

14.11.2024

# Recommendations for the Polish National Implementation Plan of the EU Pact on Migration and Asylum

Prepared by social organizations offering legal,  
integration, and humanitarian support  
to migrants in Poland



Pursuant to the Regulation of the European Parliament and the Council (EU) dated May 14, 2024, on asylum and migration management (2024/1351) and the establishment of a common procedure for applying for international protection in the Union (2024/1348), and in line with the Common Implementation Plan, each EU member state is obligated to develop a National Implementation Plan of the Pact on Migration and Asylum. At the same time, on October 15, 2024, the Council of Ministers approved the resolution adopting the document titled “Odzyskać kontrolę. Zapewnić bezpieczeństwo. Kompleksowa i odpowiedzialna strategia migracyjna Polski na lata 2025-2030” [Eng. “Regain Control. Ensure Security. A Comprehensive and Responsible Migration Strategy for Poland for 2025-2030”]<sup>1</sup>. This document represents a key framework for shaping future Polish migration and asylum law, reforming it, and aligning it with EU law. Therefore, on behalf of the Migration Consortium, Amnesty International Poland, the **Halina Nieć Legal Aid Center, the Helsinki Foundation for Human Rights, the Association for Legal Intervention, the Jesuit Refugee Service Poland Foundation, the Ocalenie Foundation, the Polish Migration Forum Foundation, Polish Humanitarian Action, and Save the Children Poland**, we submit these recommendations from the social sector.

While the Pact contains several contentious and challenging provisions, this critical juncture offers a unique opportunity to tailor it to the Polish national system, thereby preventing human rights violations and **effectively safeguarding the rights of migrants and refugees in Poland**. The input of social organizations must not be overlooked in this process. Polish social organizations have, over the past few years, addressed two unprecedented crises concerning the reception of migrants and refugees. **Our firsthand experience in dealing with the humanitarian crisis at the Polish-Belarusian border and the full-scale war in Ukraine provides invaluable insights that should inform the creation of the National Implementation Plan and subsequent steps for the Pact’s implementation**. Our expertise can guide the development of more effective, humane, and sustainable solutions tailored to the specific needs of migrants while upholding international standards and human rights.

We would like to emphasize that the recommendations outlined below, though significant, do not comprehensively cover the extensive topic of the Pact's implementation. Their purpose is **not to replace the essential involvement of experts from social organizations in this process or to serve as a substitute for formal public consultations**. Only through the full engagement of NGOs and an open dialogue with key stakeholders can we develop effective and enduring solutions.

**On behalf of:**

- Migration Consortium,
- Amnesty International Poland,
- Halina Nieć Legal Aid Center,

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<sup>1</sup> *Odzyskać kontrolę. Zapewnić bezpieczeństwo. Kompleksowa i odpowiedzialna strategia migracyjna Polski na lata 2025 - 2030* [Eng. “Regain Control. Ensure Security. A Comprehensive and Responsible Migration Strategy for Poland for 2025-2030.”], document content available at: <https://www.gov.pl/web/premier/odzyskac-kontrolę-zapewnić-bezpieczeństwo---strategia-migracyjna-na-lata-2025---2030>

- Helsinki Foundation for Human Rights
- Association for Legal Intervention,
- Jesuit Refugee Service Poland Foundation,
- Ocalenie Foundation,
- Polish Migration Forum Foundation,
- Polish Humanitarian Action,
- Save the Children Poland.

## SUMMARY OF KEY ISSUES

This document consolidates recommendations regarding Poland's implementation of the Pact on Migration and Asylum. The recommendations refer to the provisions of the Pact, which—though binding—still allow Member States some flexibility to adapt them to their national legal frameworks. While the Pact includes measures that regress in terms of protecting migrant rights, it is crucial to implement its provisions to best support the needs of those directly affected, **particularly those arriving in the European Union to apply for international protection.**

As social organizations focused on migrants' rights, we possess particular knowledge and expertise, gained, among other things, by supporting the Polish society's response to the needs arising from the outbreak of the full-scale war in Ukraine and the humanitarian crisis on the Polish-Belarusian border. We believe our perspective as practitioners closely engaged with migration issues in Poland is essential for formulating adequate and fair regulations to implement the Pact.

### 1. Summary of recommendations on **screening procedures:**

- Legislation implementing the Pact in terms of screening must ensure that the process guarantees the protection of fundamental rights, including the principle of non-refoulement.
- The mere lack of identity documents or illegal border crossing by a migrant should not automatically imply a risk of absconding, which should be reflected in regulations expressing the primacy of non-custodial (including alternatives to detention) over custodial measures.
- Staff responsible for conducting screening must include persons independent from the Border Guard structures to ensure process integrity, appropriate monitoring, and the effective provision of information to migrants regarding their legal situation, including written notification about the commencement of time limits and the consequences of their expiration. This information must be provided both orally and in writing and should consider the linguistic competencies of the migrant.
- Structural independence from the Border Guard should be ensured, particularly for staff responsible for health assessments and the specific needs of migrants.
- The method for recording and contesting the content of the screening form must be clearly defined and aligned with the procedural guarantees of Polish law.
- Regulations should contain clear guidelines directly obligating public authorities to guarantee all individuals undergoing screening a standard of living that ensures their subsistence, physical and mental health protection, and respect for the rights under the Charter of Fundamental Rights of the European Union.

## 2. Summary of recommendations on the **procedure for applying for international protection**:

- The procedure for applying for international protection should ensure that migrants have transparent and detailed access to information about the status of their proceedings, including the grounds for recognizing a person as a threat to national security or public order (as per the guidelines established by the European Court of Human Rights). At every stage of the procedure, all actions and documents must be translated at the state's expense into a language the migrant understands.
- Regulations implementing the procedure for applying for international protection must explicitly require adherence to the principle of non-refoulement.
- The procedure for applying for international protection must guarantee access to courts and effective legal remedies. Court access should have a suspensive effect on decisions, preventing expulsion during judicial proceedings.
- Legal or factual restrictions resulting in an erosion of the access to the international protection procedure are unacceptable. Authorities must be obliged to conduct thorough and individualized examinations of each person's situation, even if they come from a country designated as a safe country of origin, a safe first country of asylum, or a safe third country.
- The assessment of international protection applications regarding vulnerable groups, such as minors, including unaccompanied minors, victims of violence or torture, persons needing medical care, persons with disabilities, or individuals from the LGBTQI+ community, should be assessed considering their specific needs by trained staff, regularly enhancing their qualifications.
- Restrictions on access to the procedure for applying for international protection must in every case meet the requirements of necessity, legality, and proportionality. Such limits may be imposed only where they are objectively necessary for the security, public order or administrative management of a border crossing point, including transit zones, or detention facility, provided that access is not severely restricted or rendered impossible.
- Decisions on accelerated or border asylum procedures should occur only in narrowly defined cases under legal conditions specified in Articles 42 and 43 of Regulation 2024/1348, interpreted restrictively. The application of such special procedures must be justified on a case-by-case basis.
- Leaving an application for protection unexamined is impermissible.
- The list of safe countries of origin must be based on current and reliable information and must not affect the obligation for individualized and exhaustive consideration of a migrant's situation. It should also be regularly updated to reflect actual changes in those countries.

## 3. Summary of recommendations on the **identification and protection of minors**:

- Procedures involving minors require special attention and care. Age assessments should first be based on available documents and statements, followed by evaluations from multidisciplinary teams using culturally and linguistically neutral criteria. Medical examinations should be a last step.

- All information communicated to children during the procedure of applying for international protection must be age-appropriate and available in a language they understand. This is crucial for building trust in the system and ensuring that children are not misled by information spread by smugglers and human traffickers.
- Minors must have the right to be heard and participate in decisions affecting them during all procedures.
- In the absence of identification documents, a declaration of minority by the migrant must be recorded, and their declared date of birth must be noted in all documents.
- Every person declaring minority status should have access to legal representation. All decisions regarding the legal status of a person declaring minority status must be justified formally.
- Implementation of the Pact should be accompanied by training for personnel to form specialized teams for multidisciplinary age assessment.
- Unaccompanied minors must receive all forms of support related to placement in foster care, including access to education, psychological assistance, care by a trusted adult, and representation. Existing facilities should be strengthened, and specialized facilities for unaccompanied minors should be established.
- New legal measures strengthening the role of the representative for unaccompanied children applying for international protection are recommended. The currently adopted solution—a guardian appointed to support the child in filing an application for protection—is deemed insufficient under the Pact.

#### 4. Summary of recommendations on the use of **detention**:

- Detention should be used as a last resort when no other measure can be applied.
- Regulations governing the detention of applicants for international protection must not permit the automatic use of detention. Detention may only occur in cases enumerated in the Directive of the European Parliament and the Council of 14 May 2024 on laying down standards for the reception of applicants for international protection.
- Detention of vulnerable individuals must be prohibited. The personnel of detention facility should be adequately trained to identify victims of violence and torture.
- Detention of minors should be prohibited. In cases of doubt concerning the age of a person declaring themselves a minor, the age determination process must be documented and attached to detention case files to allow competent authorities to independently evaluate the evidence and procedure's validity.
- Continuous access to legal and psychological services, including that provided by external psychologists not employed by the Border Guard, must be ensured during detention. It is essential to improve the competencies of Border Guard officers, medical personnel, psychologists, and others involved in detention procedures through training on identifying victims of violence and torture. The health assessment of victims of violence and torture should be regularly conducted to avoid further traumatization through detention.
- Alternatives to detention should be prioritized during all procedures, including screening and border procedures. To this end, new types of alternatives to detention

should be introduced into national law. A broader range of possible alternatives will allow for better adaptation to the legal or factual situation of a given individual. Judges adjudicating detention cases should be informed about the possibility and necessity of applying these measures as the first form of intervention in limiting migrants' freedom.

