Crossing Double Borders

LGBTQI+ displacement to Poland: persecution, discrimination and challenges in accessing humanitarian assistance

Konsorcjum Migracyjne
Migration Consortium

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The illustrations were created by André Arruda, with the support of AI image generation software Midjourney.

Table of terms and abbreviations

asylum claim, refugee status, subsidiary protection	Asylum is a claim you make, and if accepted by the country where you seek asylum, you receive international protection (such as refugee status). In Poland, the application is submitted directly to the Head of the Office for Foreigners. Not every asylum seeker will ultimately be recognised as a refugee under the Geneva Convention but might receive another limited form of protection (subsidiary protection).
cis-heteronormativity	The assumption that everyone identifies as the gender they were assigned at birth, and that heterosexuality is the preferred or 'normal' sexual orientation.
cluster system	The Cluster Approach was adopted in 2005 to improve the effectiveness of humanitarian response through division of responsibilities among humanitarian actors based on their areas of expertise (housing, education etc.).
deportation	The expulsion of a person, or group of people, by a state from its territory.
detention centre, closed refugee centre	In Poland, there are open and closed refugee centres (detention centres). Those with experience of irregular border crossing are often placed in detention during their asylum procedure.
detransition	Detransition refers to the stopping or reversal of a gender transition, which could be social, medical (hormone therapy), surgical, or legal.
F64	The F64.0 diagnosis ("Transsexualism") is a document of gender recognition in Ukraine. It is a formal criterion of unfitness for military service according to the Ministry of Health.
forced migrant	A person subject to a migratory movement in which an element of coercion exists, including threats to life and livelihood. Here: umbrella categories for all individuals forced to migrate (asylum seekers, refugees en masse etc.).
Geneva Convention	The 1951 Convention Relating to the Status of Refugees is a United Nations treaty that defines who a refugee is and sets out the rights of individuals and the responsibilities of nations regarding asylum.
intersectionality	Understanding that multiple forms of inequality, or disadvantage, may compound one another and create new identities or forms of discrimination.
intersex	People who are intersex have genitals, chromosomes or reproductive organs that don't fit into the male/female sex binary.
LGBTQI+	An umbrella term for Lesbian, Gay, Bisexual, Trans, Queer, Intersex and other non-cis-heteronormative identities.
migration route, irregular migration	The overall trajectory of migration of an individual. Irregular migration is not the same as illegal migration, as 'irregular' refers to the movement outside of regulatory norms, while 'illegal' means against the law. For example, if a person has no other option or knowledge of how to cross the border in a regular way (at the border crossing), their crossing would be considered irregular.
non-binary	Identity that encompasses genders that do not fall into the binary of male or female.
Ombudsman	The Commissioner of Human Rights.
pushback	A set of state measures by which refugees and migrants are forced out through a border, against international human rights standards and asylum law.
SOGIESC, SOGIE	Umbrella term for sexual orientation, gender identity and expression and sex characteristics. Often used in humanitarian and human rights frameworks.
transition	An umbrella term that refers to processes where a trans individual moves from one gender presentation to another.
vulnerability assessment, vulnerable group	A vulnerability assessment is a systematic review of security weaknesses in a given information system. It evaluates and assigns severity levels to vulnerabilities faced by groups in humanitarian settings and recommends interventions. Vulnerable groups vary by context, but often include children, the elderly, persons with disabilities, women and girls, LGBTQIA+ individuals or refugees.

Acknowledgements

We are deeply grateful to all those who shared their personal experiences of migration and displacement with us. We hope that this report will be used in ways that better support those facing discrimination or neglect on their journey toward safety and respect.

We would also like to acknowledge the incredible work of countless local and international organisations, non-formal groups, communities, and individuals in Poland and beyond who have been providing unwavering support to forcibly displaced people, regardless of their sexual orientation, gender identity, gender expression, or sex characteristics. Many of whom contributed to this research and shared their valuable expertise with us. Most importantly, many of the stories presented in this report have had positive outcomes thanks to your dedication.

