JUST RIGHT NEWS FEED

Poland's Stance on EU Migration Pact: Conflict Over Solidarity and Sovereignty

I. Executive Summary

Poland finds itself in a significant standoff with the European Union over migration policy, primarily centered on the EU's Pact on Migration and Asylum. Warsaw, led by Prime Minister Donald Tusk, has unequivocally rejected the Pact's mandatory solidarity mechanism, particularly the potential for "forced relocation" of asylum seekers from other member states.[1] The Polish government justifies this stance by citing the extraordinary burden of hosting nearly one million Ukrainian war refugees and managing a persistent migration crisis on its border with Belarus, which it frames as "hybrid warfare" orchestrated by Minsk and Moscow.[3]

While the EU acknowledges Poland's unique pressures and the Pact includes flexibility allowing solidarity through financial or operational contributions instead of relocation [2], the European Commission insists the Pact is legally binding on all member states with no possibility of exemption.[5] Commission officials have warned of potential legal action ("necessary measures") against states failing to comply, echoing past disputes over migration quotas.[6] The conflict has intensified with Poland's separate declaration of non-compliance with the existing Dublin Regulation governing the return of asylum seekers.[3] This complex situation unfolds against a backdrop of heated domestic political debate in Poland, public skepticism towards non-European migration, and serious concerns raised by human rights organizations regarding Poland's border practices and controversial amendments to its asylum law.[8] This report synthesizes recent news coverage and analysis based on available information, providing headlines and links to relevant articles.

II. Poland's Stance: Rejection of Mandatory Relocation under the EU Migration Pact

A. Official Declarations of Non-Implementation

The Polish government, under Prime Minister Donald Tusk, has adopted an unambiguous and firm position against implementing key aspects of the EU's Pact on Migration and Asylum, specifically those related to mandatory burden-sharing through relocation.

The core stance, articulated repeatedly by Prime Minister Tusk, is that Poland will refuse any mechanism that imposes obligatory quotas or the "forced acceptance of migrants" relocated from other EU countries.[1] This position has been described as "definitive".[2] Tusk has emphasized that decisions regarding migration affecting Poland will be made in Warsaw, not Brussels, ruling out scenarios where Poland would be compelled to accept relocated migrants or pay penalties for refusal simply because the Pact mandates it.[11]

> Headline: Polish PM says 'definitive' no to EU migration pact
> URL:
> https://tvpworld.com/84848733/polish-pm-says-definitive-no-to-eu-migration-pact 1
> Headline: Poland “will not implement” EU migration pact if it involves receiving relocated migrants | Notes From Poland
> URL:
> https://notesfrompoland.com/2025/02/04/tusk-poland-will-not-implement-eu-migration-pact-if-it-involves-receiving-relocated-migrants/ 2
> Headline: Polish PM rejects implementation of EU Migration Pact-Xinhua
> URL:
> https://english.news.cn/20250205/c99f0a3e675347f780fd7e3455d6738b/c.html 11
> URL:
> https://english.news.cn/europe/20250205/f91d3d43dc4d4c6b80a24f51165fea43/c.html 12
> Headline: Poland refuses to implement EU Migration Pact
> URL:
> https://newsarenaindia.com/international/poland-refuses-to-implement-eu-migration-pact/35723 13

This position has been reinforced by key ministers. Minister of Internal Affairs and Administration, Tomasz Siemoniak, stated that implementing the Pact in a way that involves relocation "was not possible" and affirmed that Poland's consent "will not be given".[7] Minister Siemoniak also aligned Poland with 14 other EU member states in a joint letter to the European Commission, calling for "new ways and solutions" beyond the current Pact to manage irregular migration, signaling dissatisfaction with the existing framework.[15]

> Headline: POLAND: New report highlights abuse against people trying to cross Poland-Belarus border — Three month extension for border 'exclusion zone' — Controversial asylum law approved — Government

restates opposition to EU Migration Pact despite legal threat | European Council on Refugees and Exiles (ECRE)
URL: https://ecre.org/poland-new-report-highlights-abuse-against-people-trying-to-cross-poland-belarus-border-%E2%80%95-three-month-extension-for-border-exclusion-zone-%E2%80%95-controversial-asylum-law/ 7
Headline: Poland will not implement EU migration pact, says Interior Minister Tomasz Siemoniak - YouTube
URL: https://www.youtube.com/watch?v=3-9tQy-lnzs 17 (Headline/Source only)
Headline: Poland signs the letter of 15 countries on the migration pact
URL: https://www.gov.pl/web/mswia-en/poland-signs-the-letter-of-15-countries-on-the-migration-pact 16

Reflecting the political salience of the issue, Polish Members of the European Parliament (MEPs) have submitted formal questions to the European Commission, seeking clarity on whether Poland might be exempted from the relocation mechanism and querying the Commission's stance on Tusk's declarations of non-participation.[6]

Headline: Parliamentary question | Exempting Poland from the migrant relocation mechanism | E-001204/2025 | European Parliament
URL: https://www.europarl.europa.eu/doceo/document/E-10-2025-001204_EN.html 6
Headline: Parliamentary question | Commission position on the Polish Government's declaration that Poland will not participate in the implementation of the Pact on Migration and Asylum | P-000699/2025 | European Parliament
URL: https://www.europarl.europa.eu/doceo/document/P-10-2025-000699_EN.html 18

While Poland's opposition to mandatory relocation echoes stances from the previous Law and Justice (PiS) government, particularly concerning the 2015 EU quota scheme [19], the current administration under Prime Minister Tusk frames its refusal within the specific context of the *new* EU Pact and the unprecedented pressures stemming from the war in Ukraine and the Belarus border situation. A significant development indicating a hardening position is the government's recent declaration of non-compliance with the separate, existing Dublin Regulation, which governs the

return of asylum seekers to their first country of application. This move represents a notable escalation, moving beyond rejecting future obligations under the Pact to challenging current, established EU asylum law.[3] This defiance of existing rules signals a potentially broader resistance to EU asylum mechanisms perceived as imposing unfair burdens on Poland.

