



Oktawia Ewa Braniewicz

**Centers for foreigners on the territory of the Republic of Poland in the  
context of international legal standards for the protection of human rights**

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## **Summary of the dissertation**

The issue of international legal standards for the protection of human rights in centers for foreigners on the territory of the Republic of Poland has not been the subject of scientific research and analysis for a long time. The so-called migration crisis, which the member states of the European Union have been facing since the beginning of 2015, forced the authorities of the Republic of Poland to verify the standards of living in Polish facilities in the context of international legal obligations and solutions applied in other European countries. This initiative did not originate directly from the center of power but was the result of increased interest from non-governmental organizations, activist lawyers, and EU bodies. The lack of a comprehensive analysis of how centers for foreigners operate on the territory of the Republic of Poland prompted me to prepare this dissertation.

In the first chapter, I focused on the issue of sovereignty as a determinant of the scope and character of international obligations. This issue is particularly significant from the perspective of the presence of foreigners on the territory of the Republic of Poland, as the rules for admitting foreigners and the principles of citizens traveling outside the borders of a given country derive directly from its sovereignty. Drawing on the concepts of Jan Białocerkiewicz, Waldemar J. Wolpiuk, Jean Bodin, Hugo Grotius, Thomas Hobbes, John Locke, Jean-Jacques Rousseau, Ludwik Erlich, Krzysztof Skubiszewski, Teresa Łoś-Nowak, and Jerzy Kranz, as well as the jurisprudence of the Permanent Court of International Justice, in the first subsection, I presented the evolution of understanding the concept of sovereignty and its role in shaping the autonomy of states. In the next step, I illustrated the significance of the EU phenomenon for the contemporary understanding of the scope of sovereignty, presenting the positions of Dariusz Milczarek, Jan Barcz, and Marek Zirka-Sadowski. I looked at the idea of community from the perspective of Immanuel Kant's dream of a world where a breach of law in one place would be felt everywhere. I also presented the views of positivism reformers Herbert Lionel Adolphus Hart and Neil MacCormick, who questioned the idea of absolute and indivisible sovereignty. I believe it is necessary to present various, often divergent perspectives in order to describe specific phenomena with proper scientific integrity.



In the second subsection, I conducted an analysis of legal norms regulating the status of individuals seeking international protection based on international law norms. Terms such as refugee, migrant, or foreigner are used interchangeably in our everyday lives; we encounter them in the media, read about them in the press, and discuss them with people in our surroundings. All of this has caused these three different concepts to become synonymous in colloquial language. Recognizing this trend, I deemed it necessary to differentiate between the phenomenon of migration and the phenomenon of refuge. This is all the more important because, from the perspective of legal provisions, both national and international, each of the above-mentioned concepts has a different meaning. I outlined the factors shaping migration and pointed out contemporary network theories, which are the result of migration phenomena. I also analyzed the stages of shaping refugee law and international legal norms that influence the protection of foreigners seeking refugee status.

In the third subsection, I described selected aspects of EU asylum law because the concepts of asylum seeker and migrant are also used interchangeably in contemporary EU discourse, leading many people to treat them as synonymous. I also outlined the doctrinal foundations of asylum formulated by Hugo Grotius and Emerich de Vattel, followed by a description of contemporary legal norms regulating this institution. Next, I presented statistical data regarding the number of foreigners applying for international protection between 2017 and 2021 and conducted their analysis. In the subsequent subsection, I connected international human rights protection with the issue of refugees. I emphasized the significance of international human rights protection standards for the particularly vulnerable category of individuals, namely refugees. I also provided selected examples from the case law of the European Court of Human Rights concerning the legal situation of individuals seeking international protection. I concluded that human rights should shake the international legal system, transform its character, and increase their role as tools for influencing the decisions of international organizations and governments. Our understanding of human rights should change in nature, as not only the geopolitical situation in the world changes but also the internal situation in individual countries. New phenomena, such as the use of cyberspace for propaganda, must alter our perspective on legal tools. International human rights protection standards must keep pace with the rapidly changing geopolitical reality worldwide; otherwise, legal norms will not be adequate to meet the needs of those affected by them.



