

# DEPORTATION PROCEEDING

(obligation to return)

Is initiated by the Boarder Guard if the foreigner:  
 - stays in Poland illegally  
 - has not applied for protection (or has made a subsequent application)

Decision (of the BG Commander)

Obligation to return (deportation)

Residence permit  
 (for humanitarian reasons  
 or consent for tolerated stay)

Usually  
 2 days -  
 2 months  
 (sometimes  
 up to 12  
 months)

Appeal against the decision  
 (deadline of 14 days)

Decision of the 2nd instance body  
 (Head of the Office for Foreigners)  
 on deportation or residence permit

12 - 36 months

Obligation to  
 return (deportation)

Granting of residence  
 (for humanitarian reasons or  
 consent for tolerated stay)

Remember to inform  
 the BG Commander  
 who started the proceeding  
 about change of  
 your address!

Appeal to the Voivodeship  
 Administrative Court (deadline of 30 days)  
 (you can apply for a public defender)

6 - 9 months

+ request of suspension of the decision's enforcement

If the appeal is dismissed: an option of  
 submitting a cassation appeal to the  
 Supreme Administrative Court  
 (about 12 months)

9 - 12 months

# GRANTING OF INTERNATIONAL PROTECTION

(refugee status or subsidiary protection)

Application to BG

a short interview | fingerprints | the issuance of a green temporary ID

If you do not have a travel document  
 confirming your identity (the original),  
 BG can start identification process  
 (confirmation of identity)

Full interview

(usually 1-3 months after submitting an application)

Access to the labour market after 6 months (if negative  
 decision has not been issued during that time)

usually  
 2 - 15 months  
 (in detention:  
 3 months)

Decision on the status  
 from the Head of the Office for Foreigners

Negative

(appeal: deadline of 14 days)

Positive

Appeal procedure

(before the Refugee Council)

- in guarded center for foreigners (about 2 months)  
 - Outside the center (about 12 months)

2 - 12 months

in case of 2nd negative decision:  
 an appeal to the Voivodeship  
 Administrative Court (deadline of 30 days)

6 - 9 months

+ request for suspension of the decision's enforcement

Proceeding before the Voivodeship  
 Administrative Court (about 6 months)

The court may revoke the decision,  
 (but cannot grant refugee status  
 or subsidiary protection)

If the complaint is dismissed:  
 an option of submitting  
 a cassation appeal to the  
 Supreme Administrative Court

9 - 12  
 months

## CRIMINAL PROCEEDING

(for illegal border crossing)

Is initiated by Boarder Guard  
under a prosecutor's supervision



Foreigners often **voluntarily accept the penalty**.  
The court orders a suspended sentence or a fine

Everyone has the **right to have a public attorney** and the right **not to accept the Border Guard's/prosecutor's proposals**

Geneva Convention **prohibits imposing penalties on refugees for their illegal entry or presence**



Remember to **inform** the prosecutor/the court  
**about a change of your address**

It is best to **apply for a public defender (free of charge)**



**THE RULE OF LAW  
INSTITUTE**

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## DETENTION PROCEEDING

(stay in guarded center for foreigners)

The first **detention for 48 h** by the Border Guard  
During this time, the BG prepares an application to the court  
(*on detaining a foreigner in a guarded center for foreigners*)  
The court has **24 h to consider the application**



If the foreigner **submits an application** for granting international protection, the court can sentence him/her to detention in a **guarded center for foreigners up to 60 days**

If the foreigner **did not submit an application** for granting international protection, the court sentences him/her to detention in a **guarded center for foreigners up to 90 days**



If the foreigner **submits an application** for granting international protection while staying in a guarded center for foreigners, the court extends the detention by **90 days from the date of submission of the application**

If the application for granting international protection **has not been processed** within a period of 60 or 90 days, the law **does not allow any further detention**  
(*in practice, however, courts extend the detention to 180 days – i.e. by additional 90 or 120 days*)



**After 6 months** from the moment of submitting the application, **the foreigner is released from detention**, unless a negative decision has been issued by the II instance body.

After the 2nd negative decision, the stay in a guarded center for foreigners can be extended by **90 days each time** due to conducting of the **return procedure**

**Maximum duration of detention – 18 months**