Despite the forceful rhetoric against "forced acceptance" and "quotas" [2], there remains some ambiguity regarding Poland's stance on the Pact's alternative solidarity measures, such as financial or operational support.[2] The consistent focus on rejecting the physical relocation of people—the most politically sensitive aspect domestically—could potentially leave room for negotiation on other forms of contribution, although current signals lean towards a broad rejection.[14] This targeted rhetoric might serve as a strategy to claim political victory by avoiding mandatory intake while potentially considering less controversial forms of solidarity later.

B. Key Justifications: Ukrainian Refugee Burden and Belarus Border Crisis

The Polish government consistently presents two primary justifications for its refusal to accept mandatory migrant relocation under the EU Pact: the immense burden of hosting Ukrainian war refugees and the ongoing security crisis at its eastern border with Belarus.

Firstly, Poland emphasizes its significant contribution to European solidarity through the reception and hosting of nearly one million refugees who fled Ukraine following Russia's full-scale invasion in 2022.[1] Officials argue that this extraordinary effort, placing Poland among the top EU host countries [4], should exempt it from additional obligations under the Migration Pact's solidarity mechanism. Prime Minister Tusk has stated that Europe must understand the burdens Poland carries and should provide assistance, rather than imposing new requirements.[2] Poland argues it is already fulfilling its share of responsibility through its actions towards Ukrainians.[15]

> Headline: EU “will take into account” Poland's support for Ukrainian refugees when implementing migration pact | Notes From Poland
> URL:
> https://notesfrompoland.com/2025/02/07/eu-will-take-into-account-polands-support-for-ukrainian-refugees-when-implementing-migration-pact/ 4
> Headline: Parliamentary question | Exempting Poland from the migrant relocation mechanism | E-001204/2025 | European Parliament (Mentions Tusk citing Ukraine refugees)
> URL:
> https://www.europarl.europa.eu/doceo/document/E-10-2025-001204_EN.h

tml 6

Secondly, Poland highlights the persistent crisis at its border with Belarus, which it characterizes as a "hybrid war" involving the "instrumentalization" or "weaponization" of migrants by the Belarusian regime, allegedly acting in concert with Russia, to destabilize Poland and the EU.[3] Tens of thousands of migrants, primarily from the Middle East, Asia, and Africa, have attempted to cross irregularly since 2021, often facilitated by Belarusian authorities.[2] Protecting this external EU border is framed not just as a national duty but as a crucial contribution to overall European security.[23] Tusk argues that accepting relocated migrants would "waste the efforts" of Polish border guards and security forces working to counter this threat.[2]

> Headline: POLAND: Council Adopts EU Asylum Reforms Despite Polish Opposition — Poland Joins Group of Member States Demanding New Migration 'Solutions' — Prime Minister Vows to Strengthen Border with Belarus — Humanitarians Indicted for Helping Migrants on Poland-Belarus Border | European Council on Refugees and Exiles (ECRE)
> URL:
> https://ecre.org/poland-council-adopts-eu-asylum-reforms-despite-polish-opposition-%E2%80%95-poland-joins-group-of-member-states-demanding-new-migration-solutions-%E2%80%95-prime-minister-vows-to-st/
> 15
> Headline: EU faces migration rebellion as Poland vows to block asylum-seekers – POLITICO
> URL:
> https://www.politico.eu/article/eu-migration-rebellion-poland-vow-block-asylum-seeker/ 25

By strategically combining the humanitarian argument regarding Ukrainian refugees with the security argument concerning the Belarus border, the Polish government constructs a narrative of exceptionalism. This dual justification aims to resonate with different priorities within the EU—appealing simultaneously to the bloc's sense of solidarity towards Ukraine and its growing concerns about external border security and hybrid threats.[4] This framing underpins Poland's assertion that its unique circumstances warrant special treatment under the EU's migration framework.

C. Related Policy Actions: Seeking Exemptions, Border Fortification, Asylum Law Amendments

Complementing its verbal opposition to the EU Pact's relocation mechanism, the Polish government has pursued several related policy actions domestically and

internationally.

Officials have explicitly stated their intention to "fight for exemption" from the relocation requirements, arguing for Poland to be treated individually due to its unique circumstances.[22] This objective is also reflected in parliamentary questions directed at the European Commission concerning the legal possibilities for such an exemption.[6]

> Headline: Poland to “fight for exemption” from EU's migrant relocation plans | Notes From Poland
> URL: https://notesfrompoland.com/2024/03/05/poland-to-fight-for-exemption-from-eus-migrant-relocation-plans/ 22
> Headline: Parliamentary question | Exempting Poland from the migrant relocation mechanism | E-001204/2025 | European Parliament (Asks if Poland will be exempt)
> URL: https://www.europarl.europa.eu/doceo/document/E-10-2025-001204_EN.html 6

On the ground, Poland has reinforced its border security posture. This includes establishing and repeatedly extending a restricted "exclusion zone" along parts of the border with Belarus [7] and announcing plans to further strengthen border fortifications.[9] Border protection has been declared a key priority, including during Poland's presidency of the Council of the EU.[24]

> Headline: POLAND: New report highlights abuse against people trying to cross Poland-Belarus border — Three month extension for border 'exclusion zone' — Controversial asylum law approved — Government restates opposition to EU Migration Pact despite legal threat | European Council on Refugees and Exiles (ECRE) (Mentions exclusion zone extension)
> URL: https://ecre.org/poland-new-report-highlights-abuse-against-people-trying-to-cross-poland-belarus-border-%E2%80%95-three-month-extension-for-border-exclusion-zone-%E2%80%95-controversial-asylum-law/ 7
> Headline: EU and Migration: Will the New Pact Hold at the Poland-Belarus Border? (Mentions buffer zone)
> URL: https://bisi.org.uk/reports/eu-and-migration-will-the-new-pact-hold-at-the-poland-belarus-border 14

Perhaps most controversially, the Polish parliament (Sejm and Senate) approved legislation granting the government the power to temporarily suspend the right to claim asylum along specific border sections, particularly citing the "instrumentalization" of migration by Belarus and Russia.[7] This measure, awaiting the President's signature, has drawn widespread condemnation from Polish and international human rights organizations, NGOs, and the UN Refugee Agency (UNHCR).[3] Critics argue it violates the Polish Constitution, EU law (including the Charter of Fundamental Rights), and fundamental international principles like non-refoulement (prohibiting returns to potential harm) and the ban on collective expulsions.[7]