5. Summary of recommendations on the **return procedure**:

- States should ensure access to legal and psychological assistance during the return procedure.
- Only a court may decide on the deprivation of liberty for individuals during the return procedure.
- Minors and their immediate family members should be excluded from the obligation to remain in designated areas within transit/border zones for 12 weeks in cases where their application for international protection has been rejected. Poland is obliged to provide adequate living conditions for migrants staying in designated transit/border zone locations.

6. Summary of recommendations on **legal and psychological assistance**:

- Migrants should have access to free legal assistance, provided by expert organizations, and psychological support during all stages of applying for international protection, with particular attention to minors and vulnerable individuals.
- Information about the possibility of receiving free legal assistance and legal representation should be provided at the time of submitting an application for international protection.
- International protection case files should be made available to legal representatives and the parties in electronic form.
- Psychological support should include the preparation of non-specialists to provide basic assistance, adherence to the "mental health pyramid," and effective psychiatric care.
- Collaboration with external psychologists and specially trained interpreters is recommended. Psychological assistance providers should be comprehensively prepared to work with migrants, including minors and vulnerable individuals.

7. Summary of recommendations on **reception, inclusion, and integration**:

- Poland should not introduce assimilation regulations that force migrants to give up their identity but instead adopt an integrative approach (as explicitly recommended by the European Commission) based on a community of universal values, promoting agency and guaranteeing adequate support.
- Integration policies should offer real support both during the processing of international protection applications and immediately afterward. The reception system must be efficient and provide access to adequate integration measures and a proper standard of living. The current system's shortcomings, such as the location of facilities for

international protection applicants far from cities, low-quality Polish language courses in these facilities and elsewhere, limited access to the labour market, and low recognition of migrants' professional qualifications, must be addressed.

- Effective procedures for recognizing foreign diplomas, certificates, and other qualifications should be introduced, along with broad access to career counselling, retraining courses, and opportunities to gain and certify professional skills.
- Individual housing should be preferred over collective accommodations.
- Programs dedicated to vulnerable individuals who face limited labour market entry opportunities are necessary.

#### 8. Summary of recommendations on **independent monitoring of fundamental rights**:

- The independence of the fundamental rights monitoring mechanism must be legally enshrined and entrusted to a specially established institution that collaborates with representatives of academia and social organizations.
- This mechanism should monitor the actions of services concerning adherence to the principle of non-refoulement and ensure special protection for vulnerable groups.
- Its mandate must extend across the entire territory of Poland and any foreign areas under Polish jurisdiction, without being subject to limitation by regulatory or legislative measures, even during crises.
- The mechanism should monitor border procedures, international protection applications, return procedures (including so-called voluntary returns), and detention-related processes.
- Personnel employed in the mechanism should be able to conduct unannounced visitation at any detention facility or where potential violations of fundamental rights or migration law may occur. Access to classified information should be granted in a manner similar to the National Mechanism for the Prevention of Torture.
- Fundamental rights monitoring should include processes that enable affected individuals to file complaints and provide whistleblower protections through guaranteed anonymity.
- The institution responsible for the monitoring mechanism should publish its control and inspection findings at least once a year. The government should regularly publish reports on progress made in implementing the mechanism's recommendations.
- National oversight bodies should be involved in monitoring the government's actions concerning the implementation of the mechanism's recommendations.
- The mechanism must actively and closely collaborate with social organizations by sharing experiences and best practices.



# THE SIGNIFICANCE OF THE PACT ON MIGRATION AND ASYLUM FOR POLISH LAW AND MIGRATION STRATEGY

## 1. Context of the Adoption of the Pact on Migration and Asylum at the EU level and its implementation by Poland

Adopted on 14 May 2024, subject to mandatory implementation, the EU's Pact on Migration and Asylum represents a significant assertion of the **European Union's competence in shaping migration and asylum legislation as a space of freedom, justice, and security**, derived from both primary and secondary Union law.<sup>2</sup> The provision for state cooperation in this area, along with legislative efforts to build a Common European Asylum System, has been ongoing since 1999. It is intended to be based on **the principles of subsidiarity and proportionality of EU actions, while also aligning with international legal acts that establish the highest standards for human rights protection**<sup>3</sup>.

**The Pact on Migration and Asylum marks the third phase of implementing the Common European Asylum System serving as a direct response to evolving immigration circumstances and contexts in Europe since 2015, often referred to as a “migration” or humanitarian crisis.** The Pact comprises ten legal acts (nine regulations and one directive)<sup>4</sup>, which specific wording was negotiated over nine years. Although the solutions contained in the Pact have raised many concerns from a human rights protection perspective, it must be acknowledged that the legal framework these acts shape is intended to guarantee the highest standards of safety and protection **Importantly, this protection extends not only to EU citizens but also to migrants arriving in the EU, including applicants for international protection within the EU.**

**In these recommendations, we aim to address specific legal provisions of the Pact and the context of its implementation.** The implementation of EU regulations depends on the political vision and actions of key stakeholders, who have already expressed their positions regarding the desired framework of the discussed law. We find the Polish government's ongoing disregard for the United Nations High Commissioner for Refugees' guidance and lack of genuine public consultation on planned reforms deeply concerning<sup>5</sup>. Despite claims in the published "Polish Migration Strategy for 2025-2030" that it reflects a socially and politically unified migration doctrine, the document has drawn criticism for lacking genuine consultation with practitioners

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<sup>2</sup> This includes, in particular, Article 3(2) of the Treaty on European Union, Articles 67(2), 78, and 80 of the Treaty on the Functioning of the European Union, and Article 18 of the EU Charter of Fundamental Rights.

<sup>3</sup> The Pact also aligns with key international conventions such as the 1951 Geneva Convention, the Universal Declaration of Human Rights, the EU Charter of Fundamental Rights, the Convention on the Rights of the Child of 20 November 1989, the 1954 Convention Relating to the Status of Stateless Persons, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 10 December 1984, and the International Convention on Maritime Search and Rescue of 12 April 1979.

<sup>4</sup> The list of these legal acts is included in the appendix to this document.

<sup>5</sup> This issue was emphasized in an Appeal from Social Organizations to Prime Minister Donald Tusk on 18 October 2024, the content of which are available at: <https://ocalenie.org.pl/aktualnosci/apel-organizacji-spoecznych-w-sprawie-strategii-migracyjnej-18-10-202024>

and community organizations<sup>6</sup>, its vague provisions, and its populist rather than expert-driven nature and language. **The government's critical stance on the EU Migration and Asylum Pact and proposed solutions, as expressed on behalf of Polish citizens, indicates an unwillingness to meet implementation obligations**<sup>7</sup>. Nevertheless, Poland's Migration Strategy is significant, as the first five-year European strategy on asylum and migration management is to be published by the end of 2025, based on national strategies.

## 2. Binding nature of the Pact

The government has criticized EU regulations as inadequate for addressing the current situation at the Polish-Belarusian border, explicitly asserting that the standard of migrant rights protection shaped by the jurisprudence of international courts as incompatible with Poland's vision of border protection. It is important to emphasize that, by signing international agreements on human rights, including those related to refugees, and by being a member of international organizations and recognizing the jurisdiction of international courts, Poland is legally bound to honour its obligations under international law. **This position expressed in the Strategy raises concerns about the deepening of the rule-of-law crisis, further violations of individual rights and freedoms, and a continuation of the previous administration's policy of avoiding compliance with judgments of the European Court of Human Rights against Poland**<sup>8</sup>. Second, it must be noted that the EU-level Migration and Asylum Pact, consisting of nine regulations, is legally binding as soon as these legal acts enter into force. Regarding the new Reception Directive that sets standards for receiving migrants, Poland is required to implement it into national law (transpose it) through appropriate legislation within a specified period, and failure to comply to this exposes Poland to potential financial penalties. **The entry into force dates for the regulations and the transposition deadline for the directive are specified within the Pact's legal acts, and there are no legal means available to the Polish government to unilaterally reject these provisions.** Declarations of non-acceptance and the intention not to apply the adopted Pact provisions within the Polish legal system reflect a lack of respect for both European and domestic legal frameworks by the Polish government.

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<sup>6</sup> It should be noted that despite its differing declaration, the published Strategy remains inconsistent on many levels with the conclusions of the "Polityka migracyjna Polski w opiniach aktorów instytucjonalnych" [Eng. "Poland's Migration Policy in the Opinions of Institutional Actors"] study conducted by the Committee for Migration Research of the Polish Academy of Sciences. Moreover, announced future broad social consultations, particularly regarding the principles of the Strategy, already include a detailed implementation plan for the Strategy, which in its published form continues to disregard the positions of expert and social organizations.

<sup>7</sup> *Odzyskać kontrolę. Zapewnić bezpieczeństwo...*, pp. 8, 13, 21.

<sup>8</sup> Case M.K. and Others v. Poland (Complaint Nos. 40503/17, 42902/17, and 43643/17); Case D.A. and Others v. Poland (Complaint No. 51246/17); Case A.I and Others v. Poland (Complaint No. 39028/17); Case T.Z and Others v. Poland (Complaint no. 41764/17); Case A.B and Others v. Poland (Complaint no. 42907/17).

