



## LEGAL AND JUDICIAL INFORMATION ON MIGRANT SMUGGLING

### POLAND

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#### GENERAL INFORMATION ON MIGRATION



#### MAIN FIGURES AND TRENDS

##### EU/Schengen external border

In 2025, the greatest migration threat persisted at the Polish-Belarusian border, where nearly 30,000 attempts to cross the border illegally into Poland were detected. Most of the foreign nationals making these attempts were returned to the border immediately after being detected, or were issued with orders to leave Polish territory. The majority of the detected foreign nationals were citizens of Afghanistan, Eritrea, Ethiopia, Sudan, Pakistan, Somalia, Iraq, Iran and India.

On the remaining sections of the external border, the migration threat in the direction towards Poland remained at a stable, low level – 1,106 third-country nationals were apprehended, including 607 at the air border, 465 with Ukraine, 28 with Russia and 6 at the maritime border. Among those apprehended, the majority were citizens of Ukraine (475), Georgia (59) and Belarus (59). At the air border and the border with Ukraine, foreign nationals were most frequently apprehended for using forged travel documents or for not possessing valid documents.

In the direction from Poland, the Border Guard detained 100 third-country nationals, including 47 at the air border, 40 at the border with Ukraine, 9 at the border with Belarus, 2 at the maritime border and 2 at the border with Russia.

##### EU/Schengen internal border

In 2025, 1,476 third-country nationals were detained at the internal border for crossing the border into Poland in breach of regulations, including 654 at the border with Lithuania, 394 with Germany, 279 at the air border, 127 with the Czech Republic, 19 with Slovakia and 3 at the maritime border.

The majority of those detained were nationals of Somalia (187), Syria (137), Afghanistan (99), Ukraine (77), Georgia (69), Uzbekistan (64), Tajikistan (61) and Belarus (54).

It should be emphasised that in 2025, compared to 2024, the threat of illegal migration to Poland via the Polish-Lithuanian section of the state border has increased. On this section, mainly nationals of Somalia and Afghanistan were apprehended. This threat stems from the enhanced effectiveness of the Border Guard's operations on the Polish-Belarusian border, and

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consequently the partial redirection of migratory pressure from Belarus onto the Baltic route passing through the territory of Latvia and Lithuania. To counter this threat, Poland has temporarily reinstated border controls on the border with Lithuania (effective until 4 April 2026).

On the route from Poland, the Border Guard detained **3,599** third-country nationals, mainly at the border with Germany – **3,461** (over 96% of the total) – and at the air border (**81**) and with the Czech Republic (**57**). Those detained were mainly nationals of Ukraine (**1,391**), Afghanistan (**332**), Colombia (**204**), Somalia (**190**), Georgia (**136**), Eritrea (**132**) and Ethiopia (**110**).

## ➔ MIGRATORY ROUTES

Illegal border crossings are mainly carried out with the involvement of organised criminal groups, which arrange transport at all stages of the journey, provide temporary shelter in transit countries, and supply the necessary identity and residence documents. Only a small number of migrants attempt to reach their destination country individually and on their own. These groups have a diverse national composition and operate along both the Polish-Belarusian and Polish-Lithuanian borders. Furthermore, there is a noticeable trend for these groups to be involved in criminal activities along the so-called 'Balkan route' running from southern Europe. The transport of irregular migrants from the Polish-Belarusian border, across the Polish-Lithuanian border, or via the Balkan route is in most cases carried out using passenger cars, and less frequently using minibuses. At the same time, it should be noted that there are cases confirming the activities of certain criminal groups which use TIR-type lorry combinations to transport migrants.

Current intelligence held by the Operational and Investigative Directorate of the Border Guard Headquarters allows the following main channels for the smuggling of illegal migrants to be identified:

the so-called 'eastern route' running through Russia – Belarus – Lithuania – Poland and on to the destination countries, or Russia – Belarus – Poland and on to the destination countries;

the so-called 'Balkan route' running through Turkey – Greece – North Macedonia – Serbia – Croatia – Hungary – Austria – Slovakia – the Czech Republic – Poland and on to the destination countries;

air routes, mainly from southern Europe (Greece, Albania)

### “Eastern route”

In the context of the situation on the Polish–Belarusian border, it must be noted that currently, the illegal crossing of the state border along this section by foreign nationals (including by damaging the permanent barrier) takes place with the knowledge and consent of decision-makers, de facto with the active participation of Belarusian security service officers. The increased security of the Polish-Belarusian border has led to a rise in the activity of criminal groups organising illegal migration via Lithuania and Latvia. The reintroduction of border

