Access to procedures and non-refoulement - Poland

Overview

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Relevant EU legislation

Poland is bound by the recast Asylum Procedures Directive and has transposed its provisions through the Act on granting protection to foreigners on the territory of the Republic of Poland of 13 June 2003 | Ustawa z dnia 13 czerwca 2003 r. o udzielaniu cudzoziemcom ochrony na terytorium Rzeczypospolitej Polskiej, Dz.U. 2025 poz. 223 z późn.zm.

National legislation

National legislation relevant for access to asylum procedures includes:

- The Act on granting protection to foreigners on the territory of the Republic of Poland of 13 June 2003 [Ustawa z dnia 13 czerwca 2003 r. o udzielaniu cudzoziemcom ochrony na terytorium Rzeczypospolitej Polskiej, Dz.U. 2025 poz. 223 z późn.zm.]
- The Act on Foreigners of 12 December 2013 [Ustawa z dnia 12 grudnia 2013 r. o cudzoziemcach, Dz.U.2021 r. poz. 2354 z późń. zm.]
- The Ordinance of the Ministry of the Interior of 4 November 2015 on the form of application for international protection [Rozporządzenie Ministra Spraw Wewnętrznych z dnia 4 listopada 2015 r. w sprawie wzoru formularza wniosku o udzielenie ochrony międzynarodowej, Dz.U.2015 poz. 1859]
- Law of 14 June 1960 Code of Administrative Procedure [Ustawa z dnia 14 czerwca 1960 r. Kodeks Postępowania Administracyjnego, (14 June 1960)]

Competent authority and stakeholders

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Area	Competent national authority	Assistance to competent authority (if applicable)
Screening at the external border	Border Guard | Straż Graniczna	Not applicable
Biometric data	Border Guard | Straż Graniczna	Not applicable
Making an application	**At the border:** Border Guard | Straż Graniczna **On the territory:** Border Guard | Straż Graniczna **In detention:** Border Guard | Straż Graniczna	Not applicable
Registering an application	Border Guard | Straż Graniczna	Not applicable
Lodging an application	Border Guard | Straż Graniczna Lodging of an application overlaps with registration.	Not applicable
Information provision	Border Guard | Straż Graniczna	Not applicable

Access to the territory

Official external border-crossing points

Poland has a number of official external air, land and sea border crossing points (see here).

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Emergency measures in cases of mass arrivals

Article 28.5 of the Act on Granting Protection to Foreigners provides that the acceptance of the application for international protection and its registration takes place immediately, but not later than within 3 working days from the date of acceptance of the declaration of intention to submit such an application. In cases of a mass influx of third-country nationals entering the territory of the Republic of Poland to seek international protection, the deadline can be extended to a maximum of 10 working days.

On 27 March 2025, Article 33(a)(1) of the Act on Granting Protection to Foreigners was amended by the Act of 21 February 2025. The modified Act allows authorities to temporarily limit the right to apply for asylum when all the following conditions are met:

- Third-country nationals are instrumentalised, as defined by Article 2(6)(a) of the Act.
    - Actions taken within the framework of instrumentalisation constitute a serious and real threat to the security of the state or society;
    - The introduction of this restriction is necessary to eliminate a threat to safety or society and other measures are not sufficient to eliminate it.

Exceptions apply for specific categories of vulnerable persons.

The limitation is currently applied to foreigners who had illegally crossed the Polish-Belarusian border.

Protection from refoulement

Asylum and return procedures in Poland were separated in 2014, with the adoption of the Act on Foreigners. The principle of non-refoulement is embedded in Article 303(1)(1)(2), Article 303(4); Article 305, Article 306(1); Article 330(1)(1)(3); and Article 348 of the Act on Foreigners which apply to return procedures conducted by the Border Guard, and is not explicitly mentioned in the Act on granting protection to the foreigners within the territory of Poland of 13 June 2003 (as amended).

Protection from refoulement at external air borders

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The Office for Foreigners receives asylum applications submitted by third-country nationals at external air borders through the commander of the Border Guard unit or the commander of the Border Guard post.

It is possible to apply for asylum upon arrival at the airport by submitting an oral or written application without any formal requirements. Third-country nationals can apply for asylum during passport control or their stay in the transit zone. Asylum applications are accepted by trained officers of the Border Guard Post.

According to Article 28(2)(2) of the Act on Foreigners, persons applying for asylum during border control cannot be refused entry. At border crossing points, third-country nationals must be provided with information in a language they understand about the possibility of applying for international protection, as well as their right to an interpreter for that purpose.