### 3. Security and the so-called "instrumentalization"

**Contrary to the assertions made in Poland's Migration Strategy for 2025-2030, the measures outlined in the Pact are not disconnected from the current challenges and realities of migration to Europe.** In fact, the entire Common European Asylum System has been designed and reformed to address the evolving dynamics of migration, including forced migration, to the European Union. The Pact's migration and asylum management framework emphasizes security as a core value, with a focus on member state sovereignty and territorial protection, while upholding human rights and individual freedoms. The so-called "AMMR" regulation on migration management<sup>9</sup> serves as a pillar of the Pact, emphasizing a range of responses when member states' capacities to process entry and residence applications, as well as international protection requests, are exceeded. **Articles 2(24) and 2(25) of this regulation introduce definitions of "migration pressure" and "significant migration situations," outlining response plans, including solidarity measures. The Pact's essence lies in adapting these plans and programs to observed migration trends, and therefore the regulation addressing situations of crisis and *force majeure*<sup>10</sup> grants special powers to states in view of current or future geopolitical events.** This especially pertains to **"exceptional mass arrivals" and "instrumentalization," as defined in Article 1(4)(a) and (b) of the regulation,** where instrumentalization means a *situation (...) where a third country or a hostile non-state actor encourages or facilitates the movement of third-country nationals or stateless persons to the external borders or to a Member State, with the aim of destabilising the Union or a Member State, and where such actions are liable to put at risk essential functions of a Member State, including the maintenance of law and order or the safeguard of its national security.*

It is important to note that while the Pact allows for adjustments in the place and time of international protection assessments, presumed to be either valid or clearly unfounded or inadmissible, pleading a crisis or instrumentalization does not justify complete deviation from existing law. **As stated by the United Nations High Commissioner for Refugees, the fact of migration through an instrumentally created pathway must be separated from the merit of an application for international protection. Each individual's situation must be considered on a case-by-case basis, and any restrictions on rights and freedoms for groups or categories of people can only be established under the law through the introduction of an appropriate state of emergency**<sup>11</sup>. This requires adequate infrastructure for the system for evaluating applications for international protection and more efficient individual case assessments, which are addressed through special procedures foreseen in the Pact. However, the government's presented Strategy focuses solely on reinforcing strict border control measures, interpreted as preventing entry and residence in Poland by individuals from specific countries or those unable to demonstrate migration motives deemed *beneficial* from Poland's

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<sup>9</sup> Regulation (EU) of the European Parliament and of the Council of 14 May 2024 on asylum and migration management, amending Regulations (EU) 2021/1147 and (EU)2021/1060 and repealing Regulation (EU) No. 604/2013 (OJ L, 2024/1351).

<sup>10</sup> Regulation of the European Parliament and of the Council of 14 May 2024 introducing the screening of third-country nationals at the external borders (OJ L, 2024/1356).

<sup>11</sup> United Nations High Commissioner for Refugees, *Legal considerations on asylum and non-refoulement in the context of 'instrumentalization'*, 26.09.2024.

perspective. Future solutions are to include broadening the construction of physical and electronic barriers, so-called "buffer zones," and effective deportations to countries of transit and origin.

The proposed Polish model for migration and asylum management poses a serious risk to the lives and fundamental rights of individuals seeking in Poland protection from persecution, and to the principle of non-refoulement. **We are deeply concerned by political statements regarding "temporary and territorial suspension of the right to asylum" and proposals for placing migrants entering the EU in third-country facilities.** These actions threaten to undermine the legal protection system and democratic rule-of-law standards established since the end of World War II, reducing them to mere formalities and ineffective legal instruments.

The Pact's implementation is intended to achieve specific objectives, including combating human trafficking, expanding legal migration channels to Europe, and protecting vulnerable groups. Its implementation through Poland's migration strategy and National Implementation Plan must not undermine the legal foundations of the existing system under both Polish and international law<sup>12</sup>. These foundations include:

- Obligation to respect the dignity of every person;
- Prohibition of torture, inhumane, or degrading treatment or punishment;
- Prohibition of expulsion to a state where life, health, or fundamental rights and freedoms are at risk, including a prohibition of collective expulsions;
- Universal right to asylum (international protection);
- Right to life and health protection;
- Prohibition of discrimination, including based on nationality, ethnicity, or race;
- Equality before the law, including the right to effective legal remedy, a fair trial, and access to impartial and public hearings by an independent body;
- Respect for cultural, religious and linguistic diversity;
- Principle of legality and proportionality of penalties and coercive measures, including restrictions on individual freedom solely under and within the limits of the law.

**It should be emphasized that no provision in the current legal framework—including the Geneva Convention, the Polish Constitution, the Charter of Fundamental Rights of the European Union, or the EU Pact on Migration and Asylum—allows for a general exemption from accepting applications for international protection.** Numerous myths and misconceptions may be found in the public discourse suggesting that exceptional circumstances or specific interpretations of state security legitimize such measures. However, **all legally provided mechanisms for extraordinary exceptions to the application of the right to asylum require individual consideration of each case<sup>13</sup>.** Furthermore, ensuring the highest standards of protection and state security also necessitates the effective identification of each person and a thorough assessment of their situation. **Especially when the individual is in a vulnerable position or at risk of life and fundamental rights upon expulsion from**

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<sup>12</sup> This includes in particular the Universal Declaration of Human Rights, the Geneva Convention Relating to the Status of Refugees, the EU Charter of Fundamental Rights and the 1997 Constitution of the Republic of Poland.

<sup>13</sup> Articles 9 and 33(2) of the 1951 Geneva Convention.

**Polish territory, the use of accelerated deportation procedures, denial of access to the territory, or pushbacks is impermissible.**

**Moreover, under Article 18 of the EU Charter of Fundamental Rights, the principles expressed in the 1951 Geneva Convention take precedence over EU law, including the prohibition in Article 31 on imposing penalties for illegal entry or stay and restrictions on the movement of persons seeking protection.** According to the wording of this provision, exceptions to this rule are permissible, particularly when a person declaring their intention to apply for international protection does not arrive directly from a country where their life or rights and freedoms are threatened or if they do not report to the authorities of the state promptly. As emphasized by the United Nations High Commissioner for Refugees, **expansive interpretations of this provision of the Convention are inadmissible, and any punitive, repressive, or coercive measures must not be used to strip individuals of the rights conferred by the Geneva Convention, especially by obstructing access to asylum procedures<sup>14</sup>.**

#### **4. Relocation mechanism and the principle of voluntary solidarity measures**

The Pact's provisions on so-called relocations have raised many controversies; however, their actual content can resolve most of these concerns. The Regulation establishing a Union Resettlement and Humanitarian Admission Framework is intended to address the modern challenge of mobility for individuals seeking and receiving international protection, who, in today's globalized world and due to their individual circumstances, may have legitimate reasons to relocate from the country where they currently reside. Notably, this regulation applies to individuals who meet the criteria for refugee status or subsidiary protection, meaning that they are undoubtedly in a special situation requiring a humanitarian response. **At the same time, it is important to emphasize that the regulation, in accordance with Article 1(2), does not establish an individual right to apply for admission or to be admitted into the territory of a Member State. According to paragraphs three and four of this article, member states are not obliged to accept any third-country national or stateless person, and each state's contribution to the implementation of the EU resettlement plan is based on the principle of voluntary selection of solidarity measures.** Moreover, Article 13 guarantees financial support for states opting to engage in relocation efforts. **Contrary to the assertions in Poland's Migration Strategy for 2025-2030, the Pact does not impose mandatory relocations on Poland. Rather, the regulation seeks to provide protection for individuals who clearly require humanitarian aid and may be in especially vulnerable situations due to health issues, experiences of violence, or the need to maintain family unity.** Security concerns are moreover addressed through specific criteria for denying protection, as outlined in Article 6 of the regulation, should an individual assessment demonstrate a potential threat to national security.

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<sup>14</sup> United Nations High Commissioner for Refugees, 23.09.2024, *Guidelines on International Protection No.14, Non-penalization of refugees on account of their irregular entry or presence and restrictions on their movements in accordance with Article 31 of the 1951 Convention relating to the Status of Refugees*, p. 5.

**To summarize, the provisions of the EU Pact on Migration and Asylum do not undermine Polish sovereignty or state security.** In fact, the emphasis placed on these values within the Pact may raise questions from a human rights perspective. **It is also important to note that existing legal instruments under refugee law, such as the Geneva Convention and EU regulations, already address scenarios where an individual may pose a threat to state security or public order.** Negative premises when granting international protection exclude eligibility for refugee status or subsidiary protection due to criminal activity, and, in cases of state security threats, extraordinary temporary measures can be applied by authorities. **However, this does not change the overriding principle of the necessity to assess each person's situation individually.**

# RECOMMENDATIONS

## Screening procedures

(Regulation of the European Parliament and Council (EU) 2024/1356)

The regulation introducing a screening mechanism at the EU's external borders aims to adapt procedural pathways to the specific situations of individuals at the EU border without the required legal entry and residence documents. This approach prioritizes distinguishing between applications for international protection that are highly likely to be unfounded and those that may reasonably lead to a positive decision. Given the significant risk of unjust categorization of applicants during this process, particular attention must be paid to combating discrimination. It is crucial to highlight that screening involves mandatory, well-defined procedures aimed at a fair and individualized assessment of each person's situation. Poland's Migration Strategy, however, focuses primarily on declaring the use of accelerated procedures and monitoring individuals with low chances of having their applications approved, neglecting the importance of procedural safeguards for those undergoing screening, especially protections for individuals in poor health and the necessity of monitoring not merely migrants themselves but adherence to their fundamental rights.