> Headline: Poland: Scrap Bill Suspending Right To Asylum
> URL:
> https://www.hrw.org/news/2025/02/19/poland-scrap-bill-suspending-right-asylum 8
> Headline: EU EASTERN BORDERS: NGO report highlights 'systematic' pushbacks at EU borders — European court hears landmark pushback cases against Poland, Latvia and Lithuania — NGO denounces deadly effects of 'militarisation' on Poland-Belarus border; urges parliament to reject 'unconscionable' asylum law — Polish Prime Minister (Mentions draft asylum law)
> URL:
> https://ecre.org/eu-eastern-borders-ngo-report-highlights-systematic-pushbacks-at-eu-borders-%E2%80%95-european-court-hears-landmark-pushback-cases-against-poland-latvia-and-lithuania-%E2%80%95-ngo/ 23
> Headline: EU EASTERN BORDERS: Major increase in crossings in 2024 — Polish presidency to focus on border security — Polish government adopts controversial draft laws on migration and asylum — Finland planning to extend controversial border law — Slovak PM threatens to cut aid to Ukrainian refugees | European Council on Refugees (Mentions adoption of draft laws)
> URL:
> https://ecre.org/eu-eastern-borders-major-increase-in-crossings-in-2024-%E2%80%95-polish-presidency-to-focus-on-on-border-security-%E2%80%95-polish-government-adopts-controversial-draft-laws-on-migration-and-asy/ 26

These domestic actions create a complex dynamic in relation to the EU. While Poland defies the Pact's solidarity mechanism, its efforts to tighten national asylum laws and

fortify borders, although legally contentious, align with the broader EU emphasis on enhanced border control and preventing irregular migration.[1] Poland might perceive these stricter national measures as a demonstration of its commitment to overall EU migration control objectives, potentially using this as leverage to argue against accepting relocated migrants. This strategy involves aligning with the EU's restrictive *goals* while rejecting its proposed *method* of mandatory relocation.

III. European Union Position and Framework

A. The Migration Pact's Solidarity Mechanism: Obligations and Alternatives

The EU's Pact on Migration and Asylum, formally adopted by the Council in May 2024 [15], aims to establish a comprehensive approach to migration management. A central, and contentious, element is the "solidarity framework".[2]

This framework introduces mandatory solidarity, meaning all member states are legally required to contribute when another member state faces "disproportionate" migratory pressure.[2] However, the system incorporates flexibility regarding the *form* of solidarity. Member states are granted "full discretion" to choose from several options: physically relocating asylum seekers from the country under pressure, providing financial contributions (effectively paying a sum for each allocated person they decline to relocate), or offering alternative forms of operational support (e.g., personnel, equipment).[5]

> Headline: Poland “will not implement” EU migration pact if it involves receiving relocated migrants | Notes From Poland (Explains solidarity framework and alternatives)
> URL: https://notesfrompoland.com/2025/02/04/tusk-poland-will-not-implement-eu-migration-pact-if-it-involves-receiving-relocated-migrants/ 2
> Headline: EC says Poland will not be exempt from EU Migration Pact - Brussels Signal (Quotes Brunner on discretion to choose solidarity form)
> URL: https://brusselssignal.eu/2025/02/ec-says-poland-will-not-be-exempt-from-eu-migration-pact/ 5

The Pact's provisions are set to be fully implemented starting in mid-2026.[5] In the interim, EU member states are required to develop national plans outlining how they will implement the new regulations.[27]

> Headline: Recommendations for the Polish National Plan for Implementing

the EU Pact on Migration and Asylum
URL:
https://konsorcjum.org.pl/en/recommendations-for-the-polish-national-plan-for-implementing-the-eu-pact-on-migration-and-asylum/ 27
Headline: POLAND: Council Adopts EU Asylum Reforms Despite Polish Opposition... (Notes Pact adoption May 2024)
URL:
https://ecre.org/poland-council-adopts-eu-asylum-reforms-despite-polish-opposition-%E2%80%95-poland-joins-group-of-member-states-demanding-new-migration-solutions-%E2%80%95-prime-minister-vows-to-st/
15

B. European Commission's Response: Pact Applicability, Compliance Warnings, and Legal Threats

The European Commission, as the guardian of EU treaties, has firmly pushed back against Poland's declared intention to selectively implement the Pact.

Commission spokespersons and the Commissioner for Internal Affairs and Migration, Magnus Brunner, have repeatedly and explicitly stated that the Migration Pact is legally binding on *all* EU member states.[6] They have asserted that "under EU law, there are no legal possibilities to exempt Poland from the implementation of any elements of the Pact," directly contradicting Polish hopes or claims of exemption based on its specific circumstances like hosting Ukrainian refugees or facing pressure from Belarus.[5]

Headline: EC says Poland will not be exempt from EU Migration Pact - Brussels Signal
URL:
https://brusselssignal.eu/2025/02/ec-says-poland-will-not-be-exempt-from-eu-migration-pact/ 5
Headline: Parliamentary question | Exempting Poland from the migrant relocation mechanism | E-001204/2025 | European Parliament (Highlights discrepancy between Tusk's claim of understanding and Commission spokesperson's statement)
URL:
https://www.europarl.europa.eu/doceo/document/E-10-2025-001204_EN.html 6

Furthermore, the Commission has issued warnings regarding non-compliance. A spokesperson stated on March 10, 2025, that if a member state "risks delaying or

even undermining the implementation of the Pact, the Commission will need to take the necessary measures".[6] This language strongly implies the potential initiation of legal action, specifically infringement proceedings before the European Court of Justice (ECJ).[7] Such threats carry weight, given the historical precedent: in 2020, the ECJ ruled that Poland, Hungary, and the Czech Republic had indeed failed to fulfill their EU law obligations by refusing to participate in the 2015 emergency relocation scheme.[19]

