special Law"), which granted access to automatically renewable residence permits, healthcare, education, and labour market integration.

Available data indicate that most displaced persons from Ukraine in Poland are women and children. Approximately 170,000 children are enrolled in Polish schools, where they are entitled to the same conditions as Polish nationals, while around 150,000 remain outside the formal education system. Since the 2024-2025 school year, enrolment in the Polish formal education system has been mandatory, and school attendance has been linked to social benefits, increasing enrolment among Ukrainian children.

A majority of Ukrainian nationals reside in urban areas, with 1/3 facing challenges in accessing healthcare and 1/5 experiencing difficulties in securing stable housing.

While temporary protection for Ukrainians has been extended until March 2027, in March 2025 Poland enacted a "Phasing Out Law", replacing provisions of the "Special Law" with amendments to the general Act on Foreigners. The **Phasing Out Law** limits reception to 60 days from arrival, with exceptions allowing up to 12 months of accommodation for vulnerable applicants. It also makes temporary protection conditional upon registration for PESEL-UKR status within 30 days of entry. This requirement is reportedly expected to disproportionately affect Roma and other *de facto* stateless persons, who often face significant documentation

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challenges. Regarding Ukrainian Roma, the report noted barriers to securing independent housing and difficulties in accommodating extended family structures within collective housing arrangements.

With regard to integration, the Polish Ministry of Family, Labour and Social Policy focuses on education, local integration, language development, access to public services, and institutional support. Language learning is crucial for labour market integration; however, there is not yet a unified national system for teaching Polish as a second language. Challenges remain, particularly housing shortages in large cities, and authorities have responded by encouraging settlement in smaller towns. Poland is developing a comprehensive integration strategy and has established 34 **Foreigners' Integration Centres**, funded through AMIF and ESF, with plans to expand to 49 centres. These centres follow a "one-stop shop" approach, providing newly arrived migrants with access to services such as residency information, legal support, and social assistance. They are established through cooperation between local authorities, the government, and CSOs.

Migratory pressure at the eastern border:
The report highlights that, from 2021 to 2025, the Polish-Belarusian border recorded high levels of irregular border crossing attempts. Polish authorities regard this as a hybrid threat and have adopted measures to address the **instrumentalisation of migrants**. These include 2021 legal amendments to ensure the expedited return of third-country nationals apprehended after irregular border crossings. While appeals are permitted, they do not have suspensive effect.

In 2025, Poland also introduced an ongoing **suspension of the right to apply for asylum** at the Belarusian border, except for vulnerable applicants. In this context, Polish authorities report having implemented a recognition questionnaire and increased training for Border Guard officers on human rights, vulnerability screening, and intercultural communication. Furthermore, as part of the Action Plan for the execution of the European Court of Human Rights judgment in *Bistieva v. Poland* (10 October 2018), Poland has repealed certain discretionary powers to refuse asylum applications and introduced a multilingual declaration form to record the intentions of individuals at the border.

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