Declaration of intent to apply for asylum

If, for reasons attributable to the Border Guard, it is not possible to receive an asylum application on the day the third-country national declares their intention to apply, the Border Guard has to inform them in a language they understand of the date and place when the application will be received and must draw up a report on this action.

When the applicant is disabled, senior, pregnant, a single parent or a foster child and cannot come in person to the seat of the Border Guard, a written declaration of willingness to apply for international protection can be submitted by post or e-mail

The acceptance and registration of an asylum application should take place no later than within 3 working days after accepting the declaration of intent to submit the application. In the event of a mass influx of foreigners into the territory of Poland, this time limit can be extended to 10 working days.

Unaccompanied minors

On behalf of an unaccompanied minor, an application for asylum shall be lodged by a guardian or by a representative of an international or non-governmental organisation providing assistance to foreigners, including legal assistance, if, based on an individual assessment of the child situation of the unaccompanied minor, that organisation considers that he or she may need such protection. If the applicant is an unaccompanied minor, the asylum application form shall contain information on his or her relatives who are residing in the territory of another

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Member State (Article 26(2) and (6) of the Act on granting protection to the foreigners within the territory of Poland).

Asylum application submitted jointly for the entire family

An asylum application may also be submitted jointly for the entire family (i.e. for a spouse and minor children under his or her care) and will be considered as a single case.

However, submitting an application on behalf of a spouse and their minor child requires the written consent of that spouse. The spouse gives this consent when submitting the asylum application. Before submitting the application, the Border Guard informs the applicant of the consequences of submitting the application, the right to be interviewed and the possibility for the applicant's spouse to submit a separate asylum application.

Transport

The Border Guard shall provide transport to the reception centre for asylum applicants, in particular to disabled persons, elderly persons, single parents and pregnant women. In justified cases, meals can also be provided during such transport.

Monitoring mechanisms at external air borders

There is no established monitoring mechanism for asylum procedures at the borders. Poland does not have a system designating the organization or institution responsible for monitoring, outlining the principles and conditions for conducting monitoring, post-monitoring reporting, recommendations and the evaluation of implemented recommendations.

However, according to its statute, UNHCR can monitor the asylum application process in Poland. On 21 October 2009, the Commander-in-Chief of the Border Guard and a representative of UNHCR signed an agreement on mutual cooperation and coordination of activities related to monitoring access to the asylum procedure in Poland. Under this agreement UNHCR officers are authorized to monitor the process of applying for international protection as well as the right to access the asylum procedure in Poland.

The Border Guard, at the request or with the consent of the applicant, shall ensure that representatives of international or non-governmental organisations providing assistance to foreigners, including legal assistance, have access to

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applicants who have applied for international protection at a border crossing point.

Protection from *refoulement* at external land borders

Regarding protection from *refoulement* at external land borders, see above protection from *refoulement* at external air borders, declaration of intent to apply for asylum, unaccompanied minors, asylum application submitted jointly for the entire family, transport and monitoring mechanisms at external air borders.

Protection from *refoulement* at external sea borders

Regarding protection from *refoulement* at external land borders, see above protection from *refoulement* at external air borders, declaration of intent to apply for asylum, unaccompanied minors, asylum application submitted jointly for the entire family, transport and monitoring mechanisms at external air borders.

Protection from *refoulement* in case of emergency measures related to mass arrivals

If, for reasons attributable to the Border Guard, it is not possible to receive an asylum application on the day the third-country national declares their intention to apply, the Border Guard has to inform them in a language they understand of the date and place when the application will be received and must draw up a report on this action.

The acceptance and registration of an asylum application should take place no later than within 3 working days after accepting the declaration of intent to submit the application. In the event of a mass influx of foreigners into the territory of Poland, this time limit can be extended to 10 working days.

Border procedure

There is no border procedure in Poland.

Procedural aspects

In Poland, lodging of an application for international protection generally overlaps with registration and is conducted by the Border Guard.

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Making an application

Responsible authority and place

Under Articles 24(2) and 29(1) of the Act on Granting Protection to Foreigners, applications for international protection can be made (in the sense of initial expression of the wish to receive international protection) at border posts, airports or seaports, to any territorial unit of the Border Guard, or in a remand centre, prison or detention facility for foreigners and applicants are informed about the process and can access interpretation services. According to Article 24.1 of the Act on Granting Protection to Foreigners, a foreigner submits the application for international protection to the Border Guard and it is then submitted to the Head of the Office for foreigners.