> Headline: POLAND: New report highlights abuse against people trying to cross Poland-Belarus border... Government restates opposition to EU Migration Pact despite legal threat | European Council on Refugees and Exiles (ECRE) (Mentions EC spokesperson warning of legal action)
> URL:
> https://ecre.org/poland-new-report-highlights-abuse-against-people-trying-to-cross-poland-belarus-border-%E2%80%95-three-month-extension-for-border-exclusion-zone-%E2%80%95-controversial-asylum-law/ 7
> Headline: Poland, Hungary and the Czech Republic "failed to fulfill their obligations under European Union law" – the ECJ ruled (Details 2020 ECJ ruling on 2015 quotas)
> URL:
> https://www.forintegration.eu/pl/poland-hungary-and-the-czech-republic-failed-to-fulfill-their-obligations-under-european-union-law-the-ecj-ruled 28

The credibility of these legal threats is thus underpinned by past ECJ judgments. However, the political decision to pursue enforcement against a large, strategically vital member state like Poland, particularly amidst the ongoing war in Ukraine where Poland plays a crucial role, involves complex calculations. The EU faces a difficult balance between upholding the integrity of its legal framework and maintaining political unity and stability during a period of significant geopolitical tension.[24] While the legal grounds for action exist, the political willingness and strategic timing of enforcement remain uncertain.

C. The Dublin Regulation Context

Adding another layer of complexity to the Poland-EU migration dispute is Prime Minister Tusk's separate declaration that Poland will cease compliance with the existing Dublin Regulation.[3] This regulation is a cornerstone of the current EU asylum system, determining which member state is responsible for examining an asylum application, typically the first country of entry or application. It allows member states

to return asylum seekers to the responsible country.[3]

Tusk justified this move using the same arguments employed against the Migration Pact: the pressure from irregular migration, the burden of Ukrainian refugees, and the specific challenges on the eastern border with Belarus.[3] He explicitly stated Poland "will not accept migrants from other European countries" returned under this mechanism.[3]

The European Commission's response was swift, reminding Warsaw that "all member states are required to fully comply with current asylum rules," thereby reaffirming the binding nature of the Dublin Regulation.[3]

> Headline: Tusk: Poland will no longer comply with EU's Dublin Regulation on returning asylum seekers | Notes From Poland
> URL: https://notesfrompoland.com/2025/03/21/tusk-poland-will-no-longer-comply-with-eus-dublin-regulation-on-returning-asylum-seekers/ 3

Poland's defiance of the Dublin Regulation significantly broadens its conflict with EU migration policies. Unlike the Migration Pact, which deals primarily with future solidarity mechanisms (post-2026), the Dublin Regulation represents current, operational EU law. Challenging it has immediate practical consequences, particularly for neighbouring countries like Germany, which utilizes the Dublin system to return asylum seekers who first registered in or transited through Poland.[3] This move suggests Poland's objections may extend beyond the specifics of the new Pact's relocation component to a more fundamental questioning of the principle of shared responsibility embedded within the existing EU asylum framework, escalating the dispute from a future policy disagreement to a present legal and operational confrontation.

D. EU Acknowledgement of Poland's Specific Circumstances

Despite its firm stance on the legal obligations of the Pact, the EU has verbally acknowledged the specific challenges Poland faces. European Commission President Ursula von der Leyen, during a visit in February 2025, recognized Poland's "extraordinary solidarity" with Ukrainian refugees and the "hybrid threat" posed by the "weaponization of migrants" at the Belarus border.[4] She stated that these factors "will be taken into account" and "respected" during the Pact's implementation.[4]

EU officials have also pointed out that the Pact itself contains mechanisms designed to alleviate burdens on countries under significant migratory pressure, potentially

leading to reduced solidarity contributions.[2] Former Commissioner Ylva Johansson had previously argued that Poland stood to *benefit* from the Pact precisely because of these built-in flexibilities recognizing its situation.[22]

Prime Minister Tusk interpreted von der Leyen's remarks as an implicit acceptance of Poland's position, claiming his arguments for non-implementation of relocation quotas had found "understanding" and that Poland would not face additional burdens.[4]

> Headline: EU “will take into account” Poland's support for Ukrainian refugees when implementing migration pact | Notes From Poland
> URL: https://notesfrompoland.com/2025/02/07/eu-will-take-into-account-polands-support-for-ukrainian-refugees-when-implementing-migration-pact/ 4
> Headline: Parliamentary question | Commission position on the Polish Government's declaration that Poland will not participate in the implementation of the Pact on Migration and Asylum | P-000699/2025 | European Parliament (References Tusk/Von der Leyen press conference)
> URL: https://www.europarl.europa.eu/doceo/document/P-10-2025-000699_EN.html 18

However, this interpretation clashes sharply with the Commission's explicit statements that no legal exemption exists.[5] This reveals a significant "understanding gap": the EU appears willing to acknowledge Poland's situation and apply the Pact's flexibility clauses (likely resulting in reduced demands or a focus on financial/operational contributions rather than relocation), while Poland interprets this acknowledgement as a de facto exemption from the core relocation obligation itself.[6] The EU stresses flexibility *within* the mandatory framework; Poland seeks freedom *from* key parts of that framework. This fundamental divergence is a major source of friction and likely foreshadows future conflict when the Pact's solidarity mechanisms are activated post-2026.

IV. Political Landscape and Public Opinion

A. Domestic Political Debate: Government vs. Opposition (PiS) Narratives

The EU Migration Pact and Poland's stance on it have become highly charged issues in the domestic political arena, particularly between the current coalition government led by Donald Tusk (Civic Coalition) and the main opposition party, Law and Justice (PiS).

