

Human Rights or Security? Poland's Controversial Asylum Suspension at Belarus Border

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Abstract:

Poland's recent suspension of the right to seek asylum at its border with Belarus marks a significant challenge to EU migration and asylum policy. Justified by Polish authorities as a necessary response to hybrid threats and national security concerns, the measure has fueled intense debate over its legality under international and EU law. This decision comes amid broader European tensions surrounding border security and migration governance, reflecting a trend of unilateral actions by member states. This article examines the legal framework underpinning Poland's decision, assesses its potential consequences for EU asylum policy, and explores the risks of fragmentation within the Schengen and Common European Asylum System (CEAS). Showcasing how Poland's move within a wider European context, highlighting the growing friction between national sovereignty and collective EU commitments to asylum protections and free movement.

Keywords: Poland Asylum; EU Migration Policy; Common European Asylum System (CEAS)

Poland Suspends Right to Asylum at Belarus Border Amid Security Concerns

On March 27, 2025, Poland passed a law temporarily blocking asylum requests at its border with Belarus for up to 60 days. The government argues this is a response to a "hybrid attack," accusing Belarus of pushing migrants toward the border to destabilize the EU. President Andrzej Duda signed the law, and Prime Minister Donald Tusk's government put it into effect. The decision has sparked controversy, with critics raising concerns about human rights and regional security.

Legal Justifications and EU Law Challenges

The newly implemented law temporarily restricts asylum applications for people crossing the border illegally, with exceptions for vulnerable groups like unaccompanied minors and pregnant women. President Andrzej Duda defends the measure, stating it is necessary to "strengthen the security of Poland's borders and its citizens" (Associated Press, 2025). Prime Minister Donald Tusk also supports the law, calling it an important step to "prevent the destabilization of the internal situation on the territory of Poland" (Notes from Poland, 2025). While Polish authorities argue that these restrictions are essential for national

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security, critics warn that they infringe on EU and international asylum laws. This reflects the broader tensions and debate between border security and humanitarian responsibilities within the EU. Sparking major controversy, in February 2025, when the United Nations High Commissioner for Refugees (UNHCR) stated that the legislation does not align with international and European asylum laws. Human Rights Watch condemned the move, urging the EU to take legal action against Poland and stating that it "flies in the face of Poland's international and EU obligations" (Human Rights Watch, 2025). Poland's Commissioner for Human Rights, Marcin Wiącek, criticized the law, arguing that it violates European and international legal frameworks, which require countries to process asylum claims (Notes from Poland, 2025).

Poland-Belarus Border Crisis and the Instrumentalization of Migration

Tensions on the Polish-Belarusian border have been ongoing since 2021. Poland has seen a growing number of migrants and asylum seekers trying to enter the European Union. Tens of thousands have made the dangerous journey, increasing tensions in the region (ACAPS, 2021). Polish authorities accuse Belarus, backed by Russia, of deliberately pushing migrants towards the border as part of a hybrid warfare strategy to destabilise the EU. . This "instrumentalization of migration," uses migrants as political pressure tools against neighboring countries (Amnesty International, 2024).

In response to the crisis, Prime Minister Donald Tusk introduced a stricter migration policy in September 2024. The plan, titled "Take Back Control. Ensure Security: Poland's Comprehensive and Responsible Migration Strategy for 2025-2030", focuses on tightening border controls (Riemer, 2024). As part of this strategy, the government included provisions to temporarily and partially suspend the right to claim asylum. These measures were approved in December 2024 (Le Monde, 2024), passed by parliament in February 2025, and officially enacted in March 2025 (Notes from Poland, 2025).

Implications for EU Migration and Asylum Policy

Poland's suspension of asylum rights at its border with Belarus encapsulates the ongoing struggle between national security and the EU's commitment to asylum laws. This move could set an example for other EU countries dealing with similar issues, possibly leading to a reassessment of how to balance border security with the right to seek asylum. Under the Dublin Regulation (EU No. 604/2013), which determines which country is responsible for processing asylum claims, Poland's decision could disrupt the system that requires asylum seekers to apply in the first country they enter (European Parliament, 2013). The Asylum Procedures Directive (2013/32/EU), which ensures fair treatment and legal access for asylum seekers, may also be affected, raising concerns about whether Poland's restrictions limit access to asylum procedures (European Union, 2013).

Additionally, Poland's policy may conflict with the Reception Conditions Directive (2013/33/EU), which guarantees asylum seekers basic needs such as housing, food, and medical care (European Union, 2013). The Charter of Fundamental Rights of the European Union (2012) further protects the right to asylum and bans the return of people to places where they may face danger, increasing legal tensions over Poland's decision (European Union, 2012). The EU now faces the challenge of adequately responding to Poland's actions while maintaining its legal and humanitarian commitments. This situation highlights the need for a clear and unified migration policy that addresses security concerns without undermining human rights.

Risks of Fragmentation and Weakening Unity

As the EU reviews the consequences of Poland's decision, it must find a way to protect its borders while still upholding the right to seek asylum. This could have a lasting impact on EU migration policy. The growing disregard for established EU rules and the weakening of legal frameworks raise concerns about the unity and effectiveness of the EU's asylum system. Poland's decision, along with similar actions by other member states, threatens the EU's ability to manage migration in a coordinated way. With the New Pact on Migration and Asylum approaching, these issues become even more pressing (Riemer, 2024).

Such independent actions risk weakening the EU's collective approach to asylum, pushing asylum seekers into neighboring countries and disrupting the consistency of asylum laws. When countries act alone, mechanisms like Article 78(3) of the Treaty on the Functioning of the EU, which allows temporary measures during migration crises, become less effective (Radjenovic, 2020). Poland's restrictive policies also undermine the Common European Asylum System's (CEAS) core principle of solidarity, adding pressure on other EU countries and widening gaps in asylum protections.

This lack of coordination makes it harder for the EU to manage migration effectively. It can also create legal uncertainty, fragment refugee systems, and encourage other countries to bypass EU rules. As a result, efforts to establish a unified migration system are weakened, and asylum seekers face inconsistent and often unwelcoming policies. If such trends continue, the EU's asylum framework could deteriorate further, lowering protection standards across the region.

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