



EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

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FIFTH SECTION

Application no. 7829/23
M.A.
against Poland
lodged on 16 February 2023
communicated on 7 September 2026

SUBJECT MATTER OF THE CASE

The application concerns various sets of proceedings aimed at the expulsion of the applicant (a lawfully resident alien) on the grounds of national security.

I. APPLICANT'S BACKGROUND

The applicant is a stateless person of Palestinian origin. He had been legally residing in Poland since 2016. He is married to a Polish national. The couple have a daughter, born in 2018, who has disabilities.

II. INCLUSION OF THE APPLICANT'S DETAILS IN THE REGISTER OF UNDESIRABLE FOREIGNERS

In 2020, without the applicant's being informed about it, his details were entered in the Register of Foreigners whose Residence in Poland is Undesirable ("the Register") for national security reasons, for a period to end in 2025. The applicant was never granted access to the content of the information which served as basis for his inclusion in the Register.

His attempts at having his details removed from the Register were unsuccessful – the relevant proceedings ended on 7 February 2023 when the Supreme Administrative Court dismissed his cassation appeal.

III. PROCEEDINGS FOR THE APPLICANT’S REMOVAL FROM POLAND

Following his inclusion in the Register the applicant was, in a separate procedure, ordered to leave Poland and return to the Palestinian Authority by an immediately enforceable 2021 first-instance decision. The applicant was also prohibited from returning to Poland and other Schengen area states for a period of 5 years. He appealed.

It was not until 2022 when the Warsaw Regional Administrative Court suspended the execution of the return decision pending the review of the applicant’s judicial appeal. These proceedings also ended on 7 February 2023 when the Supreme Administrative Court dismissed the applicant’s cassation appeal.

In March 2023 the applicant left Poland, on his own, for Belgium where he applied for international protection. He since obtained it in 2026.

IV. COMPLAINTS

Concerning the inclusion of his details in the Register, the applicant complains: (i) under Article 1 of Protocol No. 7 to the Convention, and (ii) under Article 8 (alone and in conjunction with Article 13), that his procedural rights were violated, notably that (a) he was never informed about the details of the national security grounds which served as basis for the decision aimed at his expulsion, (b) was thus unable to address these reasons, and that (c) he had no effective remedy at his disposal.

The applicant further complains, under Article 3 of the Convention (alone and in conjunction with Article 13 thereof), of procedural shortcomings of the return proceedings. He relies on the allegedly defective assessment of the risks he was facing if returned to the Palestinian Authority and on the immediate enforceability of the first-instance return decision which was not suspended until the 2022 decision of the Warsaw Regional Administrative Court.

QUESTIONS TO THE PARTIES

Concerning the inclusion of the applicant’s details in the Register:

1. Did the proceedings related to the inclusion of the applicant’s details in the Register comply with the procedural requirements of Article 1 § 1 of Protocol No. 7 (see *Muhammad and Muhammad v. Romania* [GC], no. 80982/12, §§ 133-57, 15 October 2020, and *Poklikayew v. Poland*,

no. 1103/16, §§ 60-83, 22 June 2023; and *Şener v. Poland*, no. 53371/18, §§ 85-103, 7 May 2026 (not yet final))?

2. Has there been an interference with the applicant's right to respect for his family life, within the meaning of Article 8 § 1 of the Convention, on account of the inclusion of his details in the Register? If so, was that interference in accordance with the law and necessary in terms of Article 8 § 2 (see, *mutatis mutandis*, *Şener v. Poland*, cited above, §§ 118-31)?

Concerning the proceedings on requiring the applicant to return:

3. Before ordering the applicant to return, did the Polish authorities carry out an adequate and rigorous assessment of his claims concerning the risk of ill-treatment in his country of origin, as required under Article 3 of the Convention (see *F.G. v. Sweden* [GC], no. 43611/11, §§ 117-22 and 125-27, 23 March 2016, and *J.K. and Others v. Sweden* [GC], no. 59166/12, §§ 87-105, 23 August 2016)?

4. Did the applicant have at his disposal an effective domestic remedy for his complaint under Article 3, as required by Article 13 of the Convention (*M.K. and Others v. Poland*, nos. 40503/17 and 2 others, § 220, 23 July 2020; *A.D. and Others v. Turkey*, no. 22681/09, 22 July 2014; *Auad v. Bulgaria*, no. 46390/10, 11 October 2011; and *Gebremedhin [Gaberamadhien] v. France*, no. 25389/05, ECHR 2007-II)?