PiS, which governed Poland until late 2023, accuses Tusk's government of betraying national interests, alleging they have either secretly agreed to implement the Pact under pressure from Brussels and Berlin or are incompetently failing to secure an exemption.[5] They leverage Commission statements about the Pact's binding nature to argue that Tusk is misleading the public about avoiding forced relocation, thereby endangering national security.[2] Some PiS-aligned voices claim Tusk has "sold out" Poland to "Brussels bureaucrats".[31]

> Headline: Poland Sold Out: Government Rushes EU Migration Pact, Ignoring National Interests
> URL: https://polanddaily24.com/poland-sold-out-government-rushes-eu-migration-pact-ignoring-national-interests/poland-today/51278 31
> Headline: EC says Poland will not be exempt from EU Migration Pact - Brussels Signal (Reports PiS claims of deception)
> URL: https://brusselssignal.eu/2025/02/ec-says-poland-will-not-be-exempt-from-eu-migration-pact/ 5

Tusk's government vehemently refutes these accusations, dismissing them as dishonest political maneuvering by PiS, particularly aimed at exploiting the issue during election periods.[2] Government figures counter that PiS itself negotiated the Pact while in power and failed to embed necessary safeguards for Poland.[2] Tusk's strong public pronouncements against relocation serve, in part, to neutralize these opposition attacks and demonstrate resolve on an issue sensitive to Polish voters.[9]

> Headline: Poland's changing population mix turns political (Mentions Tusk countering PiS)
> URL: https://www.politico.eu/article/poland-changing-population-political-immigration-border-donald-tusk-election-pis/ 9

Despite the partisan conflict, there is notable policy continuity between the current and previous governments regarding the perceived threat from Belarus and opposition to mandatory EU relocation quotas.[9] This suggests a broad, cross-party consensus on certain aspects of migration policy, even as the issue is weaponized domestically.

> Headline: EU and Migration: Will the New Pact Hold at the Poland-Belarus Border? (Notes likely policy continuity)

URL:
https://bisi.org.uk/reports/eu-and-migration-will-the-new-pact-hold-at-th
e-poland-belarus-border 14

The EU Migration Pact serves as a potent tool in Polish domestic politics. PiS utilizes it to paint Tusk as insufficiently protective of national sovereignty and security, contrasting his generally pro-EU stance with a perceived capitulation to external demands.[9] In response, Tusk's government adopts a markedly hardline position on migration, driven not only by policy considerations and border realities but also by the domestic political imperative to counter PiS's narrative and appeal to a migration-skeptic electorate, especially with presidential elections scheduled for May 2025.[9] This internal dynamic significantly shapes and reinforces Poland's firm negotiating posture towards the EU.

B. Polish Public Sentiment on Migration

Public opinion in Poland provides a crucial context for the government's stance on migration and the EU Pact. Surveys indicate strong support for robust border control measures. A recent poll found that 62% of Polish respondents favor reintroducing border controls between Schengen Area countries specifically to curb migrant flows.[10]

Headline: Most Polish Nationals Support Reintroduction of EU Border
Controls to Curb Migration, Survey Reveals
URL:
https://schengen.news/most-polish-nationals-support-reintroduction-of-e
u-border-controls-to-curb-migration-survey-reveals/ 10

Attitudes towards different groups of migrants vary significantly. While there is broad acceptance and solidarity towards refugees from neighboring Ukraine and, to some extent, Belarus, public opinion is considerably more skeptical regarding migrants arriving from the Middle East, Africa, and other non-European regions.[9] Only a small minority (14% in one poll) expressed willingness to welcome migrants from all over the world.[9] Historical polling data from the 2015 crisis also showed strong opposition (70% in a 2017 survey) to accepting refugees from Muslim countries, even under threat of EU financial penalties.[19]

Headline: Poland's changing population mix turns political (Cites poll
showing preference for Ukrainian/Belarusian migrants)
URL:
https://www.politico.eu/article/poland-changing-population-political-immig
ration-border-donald-tusk-election-pis/ 9

The historical context of the 2015 crisis is relevant. Although the then-government led by Tusk's Civic Platform initially voted in favor of the EU relocation quotas [19], this decision was unpopular, and support for accepting Middle Eastern refugees dropped sharply in late 2015.[33] The subsequent PiS government's refusal to implement the quotas aligned more closely with public sentiment at the time.[19]

> Headline: Diminishing Solidarity? Polish Attitudes Toward the European Migration and Refugee Crisis
> URL: https://www.migrationpolicy.org/article/diminishing-solidarity-polish-attitudes-toward-european-migration-and-refugee-crisis 33
> Headline: The migration issue in Polish politics
> URL: https://www.socialeurope.eu/49234 19

This prevailing public skepticism towards non-European migration and strong support for border security acts as a significant constraint on the current government's policy flexibility. It also serves as a driver for its firm stance against the EU Pact's mandatory relocation component. Any perceived concession on this front, particularly involving the acceptance of migrants from outside the immediate region, would likely face considerable domestic political backlash, making a hardline position politically expedient, if not necessary.

V. Poland-Belarus Border: Security and Human Rights Dimensions

A. Reports of Pushbacks, Border Conditions, and Policy Measures

The situation at the Poland-Belarus border remains tense, characterized by ongoing attempts at irregular crossings and controversial responses by Polish authorities.

Numerous reports from non-governmental organizations (NGOs) like Oxfam, Egala, and Doctors Without Borders (MSF), as well as international bodies like Human Rights Watch (HRW), document the continued practice of "pushbacks" by Polish border guards.[7] These involve forcibly returning migrants and asylum seekers back across the border into Belarus, often allegedly without assessing their asylum claims or following formal procedures, potentially denying them the right to seek international protection.[7] Some reports detail violence associated with these pushbacks, including the use of pepper spray and destruction of phones.[8]

> Headline: POLAND: New report highlights abuse against people trying to cross Poland-Belarus border... (Details Oxfam/Egala report on pushbacks)

URL:
https://ecre.org/poland-new-report-highlights-abuse-against-people-trying-to-cross-poland-belarus-border-%E2%80%95-three-month-extension-for-border-exclusion-zone-%E2%80%95-controversial-asylum-law/ 7
Headline: Poland: Scrap Bill Suspending Right To Asylum (Cites HRW research on ongoing pushbacks)
URL:
https://www.hrw.org/news/2025/02/19/poland-scrap-bill-suspending-right-asylum 8

