

# WHAT AM I DOING HERE?



## LEAFLET ON DETENTION AND PLACEMENT IN A GUARDED CENTER FOR FOREIGNERS FOR UNACCOMPANIED CHILDREN AND YOUNG PEOPLE

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## WHY WERE YOU DETAINED?

It is possible that you do not have the proper documents to enter or stay in Poland, or that you only have photos of them (e.g., a visa or passport).

The Border Guard may apprehend you for a maximum of **48 HOURS**



While you are detained, you have the following rights:

- the right to be informed of the reason for your detention and to be heard
- the right to contact a lawyer (if you cannot afford a lawyer, you may receive free legal aid: ask that this is recorded in the detention report)
- the right to free assistance from an interpreter. If you do not understand the interpreter, report this immediately! **DO NOT SIGN DOCUMENTS THAT YOU DO NOT UNDERSTAND**
- the right to notify your relatives
- the right to receive the detention report
- access to necessary medical assistance.

If you believe that your detention violated your rights, you may file an appeal with the court within **7 DAYS** of your detention.

You have the right to immediate release if you are legally in Poland or if there are other reasons why your detention is unjustified.

Within **48 HOURS**, the Border Guard may submit an application to the court to place you in a guarded center for foreigners.

You cannot be referred to a guarded center if:

- 1) You are under 15 years of age;
- 2) You are under 18 years of age and have applied for international protection;
- 3) Staying in a guarded center could pose a threat to your life or health;
- 4) You have experienced violence in your country or on your way to Poland.

You are placed in a guarded center based on a court decision. During the court proceedings, explain to the judge:

- how old you are,
- why you came to Poland,
- whether you have documents and, if not, what happened to them,
- whether you have experienced violence,
- whether you have health problems,
- whether you want to obtain international protection in Poland,
- whether you have relatives in Poland or another European Union country,
- ask the court to assign you a lawyer.



If the court decides to place you in a center and you disagree, you have **7 DAYS** to file an appeal. You can write it in your own language: the court will translate it. In your appeal, write the name of the court that deprived you of your liberty.

If...

- ✓ you are a child (you are 18 years old or younger);
- ✓ you came to Poland because you had to leave your country and home;
- ✓ you came without your parents or other legal guardians, e.g., grandparents, uncle;
- ✓ you were detained by the Border Guard;

then this leaflet is for you!



**FIND OUT WHAT YOUR RIGHTS ARE WHEN YOU ARE DETAINED AND PLACED IN A GUARDED CENTER FOR FOREIGNERS**

## IMPORTANT: AGE DETERMINATION PROCEDURE



If you are detained because you do not have a passport, be sure to show the Border Guard and the court any documents, copies, or scans that confirm your age.

If these documents raise doubts, the Border Guard may refer you to **a doctor for an age assessment**. Remember that you have the right to receive full information in your own language about what is happening and the purpose of the medical procedure.

If your false date of birth is entered in the detention report or other documents you are required to sign, raise an **objection** before signing and ask that it be recorded.

**Every document you sign should contain your correct date of birth.**

If you are a child, but the Border Guard and courts treat you as an adult, this violates your rights.

**BE SURE TO CONTACT LAWYERS**

## NEED HELP?

If you are unsure about your rights, you have the right to consult a lawyer or an organization that assists refugees. You can find the list here:

<https://www.gov.pl/web/udsc-en/free-information-and-legal-assistance>

If you cannot afford a lawyer, submit a request to the court for free legal representation. Explain why you cannot afford a lawyer and that the legal procedures are too complicated for you.

If you have been placed in a guarded center and want to apply for international protection, notify the center's administration in writing as soon as possible.

The court should then appoint a special assistant for you, **a guardian**.

Ask to be put in touch with him. Your guardian must explain everything to you and assist you with applying for international protection.

In particular, the guardian must submit your application for protection and be present at the hearing. The sooner your guardian submits your application for protection, the sooner you can leave the guarded center.