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controls on the Polish-Lithuanian border in July 2025 significantly curtailed the influx of migrants from Belarus via the Baltic states. A new phenomenon is the use of tunnels dug beneath the barrier. This is a phenomenon that did not occur previously (previously, only short tunnels directly beneath the concrete base of the barrier were discovered). To date, since October 2025, five tunnels have been uncovered, of which two were found on the Polish side and three on the Belarusian side. Furthermore, it should be noted that over the last two years a new smuggling route has been identified involving nationals of India and Pakistan who have reached Poland illegally from the direction of Belarus. These individuals are provided with forged documents, after which a journey is organised by air from Poland via Spain and Central American countries to the USA.

## “The Balkan route”

The reintroduction of border controls on the Polish-Slovak border, in place from 4 October 2023 to 2 March 2024, has significantly reduced migration via the Balkan route through Poland. At the same time, Croatian and Slovenian partners in particular have noted a significant increase in the number of detected cases of the transport of irregular migrants in groups (ranging from a few to over a dozen people) in passenger cars and minibuses. These are largely vehicles from Polish rental companies, driven usually by citizens of Poland, Ukraine, Georgia and Lithuania. Taking into account the number of apprehensions of irregular migrants in the Western Balkan states (Croatia, Slovenia) through which the migration route described above passes, as well as observed trends indicating that certain criminal groups involved in organising illegal migration from Belarus have expanded their services or redirected their activities to the Balkan route, it can be concluded that criminal groups operating within the territory of the Republic of Poland have shifted their activities and are now largely operating towards the Western Balkans

## “Air routes”

Air routes, despite increased checks by border authorities, continue to be used for illegal migration. Foreign nationals attempting to enter the territory of the Republic of Poland in this manner use forged, counterfeit or documents bearing the identity of another person (both Polish and from other countries) and in this way attempt to conceal their identity or falsify their travel history. The routes posing the greatest threat in this case are:

- the ‘Greek route’, which is most frequently used by citizens of Middle Eastern countries,
- the ‘Albanian route’ through Poland, mainly to the United Kingdom; in this case, the route is used primarily by Albanian citizens.



## INSTITUTIONAL ORGANISATION

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In Poland, the Border Guard is the main law enforcement agency responsible for preventing and combating illegal migration. The detailed scope of tasks performed by the Border Guard is set out in Article 1 of the Act of 12 October 1990 on the Border Guard, which states that the Border Guard is a uniformed and armed force tasked with protecting the state border, controlling border traffic, and preventing and combating illegal migration.

The main tasks of the Border Guard in the context of human smuggling include:

1. protecting the state border on land and at sea;
2. organising and carrying out border traffic controls;
3. preventing and combating illegal migration;
4. issuing permits to cross the state border, including visas;
5. identifying, preventing and detecting crimes and offences, and prosecuting their perpetrators within the remit of the Border Guard.

At the same time, it should be noted that the police also have the relevant powers to identify crimes relating to illegal migration.

Preliminary investigations into criminal offences related to illegal migration are supervised by the Public Prosecutor's Office.



## LEGISLATIVE FRAMEWORK

Illegal border crossing is considered a misdemeanour or a criminal offence. This matter is governed by the provisions of the Code of Misdemeanours and the Criminal Code.

Pursuant to Article 49a of the Act of 20 May 1971 – Code of Misdemeanours – “Whoever crosses the border of the Republic of Poland in breach of the law shall be liable to a fine”. Illegal border crossing occurs where the border is crossed at a point not designated for that purpose, as well as at a designated crossing point but in breach of the regulations governing border crossing, in accordance with Article 14(1) of the Act of 12 October 1990 on the Protection of the State Border (including: possession of a valid travel document or a document authorising border crossing, possession of a valid visa where required, justification of the purpose and conditions of the planned stay, and possession of sufficient means of support). It is worth noting here that Border Guard officers are authorised to impose a fine by way of a penalty notice for the offence specified in Article 49a of the Code of Misdemeanours, as provided for in Article 95 § 4 of the Act of 24 August 2001 – Code of Misdemeanours. The maximum amount of such a fine is PLN 500 (Article 96(1) of the Code of Misdemeanours).