Poland maintains a restricted "exclusion zone" along a significant stretch of the border, which has been extended multiple times, limiting access for journalists, aid workers, and monitors.[7] Reports also describe harsh conditions and abuses faced by migrants, including violence, deprivation of food and water, and theft, allegedly perpetrated by uniformed personnel on both sides of the border, with particular severity attributed to Belarusian forces.[7]

Furthermore, individuals and groups providing humanitarian assistance to migrants near the border have faced legal repercussions in Poland, including accusations and indictments for allegedly facilitating illegal stays, a practice critics decry as the criminalization of humanitarian aid.[15]

Headline: EU EASTERN BORDERS: NGO report highlights 'systematic' pushbacks... Trial of five people who provided humanitarian aid... has begun.
URL:
https://ecre.org/eu-eastern-borders-ngo-report-highlights-systematic-pushbacks-at-eu-borders-%E2%80%95-european-court-hears-landmark-pushback-cases-against-poland-latvia-and-lithuania-%E2%80%95-ngo/ 23

B. Concerns Raised by Human Rights Organizations

The Polish government's policies and practices at the Belarus border, particularly the pushbacks and the recently approved legislation allowing the suspension of asylum rights, have drawn strong condemnation from a wide array of human rights organizations and international bodies.

Groups such as the Polish Helsinki Foundation for Human Rights, the Ocalenie Foundation, Amnesty International, Human Rights Watch, MSF, Oxfam, ECRE, PRO ASYL, and the Migration Consortium, along with the UN High Commissioner for Refugees (UNHCR), have voiced serious concerns.[7] They argue that the asylum

suspension bill is incompatible with the Polish Constitution, binding EU law (including the Charter of Fundamental Rights), and fundamental principles of international refugee law, most notably the principle of non-refoulement, which forbids returning individuals to territories where they face risks of persecution, torture, or inhumane treatment.[8] They warn that such measures formalize unlawful pushbacks and risk violating the ban on collective expulsions.[7]

> Headline: Recommendations for the Polish National Plan for Implementing the EU Pact on Migration and Asylum (Lists NGOs preparing recommendations)
> URL: https://konsorcjum.org.pl/en/recommendations-for-the-polish-national-plan-for-implementing-the-eu-pact-on-migration-and-asylum/ 27
> Headline: How the political agreement on the EU Pact on Migration and Asylum fails the solidarity and human rights test (General critique of Pact, applicable context)
> URL: https://konsorcjum.org.pl/en/how-the-political-agreement-on-the-eu-pact-on-migration-and-asylum-fails-the-solidarity-and-human-rights-test/ 35

Some organizations, like Human Rights Watch, have explicitly called on the European Commission to make clear its intention to initiate legal action (infringement proceedings) against Poland should the controversial asylum law be fully enacted.[8] They argue that claims of "instrumentalized migration" do not absolve Poland or EU institutions of their fundamental human rights obligations.[8]

This situation highlights a stark dilemma. The Polish government's emphasis on national security and its narrative of countering a "hybrid war" at the border lead to policies that directly clash with its international and European human rights commitments.[9] Actions like pushbacks and the potential suspension of asylum rights, while presented as necessary security responses, expose Poland to significant legal challenges (including cases already before the European Court of Human Rights [23]) and considerable reputational damage. This also poses a challenge for the EU, which acknowledges the reality of migrant "weaponization" by Belarus [4] but cannot easily endorse member state actions that appear to violate the EU's own foundational values and legal standards.

VI. Historical Context: Echoes of the 2015 Crisis

The current standoff between Poland and the EU over the Migration Pact carries

distinct echoes of the 2015 European migrant crisis and the subsequent disputes over burden-sharing.

In response to the massive influx of asylum seekers in 2015, the EU adopted an emergency relocation scheme based on mandatory quotas. Poland was initially allocated responsibility for relocating between 6,200 and 9,287 asylum seekers from frontline states like Greece and Italy, depending on the specific Council decision and calculation method referenced.[19]

At the time, the Polish government, then led by the Civic Platform party (the same party now led by Donald Tusk), initially voted in September 2015 to accept the EU plan, breaking ranks with its Visegrád Group allies (Czech Republic, Hungary, Slovakia) who opposed mandatory quotas.[19] However, following the October 2015 parliamentary election victory of the Law and Justice (PiS) party, the new government reversed this position. After initially agreeing to accept a nominal 100 migrants, the PiS government suspended participation in April 2016, citing national security concerns and inadequate vetting procedures.[19] Ultimately, Poland, along with Hungary, accepted no migrants under the 2015 relocation scheme.[19]

This refusal led to legal action by the European Commission. In April 2020, the European Court of Justice (ECJ) delivered a landmark ruling, finding that Poland, Hungary, and the Czech Republic had indeed "failed to fulfill their obligations under European Union law" by refusing to comply with the mandatory relocation decisions.[28] The Polish government at the time acknowledged the ruling but dismissed its practical impact, arguing the relocation mechanism had already expired in 2017.[28]

This historical episode serves as a crucial backdrop to the current dispute. The fact that Poland (under PiS leadership) successfully defied the 2015 mandatory quotas with relatively limited immediate consequences beyond the eventual ECJ judgment (which came after the scheme ended) likely informs the political calculus in Warsaw today.[19] It may suggest to the current government that strong resistance to the new Pact's relocation mechanism is a politically viable strategy, potentially facing delayed or limited enforcement despite formal legal threats from Brussels. However, the geopolitical context has changed significantly since 2015. The full-scale war in Ukraine has elevated Poland's strategic importance as a key frontline state for both the EU and NATO.[24] This enhanced status could potentially provide Poland with greater leverage to resist EU demands, or conversely, it might increase the EU's determination to ensure compliance from a critical partner, or perhaps encourage a more pragmatic search for compromise. The 2015 precedent exists, but its direct

applicability in today's altered strategic landscape is complex and uncertain.

