Polish Association for Legal Intervention files a complaint with the European Commission regarding restrictions on asylum at the Polish-Belarusian border

The Polish Association for Legal Intervention (*Stowarzyszenie Interwencji Prawnej*) reports that it has submitted a complaint to the European Commission concerning restrictions on the right to apply for international protection at the Polish-Belarusian border. Such complaints are examined by the Commission, which may follow up by engaging with the Member State concerned, opening an infringement procedure or closing the case.

The challenged restrictions stem from an amendment to the Polish Asylum Law, adopted on 21 February 2025, which introduced a legal basis for temporarily limiting the possibility to submit an asylum application in designated areas as a measure against the instrumentalisation of third-country nationals. Certain categories of vulnerable applicants such as unaccompanied minors, pregnant women and those with medical needs are exempted from the limitation.

Since 27 March 2025, the restriction has been applied continuously at the Poland-Belarus border, renewed every two months through successive Ministerial Ordinances. The measure operates alongside the buffer zone established on 12 June 2024, which prohibits remaining within a 200-metre to 4-kilometre strip along 59 kilometres of the Polish-Belarusian border. According to the Polish authorities, both instruments were introduced to curb continued migratory pressure from Belarus and to combat migrant smuggling, and have contributed to a significant reduction in irregular attempts to cross the border.

During the legislative process, the amendment drew concerns from the Polish Commissioner for Human Rights, UNHCR, several national institutions, and civil society organisations. Further concerns were raised by the Council of Europe Commissioner for Human Rights, who, in a letter sent in April 2026 to the Polish Minister of the Interior, cautioned that the measure was being applied in practice beyond the specific border?related circumstances for which it had originally been introduced. According to the Commissioner, the restriction has also affected migrants in detention, as well as individuals who had moved to or attempted to move to another EU Member State and were subsequently returned to Poland.

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National courts have so far issued mixed rulings on the legality of the measure, depending on the circumstances of individual cases.

The Association for Legal Intervention argues that the provisions violate Articles 18, 19(2), and 4 of the EU Charter of Fundamental Rights, namely the right to asylum, the principle of non-refoulement, and the prohibition of torture and inhuman or degrading treatment. They further contend that the restrictions undermine the obligation to ensure effective and rapid access to the asylum procedure, including in cases of irregular border crossing, as required under Articles 6 and 31(8)(h) of the Asylum Procedures Directive.

Source(s)

- Association for Legal Intervention | Stowarzyszenie Interwencji Prawnej (5 May, 2026), Skarżymy zawieszenie prawa do azylu do Komisji Europejskiej [We are complaining about the suspension of the right to asylum to the European Commission], https://interwencjaprawna.pl/skarzymy-zawieszenie-prawa-do-azylu-do-komisji-europejskiej/

Related development(s)
Temporary limitation on the right to submit an asylum request at the border with Belarus from 27 March 2025
Date of development
05.05.2026
Country
Poland
Thematic area(s)
Access to procedures and non-refoulement, Crisis and emergency measures, Return
Development type
Practice

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