Finally, our gratitude goes to all those who tirelessly corrected, reviewed, advised on, and worked on this report and helped to make it happen, particularly Milena Chodoła, Urszula Idzikowska, Lilit Hayrapetyan, Stef Pruski and Sue Ellen Stefanini from Plan International Poland; and our colleagues from Migration Consortium – prof. Witold Klaus, Aleksandra Fertlińska, Magdalena Nazimek, Anna Tsyba and Lili Sogomyi – and Joanna Sarnecka and Darin Loka from Queer Without Borders.

Executive Summary

I imagined Poland and Europe differently. I truly believed it would be better for people like us (IDI4)

Without adequate and rights-based protection of the most vulnerable individuals the humanitarian reception or asylum policies cannot be deemed successful.[1] Recent emergencies in Central and Eastern Europe, such as the 2022 Ukrainian refugee response[2] and humanitarian crisis at Polish-Belarusian border[3], have underscored the urgent need to reassess and strengthen protection mechanisms for marginalized groups, particularly LGBTQI+ forced migrants[4]. This report provides a unique, first-hand analysis of the testimonies of LGBTQI+ individuals who, fearing for their lives, health or safety, sought refuge in Poland before and after the reception of millions of Ukrainians in 2022.

Unlike other reports published after 2022, this one provides a detailed, step-by-step analysis of the systemic and legal – not merely humanitarian – obstacles faced by LGBTQI+ asylum seekers in Poland. More importantly, it presents concrete solutions for decision-makers, public administration, border services, and both local and international organisations operating in Poland, which would result in a rights-based approach to LGBTQI+ displacement.

The case study of Poland demonstrates the fundamental role played by the local context and state actors in the humanitarian response at the external borders of the European Union. Our analysis highlights that, in the context of future mechanisms and regulations – such as the implementation of the Pact on Migration and Asylum and the Polish Migration Strategy – ensuring adequate protection and support for those at risk of exclusion and violence constitutes a true test of humanitarian principles and values for which the EU stands.[5]

This work presents the first comprehensive analysis of the situation of LGBTQI+ refugees and forced migrants in the context of the Ukrainian refugee response in Poland. It centres the lived experiences of LGBTQI+ individuals while critically examining systemic gaps within national asylum procedures, humanitarian services, and legal protection frameworks. Drawing on 23 in-depth interviews (IDI [6]) with 24 LGBTQI+ forced migrants, alongside 18 expert interviews (KII)[7] with legal experts, humanitarian actors, grassroots organisations, and international stakeholders, these findings are further supported by a legal analysis and a review of academic and institutional literature.

We hope that this report will not only address gaps in existing knowledge, but also contribute to building a coherent response, monitoring and protection system for LGBTQI+ forced migrants in Poland.

1 UNHCR (2021), LGBTIQ persons in forced displacement and statelessness: protection and solutions, https://www.refworld.org/reference/confdoc/unhcr/2021/en/123913

2 Jarosz et Klaus (2023), Polish School of Assistance, https://konsorcjum.org.pl/en/report-the-polish-school-of-assistance/

3 We Are Monitoring (2024), We have only one war: immigration, you…, https://wearemonitoring.org.pl/wp-content/uploads/2024/10/Raport-Granica_srodek_ENG_online.pdf

4 In this report we use the term 'forced migrants' as an umbrella category that applies to all trajectories of displacement and forms of protection (Temporary Protection, refugee status, subsidiary protection etc.).

5 TGEU (2024), EU asylum pact fails trans and gender-diverse asylum seekers, https://tgeu.org/eu-asylum-pact-fails-trans-and-gender-diverse-asylum-seekers/

6 In-depth interviews (IDI) with refugees and migrants themselves.

7 Key informants interviews (KII) with expert on that matter, with separate questionnaire.

Executive Summary

Underreported Vulnerability

Testimonies presented in this report provide evidence that, despite growing international awareness of the plight of refugees in Central and Eastern Europe, the specific vulnerabilities of LGBTQI+ forced migrants in Poland from Belarus, Ukraine or countries of Middle East and Africa, remain critically underreported and insufficiently addressed. The Office for Foreigners under the Ministry of the Interior and Administration does not systematically and regularly collect data on SOGIESC-related[8] asylum claims, thereby hindering monitoring and advocacy in the name of improving the quality of asylum procedures for this marginalised group.