VII. Conclusion and Areas for Future Monitoring

The conflict between Poland and the European Union over the Pact on Migration and Asylum reflects a deep-seated tension between national sovereignty concerns, domestic political pressures, and the EU's push for collective responsibility and legally binding solidarity. Poland's government, led by Prime Minister Tusk, remains steadfast in its rejection of mandatory migrant relocation, citing the unique burdens of hosting Ukrainian refugees and managing the Belarus border crisis.[1] This stance creates a significant impasse with Brussels, which insists the Pact is legally binding on all members, albeit with flexible implementation options.[5]

The situation is further complicated by Poland's challenge to the existing Dublin Regulation and the adoption of controversial national asylum legislation that has drawn widespread condemnation from human rights bodies.[3] There appears to be a critical "understanding gap" between the EU's position—offering flexibility *within* the mandatory solidarity framework based on Poland's circumstances—and Poland's interpretation, which seems to equate acknowledgment of its situation with an effective *exemption* from relocation quotas.[4]

Poland faces potential consequences including EU legal action (infringement proceedings), damage to its international reputation over human rights concerns at the border, and strained relations with key EU partners.[7] The EU, in turn, faces the challenge of upholding its legal order and principles of solidarity while managing internal divisions and navigating the complex political realities involving a strategically vital member state during wartime.[28]

Areas for Future Monitoring:

1. **Finalization and Impact of Polish Asylum Law:** Close attention should be paid to President Andrzej Duda's decision regarding the bill allowing the suspension of asylum rights.[3] If signed into law, monitoring any subsequent legal challenges domestically or at the European level (e.g., ECtHR, potential EU action) will be crucial.[14]
2. **European Commission Legal Response:** Tracking any formal steps initiated by the European Commission, such as launching infringement proceedings against Poland for non-compliance with either the Migration Pact's future obligations or the current Dublin Regulation, will indicate the EU's enforcement resolve.[6]
3. **Migration Pact Implementation (Post-2026):** As the Pact's implementation date approaches, observing how the "understanding gap" plays out in practice

will be key. Specifically, monitoring the concrete solidarity requests made to Poland and Warsaw's response—whether it offers alternative contributions (financial/operational) and whether the EU accepts these as sufficient or pursues relocation/penalties—will reveal the true nature of the compromise or conflict.[5]

4. **Poland-Germany Relations on Returns:** The practical consequences of Poland's declared non-compliance with the Dublin Regulation, particularly regarding the return of asylum seekers from Germany, should be monitored for impacts on bilateral relations and migration flows.[3]
5. **Polish Domestic Politics:** The role of migration policy in Polish political discourse, especially in the lead-up to and aftermath of the 2025 presidential election, requires continued observation to understand how domestic factors influence Poland's EU positioning.[9]

Works cited

1. Polish PM says 'definitive' no to EU migration pact - TVP World, accessed on April 13, 2025, https://tvpworld.com/84848733/polish-pm-says-definitive-no-to-eu-migration-pact
2. Poland “will not implement” EU migration pact if it involves receiving relocated migrants, accessed on April 13, 2025, https://notesfrompoland.com/2025/02/04/tusk-poland-will-not-implement-eu-migration-pact-if-it-involves-receiving-relocated-migrants/
3. Tusk: Poland will no longer comply with EU's Dublin Regulation on returning asylum seekers, accessed on April 13, 2025, https://notesfrompoland.com/2025/03/21/tusk-poland-will-no-longer-comply-with-eus-dublin-regulation-on-returning-asylum-seekers/
4. EU “will take into account” Poland's support for Ukrainian refugees ..., accessed on April 13, 2025, https://notesfrompoland.com/2025/02/07/eu-will-take-into-account-polands-support-for-ukrainian-refugees-when-implementing-migration-pact/
5. EC says Poland will not be exempt from EU Migration Pact - Brussels Signal, accessed on April 13, 2025, https://brusselssignal.eu/2025/02/ec-says-poland-will-not-be-exempt-from-eu-migration-pact/
6. Parliamentary question | Exempting Poland from the migrant relocation mechanism | E-001204/2025 | European Parliament, accessed on April 13, 2025, https://www.europarl.europa.eu/doceo/document/E-10-2025-001204_EN.html
7. POLAND: New report highlights abuse against people trying to cross ..., accessed on April 13, 2025, https://ecre.org/poland-new-report-highlights-abuse-against-people-trying-to-cross-poland-belarus-border-%E2%80%95-three-month-extension-for-border-exclusion-zone-%E2%80%95-controversial-asylum-law/

8. Poland: Scrap Bill Suspending Right To Asylum - Human Rights Watch, accessed on April 13, 2025, https://www.hrw.org/news/2025/02/19/poland-scrap-bill-suspending-right-asylum
9. Poland's changing population mix turns political - Politico.eu, accessed on April 13, 2025, https://www.politico.eu/article/poland-changing-population-political-immigration-border-donald-tusk-election-pis/
10. Most Polish Nationals Support Reintroduction of EU Border Controls to Curb Migration, Survey Reveals - Schengen.News, accessed on April 13, 2025, https://schengen.news/most-polish-nationals-support-reintroduction-of-eu-border-controls-to-curb-migration-survey-reveals/
11. Polish PM rejects implementation of EU Migration Pact - Xinhua, accessed on April 13, 2025, https://english.news.cn/20250205/c99f0a3e675347f780fd7e3455d6738b/c.html
12. Polish PM rejects implementation of EU Migration Pact - Xinhua, accessed on April 13, 2025, https://english.news.cn/europe/20250205/f91d3d43dc4d4c6b80a24f51165fea43/c.html
13. Poland refuses to implement EU Migration Pact - News Arena, accessed on April 13, 2025, https://newsarenaindia.com/international/poland-refuses-to-implement-eu-migration-pact/35723
14. EU and Migration: Will the New Pact Hold at the Poland-Belarus Border?, accessed on April 13, 2025, https://bisi.org.uk/reports/eu-and-migration-will-the-new-pact-hold-at-the-poland-belarus-border
15. Council Adopts EU Asylum Reforms Despite Polish Opposition — Poland Joins Group of Member States Demanding New Migration 'Solutions' — Prime Minister Vows to Strengthen Border with Belarus, accessed on April 13, 2025, https://ecre.org/poland-council-adopts-eu-asylum-reforms-despite-polish-opposition-%E2%80%95-poland-joins-group-of-member-states-demanding-new-migration-solutions-%E2%80%95-prime-minister-vows-to-st/
16. Poland signs the letter of 15 countries on the migration pact - Ministry of the Interior and Administration - Gov.pl, accessed on April 13, 2025, https://www.gov.pl/web/mswia-en/poland-signs-the-letter-of-15-countries-on-the-migration-pact
17. Poland will not implement EU migration pact, says Interior Minister Tomasz Siemoniak, accessed on April 13, 2025, https://www.youtube.com/watch?v=3-9tQy-lnzs
18. Commission position on the Polish Government's declaration that Poland will not participate in the implementation of the Pact on Migration and Asylum | P-000699/2025 | European Parliament, accessed on April 13, 2025, https://www.europarl.europa.eu/doceo/document/P-10-2025-000699_EN.html
19. How Is The European Migration Crisis Affecting Polish Politics? - Social Europe,