### **1. Place and time of screening (Articles 6, 7):**

- Regulations should prioritize the use of alternative measures over detention and amend rules defining what constitutes the risk of absconding of a foreigner (particularly Article 87(2) of the Act on Granting Protection to Foreigners).
- The mere absence of identity documents or illegal entry should not automatically signify a flight risk in all cases, as this contradicts the very characteristic of the process of asylum.
- Clear criteria must be established to designate appropriate screening locations, ensuring adherence to principles of dignity, equality, confidentiality, and the legality of any detention or deprivation of liberty.

### **2. Entities conducting screening, including identifying vulnerable persons, and their training (Articles 8(9), 12, 13, 25(2) 2024/1346), and timing of activities (Articles 8(3) and (4), 18(5)):**

- In implementing staff requirements and qualifications regulations, there should be a mandate for professional diversity among experts and mechanisms to ensure their compliance with legal and international standards and recommendations in the relevant fields.
- Some staff involved in screening procedures should be independent of the Border Guard structure, and appropriate cooperation with interpreters should be ensured at every stage of proceedings, along with regular updating of staff knowledge and skills, especially in identifying and communicating with victims of torture, violence, and human trafficking.
- Structural independence from the authorities responsible for verifying residence legality and return procedures must be ensured, particularly for personnel responsible for health and special needs assessments.
- Entities conducting screening should be legally required to record and provide written notification to the foreigner regarding the commencement of deadlines and the consequences of their expiration. It is recommended to impose explicit penalties on these entities for failing

to complete screening or neglecting to refer individuals to the appropriate procedural path within the specified timeframe.

### **3. Procedure for identifying vulnerable persons:**

- Regardless of the qualifications of those responsible for identifying vulnerable individuals, clear regulations are needed to define which authority will conduct this process, within what timeframe, and how it will be carried out, while ensuring a path for challenging decisions and rulings in this matter. The criteria for qualification and their interpretation must be explicitly outlined, especially in cases where there is a justified presumption that individuals have experienced violence.

### **4. Screening form (Article 17(3)):**

- The method for recording and contesting the content of the screening form must be clearly defined and aligned with the procedural guarantees of Polish law. The content of the report, both before and after any objections by the foreigner, should be translated into a language which the given individual understands.
- Authorities must exercise due caution to prevent foreigners from signing documents they do not understand, particularly in situations where external factors (e.g., urgent need for medical or psychological assistance) may significantly impede their comprehension of their legal situation.

### **5. Effective communication of legal status to foreigners (Article 11):**

- Legislation should include a straightforward procedure for informing foreigners about their legal status, rights, obligations, and potential consequences of their actions. Care must be taken to avoid presenting foreigners with lengthy, complex documents written in highly specialized language. The authority should be required to genuinely verify and formally record whether the person undergoing the procedure:
  - understands the language of the instruction received,
  - requires support from an appropriate specialist due to illiteracy or insufficient cultural or intellectual competence to understand the content independently.

### **6. Respect for fundamental rights (Article 3; Article 8(6); Article 8(8)):**

- The legal act implementing EU regulations should contain provisions explicitly and directly obligating public authorities to respect the fundamental rights of foreigners, particularly:
  - The principle of non-refoulement;
  - The obligation to ensure effective access to assistance for foreigners, guaranteeing that when limits are imposed to such access where such limits are objectively necessary for the security, public order or administrative management, such access is not severely restricted or rendered impossible;
  - A standard of living that ensures foreigners' sustenance, physical and mental health protection, and respect for their rights, particularly through adjusting the level of benefits to suit individual circumstances and requiring the indexation of benefits at least once a year.



## **Procedure for applying for international protection (asylum):**

(Regulation of the European Parliament and Council (EU) 2024/1348)

The implementation of the asylum procedure must ensure that specific provisions of Polish legislation guarantee the protection of the rights and freedoms of individuals engaged in proceedings before Polish public authorities due to their immigration to Poland. The Polish act, currently in the form of the act on providing protection to foreigners on the territory of the Republic of Poland, must reflect the specific needs of people seeking refuge from persecution or other forms of severe harm in their country of origin. Referring to Poland's 2025-2030 Migration Strategy, concerns persist regarding superficial treatment of the two most fundamental issues addressed in part in the earlier section, i.e. the principle of non-refoulement and the protection of vulnerable groups. Below we emphasize the importance of standards on these and other issues broadly referred to as procedural.

### **1. Appropriate means, staff, training (Article 4(7) and (8)):**

- At every procedural stage, adequate budgetary and staffing resources must be secured in advance to uphold international legal standards for asylum claim processing.
- Public transparency and prior consultation concerning the preparation and announcement of plans are recommended, except in fully justified cases.

### **2. Procedural timelines and informing:**

- Authorities should be obligated to inform foreigners, at each stage, about the current status of their ongoing proceedings, actions taken, and relevant dates. Penalties for failing to complete actions within legally specified deadlines should be considered.

### **3. Identity verification (Article 7(2)(b)):**

- Engagement with the diplomatic mission of the applicant's country of origin should be avoided where a reasonable presumption exists that the state authorities are the perpetrators of the persecution.

### **4. Information underlying the assessment of whether a foreigner poses a security threat:**

- Applicants and their representatives should have the right, and a clear procedure, for accessing the information and findings justifying their classification as a threat to national security or public order. Restriction of access to such information should be permissible only in exceptional, proportionate cases, based on explicit legal grounds.

### **5. Access to translation services, and a specific understanding of "language which [foreigners] understand or are reasonably supposed to understand" (Article 8(2)):**

- High-quality translations of activities and documents must be available for all stages of the procedure, funded by the state. Actual availability and accuracy of translations should particularly be guaranteed in the context of health check-ups and the needs of foreigners, as well as when accessing medical services, including mental health care.

- Authorities should be required to provide written description of each completed activity, especially following medical appointments.

**6. Compliance with the NON-REFOULEMENT principle (Article 10(5), Article 10(4), in conjunction with Article 56, Article 68(3), (6) and (7)):**

- Legislation implementing the asylum procedure should include a direct and explicit reference to the necessity of observing the non-refoulement principle, especially when applying exceptions to the right to remain on the territory until the conclusion of the asylum procedure by a final decision, including during ongoing appeal proceedings.
- Access to the court, legal representation and an effective remedy related to decisions that form the basis for recognizing such exceptions must be ensured. This includes ensuring a legal and defined path for challenging significant procedural violations, such as deeming the first application inadmissible or unfounded; ordering extradition; recognizing a person as a threat to public order or security.
- Additionally, there should be a clear obligation for authorities to individually and thoroughly examine the foreigner's situation, even if the country to which they are to be expelled has been designated as a safe country of origin, first asylum country, or a safe third country.

**7. Personal interviews (Article 13):**

- All personnel conducting interviews must receive appropriate training, including when delegated to other authorities.
- Mandatory, detailed, and well-justified reasoning must be provided for any decisions to waive the interview process.

**8. Special procedural guarantees (Articles 20-23):**

- The criteria for recognizing individuals as vulnerable must align with current understandings of barriers to full procedural participation and reflect Article 5(3) of Regulation 2024/1350 and Article 68(1) of the Act on Providing Protection to Foreigners in Poland, encompassing:

- (i) Women and girls at risk;
- (ii) Minors, including unaccompanied ones;
- (iii) Victims of violence or torture, including due to gender or sexual orientation,
- (iv) Persons requiring legal or physical protection, including protection against refoulement;
- (v) Persons in need of medical care, including cases where life-saving treatment is not available in the country to which they are forcibly displaced;
- (vi) Persons with a disability;
- (vii) Persons for whom no foreseeable permanent solution exists, particularly those experiencing protracted refugee situations;**
- (viii) Pregnant individuals;
- (ix) Elderly people;
- (x) Single parents

- The assessment of migrants' vulnerability should be clearly documented, accessible, and understandable for the foreigner, including details on any conducted examinations and their outcomes, as well as justifications for not conducting requested examinations.
- Vulnerable party status must translate into tailored procedural accommodations, including location and timing of carrying out the activities, specialist support, and the provision of the necessary financial resources to meet the special needs of the person.
- The principle of prioritizing the special circumstances and needs of foreigners over conditions that lead to the application of special procedures should be explicitly provided for in legal acts.
- For applicants citing their membership in the **LGBTQI+** community, it is recommended that:
  - the assessment of refugee status applications based on the SOGIESC<sup>15</sup> (Social Group as defined under the Convention) criteria respect the rights and safety of applicants, with trained personnel and interpreters adhering to SOGIESC standards and access to the required legal, medical, and psychological assistance.
  - officials and administration should regularly improve their skills regarding identification, interview techniques, and the protection of LGBTQI+ individuals with specialized training based on the latest standards and findings (UN SOGIESC Guidelines).
  - during psychological evaluations, cultural factors should be taken into account, and it should be considered that the asylum application, such as one filed during irregular border crossings, may represent a first disclosure of sexual orientation or gender identity, accompanied by related stress, isolation, and the risk of exposure within the group.

**9. Procedure for making, registering, and lodging an application for international protection (Articles 26-28):**

- It is recommended to consider penalties for failing to meet deadlines related to the admission and registration procedure for international protection applications, along with clearly defining, communicating, and documenting each procedural step, including specifying important circumstances influencing the chosen procedural path. This applies to general information availability about whether and why it was determined that a disproportionate number of applications is present, and defining the start and end dates of such a determination.