However, with regard to criminal law provisions, pursuant to Article 264(2) of the Act of 6 June 1997, the Criminal Code criminalises the crossing of the border of the Republic of Poland in breach of the law, i.e. in breach of the aforementioned obligations and through the use of violence, threats, deception or in collaboration with other persons, for which the penalty is imprisonment for up to 3 years. Article 264 § 3 refers to organising for other persons the crossing of the border of the Republic of Poland in breach of the regulations, for which the penalty is imprisonment for a term of between 6 months and 8 years. Article 264 § 4, on the other hand, refers to organising for other persons the crossing, in breach of regulations, of the

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border of another state, where the obligation to prosecute such an act arises from an international agreement ratified by the Republic of Poland.

It is also worth recalling the content of Article 264a of the Criminal Code, which criminalises the prohibited act of enabling or facilitating another person (for the purpose of obtaining financial or personal gain) to remain on the territory of the Republic of Poland in breach of the applicable legal provisions.

In turn, matters relating to the conditions for the legality of foreigners' stay in Poland are regulated by the Act of 12 December 2013 on Foreigners, the Act of 14 July 2006 on the entry, stay and departure from the territory of the Republic of Poland of citizens of European Union Member States and members of their families, and in the Act of 12 March 2022 on assistance for citizens of Ukraine in connection with the armed conflict on the territory of that state.

The Criminal Code of 6 June 1997.

Article 264.

§ 1. (repealed).

§ 2. Whoever crosses the border of the Republic of Poland in breach of the law, using force, threats, deception or in collusion with other persons, shall be liable to imprisonment for up to 3 years.

§ 3. Whoever, contrary to the law, organises the crossing of the border of the Republic of Poland for other persons shall be liable to imprisonment for a term of between 6 months and 8 years.

§ 4. The penalty specified in [§ 3](#) shall apply to anyone who organises the crossing of another state's border by other persons in contravention of the law, if the obligation to prosecute such an act arises from an international agreement ratified by the Republic of Poland.

Article 264a.

§ 1. Whoever, contrary to the law and for the purpose of obtaining financial or personal gain, enables or facilitates another person's stay on the territory of the Republic of Poland, shall be liable to imprisonment for a term of between 3 months and 5 years.

§ 2. In exceptional circumstances, the court may apply extraordinary mitigation of the penalty or even refrain from imposing it if the offender has not gained any financial benefit.

Code of Misdemeanours of 20 May 1971.

Article 49a.

§ 1. Whoever unlawfully crosses the border of the Republic of Poland shall be liable to a fine.

§ 2. Attempts and aiding and abetting are punishable.

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In addition, significant implementing acts introduced last year include the Regulation of the Minister of the Interior and Administration of 29 August 2025 on the introduction of a temporary ban on staying in a specified area within the border zone adjacent to the state border with the Republic of Belarus, and the Regulation of the Council of Ministers of 27 March 2025 on the temporary restriction of the right to submit an application for international protection. At the same time, it should be noted that these are temporary measures.



## JUDICIAL FRAMEWORK

Polish criminal law does not contain specific provisions on combating illegal migration.

Depending on the specific case, a person suspected of committing an offence under Article 264 or Article 264a of the Criminal Code may be detained by order of the court. The prosecutor supervises the criminal proceedings and may apply to the court for a preventive measure in the form of pre-trial detention for a period of three months, citing, for example, the risk of the suspect absconding or the threat of a severe sentence (the preventive measure may be applied until the sentence begins to be served). The prosecutor then draws up an indictment and files it with the court. After considering the case, the court rules on whether the defendant is guilty or not guilty of the offence in question.



## INTERNATIONAL COOPERATION

As part of its efforts to combat illegal migration, the Border Guard engages in extensive international cooperation. This is primarily carried out through Europol, where criminal intelligence relating to ongoing cases is exchanged, and through Eurojust, which coordinates international judicial proceedings.

Furthermore, cooperation takes place via Interpol and bilaterally with liaison officers accredited in Poland.

As part of this mutual cooperation, Polish Border Guard officers are currently participating, under the auspices of EUROPOL, in five Operational Task Forces (OTFs) carrying out operations aimed at combating illegal migration. In addition, Border Guard officers participate in two International Investigation Teams as part of investigations into criminal groups organising illegal migration.



## RELEVANT CASES

### Links between a migrant smuggling group and terrorist organisations

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The Border Guard investigated an international, organised criminal group involved in organising illegal migration from Belarus to Poland and other Western European countries.

The case was coordinated by Europol and formed part of the OTF operational task force. In June 2023, a Joint Investigation Team (JIT) comprising Polish, German and Lithuanian border services was established to carry out the investigative work.

The group under investigation included citizens of Poland, Ukraine, Iraq and Belarus. The migrants being smuggled were mostly nationals of Iraq, Syria or Palestine.

