1 “Asylum Suspension Act” in practice

New Regulation Effects

29 May 2025

The amendment to the Act on Granting Protection to Foreigners on the Territory of the Republic of Poland introduces a number of significant changes, including:

- Introduction of the definition of **“instrumentalization” of migration as grounds for suspending the right to apply for international protection;**
- Expansion of the **grounds for revoking refugee status** to include:
  - Threat to the national security of the host country,
  - Conviction for a serious crime combined with posing a threat to society;
- Possibility to temporarily restrict the right to apply for international protection;
- Specification of exceptions to which these restrictions do not apply.

Suspension of Asylum

Practical implementation:

- Under the regulation of 27 March 2025, the right to apply for international protection at the Belarusian border has been suspended for 60 days, until 26 May 2025.

“Asylum Suspension Act” in practice

New Regulation Effects

The act on the possibility of temporarily suspending the right to asylum was passed by the parliament in March 2025.

The act does not automatically mean the suspension of the right to asylum – it can be suspended by a regulation. The Sejm must always approve the extension of the validity of such a regulation.

The first such regulation lasted until May 26 and now was extended for another 60 days.

Suspension of Asylum

In its resolution, the government justified that :

*"organized migration pressure is still ongoing on the border with Belarus, which poses a serious threat to the security of the state and Polish citizens". At the same time, it indicated that the operation of the temporary restriction of the right to asylum brings the desired effects: "first and foremost, it acts in a preventive manner, making it difficult to use the international protection procedure to cross the border and **legalize stay** in Poland for the purpose of further travel to EU countries".*

366 MPs voted in favor of suspending the right to asylum.
17 voted against.
No one abstained.

2 Situation at the Polish-Belarusian border:

Record low number of applications for protection since May 2021

According to Lt. Col. Andrzej Juźwiak, spokesman for the Commander-in-Chief of the Border Guard, from 27 March to 22 May 2025,

over 6,100 attempts to irregularly cross the Polish-Belarusian border were recorded along the entire section of the border, while in the same period last year there were **over 11,700.**

97% decrease

The suspension of asylum has caused a nearly thirty-fold decrease in the number of applicants – by almost 97 percent. The number of attempts to cross the border, which is monitored by special algorithms on a network of cameras placed along the dam, and recently also in the marshes, has also decreased **by almost half.**

In the first two months, applications for international protection were accepted from only 29 foreigners from sensitive groups excluded from the ban. These included a 77-year-old citizen of Russia, two 17-year-olds from Yemen and Syria, and two pregnant women from Cameroon.

How many foreigners were refused based on the new law?

Only 23 persons filed such an application. A year earlier, in the same period, from March 27 to May 22, 2024, foreigners filed nearly 800 applications for protection in the Podlaskie and Nadbużański Border Guard Divisions, which covered over 860 people.

3 POST-TPD Legal Landscape

- Draft New Law on Assistance to Ukrainians expected by mid-June
- Still no possibility of applying for CUKR Post-TPD 3-year residence permit
- Issues with relocating TPD-holders

4 UNHCR Recommendations

UNHCR Recommendations on the continued use of Temporary Protection and Guiding Principles for Transition in relation to the Ukraine Refugee Situation
May 2025

https://www.refworld.org/policy/countrypos/unhcr/2025/en/150064

- States should not forcibly return Ukrainians, including those with rejected asylum claims.
- Return should be voluntary, informed, and dignified.
- Vulnerable individuals (older people, person with disability, person with serious medical condition) are at risk from premature return.

Continued Need for Temporary Protection

- Conflict conditions do not currently support safe, voluntary returns. Note: UNHCR non-return advisory still in place for Ukraine
- TP remains a pragmatic and essential protection tool, avoiding overburdening asylum systems.
- UNHCR recommends extending TP by at least 12 months beyond current expiry (March 2026 in the EU).
- Extension should apply to all beneficiaries, regardless of origin within Ukraine.

UNHCR Recommendations

UNHCR Recommendations on the continued use of Temporary Protection and Guiding Principles for Transition in relation to the Ukraine Refugee Situation
May 2025

Guiding Principles for Transition

- A coordinated, gradual transition is essential to avoid protection gaps and secondary displacement.
- Key recommendations include:
- Informing refugees about their options via impartial information and counseling (e.g., "Ukraine is Home" platform).
- Developing longer-term residency options that are simplified and inclusive, especially for vulnerable people.
- Making use of flexible arrangements under the Temporary Protection Directive (e.g., continued access to rights during voluntary return or school attendance).
- Avoiding over-reliance on asylum systems, while preparing them for a potential increase in applications.

UNHCR Recommendations

Return and Reintegration

- Modest financial aid may support voluntary returns, but large cash incentives are discouraged due to social cohesion risks.
- Investment should focus on reconstruction and services in Ukraine, not on incentivizing return.
- Short visits to Ukraine (under 3 months) should not affect refugee status.

Key UNHCR Recommendations

1. Extend TP arrangements for at least 12 more months.
2. Coordinate transition planning among host states and the EU to avoid premature or disorganized returns.
3. Support voluntary, informed decisions by refugees, and prepare asylum systems and alternative residency pathways