**10. Access to the procedure (Article 30(3))**

- Limits on access to the asylum procedure must meet requirements of necessity, legality, and proportionality, particularly ensuring that even at a border crossing point or for security reasons, access is neither severely limited or rendered impossible.
- In any case, national legislation should exclude the possibility of leaving the application for protection unprocessed (even in the situation of irregular entry into the country).

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<sup>15</sup> The Council of Europe Sexual Orientation, Gender Identity and Expression, and Sex Characteristics (SOGIESC) Unit, <https://www.coe.int/en/web/sogi>

### **11. Special procedures (Article 42, Article 43, Article 51(2)):**

- The application of special procedures must be justified comprehensively and obligatorily, citing publicly available information sources.
- When referring cases to the accelerated or asylum border procedure due to the criterion of average recognition rates being lower than a specified value, it must be ensured that there is a genuine exclusion of the applicant's belonging to vulnerable groups.
- It is recommended to use a well-designed algorithm for conducting the border procedure, which, while aiming for the shortest duration possible, enables the full and fair examination of applications.

### **12. Locations for carrying out the asylum border procedure (Article 54):**

- Each designation of the location for carrying out the asylum border procedure should respect the dignity and appropriate living standards of persons subject to this procedure, especially minors and their families or unaccompanied minors.
- In addition to cases where the use of the asylum border procedure is mandatory, there should be a principle of referral to this procedural path only by order of the competent judicial authority and only when absolutely necessary.

### **13. The concept of effective protection and safe countries, including statistical data average recognition rates (Articles 57-64):**

- The implementing act transposing EU law should establish criteria for determining whether a state qualifies as a safe country of origin, a first asylum state, or a safe third country in a reliable manner.
- Placement on the list of such countries should not preclude challenging the presumption of safety in the country to which the foreign national is to be expelled, especially if the state applies different criteria or lists than those at the EU level.
- National lists should rely on current and comprehensive information, and the situation of each foreigner should be assessed individually.

### **14. Remedy (Articles 67-69):**

- It is recommended that the maximum time limit for processing an appeal against a decision denying international protection be 30 days, and in particularly complex cases, 60 days.
- Access to the court should have a suspensive effect on the decisions issued, preventing expulsion during judicial proceedings.

### **15. Fiction of non-entry**

- There should be a guarantee of respect for the fundamental rights of foreign nationals, despite the fiction of their non-entry into Polish territory. According to applicable international law, although no residence permit is granted, the territory on which applicants reside remains part of Poland and the European Union, and Polish and international law, including constitutional guarantees and human rights, continue to apply.

## **Identification and protection of minors**

Poland's Migration Strategy does not comprehensively address the needs related to child protection in migration situations—it only mentions that "special protection from the state will be extended to foreigners from so-called vulnerable groups" without specifying what this entails. We emphasize that the *Pact* proposes numerous provisions guaranteeing the protection of children, particularly unaccompanied minors and those separated from their families. Considering migration trends, where one in four individuals arriving in Europe is a minor, it is essential that Poland's Migration Strategy more broadly incorporates the needs of this specific group, including access to multidisciplinary and EU-standard age assessment, comprehensive legal representation, and foster care adapted to work with children from diverse cultural backgrounds. We recommend that Poland's Migration Strategy and the resulting legislation be aligned with the European Child Guarantee, which clearly states that all children—regardless of their migration status—have equal access to fundamental rights and services.

### **1. Age assessment of minors**

- The standards for the age assessment of minors are specified in Article 25 of Regulation 2024/1348. Currently, there is a lack of reliable national regulations on this issue, and implementing the Regulation offers an opportunity to establish new practices.
- We note that the current practice, whereby medical examinations are assumed to be the primary method of age assessment, is inconsistent with the *Pact*. The practice must change to prioritize age assessment based on available documentation (not limited to identity and travel documents but including any accessible documents), copies, and statements, which should be considered authentic unless proven otherwise. If doubts persist, a multidisciplinary and specialized assessment should follow. Only as a final step should a medical examination be conducted.
- It is necessary to record each case where an applicant declares minority status. If the person lacks documents verifying identity and birth date, their details should be recorded according to their declaration in all prepared documentation. The practice of Border Guard officials assigning fictitious birth dates to demonstrate an applicant's adulthood must cease, as it violates the guarantees of individuals declaring minority status.
- The *Pact* requires legal representation for any applicant declaring themselves a minor. Consideration should be given to using the institution of a child representative, as regulated by the Polish Family and Guardianship Code.
- To avoid arbitrariness, every decision regarding the legal status of a person declaring minority status must be justified formally. In particular, the following actions should be formalized by a decision:
  - When the competent authority concludes that an applicant claiming to be a minor is undoubtedly over 18 years old;
  - When the authority determines that the statements and evidence presented by the person claiming minority remain questionable, necessitating a multidisciplinary assessment (order for expert opinion);

- When the authority determines that a multidisciplinary assessment still leaves doubts, requiring a medical examination (order for expert opinion);
- When, following the procedure, the authority determines that the individual is not a minor (appealable decision).
- Documentation concerning age determination must be attached to case files, including detention proceedings, so that the competent authority can independently evaluate the presented evidence.
- A significant issue is the lack of specialists qualified to conduct age assessments. Implementation of the Pact should be accompanied by training for educational, medical, and psychological personnel, enabling them to form specialized teams for multidisciplinary age assessments.
- The lack of standardization and the frequent randomness of individuals conducting assessments (e.g., emergency department staff, local private clinics, or radiologists who do not conduct medical interviews with children) is another problem. A model specialized team could be established in an academic centre—for example, some assessments are currently commissioned from experts at the forensic medicine department of Poznan University of Medical Sciences.

The age assessment procedure should prioritize the protection of the child’s best interests at all times. This principle must be followed even when the individual's age is unconfirmed or data is ambiguous.

To safeguard the child’s best interests, we recommend:

- Establishing multidisciplinary teams for determining a child's age, including:
  - Trained medical personnel (including paediatricians) specializing in age assessment and working with children;
  - Psychologists prepared to work with children from diverse backgrounds. Age assessments should rely on culturally and linguistically neutral tests and scales.
- In accordance with Article 12 of the Convention on the Rights of the Child, we recommend ensuring that individuals undergoing age assessment have the opportunity to freely express their views on matters affecting them. Information provided by individuals undergoing age assessments should be carefully considered and integrated into the evidence collected. The right to express opinions is closely related to the right to be heard before any individual measures that may negatively affect the person's situation are taken in administrative or judicial proceedings. We recommend that procedures in this area always respect the dignity and integrity of the individual.
- Persons undergoing age assessment must receive complete information about their situation. We recommend mandatory interpreter involvement in age assessment procedures, and state representatives (Border Guard officers, age determination team members, and other officials) must use language and materials (leaflets, videos) adapted to children’s cognitive abilities.

- Age assessment procedures should utilize the least intrusive methods, such as X-ray examinations, as a last resort. We recommend implementing the algorithm proposed by the European Asylum Support Office in the document *"EASO Practical Guide on age assessment. Second edition"*.
1. **STEP 1: Non-medical age assessment methods**
    - a. Age assessment based on collected evidence, such as documents (including scans, photographs, and photocopies)
    - b. Interviews focused on determining the child's age, conducted by trained specialists
    - c. Psychological development assessment conducted by a qualified psychologist, using culturally and linguistically neutral tools (tests and scales)

If results remain inconclusive, proceed to the methods outlined in Step 2.

2. **STEP 2: Non-invasive medical methods for age assessment:**
  - a. Based on dental examinations.
  - b. Based on magnetic resonance imaging (MRI).

If results remain inconclusive, proceed to the methods outlined in Step 3.

3. **STEP 3: Invasive medical medications for age assessment, including radiation:**
  - a. Bone measurement of the wrist.
  - b. Clavicle bone measurement.
  - c. Dental X-ray examination.

## 2. Foster care

- It is essential to ensure that migrant children receive all forms of support related to placement in foster care, including access to education, psychological assistance, care by a trusted adult, and representation.
- The current issue of inadequate capacity within foster care institutions (intervention and care facilities) to accommodate migrant children must be addressed. Existing facilities face shortages of available places, and their personnel lack tools (such as access to translation services) and competencies (training, supervision) necessary for working with children from diverse cultural and linguistic backgrounds. There is a need to strengthen existing institutions and establish new facilities specializing in the care and protection of migrant children<sup>16</sup>.
- We also recommend supporting the creation of new professional foster families prepared to work with migrant children.

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<sup>16</sup> Problemy cudzoziemskich dzieci bez opieki, które przekraczają granicę Polski z Białorusią. Wspólne pismo RPO i RPD do premiera Donalda Tuska [Eng. *"Issues Faced by Unaccompanied Foreign Children Crossing the Polish-Belarusian Border: A joint letter from the Ombudsman for Human Rights and the Ombudsman for Children to Prime Minister Donald Tusk"*], <https://bip.brpo.gov.pl/pl/content/rpo-rpd-cudzoziemcy-dzieci-bez-opieki-premier>

- In accordance with the provisions of the Pact, procedures must prioritize the best interests of the child. The European Child Guarantee, which mandates the consideration of children's needs and rights above their residency status, must also be implemented.

### **3. Child representation**

- Introducing new legal solutions strengthening the role of a representative of a child applying for international protection is recommended. The currently adopted solution—a guardian appointed to support the child in filing an application for protection—is deemed insufficient under the Pact.
- We propose the introduction of an institution for unaccompanied child representatives, who would have broader capacities to protect the child's best interests, not only regarding application submissions but also access to social security, education, and overall child welfare. Additionally, a temporary representative should be appointed immediately, including at the stage of detaining a minor or upon determining that the detained individual is a minor.
- Children should have the right to lodge complaints, express dissatisfaction with their legal representative, or report any abuses committed by the representative.

