CoE expresses concern over suspension of the right to apply for asylum at Polish-Belarusian border and lack of an effective remedy to challenge expulsion

The Council of Europe's Commissioner for Human Rights addressed a letter to the Polish Minister of the Interior expressing concern about the temporary suspension of the right to apply for asylum at the Polish-Belarusian border, which has been in force since March 2025. The Commissioner noted that this suspension is reportedly now being applied "in every case in which border guards consider that a person has crossed the Poland-Belarus border irregularly" and that it has "even included persons who had moved to, or attempted to move to, another EU Member State, such as Germany, and were then returned or refused entry at Poland's border".

The Commissioner further referred to recent reports of Afghan nationals being returned to Afghanistan without an opportunity to apply for asylum, and stressed that, under Article 3 of the European Convention on Human Rights (ECHR), any removal must be preceded by a rigorous and individualised assessment of the risk of persecution in the country of origin. The Commissioner also emphasised that all individuals must have access to an effective remedy to challenge their expulsion under Article 13 of the ECHR, a requirement that, in the Commissioner's view, the current Polish framework does not meet.

Source(s)

- Council of Europe, Commissioner for Human Rights (14 April, 2026), [Poland: Commissioner concerned over suspension of asylum and removal practices], https://www.coe.int/en/web/commissioner/-/poland-commissioner-concerned-over-suspension-of-asylum-and-removal-practices

Related development(s)

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Date of development

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Country

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Thematic area(s)

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Access to procedures and non-refoulement, Return

Development type

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