During the course of the investigation, it was established that the person responsible for organising the border crossing point, hiring couriers to transport the foreign nationals to Germany and processing payments was a man who also acted as one of the money launderers through whom the criminal group settled the funds obtained from criminal activities.

The aforementioned individual held cryptocurrency wallets which were found to be linked to clusters identified on the Israeli Ministry of Defence's website as belonging to *Hezbollah* and *Palestinian Jihad*.

An analysis of the financial flows carried out using these wallets revealed that, since 2021, approximately 581,000,000 USDT has passed through them, which is roughly equivalent to 581,000,000 USD.

Through the aforementioned cryptocurrency wallets, USD 30,000,000 was transferred to finance terrorism.

On 23–24 April 2024, a Europe-wide operation (Joint Action Day under Europol's Task Force – OTF) was carried out in coordination with Europol, aimed at apprehending the organisers of illegal migration based in Poland, Germany, the Netherlands, Lithuania, Latvia, Estonia, Sweden and the United Kingdom.

Part of these operations, particularly those outside the Republic of Poland (Germany and the Netherlands), were commissioned by the Polish authorities as part of an ongoing investigation into 37 suspects charged under Article 258 § 1 and 3 of the Criminal Code (leading and participating in an organised criminal group), Article 264(3) of the Criminal Code (organising illegal migration), and Article 165a of the Criminal Code (financing of terrorism). The offences with which the suspects are charged are punishable by up to 15 years' imprisonment.

As part of the above-mentioned investigation, based on previously issued European Investigation and Arrest Orders (EIOs), the global organiser of the operation, operating across Europe – identified as a Syrian national, who is permanently resident in Germany and has links to individuals based in the Netherlands.

As part of the "Polish strand of the case", three searches were carried out in Germany (including the arrest of the aforementioned suspect), whilst further operations were conducted in the Kingdom of the Netherlands (National Police of the Netherlands, Oost Brabant region). Representatives of the Border Guard participated in these operations, supporting the cooperating services, particularly in the areas of digital forensics and cyber intelligence, and securing cryptocurrency wallets used for financial transactions related to the criminal activities.



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As part of the ongoing investigation, the suspects were charged with organising the illegal crossing of the border for at least 3,500 people.

As part of the case, over 40 members of the group (including individuals from Poland, Ukraine, Tunisia, Georgia, Iraq, Belarus and Syria) were arrested for organising the illegal crossing of the state border. An international search was launched (a red notice was issued). Assets worth approximately €1 million were seized.

During the course of the operation, as part of the established cooperation, there was, among other things, an ongoing exchange of information with foreign partners (Lithuania, Germany), which resulted in the detention of over 100 people (migrants) and couriers.

## **2. Apprehension of 160 irregular migrants who crossed the Polish-Belarusian border via a dug tunnel.**

On 11 December 2025, a tunnel running from Belarusian territory into Poland was discovered in the section protected by the Podlasie Border Guard Unit. 160 illegal migrants who had entered Poland from Belarus via a dug tunnel were apprehended. The migrants were passing through a tunnel, several dozen metres long, dug beneath the physical barrier in groups at intervals of around ten minutes. As the foreign nationals had committed an offence under Article 49a(1) of the Code of Petty Offences, consisting of crossing the state border in contravention of the regulations (pgpwp), a corrective measure in the form of a warning was imposed on the aforementioned persons pursuant to Article 41 of the Code of Petty Offences. In accordance with paragraph 1(2b) of the Regulation of the Ministry of the Interior and Administration of 20 August 2021, they were returned to the state border.

As a result of the operation, three couriers (one Polish national, one Lithuanian national and one Ukrainian national) were detained; they had travelled to the border area to collect illegal migrants.

## **3. Detention of an organiser of illegal migration on the territory of the United Kingdom.**

As part of a case being investigated by the Polish Border Guard and ongoing cooperation with Europol and officers of the National Crime Agency in the UK, the whereabouts of a citizen of one of the leaders of the criminal networks under investigation, involved in the smuggling of migrants from Belarus and via the Balkan route.

An arrest warrant and a British and European arrest warrant have been issued for the aforementioned individual, and he has also been placed on Interpol's Red Notice. Furthermore, the prosecutor overseeing the investigation has submitted a request for Mutual Legal Assistance (MLA) to the British authorities, setting out the operational parameters.

On 20 November 2024, as part of Join Action Day, the OTF Operational Task Force focused on combating illegal migration from Belarus, in cooperation with officers of the Polish Border Guard, officers of the British National Crime Agency (NCA) arrested an Iraqi national, one of the main organisers of illegal migration, on UK territory.