## **Detention**

### **1. Prohibition of detention of foreigners on the grounds of applying for international protection or nationality**

- As specified in Article 10(1) of Directive (EU) 2024/1346 (hereinafter referred to as Directive 2024/1346), Member States must not detain a foreigner solely on the grounds that they apply for international protection or due to their nationality.
- Detention of a foreigner may only occur in specifically enumerated situations described in Article 10(4) of Directive (EU) 2024/1346.

### **2. Prohibition of detention of vulnerable people**

- There should be a prohibition on detaining vulnerable persons if such detention would severely endanger their physical and mental health.
- We recommend that vulnerable persons placed in secure facilities be provided with access to 24-hour medical and psychological care. Furthermore, we advocate for the designation and adaptation of sections of secure facilities to meet their needs.
- We call for a total ban on the detention of minors. Alternative measures to detention should be applied for families with minor children.



### **3. Detention of families**

- We recommend creating separate accommodation facilities for families with children, ensuring appropriate levels of privacy and enabling minors to access education and participate in recreational activities, including age-appropriate games and leisure activities.

### **4. Access to legal and psychological assistance**

- We recommend providing detained foreigners with access to psychological and legal assistance. Such consultations should be available both in-person within secure facilities and, upon the request of the foreigner, remotely using telecommunication tools transmitting audio and video.
- Access to external legal and psychological assistance should be available for the entire duration of a foreigner's detention. Consultations should be conducted in conditions that ensure confidentiality.
- Expert organizations with experience working with foreigners should be involved in providing free psychological and legal assistance.

### **5. Identification of victims of violence and torture in the context of foreigners' detention<sup>17</sup>:**

- A key solution is to improve the competencies of Border Guard officers, medical personnel, psychologists, and others involved in detention procedures through training on identifying victims of violence and torture. Training should be conducted by specialists with psychological qualifications, based on the latest research and findings regarding psychological support for victims of violence.
- We recommend establishing clear and unambiguous standards for identification procedures to create consistent practices starting from detention, before placing a foreigner in a secure facility.
- Detention should be treated as a last resort, and regular health assessments should be conducted to prevent exposing potentially traumatized individuals to further harm. This would reduce the risk of a person remaining unidentified as a victim of violence despite a lack of effective verification at the outset of the procedure.
- Victims of violence and torture should have guaranteed access to professional and impartial psychological and medical support. Creating a system for rapid and adequate response to situations where a detainee's health deteriorates is crucial.
- Greater use of alternatives to detention, such as the obligation to report to a specific location, should be encouraged instead of placing individuals in secure facilities.
- We recommend increasing the number of translators and tools facilitating communication with foreigners, enabling them to freely share their experiences.

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<sup>17</sup> In light of Article 68 (1) (9) and (10) of the Act on Granting Protection to Aliens Within the Territory of the Republic of Poland of 13 June 2003, victims of torture and victims of violence qualify as vulnerable. Poland's Migration Strategy dated 17 October 2024, however, does not provide for specific additional support mechanisms beyond a general assurance of "protection for these individuals."

- An independent monitoring mechanism should cover procedures related to the detention of foreigners and the effectiveness of actions aimed at identifying victims of violence.

## **6. Enhancing the competencies of judges**

- It is necessary to disseminate information among judges adjudicating on detention cases about the possibility and necessity of using alternative measures as the primary means of limiting the freedom of migrants.

## **Identification and protection of minors in the context of detention of foreigners**

- Directive 2024/1346, as part of the Pact, establishes the principle that minors should not be placed in detention. According to the Pact, the best interests of the child must be paramount for member states. Member states are required to provide a standard of living that supports the physical, mental, spiritual, moral, and social development of minors.
- This represents a shift from the previous Reception Directive 2013/33/EU, which did not contain such explicit guarantees.
- Considering the necessity to also take into account the Convention on the Rights of the Child, jurisprudence of the European Court of Human Rights, the New York Declaration for Refugees and Migrants of 19 September 2016, we reiterate our call to introduce an absolute ban on migrant detention of children in national law.
- National legislation must operate on the assumption that depriving a child of liberty always has a negative impact, and the child's welfare must always take precedence over state migration policy and the desire to determine the child's legal status.
- Cases where the deprivation of liberty could be in the child's best interest and meet other conditions set out by the Pact will be, at best, rare. Even in such cases, ensuring the child's welfare can be achieved in non-custodial settings. Therefore, refraining from detaining children is also justified for practical and economic reasons, avoiding the need for complex legal regulations and the engagement of specialists to assess the welfare of children placed in detention. It is noteworthy that, to date, in all cases concerning the detention of minor migrants brought before the European Court of Human Rights against Poland, the Court has identified violations of human rights.
- In cases of doubt concerning the age of a person declaring themselves a minor, the age determination process must be documented and attached to detention case files to allow competent authorities to independently evaluate the evidence and procedure's validity.

## **Alternatives to detention**

Non-custodial alternatives to detention offer better protection of migrants' rights compared to deprivation of liberty in secure facilities. At the same time, they are more effective and less costly forms of control. They enhance the engagement of migrants in ongoing procedures and can improve the quality of public administration actions. The adopted government migration strategy does not address alternative measures to detention.

### **1. Priority of using alternatives to detention in all procedures**

- Under the Pact, detention remains a measure used only in exceptional cases when alternatives to detention cannot be applied (*Article 10(2) of the Reception Directive, Article 5(1) of the Regulation on the Return Border Procedure*). International law, through the principles of proportionality and necessity, also points to the requirement of using alternatives to detention. National law should therefore explicitly establish the principle of prioritizing non-custodial measures.
- Alternatives to detention should be prioritized during all procedures, including screening and border procedures. Their application is particularly significant for children, who should not be placed in detention (*see Recital 40 of the Reception Directive*).
- It should be noted that under the Screening Regulation, Member States are required to establish national laws ensuring that individuals subject to screening procedures remain available to authorities during the screening process (*Article 6 of the Regulation*).
- Member States have discretion over how this requirement is implemented. However, given that detention is a measure used only as a last resort, omitting the application of non-custodial measures during the screening procedure would be unacceptable. We therefore recommend that, under national law, non-custodial measures should, as a rule, be used to control foreigners in such cases.
- Similarly, the mere fact of applying the border (asylum or return) procedure should not automatically lead to detention and exclude the possibility of using alternatives to detention. During the asylum border procedure, the provisions of the Reception Directive indicating the priority of using alternatives to detention (*Article 10(2) of the Reception Directive*) should be observed, as well as the stipulation that the mere fact of applying for international protection or possessing a particular nationality cannot be the sole reason for detention (*Article 10(1) of the Reception Directive*).

### **2. Expanding the range of alternatives to detention:**

- We recommend introducing new types of alternatives to detention into national law. The current, closed catalogue of such measures in national law does not account for the needs of migrants. Under the Pact, Member States have the discretion to establish types of alternatives to detention.
- A broader range of possible alternatives will allow for better adaptation to the legal or factual situation of a given individual.

- Given the primacy of non-custodial measures, the mere lack of housing or adequate financial means for a foreigner should not be a barrier to applying alternatives to detention.
- The system of alternatives to detention should also include support in the form of case management. As shown by best practices in Poland and other European countries, alternatives to detention based on case management methods can be effective control measures while providing appropriate support and respecting migrants' rights<sup>18</sup>.

## **Return procedure**

(Regulation of the European Parliament and Council (EU) 2024/1349)

A key issue in the return procedure mechanism will be the placement of foreigners, who have been classified for deportation from Poland under the screening border procedure, in designated locations within the transit/border zone for a period of up to 12 weeks. Under EU provisions, the Polish state should provide these individuals with access to consultations (primarily legal and psychological). The requirement to remain in these zones should not apply to minors. Furthermore, only a competent court, based on the Polish Constitution, may order a 12-week stay in a designated transit/border zone location. Poland's Migration Strategy does not address these issues or specify the mechanism for establishing and operating such locations as indicated in Regulation 2024/1349.

### **1. Only a court may decide on the deprivation of a foreigner's liberty, regardless of its form.**

- In the context of mechanisms proposed by Regulation of the European Parliament and Council (EU) 2024/1349 of 14 May 2024, regarding the establishment of a return border procedure and amendments to Regulation (EU) 2021/1148 (hereinafter referred to as "Regulation 2024/1349"), it should be emphasized that based on the Polish Constitution, only a court can decide on the deprivation of liberty.
- Therefore, as with decisions regarding the placement of foreigners in detention, the competent court should also be responsible for rulings on 12-week stays in designated transit/border zone locations.

### **2. Exclusion of minors from mandatory stay in transit/border zones**

- Regulation 2024/1349 obligates Member States to prioritize the welfare of minor foreign nationals in the context of the return border procedure. Given this, and considering that placement in the transit/border zone equates to deprivation of liberty for those whose applications for international protection were rejected during the border procedure, we advocate for introducing provisions that exclude minors and their closest family

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<sup>18</sup> *W stronę wolności. Pilotaż środków alternatywnych do detencji, wspierających migrantów i migrantki*, [Eng. "Toward Freedom. Piloting alternative measures to detention to support migrants"], Stowarzyszenie Interwencji Prawnej, 2021, pp. 28–33, 48–49., <https://interwencjaprawna.pl/wp-content/uploads/2021/01/W-strone-wolnosci -RAPORT SIP.pdf>,

members from the requirement to remain in designated transit/border zone locations for 12 weeks if their application is rejected under the asylum procedure.

