Save the Children

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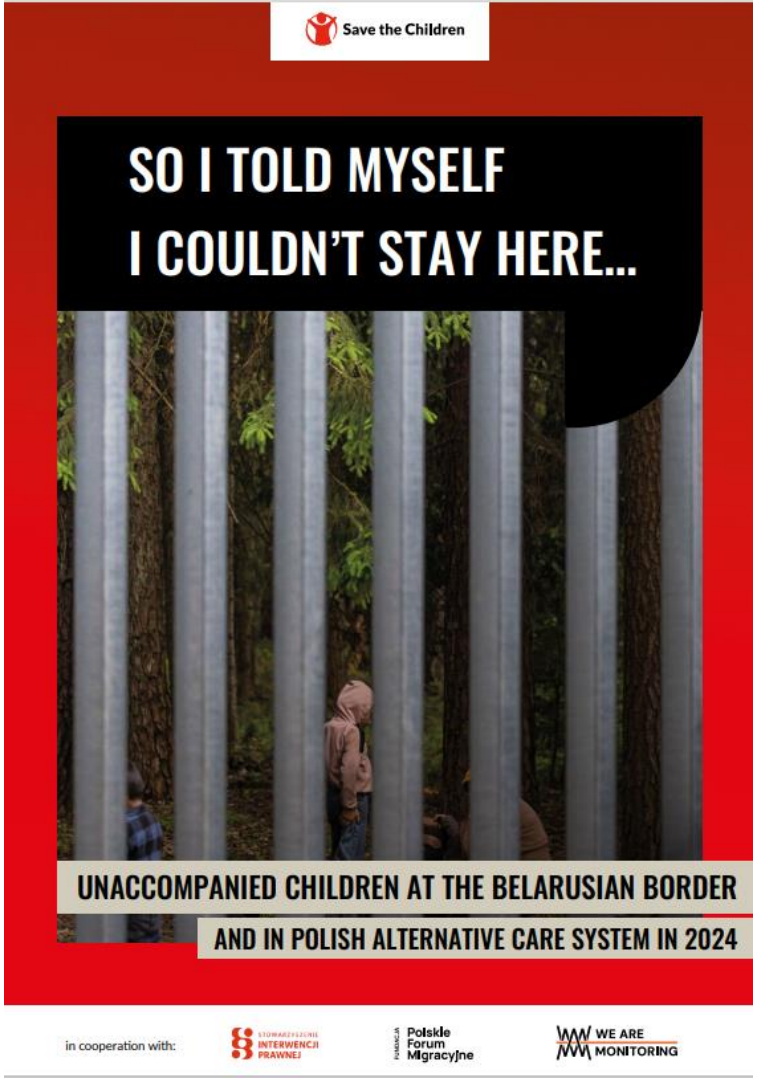

Who?

Children crossing the Polish-Belarusian border – unaccompanied minors

What?

Is the best interest of unaccompanied children in Poland being upheld?

When?

Year 2024

We are examining the journey of the children at different stages:

I. Access to the territory and the situation at the Polish-Belarusian border

II. Initial securing of the unaccompanied child's situation and systemic issues

III. Reception in alternative (institutional) care

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STOWARZYSZENIE INTERWENCJI PRAWNEJ

FUNDACJA Polskie Forum Migracyjne

WE ARE MONITORING

Research team:
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Support:
Piotr Winiarczyk | We Are Monitoring

Methodology:

- Legal analysis
- Analysis of existing data from the association “We Are Monitoring”:
  - Quantitative data, notes, interviews
- Quantitative data: Office for Foreigners (UdSC), Border Guard (SG), selected district courts*
- In-depth individual interviews: care leavers, foster care workers, guardians and legal representatives, volunteers and NGO workers

Research limitations, including:

- Lack of voice from the Border Guard

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XX category of unaccompanied children

XX number of unaccompanied children

* A1 and A2 refer to the same category of unaccompanied children - their values should be equal

