

Poland Detention Profile

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One of Europe's key border states, Poland has found itself increasingly under pressure from its European Union (EU) neighbours to interdict asylum seekers and irregular migrants attempting to enter the region. As a result, it faces considerable strains with respect to its detention capacities and practices ([Flynn and Cannon 2010](#)).

During its periodic review of Poland in 2010, the UN Human Rights Council highlighted a number of concerns with respect to Poland's immigration detention policies, including: the absence of specific laws on the detention of non-citizens after the deadline for their expulsion; inadequate medical assistance in some detention centres for asylum seekers; poor conditions in transit zones and deportation detention centres; and reports that detainees are often unable to learn about their rights because of inadequate translations and inappropriate placement of information sources (HRC 2010).

Even before Poland joined the EU's Schengen border-free zone in 2007, it was considered a key transit state for Europe. Prior to membership, it received support from foreign border-guard agencies—especially the German Bundesgrenzschutz—and financing from the EU's PHARE program to strengthen protections along its mutual borders with Ukraine, Belarus, and the Russian enclave of Kaliningrad (Alscher 2005, p. 2). And in October 2005, the headquarters of the European External Borders Agency (Frontex) was set up in Warsaw to coordinate management of EU border control efforts ([Flynn 2006](#)).

Detention policy

The detention of irregular non-citizens is governed by the 2003 [Aliens Law](#), which covers a broad range of issues concerning all categories of non-citizens who enter or stay in Poland, and the 2003 [Aliens Protection Law](#), which provides specific protections for asylum seekers. Various measures contained in these two laws were modified by a law passed in 2006, 2008 and 2009, on the conditions of entry and/or residence of non-citizens in Poland (European Parliament 2007; Fagasinski 2010). Non-citizens can be subject to detention (1) if it is deemed necessary to ensure the completion of proceedings on expulsion or the withdrawal of a person's residence permit; (2) when there is a well-founded concern that a non-citizen will attempt to evade the execution of the decision on expulsion; or (3) when a non-citizen has attempted to cross or has crossed the border illegally ([Aliens Law 2003](#)). Article 41 of the [Aliens Protection Law](#) provides for the detention of non-nationals in guarded centres or facilities used for the purpose of expulsion (Caritas Poland 2010, p.301).

Article 87 of the [Aliens Protection Law](#) permits the detention of an asylum seeker in certain cases: (1) when it is necessary to establish his or her identity; (2) to prevent abuse of the asylum proceedings; (3) to avoid risk to the safety, health, life, or property of others; (4) to protect state security or defence and public order; and (5) in case of illegal entry or stay, unless the asylum seeker arrives directly in Poland from the country he or she is fleeing and immediately lodges an asylum request along with a reasonable explanation for why he/she entered Polish territory illegally; and (6) if the asylum seeker constitutes a threat to the safety, health or life of another asylum seeker residing in a reception centre or the staff working there ([Aliens Protection Law 2003](#); Fagasinski 2010). During the asylum process, asylum seekers who are not subject to detention can stay, if they choose, in one of Poland's 15 non-secure reception centres managed by the Bureau for the Organisation of Centres for Foreign Nationals (UDSC website; Fagasinski 2011).

A person suspected of being illegally inside Poland can be detained by the Border Guard or the Police for an initial period not to exceed 48 hours. The detention can be extended to up to 90 days by order of a court for placing a non country national into a guarded centre, or in order to facilitate expulsion ([Aliens Law 2003](#), art. 106; [Aliens Protection Law 2003](#), Art. 101; Caritas Poland 2010, p.301).

Asylum seekers subject to detention can be held for 30-60 days, which can be extended to up to 90 days in cases where the person applied for asylum after being detained ([Aliens Protection Law 2003](#), art. 89). The period of detention for all categories of non-citizens can be prolonged for up to a year when an expulsion is not able to be executed because of actions taken by the

non-citizen (*Aliens Law* 2003, art. 106; *Aliens Protection Law* 2003, art. 89). However, there is nothing specified in law that restricts the number of times a foreign national can be detained. In practice, as one observer reports, non-citizens who are released after spending the maximum one-year in detention continue to be in an irregular situation after their release and thus remain subject to detention (Caritas Poland 2010, p.301).

Unaccompanied minors detained in Poland for immigration violations are to be kept in a room that is separate from adult detainees; if the minor is under the care of at least one adult, they can be accommodated in a single room (*Aliens Act* 2003). Unaccompanied minors claiming asylum are to be housed in foster care, orphanages, or an appropriate educational institution, and they are to be appointed a guardian who will aid them during the asylum process (*Aliens Protection Act* 2003; European Parliament 2007). Article 103 of the *Aliens Act* provides for the segregation of female and male detainees (Caritas Poland 2010, p.302).