### **3. Ensuring appropriate living conditions for foreigners in transit/border zones**

- We indicate that Poland is obligated to provide foreigners, whose applications for international protection have been rejected, with adequate living conditions compliant with Articles 19 and 20 of Directive 2024/1346 in designated transit/border zone locations for a 12-week stay.

### **4. Access to legal and psychological assistance during the return border procedure**

- We emphasize that organizations providing legal and advisory assistance to foreign nationals should have access to third-country nationals at both the asylum border procedure stage and the return border procedure stage. In the case of provisions outlined in Article 6(3) of Regulation 2024/1349, such access may be limited, but restrictions must not be excessive.
- This is particularly relevant for legal and psychological assistance, which should be available to foreigners throughout their stay in the territory of Poland and be unrestricted.

## **Legal assistance**

The current system of legal assistance for foreigners in detention, applying for international protection or undergoing return procedures, relies on a network of expert organizations that provide free legal assistance to foreigners. However, such organizations receive no support from the Polish state. Unfortunately, the topic of creating a systemic legal aid framework based on the knowledge and experience of expert organizations has been omitted in the government's Migration Strategy.

### **1. Free legal assistance**

- Foreigners must have access to free legal assistance and free legal representation at all stages of the process of applying for international protection.
- Information about the possibility of receiving free legal assistance and legal representation should be provided at the time of submitting an application for protection.

### **2. Role of expert organizations in providing free legal assistance**

- We recommend that expert organizations be the primary entities providing free legal assistance to foreigners during both the procedure for applying for international protection and the return procedure.
- Collaboration between local governments and expert organizations should be encouraged in training administrative staff involved in issuing administrative decisions related to international protection and return procedures.

### **3. Improving access to case files**

- We propose that case files for international protection and return proceedings be made available to parties and their legal representatives in electronic form. Files would be provided electronically through an IT system upon submission of a relevant request and after the party or their representative is authenticated using a trusted profile or qualified electronic signature.

## **Psychological assistance**

### **1. Mental Health and Psychosocial Support (MHPSS) Pyramid**

- Mental health planning should be done in accordance with this concept, including:
  - Creating an environment conducive to mental health, taking into account the impact of border procedures, detention, and other processes on mental health to avoid unnecessary suffering (e.g., avoiding the negative effects of repeatedly extending detention periods).
  - Preparing non-psychologists to provide basic mental health support (psychological first aid).
  - Providing support from specialists trained in relevant areas, such as psychologists and crisis intervention workers.
  - Ensuring effective access to psychiatrists.

### **2. Availability of psychological assistance:**

- A well-functioning support system must respond to the real needs of those receiving assistance, including in detention settings.
- Collaboration with external psychologists, independent from entities involved in border, deportation, or detention procedures, is recommended. For many individuals, assistance from officials may be difficult to accept and prove ineffective solely due to their professional affiliation.
- Special training for interpreters capable of assisting communication with speakers of rare languages is recommended.
- Continuous education opportunities for psychologists working with migrants and access to regular supervision should be ensured.

### **3. Psychological support for children and vulnerable groups**

- Procedures stipulated in the Pact ensure access to healthcare for children on par with Polish children and access to education within two months of applying for refugee

status. Detention has a negative impact on a child's development, and border procedures may be a traumatic experience.

- We recommend conducting procedures involving children and vulnerable groups as quickly as possible, avoiding detention, and using alternatives for families with children, while considering the best interests of the child at every stage.
- Unaccompanied children on Polish territory should be afforded special care and protection.

#### **4. Competence and staffing levels:**

- A comprehensive program should be designed to prepare psychologists to work with migrants covered by the Pact's provisions, ensuring a sufficient number of specialists to meet needs. Key areas of competence should include (cumulatively):
  - Knowledge of the languages spoken by the individuals receiving assistance, as well as the ability to conduct psychological work through interpreters;
  - Intercultural competencies;
  - Specialized competencies, including trauma and PTSD work, working with children with migration experiences, and crisis intervention skills.

Poland's Migration Strategy fails to address the mental health needs of migrants.

### **Reception, inclusion, and integration**

(Directive of the European Parliament and of the Council on Reception Conditions (2024/1346), Qualification Regulation of the European Parliament and of the Council (2024/1347))

According to the *Migration Strategy*: "The goal of integration policy is to incorporate foreigners into society, allowing for the full utilization of their potential." While we agree with the essence of this statement, we caution that Poland should refrain from using assimilation tools that compel foreigners to abandon their values in favour of those prevailing in Poland. The aim of Polish policy should be to foster a community of universal values, taking into account multiculturalism and multi-faith.

To achieve genuine inclusion and integration, the current reception system for applicants for and beneficiaries of international protection must be reorganized to ensure, in accordance with the *Pact's* provisions, its efficiency, accessibility to integration resources, and an appropriate standard of living. Facilities located far from cities, lack of available Polish language courses, limited access to the labour market, and the non-recognition of professional qualifications contribute to social and economic exclusion of refugees, which the authors of the *Strategy* recognize as a failure of integration policy. We recommend an alternative reception model based on inclusion and hospitality, promoting self-sufficiency and agency, while guaranteeing adequate support and protection for vulnerable groups. In implementing the *Pact*, Poland can benefit from both expert and financial support offered by the European Union, including the dedicated Technical Assistance Facility.

**1. Recognition of qualifications and "skills validation";**

- Applicants for and beneficiaries of international protection most often possess knowledge, professional skills, and abilities that can help them achieve self-sufficiency and contribute to the host society.
- We recommend introducing effective procedures for recognizing foreign diplomas, certificates, and other formal proofs of qualifications, particularly in cases where some or all formal documentation is missing (see Recital 71 of the Qualification Regulation).
- Funding should also be provided for such recognition procedures if costs cannot be covered by applicants (see Recital 71 of the Qualification Regulation).
- Additionally, access to career counselling, courses for acquiring or retraining professional skills, including supporting access to the labour market for persons with disabilities, should be guaranteed and funded.

**2. Access to tools for integration into society should be available from the moment an application for international protection is submitted, including:**

- Adequate staffing is needed to ensure that refugees already in the process of applying for international protection have real access to:
  - High-quality Polish language courses (see Article 18 of the Reception Directive and Recital 74 of the Qualification Regulation).
  - Vocational training and courses related to labour market functioning, including worker protection.
  - Cultural orientation and civic education training,
- Refugees should be granted the earliest possible, and preferably uninterrupted (including during appeal procedures), access to the labour market.
- The amount of financial benefits for daily expenses should be differentiated to match the individual situation of the foreigner and must be indexed at least once a year. Benefits should be distributed in a manner that ensures dignified usage, including in cash, vouchers, or prepaid cards (see Recital 8 of the Reception Directive).

**3. Development of infrastructure designed to accommodate applicants for international protection:**

- We recommend prioritizing individual housing over collective accommodation, based on:
  - Non-facility-based benefits tailored to market realities,
  - Sheltered housing financed or co-financed from public funds,
  - Support for housing offered by private individuals or communities,
  - Alternatively, small open facilities in urban areas with access to a diverse labour market.



#### **4. Genuine support in the period immediately following the granting of international protection**

- The implementation plan should include specific measures to equalize opportunities for individuals granted international protection within Polish society from the moment they are covered by such protection (see Recital 71 of the Qualification Regulation), including continuous access to the tools mentioned in item 2.
- We recommend introducing a settlement support system to provide affordable housing, e.g., through social rental agencies.
- Dedicated programs for vulnerable groups with limited opportunities to enter the labour market, including the elderly, single parents, persons with disabilities, or chronic illnesses, are necessary.
- We recommend amending regulations to enable social security benefits (including health-related pensions or retirement benefits) for individuals with no employment history in Poland.

#### **Independent mechanism for monitoring of fundamental rights**

(Article 10 of the Screening Regulation and Article 43(4) of the Asylum Procedure Regulation)

According to the proposed *Migration Strategy*, the Ombudsman and the Ombudsman for Children (in the case of minors) should create a model for monitoring the procedure for obtaining national and international protection. In contrast, the *Pact* presents a solution for an independent mechanism to monitor fundamental rights, whose scope of competence goes far beyond just the asylum procedure.

Additionally, according to [Guidance from the EU Agency for Fundamental Rights \(FRA\)](#), social organizations should be particularly involved in the creation and implementation of this mechanism. In our view, work on this mechanism should begin immediately, as the crisis on the Polish-Belarusian border makes monitoring the situation crucial, especially with the enforcement of a “no-entry zone.”

##### **1. Legal basis and independence**

- The monitoring mechanism should have legally guaranteed independence, comparable to institutions like the Ombudsman or the Ombudsman for Children. At the same time, it is not recommended to assign the functions of the monitoring mechanism to any of these institutions. For both, it would be an additional burden on top of their current functions (the Ombudsman already serves as the equality body, the National Preventive Mechanism against Torture, the body performing tasks under the Whistleblower Protection Act, and a monitoring body for implementing UN Convention on the Rights of Persons with Disabilities), which may lead to inefficient implementation of new responsibilities.
- The mechanism's independence should be ensured structurally, operationally, financially, and in terms of staffing. The mechanism must have sufficient public funding

to carry out its activities, and its members must have expert knowledge of fundamental rights and migration law. Additionally, mechanism staff must be provided with protection against potential hostility and reprisals from other state institutions.