If the wish to receive international protection is not expressed to the authority responsible for registering the applications (Border Guard), the person should be informed which Border Guard unit is competent.

Foreigners may submit an application for international protection on behalf of a person accompanying them who depends on the for economic, health or age-related reasons (e.g. spouse, a minor child of the applicant). The Border Guard, at the request or with the consent of the applicant, shall give representatives of international or non-governmental organisations involved in providing assistance to foreigners, including legal assistance, access to an applicant who has submitted an application for international protection at a border crossing point (Article 29.2 of the Act on Granting Protection to Foreigners)

Possibility to apply from outside the territory Applications cannot be made to a Polish embassy abroad.

Formal requirements for making an application

Applications for international protection must be submitted in person (Article 26(1) of the Act on Granting Protection to Foreigners).

Persons with disabilities, elderly persons, single parents, pregnant women, children under foster care, and persons who are hospitalised, in prison or a remand centre may submit a written declaration of their wish to apply for international protection via post or e-mail (Article 28(2) of the Act on Granting Protection to Foreigners).

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Making an application while in detention for illegal entry or stay results in the prolongation of detention. The court can extend the period of detention by 90 days from the date the application is lodged.

There are no specific time limits within which a claim must be made. However, if a late claim is made, the applicant must explain the delay during the asylum interview, and risks having his or her credibility called into question for not having sought protection earlier.

Registering an application

Responsible authority and place

The responsibility for registering an application for international protection lies with the Border Guard. If the applicant is in prison, a representative from the appropriate Border Guard unit visits the prison to receive the application. Applications made to the competent authority are registered either on the same day or withing 2-3 days.

Applications made to an authority other than the competent authority are registered within 1-2 weeks if the person is in a remand centre or prison), or immediately after the person is transferred to the competent authority if they were apprehended by the police.

Practical steps to register the application

If it is impossible to register an application for international protection on a day when an applicant presents themselves to the Border Guard unit (e.g. if no interpretation is available, if an unaccompanied minor is yet to be assigned a guardian), a Border Guard will inform the applicant on the reasons why the application cannot be registered and provide a new appointment. In these cases, the intention to apply for protection is laid down in a protocol and duly registered.

Data collection

As provided by Article 26(3) of the Act on Granting Protection to Foreigners, an applicant for international protection submits a registration through a form containing nationality, personal identity, information on the last place of residence and place of work in the country of origin, information on military service in the country of origin and on the knowledge of languages, an indication of the language preferred for interviewing purposes, and any information on

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family. Additionally, the applicant must provide in the registration form information on departure from the country of origin, including information on leaving the country, information on entry and stay in Poland and information on the place of actual residence and correspondence address. Information on health conditions and reasons for applying for international protection are also provided by the applicant in the registration form.

The registration form is accompanied by current photographs of the applicant and persons for whom the applicant is acting, if applicable, as well as documents necessary to confirm the information provided in the registration form.

Article 9 of the Eurodac Regulation (604/2013) obliges Member States to promptly take fingerprints of all fingers of every applicant for international protection who is at least 14 years of age. Article 15 of the new Eurodac Regulation (2024/1358) obliges Member States to take the biometric data of every applicant for international protection who is at least 6 years of age.

Documentation

Registration and lodging generally overlaps in Poland. The applicant is provided with a temporary ID document (*tymczasowe zaświadczenie tożsamości cudzoziemca*), which is valid for 90 days (or 10 days in case of Dublin returnees). It can then be renewed for periods of 6 months until the end of the asylum procedure.

Lodging an application

Responsible authority and place

Lodging generally overlaps with registration and is conducted by the Border Guard.

Formal requirements to lodge an application for international protection

Applications are lodged using a set form, completed by a Border Guard official during an interview conducted with the applicant. Border Guard officers working on lodging applications should speak foreign languages, especially English and Russian. Interpreters are used if needed.

Applications are lodged in person; it is not possible to do so by proxy. Applicants can however, act on behalf of their dependants (Article 25 of the Act on Granting

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Protection to Foreigners). An application can include the spouse, and the minor unmarried children of the applicant or the spouse. The presence of all persons included in the application is required during lodging.

Various practical arrangements are available to assist applicants during lodging. Applicants are provided oral and written information on the asylum procedure, rights and obligations, legal consequences of not respecting these obligations, material reception conditions, access to free legal aid, and information on the assigned reception centre. Applicants are also informed that they may contact UNHCR and relevant NGOs for information and legal advice.

The application process includes additional activities, such as photographs and fingerprinting; a medical examination; personal and luggage security checks.