Foreign nationals have the right to appeal a detention order to the court within seven days of receiving the order (*Aliens Act* 2003, Art. 106; Caritas Poland 2010, p.301). They also have the right to health care and contact with Polish authorities, diplomatic representatives and NGOs, in addition to close persons (Caritas Poland 2010, p.302).

Detention infrastructure

Poland has two types of facilities used to confine non-citizens on immigration-related charges: “deportation-arrests” and “guarded centres.” The most common type of centres are the deportation-arrests, which until the beginning of 2009 were located in police stations and border guard units. According to one observer, however, as of early 2009 the police no longer operate any facilities for non-country nationals, with the Border Guard operating all such facilities (Fagasinski 2010; 2011). By early 2009 all facilities operated by the police were either closed or had been transferred to the Border Guard for management. The closure and/or transfer of these facilities were undertaken following amendments made to Article 109(2) of the *Aliens Act* in 2008. The revised Article states that the Border Guard is responsible for managing the guarded centres in Poland, where previously the police and border guard were listed as authorised to operate the facilities (Fagasinski 2011).

In contrast to the guarded centres, the deportation-arrests had been criticized for mixing administrative detainees with criminal detainees before operations at the centres were transferred to the control of the Border Guard (European Parliament 2007). Both guarded centres and deportation-arrests can hold asylum seekers and irregular migrants (Fagasinski 2010).

Irregular migrants are to be confined in deportation-arrests for purposes of deportation or if there is a danger that the person will not observe the rules in force at the guarded centres (*Aliens Act* 2003). The Global Detention Project has identified 24 deportation-arrests that have been used for immigration-related detention during the period 2007-2008 (see [List of Detention Sites](#)).

Until 2007, Poland had only one guarded centre for aliens, located in Lecznawola (The regional coalition 2006). According to data collected by the Global Detention Project, by January 2009 there were five guarded centres in operation (see [List of Detention Sites](#)). Because there were so few dedicated migrant detention sites in operation prior to 2007, courts tended to treat them the same as deportation-arrests. Consequently, non-citizens were often placed in deportation arrests even when detention in a dedicated facility would have conformed with the law (The regional coalition 2006). In preparation for Poland’s formal entry into Schengen, three new guarded centres were opened in the eastern part of the country by the end of 2007 (where most asylum seekers are apprehended): in Biala Podlaska, Bialystok, and Przemysl (JRS 2007). Construction of these centres was funded in part by the European Fund for Asylum Seekers (European Parliament 2007). In addition, the Krosno Odrzanskie deportation arrest, located on the country’s western border, was converted to a guarded centre for aliens in January 2009 (Gazeta Lubuska 2008). There is also a deportation-arrest for the purposes of expulsion that has been operation for some time in Ketrzyn (Fagasinski 2010; 2011).

In a 2007 Memorandum to the Polish Government, the Council of Europe Commissioner for Human Rights welcomed the treatment of unaccompanied minors under the *Aliens Protection Law*. However, the commissioner raised concerns over lack of access to information, legal assistance, and translators in detention centres (Council of Europe 2007). A European Parliament report on detention centres for third-country nationals also recommended regular medical and psychological care and better access to judicial assistance for detainees (European Parliament 2007). The same report also criticized the failure to segregate criminal from administrative detainees in deportation-arrests, excessively long detention of children (for up to one year) at the Lecznawola guarded centre, and the “pathogenic nature of detention” in Poland. According to the report, “The length of detention, the lack of any social activities, the severity of the conditions, the practical impossibility of communicating with personnel, the lack of links with the exterior, are factors which create or exacerbate situations of vulnerability” (European Parliament 2007).

Caritas Poland, in their 2010 report based on the situation of detention at the Guarded Centres for Foreigners located in Biala Podlaska, Krosno Odrzanskie and Przemysl, found that while detainees were informed of the reasons for their detention, there was little information provided to them on the status of their cases while they were in detention, leading to a complete lack of knowledge

about how long they would be held at the facilities and what would happen to them afterwards (Caritas Poland 2010, p. 303-304). The NGO also criticised the detention of children and the negative psychological and developmental impact this has on them (Caritas Poland 2010, p. 310-311).

Facts and figures

Poland operates two types of facilities for holding non-citizens in administrative detention: “deportation-arrests” and “Guarded Centres for Foreigners.”

The average age of detainees, according to one observer in 2010, was found to be 34. Males were found to be segregated from females, and families with children were accommodated separately in special units. The detainees interviewed by Caritas Poland were a mixture of asylum seekers, irregular migrants and asylum seekers detained based on the “Dublin procedures.” The average length of detention was around 2 months (Caritas Poland 2010, p.303).