Chapter two provides a general overview of facilities for foreigners on the territory of the Republic of Poland. Initially, I described the forms of protection for foreigners on Polish territory and the refugee status in light of national law regulations. It is worth noting that two types of facilities operate in Poland: open and so-called guarded centers, which operate under the provisions of the Foreigners Act. Due to the difficulty in obtaining permission to enter guarded facilities and the nature of research and adopted research methods, this dissertation covers open facilities. In the next part of the second chapter, I described the procedure for granting international protection, as it constitutes the first step in a foreigner's stay in facilities covered by this dissertation. It is extremely important to note that each foreigner's application for international protection is considered an application for refugee status, unless the foreigner explicitly applies for asylum or the request for protection results from a court ruling on the inadmissibility of extradition for the foreigner or from the Minister of Justice's decision to refuse his extradition. Next, I elaborated on the functioning rules of the Centers for Foreigners on the territory of the Republic of Poland, where I conducted field research. The facilities were located in Białystok and Czerwony Bór (Podlaskie Voivodeship), Warsaw, Linin, and Dębaki-Podkowa Leśna (Mazowieckie Voivodeship), Grotniki (Łódzkie Voivodeship), Kolonia Horbów, Bezwola, Biała Podlaska, and Łuków (Lubelskie Voivodeship), and Grupa (Kujawsko-Pomorskie Voivodeship). I use past tense because, since 2018, some facilities have been closed or transformed into guarded centers. In this part of the dissertation, I not only described the rules of life in the facilities and presented numerical data broken down by gender in specific centers but also showed photographic documentation from visits conducted in the facilities. In the next part of the chapter, I described the forms of social assistance available to individuals applying for international protection on the territory of the Republic of Poland. I showed how the healthcare system operates in individual facilities and to what extent foreigners can count on assistance from psychologists, doctors, and nurses. I also included photographs showing what medical offices and rooms for psychological consultations look like in the centers. I also described the functioning and role of so-called epidemiological filters that foreigners must pass through when crossing the borders of Poland.

Chapter three confronts international human rights protection standards with the realities of centers for foreigners on the territory of the Republic of Poland. I decided that the best tool would be the method of in-depth interviews. Among my

interviewees were: foreigners residing in the centers; representatives of the Office for Foreigners (employees of the centers and the Department of Social Assistance, as well as the Office for Foreigners Spokesperson); representatives of the Refugee Board; psychologists working in the centers; and directors of selected schools attended by foreign children. All conversations were confidential, so specific names do not appear in the doctoral dissertation. The study covered 200 individuals, of which 150 were foreigners residing in the centers. I also decided to conduct an analysis of press and internet materials using the desk research method. Examining the standards of international human rights protection, I considered the values (human rights as a set of universal values) and mechanisms of their protection contained in legal provisions; thus, these were considerations of a doctrinal nature. I was interested in both the content of legal provisions and their interpretation, hence the analysis of selected judgments of Polish administrative courts in cases of individuals seeking international protection. Alongside in-depth interviews, the doctrinal method was a key research tool for me. I made the international human rights protection standards in centers for foreigners on the territory of the Republic of Poland, as well as their source and instruments for their implementation, the subject of my reflection. In the dissertation, I also included *de lege ferenda* postulates. I isolated three key areas for myself: the phenomenon of violence, the right to education in the context of refugee children, and the issues of foreigners in the face of the protracted refugee status proceedings.

Both the chosen topic and the selection of research methods are not classical for the field of legal sciences. In my opinion, it is not possible to create an in-depth yet synthetic analysis of international human rights protection standards in centers for foreigners on the territory of the Republic of Poland without going beyond the doctrinal method and analyzing the jurisprudence of national and international courts. Without using tools such as in-depth interviews or desk research methods, this dissertation would be much poorer. From the beginning, my goal was to create a multidimensional work that would emphasize the necessity of considering human rights from an interdisciplinary perspective. Human rights are an area of interest not only for lawyers but also for political scientists, psychologists, ethicists, and international relations researchers. The legal aspect is strongly emphasized in the work; however, I did not want it to be the sole point of departure for considerations on international human rights protection standards in facilities where foreigners awaiting a decision on refugee status reside.



Due to the outlined research area, the main objective of the dissertation was to find answers to the question: to what extent do centers for foreigners on the territory of the Republic of Poland comply with international human rights protection standards and whether Polish facilities are prepared for the influx of foreigners? Resolving these issues required determining answers to detailed questions:

1. To what extent is sovereignty a determinant of the scope and nature of international obligations regarding the provision of international protection by the state?
2. What significance does the phenomenon of the EU have for the contemporary understanding of the scope of sovereignty?
3. What were the stages of the formation of refugee law and international legal norms that affected the shape of protection for foreigners applying for refugee status?
4. What is the general characteristic of centers for foreigners on the territory of the Republic of Poland?
5. What is the scale of violence in such facilities?
6. To what extent can refugee children exercise the right to education, and is the Polish education system prepared for their presence?
7. How does the situation of foreigners change in the face of the protracted proceedings for refugee status?

The research hypothesis I assumed suggests that legal standards arising from national provisions are sufficient to meet international human rights protection standards; however, the mechanisms and practical solutions aimed at their implementation are inadequate. Despite the existence of regulations emphasizing the protection of foreigners' rights, we still do not have the appropriate tools to enforce these rights.

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*Oktawia Ewa Braniewicz*