- The independence of the mechanism should be continuously verified, for example, by a specially appointed body composed of representatives from academia, social organizations, EU institutions, and international organizations (such as an Advisory Council).

## **2. Scope of competence:**

- The mechanism should have the authority to assess the observance of fundamental rights during border, asylum, return (including so-called voluntary returns) and detention procedures for foreigners, with a particular focus on dignified treatment, adequate living conditions in reception and detention facilities, and the availability of effective remedies.
- The mechanism should closely monitor compliance with the non-refoulement principle. This requires monitoring the actions of the services, including the Border Guard, to ensure compliance with international law, including the Geneva Convention and the EU Charter of Fundamental Rights. In this regard, personnel employed by the mechanism (permanent staff or invited experts) should be able to conduct unannounced inspections at any detention facility or where potential violations of fundamental rights or migration law may occur. Representatives of the mechanism should have access to all relevant documents, including internal records, case files, and individual and collective medical documentation. Access to classified information should be granted under rules governing the sharing of such information. The regulations governing the activities of the National Preventive Mechanism against Torture should serve as a model for these regulations.
- The mechanism's scope of competence should also include monitoring and assessing access to legal assistance and information on the rights available to foreigners, including remedies.
- According to FRA<sup>19</sup> guidance, the mechanism should have "unimpeded access to observe

all border operations at any time. It should be able to access remote border surveillance, monitor apprehensions and inspect all designated detention areas."

- The mechanism's mandate should cover the entire territory of the Republic of Poland without the possibility of limiting its scope through regulations or laws, regardless of crisis situations. It should also extend to territories abroad where Polish authorities have jurisdiction over migrants, such as during return operations. Monitoring should also include the situation after a person is returned to their country of origin (or another third country to which they have been expelled) to ensure that their fundamental rights are not violated there.

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<sup>19</sup> [Establishing national independent mechanisms to monitor fundamental rights compliance at EU external borders](#), FRA - European Union Agency for Fundamental Rights, 2023, p. 5.

- The mechanism should have the right and necessary powers to access all documents, records, and registries, including files, video recordings, and electronic records relevant to its mandate, along with the right to interview individuals<sup>20</sup>.

### **3. Strengthening protection for vulnerable people:**

- The monitoring mechanism should ensure that vulnerable groups, such as women, minors (including unaccompanied minors), persons with disabilities, or members of the LGBTQI+ community, receive appropriate protection, including adequate conditions in detention facilities and access to medical and legal assistance.
- The mechanism should also monitor the procedure for placing foreigners in detention, ensuring it is used only in justified cases and in accordance with national and EU regulations, particularly concerning applicants for international protection, minors, also in terms of assessing their age, and in cases where detention could pose a risk to the foreigner's life or health or when the person's physical or psychological condition suggests they may have been subjected to violence.
- Actions aimed at effectively combating human trafficking and supporting its victims should also be subject to the mechanism's monitoring.

### **4. Effective complaint mechanisms:**

- Effective mechanisms for monitoring fundamental rights should include procedures that allow individuals whose rights have been violated, as well as others who have knowledge of possible violations (e.g., NGO workers and volunteers), to file complaints.
- The procedures should be easily accessible, and victims should be informed of their rights and the possibility of filing complaints.
- The complaint system should guarantee anonymity and protect whistleblowers from possible reprisals.
- The complaint mechanism must be effective—capable of quick intervention to prevent escalation of violations or counter irreversible harm (e.g., deportation of a person from Poland or ordering the return of a person to Poland when their fundamental rights, such as life and freedom from torture, are at risk in the country to which they have been returned).

### **5. Real-time monitoring and response:**

- We recommend establishing mechanisms for continuous monitoring of the situation at borders, in detention facilities, and other places where fundamental rights violations may occur. Constant surveillance allows for immediate responses to violations.
- Mechanism should have the authority to respond promptly to reported rights violations, including on-site investigations, recommending corrective actions, and quickly intervening in urgent cases, such as crises at borders or in detention facilities, to prevent further violations. State authorities responsible for monitored facilities and places

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<sup>20</sup> *Ibidem*, p. 6.

should be obligated to notify the monitoring mechanism of any extraordinary events that may involve a risk of fundamental rights violations.

- An essential component of the monitoring mechanism is enabling independent observers, including NGOs, access to the border zone. This ensures compliance with international standards in the actions of the Border Guard.

#### **6. Systematic reporting and monitoring of implementation:**

- Monitoring mechanisms should regularly (at least annually) publish their control and inspection findings.
- The government should be obligated to formally respond to each recommendation presented by the monitoring mechanism, explaining how and when it intends to implement it.
- The government should regularly publish reports on the progress of implementing recommendations. Such systematic monitoring of progress allows for the assessment of whether recommendations are being practically implemented and what obstacles exist.
- Implementation of the recommendations should be monitored by parliament, which can put in place mechanisms to oversee the government's human rights protection activities. Parliamentary committees can receive regular reports from the monitoring mechanism and the government.
- National audit bodies, such as the Polish Supreme Audit Office or the Ombudsman, should also be involved in monitoring the government's efforts to implement the mechanism's recommendations.

#### **7. Training and capacity building:**

- Those involved in monitoring fundamental rights, including members of monitoring mechanisms, should receive regular training so that they are familiar with current human rights standards and EU and international laws.
- One of the mechanism's tasks should be the regular training of services, including the Border Guard, Police, as well as staff of facilities for foreigners, on human rights protection. Best practices include training tailored to various levels of administration and sectors related to migration and asylum.

#### **8. Cooperation:**

- An essential part of the mechanism should be active and close cooperation with social organizations that play a crucial role in monitoring human rights and providing independent analysis. The monitoring mechanism may also include appropriate international and non-governmental organizations and public bodies independent of border control authorities, which may be entrusted with carrying out some tasks<sup>21</sup>.

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<sup>21</sup> Regulation (EU) 2024/1356 of the European Parliament and of the Council of 14 May 2024 introducing the screening of third-country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817, Article 10(2)

- Organizing forums or dialogue platforms involving civil society, experts, media, and other stakeholders can help identify problems and create recommendations to improve the mechanism's effectiveness.
- Close cooperation between the mechanism and international institutions and organizations such as UNHCR, FRA, EUAA, or IOM is necessary to ensure that monitoring standards align with international obligations.
- Regular sharing of experiences and best practices with other countries and international agencies can improve the quality of fundamental rights monitoring.

#### **9. Evaluation and analysis:**

- Regular evaluation of the performance of the monitoring mechanism allows for the identification of gaps and areas for improvement. The evaluation should include indicators related to respect for fundamental rights, response times to reports, and the effectiveness of the complaint system.
- The mechanism should base its reports on reliable and objective data, analyses, and research, which increases the credibility of recommendations.
- It is essential to establish minimum standards for mechanisms across the EU to ensure comparable levels of protection for migrants throughout all member states.

#### **10. Sanction mechanisms:**

- Consideration should be given to introducing mechanisms recommending appropriate sanctions in cases of systemic violations, including cooperation with law enforcement and the courts.
- The mechanism may include administrative or financial sanctions if the government fails to implement the monitoring mechanism's recommendations within a specified timeframe. Sanctions may be imposed by relevant oversight institutions (e.g., the Supreme Audit Office).

## ANNEX – LIST OF LEGAL ACTS

Directive (EU) of the European Parliament and the Council of 14 May 2024 laying down standards for the reception of applicants for international protection (OJ L, 2024/1346).

Regulation (EU) of the European Parliament and of the Council of 14 May 2024 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted (OJ L, 2024/1347).

Regulation (EU) of the European Parliament and of the Council of 14 May 2024 establishing a common procedure for international protection in the Union (OJ L, 2024/1348).

Regulation (EU) of the European Parliament and of the Council of 14 May 2024 establishing a return border procedure (OJ L, 2024/1349).

Regulation (EU) of the European Parliament and of the Council of 14 May 2024 establishing a Union Resettlement and Humanitarian Admission Framework (OJ L, 2024/1350).

Regulation (EU) of the European Parliament and of the Council of 14 May 2024 on asylum and migration management, amending Regulations (EU) 2021/1147 and (EU) 2021/1060 and repealing Regulation (EU) No 604/2013 (OJ L, 2024/1351).

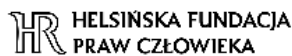
Regulation (EU) of the European Parliament and of the Council of 14 May 2024 amending Regulations (EU) 2019/816 and (EU) 2019/818 for the purpose of introducing the screening of third-country nationals at the external borders (OJ L, 2024/1352).

Regulation (EU) of the European Parliament and of the Council of 14 May 2024 introducing the screening of third-country nationals at the external borders (OJ L, 2024/1356).

Regulation (EU) of the European Parliament and of the Council of 14 May 2024 on the establishment of 'Eurodac' for the comparison of biometric data in order to effectively apply Regulations (EU) 2024/1351 and (EU) 2024/1350 of the European Parliament and of the Council and Council Directive 2001/55/EC and to identify illegally staying third-country nationals and stateless persons and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, amending Regulations (EU) 2018/1240 and (EU) 2019/818 of the European Parliament and of the Council and repealing Regulation (EU) No 603/2013 of the European Parliament and of the Council (OJ L, 2024/1358).

Regulation (EU) of the European Parliament and of the Council of 14 May 2024 addressing situations of crisis and force majeure in the field of migration and asylum (OJ L, 2024/1359).

Prepared by social organizations offering legal, integration, and humanitarian support to migrants in Poland.



# Recommendations for the Polish National Implementation Plan of the EU Pact on Migration and Asylum

14.11.2024