Immigration to Poland since it joined the European Union in 2004 has been dominated by migrants coming from the countries of the former Soviet Union, particularly seasonal labourers from Ukraine, Belarus and the Russian Federation (European Parliament 2007; Fagasinski 2010). Poland is also a primary receiving country for asylum seekers in Europe, having received 8,517 asylum requests in 2008 (UNHCR 2009; UDSC website).

Until 2009, more than 90 percent of asylum seekers originated from the Russian Federation, mainly Chechens. Other key countries of origin include Iraq, Vietnam, Georgia, Belarus, Armenia, Ukraine, and Uzbekistan (UNHCR 2009). The year 2009, however, saw a significant increase in asylum applicants originating from Georgia (Caritas Poland 2010, p.300), with 4,145 applications for asylum lodged by citizens of this country. In the same year some 5,258 applications were lodged by citizens of the Russian Federation. A total of 10,018 applications for asylum were lodged in 2009 (UDSC website).

In 2007, 1,253 persons were apprehended while attempting to illegally enter Poland and decisions on expulsion of irregular migrants were issued in 2,833 cases, of which 1,541 concerned Ukrainian nationals (CBCP website). In 2004, the undocumented population was estimated to be between 50,000-300,000 (HWWI website).

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Poland Detention Profile

List of Detention Sites

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Name	Status (Year)	Location	Facility Type	Security	Authority	Management	Capacity	Reported Population on a Single Day	Demographics & Segregation
Biala Podlaska Deportation Arrest	In use (2010)	Biala Podlaska	Migrant detention centre	Secure	Ministry of Interior	Border Guard	24 (2008)	9 (2 April 2008)	Adult males and females. Gender segregation (2008).
Biala Podlaska Guarded Center for Aliens	In use (2010)	Biala Podlaska	Migrant detention centre	Secure	Ministry of Interior	Border Guard	152 (2008)	16 (2 April 2008)	Adult males and females; families; minors. Gender segregation (2008).
Bialystok Deportation Arrest	In use (2010)	Bialystok	Migrant detention centre	Secure	Ministry of Interior	Border Guard	15 (2008)		Adult males and females. Gender segregation (2008).
Bialystok Guarded Center for Aliens	In use (2010)	Bialystok	Migrant detention centre	Secure	Ministry of Interior	Border Guard	142 (2008)		Adult males and females. Gender segregation (2008).
Bielsko-Biala Deportation Arrest	Closed (end 2008/early 2009)	Bielsko-Biala	Prison or police station	Secure	Ministry of Interior	Police			
Gdynia Deportation Arrest	Closed (end 2008/early 2009)	Gdynia	Prison or police station	Secure	Ministry of Interior	Police	14 (2006)	5 (28 July 2006)	Adult males only (2006)
Jaworzno Deportation Arrest	Closed (end 2008/early 2009)	Jaworzno	Prison or police station	Secure	Ministry of Interior	Police			
Katowice Deportation Arrest	Closed (end 2008/early 2009)	Katowice	Prison or police station	Secure	Ministry of Interior	Police	30 (2008)		Adult males and females. Gender segregation (2008).
Ketrzyn Deportation Arrest	In use (2010)	Ketrzyn	Migrant detention centre	Secure	Ministry of Interior	Border Guard	30 (2008)		Adult males and females. Gender segregation (2008).
Ketrzyn Guarded Center for Aliens	Closed (end 2008/early 2009)	Ketrzyn	Migrant detention centre	Secure	Ministry of Interior	Border Guard	150 (2008)		Adult males and females. Gender segregation (2008).
Klodzko Deportation Arrest	Closed (end 2008/early 2009)	Klodzko	Prison or police station	Secure	Ministry of Interior	Border Guard	3 (2008)		Adult males and females. Gender segregation (2008).
Konin Deportation Arrest	Closed (end 2008/early 2009)	Konin	Prison or police station	Secure	Ministry of Interior	Police	30 (2008)	18 (25 October 2007)	Adult males and females. Gender segregation (2008).
Krosno Odrzanskie Guarded Center for Aliens	In use (2010)	Krosno Odrzanskie	Migrant detention centre	Secure	Ministry of Interior	Border Guard	56 (2008)	45 (3 April 2007)	Adult males and females; families; minors. Gender segregation (2008).
Lesznowola Guarded Center for Aliens	In use (2010)	Lesznowola	Migrant detention centre	Secure	Ministry of Interior	Border Guard	131 (2008) (100 males; 31 females / families)	93 (2 April 2008)	Adult males and females; families; minors. Gender and age segregation; family units (2008).
Limanowa Deportation Arrest	Closed (end 2008/early 2009)	Limanowa	Prison or police station	Secure	Ministry of Interior	Police			
Luban Deportation Arrest	Closed (end 2008/early 2009)	Luban	Prison or police station	Secure	Ministry of Interior	Border Guard	9 (2008)		Adult males and females. Gender segregation (2008).
Lublin Deportation Arrest	Closed (end 2008/early 2009)	Lublin	Prison or police station	Secure	Ministry of Interior	Police	40 (2007)	20 (5 December 2007)	Adult males and females. Gender segregation (2007).