Numerous reports by international human rights organisations, including ILGA Europe[9], Amnesty International[10] and ORAM[11], highlight that LGBTQI+ individuals from these regions often flee deeply entrenched persecution, criminalisation, and systemic violence in their countries of origin, seeking refuge in what they hope will be safer environments. According to local organisations, the scale and diversity of SOGIESC-based asylum claims and needs in Poland have clearly increased in the period 2021-2024. However, this is not reflected in the readiness of Polish public administration or border services to work with this group.

Upon arrival in Poland, asylum seekers encounter ongoing marginalisation, facing both overt discrimination and structural barriers to protection within the asylum system. Humanitarian standards, such as the Sphere Handbook [12]and the Inter-Agency Standing Committee (IASC) Guidelines on Inclusion of LGBTQI+ Persons in Humanitarian Action, clearly stipulate the obligation to uphold the dignity, safety, and equal treatment of displaced LGBTQI+ people. Nevertheless, practical implementation remains weak. Asylum procedures often fail to adequately account for claims based on sexual orientation and gender identity, resulting in retraumatization during interviews, breaches of confidentiality, and unjust credibility assessments. Respondents also highlight the influence of interpreters on the effective or ineffective reporting of SOGIESC factors during the asylum procedure.

In refugee reception centres, LGBTQI+ asylum seekers commonly report harassment, isolation and risk of queerphobic violence[13] from other forced migrants, as well as insufficient access to psychosocial and legal assistance. The intersection of homophobia, racism, and xenophobia further compounds their vulnerability, leaving many without effective avenues for redress.

Legal Challenges Faced by LGBTQI+ Forced Migrants

Despite international obligations under the 1951 Refugee Convention and EU asylum directives, LGBTQI+ refugees and migrants in Poland face significant legal obstacles in seeking protection.[14] Polish asylum law does not consistently include SOGIESC as explicit grounds for persecution, leading to inconsistent interpretation and application in asylum adjudications. As documented in this report, asylum seekers are often subjected to inappropriate credibility assessments that require intrusive and humiliating evidence of their identities.

Procedural safeguards, including confidentiality during interviews and vulnerability assessments, are frequently inadequate. Furthermore, the lack of specialised legal aid services for LGBTQI+ applicants means many must navigate complex asylum procedures without informed

8 In regards to SOGIESC: sexual orientation, gender identity or expression, sex characteristics.

9 ILGA Europe (2021), Policy briefing on LGBTI refugees and EU asylum legislation, https://www.ilga-europe.org/policy-paper/policy-briefing-on-lgbti-refugees-and-eu-asylum-legislation/

10 Amnesty International (2022), They treated us like criminals. From shrinking space to LGBTI harassment, amnesty.org/en/documents/eur37/5882/2022/en/

11 ORAM (2024), Mainstreaming Inclusion for LGBTQI Refugees, 413ec0e2-e6a5-4637-92ec-8d0c4c7ba9a7.usrfiles.com/ugd/413ec0_389f27f9b67440499555a0382eb81987.pdf

12 The Sphere (2018), Sphere Handbook, https://www.spherestandards.org/handbook/

13 In other words: queerphobic violence addresses all forms of violence against LGBTQI+ people, such as homophobic, transphobic etc.

14 ORAM (2024), Mainstreaming Inclusion for LGBTQI Refugees, 413ec0e2-e6a5-4637-92ec-8d0c4c7ba9a7.usrfiles.com/ugd/413ec0_389f27f9b67440499555a0382eb81987.pdf

support, significantly increasing the risk of unlawful rejections and refoulement. These systemic legal barriers not only breach fundamental human rights standards but also further entrench the social and economic exclusion of LGBTQI+ migrants in Poland.