** A3 and F1 refer to the same category of unaccompanied children - their values should be equal

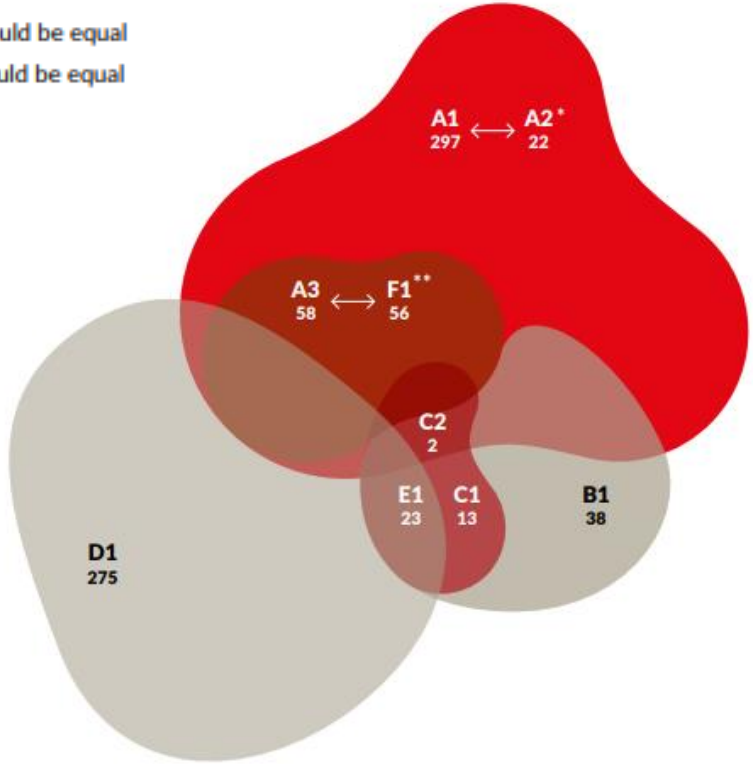
Scale of the phenomenon

What can we determine, and what can't we determine?

A3 – Unaccompanied minors who applied for international protection at Border Guard facilities near the Polish–Belarusian border:
58 individuals

A1 – Unaccompanied minors who applied for international protection (total):
297 individuals

Unaccompanied minors who requested humanitarian assistance on both sides of the Polish–Belarusian border:
367 individuals



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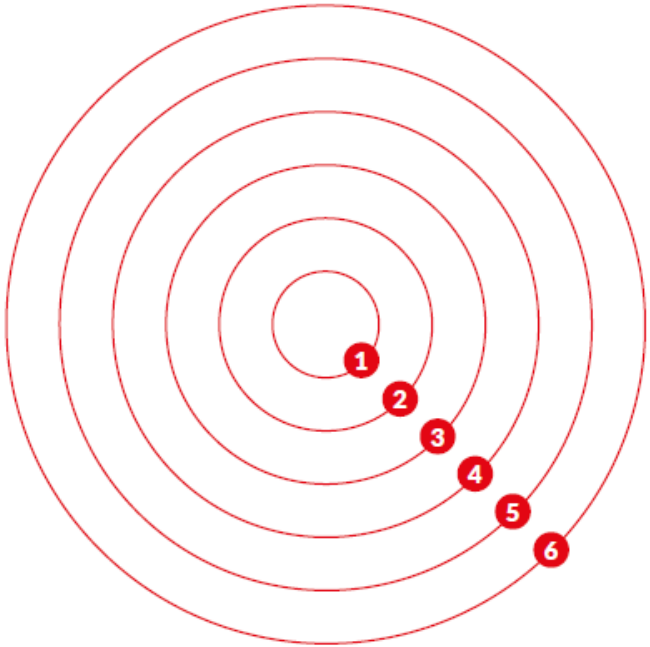
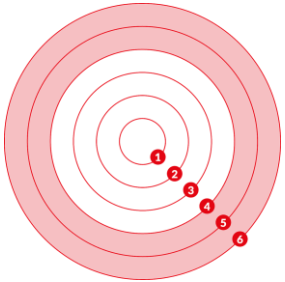
ACCESS TO RIGHT PROTECTION AND IMPLEMENTATION IN CASE OF CHILDREN WHO CROSS THE POLISH-BELARUSIAN BORDER IRREGULARLY