Name	Status (Year)	Location	Facility Type	Security	Authority	Management	Capacity	Reported Population on a Single Day	Demographics & Segregation
Nowy Sacz Deportation Arrest	Closed (end 2008/early 2009)	Nowy Sacz	Prison or police station	Secure	Ministry of Interior	Border Guard	6 (2008)		Adult males and females. Gender segregation (2008).
Opole Deportation Arrest	Closed (end 2008/early 2009)	Opole	Prison or police station	Secure	Ministry of Interior	Police			
Ostroleka Deportation Arrest	Closed (end 2008/early 2009)	Ostroleka	Prison or police station	Secure	Ministry of Interior	Police			
Piła Deportation Arrest	Closed (end 2008/early 2009)	Piła	Prison or police station	Secure	Ministry of Interior	Police	22 (2006)	18 (February 2006)	Adult males and females. Gender segregation (2006).
Piotrkow Deportation Arrest	Closed (end 2008/early 2009)	Piotrków Trybunalski	Prison or police station	Secure	Ministry of Interior	Police	21 (2006)	16 (February 2006)	Adult males and females. Gender segregation (2006).
Przemysl Deportation Arrest	In use (2010)	Przemysl	Migrant detention centre	Secure	Ministry of Interior	Border Guard	38 (2008)	9 (21 July 2006)	Adult males and females. Gender segregation (2008).
Przemysl Guarded Center for Aliens	In use (2010)	Przemysl	Migrant detention centre	Secure	Ministry of Interior	Border Guard	138 (2008)		Adult males and females. Gender segregation (2008).
Suwalki Deportation Arrest	Closed (end 2008/early 2009)	Suwalki	Prison or police station	Secure	Ministry of Interior	Police	21 (2004)	16 (October 2004)	
Szczecin Deportation Arrest	In use (2010)	Szczecin	Migrant detention centre	Secure	Ministry of Interior	Border Guard	33 (2008)	55 (4 April 2007)	Adult males and females. Gender segregation (2008).
Warsaw Bemowo Deportation Arrest	Closed (end 2008/early 2009)	Warsaw (Bemowo)	Prison or police station	Secure	Ministry of Interior	Police	14 (2006)	12 (February 2006)	Adult males only (2006)
Warsaw Deportation Arrest	In use (2010)	Warsaw, 100m from Okecie Airport	Prison or police station	Secure	Ministry of Interior	Border Guard	49 (2008)	54 (March 2007)	Adult males and females. Gender segregation (2008).
Włocławek Deportation Arrest	Closed (end 2008/early 2009)	Włocławek	Prison or police station	Secure	Ministry of Interior	Police	32 (2008)	35 (16 April 2007)	Adult males and females. Gender segregation (2008).
Wrocław Deportation Arrest	Closed (end 2008/early 2009)	Wrocław	Prison or police station	Secure	Ministry of Interior	Police	28 (2008)	21 (7 July 2006)	Adult males and females. Gender segregation (2008).

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(This is only a partial list. More detailed information is available upon request.)

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Map of "In Use" Detention Sites

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Country View

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Government

Commissioner for Civil Rights Protection

<http://www.rpo.gov.pl/index.php?s=3>

Office for Foreigners

<http://www.udsc.gov.pl/MAIN,PAGE,264.html>

International organizations

International Labour Organization: Office for the European Union

<http://www.ilo.org/public/english/region/eurpro/brussels/index.htm>

IOM – Poland Country Information

<http://www.iom.int/jahia/jsp/index.jsp>

UNHCR Regional Representation for Central Europe

<http://www.unhcr-budapest.org/>

NGOs and research institutions

Helsinki Foundation for Human Rights

<http://www.hfhrpol.waw.pl/en>

La Strada Foundation

http://www.strada.org.pl/index_en.html

Nobody's Children Foundation

http://www.strada.org.pl/index_en.html

Polish Migration Forum

<http://www.forummiigracyjne.org/en/>

The Halina Niec Legal Aid Center

<http://www.pomocprawna.org/indexeng.html>

Warsaw University Centre of Migration Research

<http://www.miigracje.uw.edu.pl/index.php/Main/HomePage>

Media

Polish Press Agency – English-language News Service

<http://ens.pap.pl/demo/index.html>

Polish Press Review

<http://polishpress.wordpress.com/>

Polish Refugee Newspaper

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