accessed on April 13, 2025, https://www.socialeurope.eu/49234
20. Full article: The 'migrant other' as a security threat: the 'migration crisis' and the securitising move of the Polish ruling party in response to the EU relocation scheme, accessed on April 13, 2025, https://www.tandfonline.com/doi/full/10.1080/14782804.2022.2146072
21. Pact on Migration and Asylum – fair burden sharing | E-002507/2024 | European Parliament, accessed on April 13, 2025, https://www.europarl.europa.eu/doceo/document/E-10-2024-002507_EN.html
22. Poland to “fight for exemption” from EU's migrant relocation plans, accessed on April 13, 2025, https://notesfrompoland.com/2024/03/05/poland-to-fight-for-exemption-from-eus-migrant-relocation-plans/
23. EU EASTERN BORDERS: NGO report highlights 'systematic' pushbacks at EU borders — European court hears landmark pushback cases against Poland, Latvia and Lithuania — NGO denounces deadly effects of 'militarisation' on Poland-Belarus border; urges parliament to reject 'unconscionable' asylum law — Polish Prime Minister reaffirms opposition to EU Pact — Five people, accessed on April 13, 2025, https://ecre.org/eu-eastern-borders-ngo-report-highlights-systematic-pushbacks-at-eu-borders-%E2%80%95-european-court-hears-landmark-pushback-cases-against-poland-latvia-and-lithuania-%E2%80%95-ngo/
24. MEPs debate the Polish Presidency's priorities with Prime Minister Donald Tusk | News, accessed on April 13, 2025, https://www.europarl.europa.eu/news/en/press-room/20250116IPR26327/meps-debate-the-polish-presidency-s-priorities-with-prime-minister-donald-tusk
25. EU faces migration rebellion as Poland vows to block asylum-seekers - Politico.eu, accessed on April 13, 2025, https://www.politico.eu/article/eu-migration-rebellion-poland-vow-block-asylum-seeker/
26. EU EASTERN BORDERS: Major increase in crossings in 2024 — Polish presidency to focus on border security — Polish government adopts controversial draft laws on migration and asylum - European Council on Refugees and Exiles (ECRE) |, accessed on April 13, 2025, https://ecre.org/eu-eastern-borders-major-increase-in-crossings-in-2024-%E2%80%95-polish-presidency-to-focus-on-on-border-security-%E2%80%95-polish-government-adopts-controversial-draft-laws-on-migration-and-asy/
27. Recommendations for the Polish National Plan for Implementing the EU Pact on Migration and Asylum - Konsorcjum Migracyjne, accessed on April 13, 2025, https://konsorcjum.org.pl/en/recommendations-for-the-polish-national-plan-for-implementing-the-eu-pact-on-migration-and-asylum/
28. Poland, Hungary and the Czech Republic “failed to fulfill their obligations under European Union law” – the ECJ ruled - NIEM all in for integration, accessed on April 13, 2025, https://www.forintegration.eu/pl/poland-hungary-and-the-czech-republic-failed-to-fulfill-their-obligations-under-european-union-law-the-ecj-ruled

29. Donald Tusk is back: Finally a new era in Polish-EU relations? - European Policy Centre, accessed on April 13, 2025, https://www.epc.eu/en/publications/Donald-Tusk-is-back-Finally-a-new-era-in-Polish-EU-relations~54d6c0
30. EU “will take into account” Poland's support for Ukrainian refugees when implementing migration pact : r/EuropeanFederalists - Reddit, accessed on April 13, 2025, https://www.reddit.com/r/EuropeanFederalists/comments/1ildgpk/eu_will_take_into_account_polands_support_for/
31. Poland Sold Out: Government Rushes EU Migration Pact, Ignoring National Interests, accessed on April 13, 2025, https://polanddaily24.com/poland-sold-out-government-rushes-eu-migration-pact-ignoring-national-interests/poland-today/51278
32. Priority dossiers under the Polish EU Council Presidency - European Parliament, accessed on April 13, 2025, https://www.europarl.europa.eu/RegData/etudes/BRIE/2025/767187/EPRS_BRI(2025)767187_EN.pdf
33. Diminishing Solidarity: Polish Attitudes toward the European Migration and Refugee Crisis, accessed on April 13, 2025, https://www.migrationpolicy.org/article/diminishing-solidarity-polish-attitudes-toward-european-migration-and-refugee-crisis
34. A few countries take responsibility for most of the worlds refugees, accessed on April 13, 2025, https://www.nrc.no/shorthand/fr/a-few-countries-take-responsibility-for-most-of-the-worlds-refugees/index.html
35. How the political agreement on the EU pact on migration and asylum fails the solidarity and human rights test - Konsorcjum Migracyjne, accessed on April 13, 2025, https://konsorcjum.org.pl/en/how-the-political-agreement-on-the-eu-pact-on-migration-and-asylum-fails-the-solidarity-and-human-rights-test/
36. Refugee Crisis: European Commission takes decisive action, accessed on April 13, 2025, https://europa.eu/rapid/press-release_IP-15-5596_en.htm
37. “Poland defended itself from refugees in 2015 and will do so again,” says deputy PM, accessed on April 13, 2025, https://notesfrompoland.com/2021/08/18/we-defended-poland-from-refugees-in-2015-and-will-do-so-again-says-deputy-pm/