1. Children, who were identified as minors, submitted an application for international protection and were placed in foster care
2. Children, who were identified as minors, submitted an application for international protection and were placed in a place outside the foster care system which is not adjusted to children's needs
3. Children who were identified as minors but who left Poland and didn't apply for international protection or interrupted the procedure for protection (as a result of the slowness of the system, lack of information, being involved in human trafficking or independent decision)
4. Children who were not identified as minors but who submitted an application for international protection and were referred to a detention centre for foreigners (open or guarded)
5. Children who were not identified as minors, didn't apply for international protection and continue their irregular migration to Western Europe
6. Children who were pushed back to Belarus without any attempt to determine their age

AT THE BORDER



Violence children are exposed to:

- **On the Belarusian side:** beatings, dog attacks, sexual violence, destruction or theft of property
- **On the Polish side:** beatings, painful handcuffing, denial of access to water, medicine, doctors, destruction and confiscation of property, intimidation
- **In countries of origin**

2024:

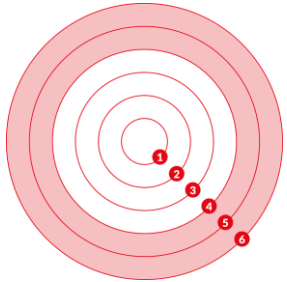
- **Protection through presence:** declarations of intent to apply for protection were registered if activists were present
- In solo attempts, cases occurred where minor status was challenged, no age assessment was conducted — and the person was pushed back.

Since 27.03.2025:

- The risk of pushback is so high that very few people choose to apply for protection.
- **"Statements of no intent to seek protection"**
- The process of identifying children is discretionary, based on visual assessment.

> *It turned out that [the previously reported] heart problems were caused by hypothermia. Three people from Somalia. I. [...] 17 years old, E. [...] 17 years old, O. [...] 16 years. Soaked after crossing rivers four times (three times in Belarus and the last was the border river). One person received [pre]medical assistance. They said he lost consciousness for about an hour last night. The boys spent 3 days in the forest on the Belarusian side, and a few hours in Poland (the first time). (ED_WAM_11_24)*

AT THE BORDER



Requests for assistance in May 2025 – Humanitarian aid at the border				
	GROUPS	INDIVIDUALS	CHILDREN (INCL. UNACCOMPANIED)	WOMEN (INC. PREGNANT)
IN TOTAL:	**207**	**341**	**27 (24)**	**30 (1)**
among them from Poland:	77	155	14 (14)	4 (0)
among them from Belarus:	100	115	9 (7)	15 (0)
among them from *muharrama:*	16	41	4 (3)	6 (0)

Data provided by We Are Monitoring

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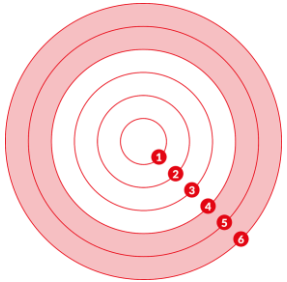
AT THE BORDER

Recommendations



It is urgent to **cease the extension of the so-called suspension law**, which – under the current regulation – **prevents the submission of applications for international protection** along the border with Belarus.

These provisions **make it impossible to conduct individual assessments**, including a **reliable evaluation of the age** of individuals claiming to be minors. The **lack of clearly defined procedures** increases the risk of **arbitrary decisions by Border Guard officers** and exposes children to **pushbacks**.

There is an urgent need to **establish an independent monitoring mechanism** for actions involving children at the border. This should include **the identification of minors**, **access to asylum procedures**, and **documentation of rights violations** – with **guaranteed, ongoing access to the border zone and locations where children are staying**.