Once lodging is concluded, the application is forwarded to the first instance determining body.

Documentation

Applicants are issued a temporary ID document (*tymczasowe zaświadczenie tożsamości cudzoziemca*), which is valid for 90 days (or 10 days in case of Dublin returnees). It can then be renewed for periods of 6 months until the end of the asylum procedure.

Information provision

Article 30(1)(5) of the Act on Granting Protection to Foreigners mandates the provision of comprehensive information when submitting an application, including details about the procedure, rights, obligations, consequences of withdrawing an application, and contacts with organizations like UNHCR and those offering legal or social assistance.

Passport and other documents

Obligation to surrender original documents

Requirement to submit original documents

Applicants must surrender their national passport to the Head of the Office for Foreigners, who will return the travel document to the third-country national no earlier than the day on which the decision on international protection is final.

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Other documents

Asylum seekers in Poland may submit other documents supporting their claims. These may include documents confirming their identity, health, family situation, as well as evidence of persecution or fear of returning to their country of origin. The applicant is obliged to provide the documents necessary for the examination of his/her case. In accordance with the Code of Administrative Procedure, the authority may request the submission of documents, but ultimately the applicant shall prove the facts on which the asylum application is based.

Applicants are obliged to cooperate with the authorities conducting the asylum proceedings and to provide all evidence to support their statements. Failure to do so may negatively impact the outcome of their case. Applicants can submit evidence in electronic form, such as on a portable memory stick, and/or through electronic means like ePUAP or the Office for Foreigner's electronic account (not to be confused with e-mail). Evidence and documents physically submitted remain in the case file and are not returned to the applicant.

Requirement to read digital data

Polish legislation does not provide for authorities searching in the digital devices of asylum applicants.

Applicants sign a declaration confirming they have been informed of the processing of their personal data for the purposes of the asylum procedure.

Guarantees for applicants

Confidentiality principle

Article 30(4) of the Act on Granting Protection to Foreigners guarantees that the Border Guard ensures that the submission of an application for international protection takes place without the presence of any person not consented to by the applicant, in conditions that ensure an appropriate level of confidentiality and allow the applicant to fully present the reasons for submitting the application for international protection.

Information provision

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According to Article 29(1) of the Act on Granting Protection to Foreigners, the Border Guard is required to provide information in languages understandable to applicants at border crossings, guarded centres, and detention centres for foreigners. This information covers the possibility of applying for international protection and includes the right to an interpreter, as specified in Article 29(1). Furthermore, Article 30(1)(5) of the Act mandates the provision of comprehensive information when submitting an application, including details about the procedure, rights, obligations, consequences of withdrawing an application, and contacts with organizations like UNHCR and those offering legal or social assistance.

Information is provided online via the Border Guard and the Office for Foreigners' websites and through a mobile app (PWA) made available after submitting an application. Written materials are available in languages such as Polish, English, Russian, Arabic, Armenian, Pashto, Persian, Ukrainian, Vietnamese, and Georgian, while the app and website also offer information in Polish, English, Russian, Ukrainian, and Belarusian.

The Border Guard provides written information through leaflets and brochures at border crossings, guarded centres, and detention centres. According to Article 29(1) of Act on Granting Protection to Foreigners, third-country nationals in detention are informed about the possibility of applying for international protection. In detention centres, this information is provided both orally and in writing, in a language the detainee understands, with the assistance of an interpreter if necessary.

Links to information provided in the national context:

Authority/Agency: Office for Foreigners

Title: Refugees – UDSC.

Type: Website

Hyperlink: https://www.gov.pl/web/udsc/uchodzcy

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Authority/Agency: Border Guard

Title: cudzoziemcy/ochrona międzynarodowa

Type: website

Hyperlink: https://www.strazgraniczna.pl/pl/cudzoziemcy/ochrona-miedzynarodowa/13005,Gdzie-mozna-zlozyc-wniosek-o-udzielenie-ochrony-miedzynarodowej.html

Interpretation

Article 29(1) of the Act on Granting Protection to Foreigners ensures that third-country nationals in border crossings, guarded centres or detention centres for foreigners, are provided with information in a language they understand, about their right to an interpreter for the purpose of submitting an asylum application.

Article 30(1) of the same Act outlines that the Border Guard provides the assistance of an interpreter in submitting the application.

Legal assistance and representation

According to Article 30(1)(h) of the Act on Granting Protection to Foreigners, the Border Guard officer receiving a request for international protection must inform the applicant, in a language that he/she understands, about the procedure, the rules for legal assistance and the organisations that provide legal services.

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