Temporary limitation on the right to submit an asylum request at the border with Belarus from 27 March 2025

A temporary limitation of the right to submit an application for international protection at the border with Belarus, valid for 60 days, was introduced by Regulation of the Council of Ministers of 27 March 2025 on the basis of Article 33a(5) of the Act on granting protection to foreigners within the territory of the Republic of Poland.

The period for which a temporary restriction of the right to submit an application for international protection may be introduced by a regulation of the Council of Ministers may not exceed 60 days. If the reasons for introducing this restriction have not ceased, its validity period may be extended for a specified period of time, not longer than 60 days, after the Sejm has expressed its consent to this extension. If the reasons for introducing a temporary restriction of the right to submit an application for international protection cease to exist before the period for which the restriction was introduced expires, it may be lifted on the entire section of the border on which it is applied, or on a part of it. The extension or an earlier lifting of the temporary restriction must be done by means of a regulation of the Council of Ministers. As a result, the Border Guard will not accept an application for international protection. However, there are exceptions for specific categories of persons:

1) unaccompanied minors (Article 2(9a) of the Act on granting protection);

2) pregnant women;

3) persons who may require special treatment, in particular due to age or a health condition;

4) persons in respect of whom circumstances occur which, in the opinion of the Border Guard, clearly indicate that he or she is at real risk of suffering serious harm in the country from which he or she came directly to the territory of Poland;

5) citizens of the country using instrumentalisation from whose territory foreigners come to Poland. If a person who falls under at least one of the above exceptions, were to engage in conduct that would require the use or application

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of direct coercion measures, the use of weapons or other weapons immediately after crossing or attempting to cross the border using violence and in cooperation with other persons, these exceptions will not be applied and the application for international protection will not be accepted.

Source(s)

- Office for Foreigners | Urząd do Spraw Cudzoziemców (27 March, 2025), Ograniczenie prawa do złożenia wniosku o ochronę międzynarodową [Restriction of the right to apply for international protection], https://www.gov.pl/web/udsc/ograniczenie-prawa-do-zlozenia-wniosku-o-ochrone-miedzynarodowa

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