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AGE ASSESSMENT

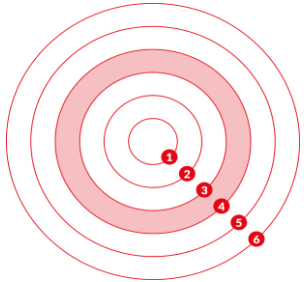


TABLE 3 . PERSONS REFERRED FOR AGE ASSESSMENT AT BORDER GUARD POSTS NEAR THE POLISH-BELARUSIAN BORDER – DIVIDED INTO PERSONS RECOGNIZED AS MINORS AND ADULTS, AND BY MOST FREQUENTLY INDICATED COUNTRIES OF ORIGIN.

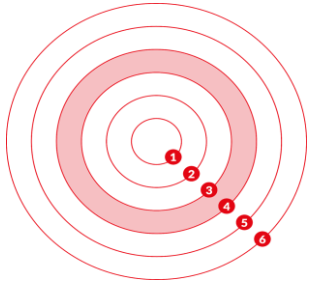
COUNTRY OF ORIGIN	NUMBER OF PERSONS RECOGNIZED AS MINORS	% OF PERSONS RECOGNIZED AS MINORS	NUMBER OF PERSONS RECOGNIZED AS ADULTS	% OF PEOPLE RECOGNIZED AS ADULTS	TOTAL
Somalia	15	8	175	92	**190**
Jemen	4	36	7	64	**11**
Iran	9	82	2	18	**11**
Erytrea	1	10	9	9	**10**
Maroko	2	20	8	80	**10**

NUMBER OF PERSONS RECOGNIZED AS MINORS	% OF PERSONS RECOGNIZED AS MINORS	LICZBA WSZYSTKICH OSÓB UZNANYCH ZA PEŁNOLETNIE W 2024 R.	% OF PEOPLE RECOGNIZED AS ADULTS	TOTAL
48	**17%**	**238**	**83%**	**286**

Source: data provided in response to a request for access to public information by the Podlaskie and Nadbużański Border Guard Units.

AGE ASSESSMENT

Recommendations

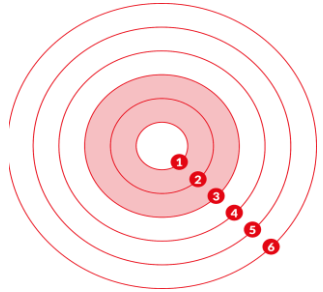


A **fundamental change in the approach to age assessment** for individuals claiming to be minors is urgently needed. In light of the implementation of the **EU Pact on Migration and Asylum** and planned reforms to the **EU return system**, it is essential to introduce a **multidisciplinary, transparent procedure**, with the **best interests of the child** as its core principle.

The design of this procedure should **involve independent experts, civil society organizations, the academic community, and the Ombudsperson for Children**.

A **formal appeals procedure** must be established to **challenge the outcome of an age assessment**, or a procedure enabling a **re-examination upon request** by the concerned individual or their legal representative.

A SYSTEM THAT PUSHES PEOPLE OUT?



I had to spend the whole day trying to find the name of the legal guardian. The Border Guard knows nothing, there are no documents. We have to beg to get any documents for this child. I have to write official letters to the court asking them to inform us whether the child has a legal guardian, or to the Office for Foreigners asking whether the child has international protection. (INT_CG_1)

[Director of a care and educational facility about one of the wards] He didn't know what to do. Whether to stay or go. Because he was receiving comprehensive support from us, NGOs, and private individuals. And he was fighting. He was fighting with himself, while deciding what to do. (INT_CG_3)

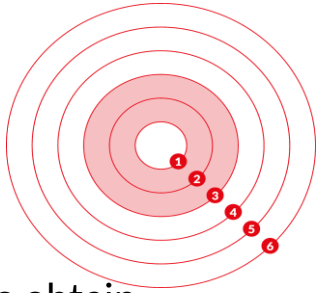
I will never forget the first day I spent there. When I was taking a shower... because of the phobia I had, I was afraid of water. I couldn't step into the shower, under the water, and bathe, because of the experiences I had in the forest when I crossed the border. It was very rainy at that time. (INT_CL_3)

Most of all when I got to school, I made friends, buddies. Those two days when I was without school, it was really boring for me. I wanted time to pass quickly so I could go back to school. But here, in this house, I don't know, I'm bored. I feel like I'm an outsider. (INT_CL_2)

When I came back from school, this lady [foster carer] kept bothering me, asking what I was doing here, why I was here, and told me to go to Germany, that life is better there, that it's better there, asking what I was doing here, told me to just leave. And she kept talking about it, asking what I was doing here. I asked her if it's really that good over there, and she said yes. So I answered, 'Why don't you go there yourself, if it's so good there?' (INT_CL_1)

A SYSTEM THAT PUSHES PEOPLE OUT?

Recommendations

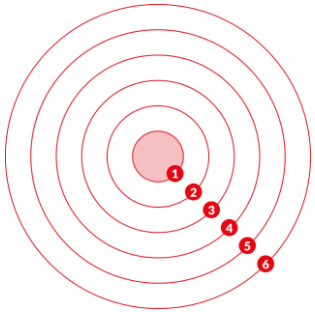


It is essential to **create an easily accessible pathway** for **foster caregivers** to obtain **professional translation support**.

There is a pressing need to **develop local cooperation frameworks** between **care institutions** and **non-governmental organizations**, aimed at implementing a **model of individualized and coordinated support for children**.

Efforts should be made to **launch a dedicated program** to **prepare foster families** for **caring for foreign children**.
Drawing on the experiences of other countries, the **development of intercultural family-based care** can involve the **diaspora and multicultural families**.

GUARDIAN & LEGAL REPRESENTATIVE



- **DISPERSAL OF RESPONSIBILITY**
  - Guardian (Kurator)
  - Factual caregiver
  - Legal guardian

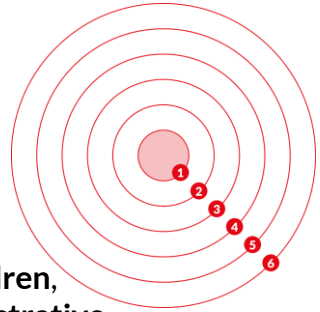
> *Many people would say that these are just technical duties related to the procedure in this particular case, where you are authorised to perform this function as part of the proceedings. So outside of these proceedings, you are not a legal guardian, you have no connection with the person — with the minor. So from this perspective, you could say that you are a quasi-representative, and that's it, right? However, I approach it a little more broadly. Because I see that these other needs are often not secured, not 'taken care of'. (INT_LG_5)*

- **LACK OF SUPPORT**
  - Financial
  - Logistical
  - Informational

> *So I don't think there are any heroic legal guardians who would do that, because their usual professional duties take up their time. Fortunately, we have an organisation that can get involved and cover these costs from its own resources and so on. (INT_LG_4)*

GUARDIAN & LEGAL REPRESENTATIVE

Recommendations



It is **urgent to introduce into the Polish legal system** the role of a **Representative for Foreign Children**, responsible for the **comprehensive representation** of the child in all areas of life – **legal, administrative, social, and health-related**.

The representative should:

- **Act in the best interests of the child**,
- Possess **appropriate qualifications**,
- Be **adequately compensated**, and
- Be supported by a **systemic institutional framework**.

It is also essential to **establish a specialized institution** or designate an **existing authority** to take responsibility for the **central coordination and monitoring** of all actions concerning **unaccompanied foreign minors**. This body should:

- Ensure **consistency of procedures**,
- Implement **child protection standards**, and
- Monitor the **situation of children in alternative care**.

PROGRAMME BY SAVE THE CHILDREN POLAND

ROAD: Rozwój i Ochrona Dzieci w Drodze

1. We support children in care facilities located in **central Poland** and in the **Podlaskie Voivodeship**, using the **case management** method.
2. We have **trained nearly 40 guardians and caregivers** from facilities that most often receive children arriving from the **Polish–Belarusian border**.
3. **EGALA Association**: provides **psychosocial support** for **entire child communities** in care facilities.
4. **Coming soon**: informational materials **for children**, tailored to **their specific needs**.
5. **Advocacy** work is also ongoing.

Here we receive REFERRALS to the ROAD program

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Thank you!

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