Local Context and Reliance on Civil Society

For five consecutive years (2019-2024), Poland ranked last in ILGA Europe's ranking on LGBTQI+ rights protection.[15] As our respondents indicate, rising compassion fatigue and anti-refugee sentiment[16], compounded by a lack of LGBTQI+ rights protection, puts LGBTQI+ forced migrants at serious risk.

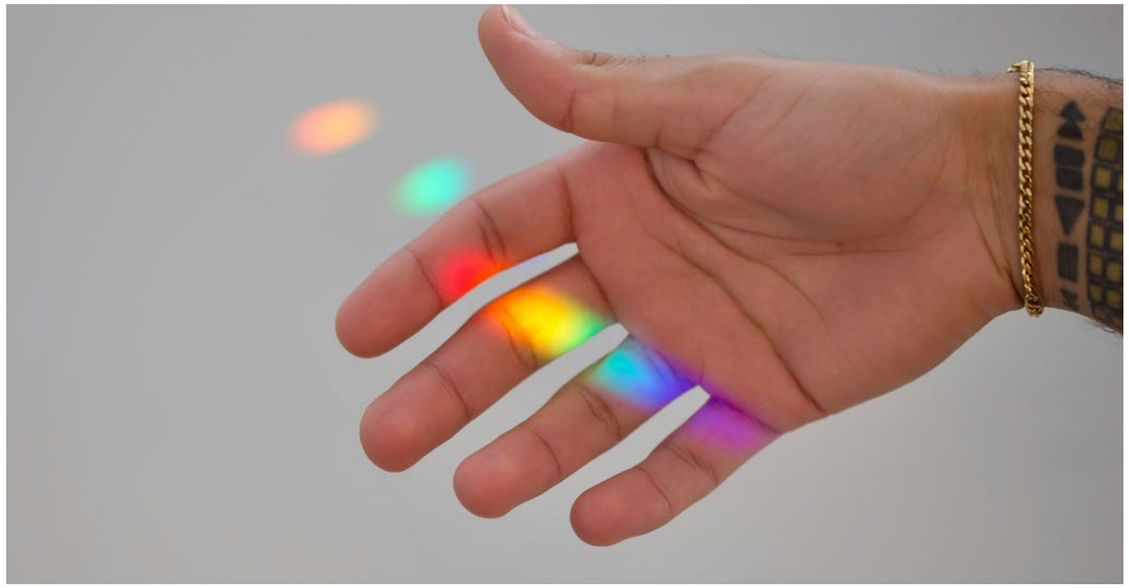
While the Polish state has made significant efforts to respond to recent humanitarian crises, the specific needs of LGBTQI+ asylum seekers and refugees often remain insufficiently addressed within the formal protection system. Consequently, many LGBTQI+ individuals must primarily rely on the essential support provided by civil society organisations, grassroots initiatives, and international NGOs to access basic services such as safe housing, healthcare, legal aid, and psychosocial support.

According to the majority of respondents, local organisations have demonstrated extraordinary commitment and flexibility in responding to the unique vulnerabilities of LGBTQI+ forced migrants, delivering tailored services that uphold dignity, safety, and human rights. However, their efforts are often hampered by limited resources, fragmented coordination, and the absence of comprehensive institutional frameworks.

Our report indicates that the obstruction of humanitarian aid at the Polish-Belarusian border, together with the recent exit strategy of INGOs from Poland, are clear signs that LGBTQI+ forced migrants will not find adequate protection in Poland unless case-by-case solidarity is complemented by systemic change.

15 Notes from Poland (May 2024), Poland ranked worst country in EU for LGBT+ people for fifth year running, https://notesfrompoland.com/2024/05/15/poland-ranked-worst-country-in-eu-for-lgbt-people-for-fifth-year-running/#:~:text=Poland's%20score%20in%20the%20ranking,%25)%20and%20Bulgaria%20(23%25). (accessed on 24.04.2025).

16 Hargrave, K. et al (2024), Navigating narratives in Ukraine: humanitarian response…, https://odi.org/en/publications/navigating-narratives-in-ukraine-humanitarian-response-amid-solidarity-and-resistance



Key Recommendations

Informed by the collected data and analysis, we propose the following actionable recommendations:

1. Institutional Recognition and Protection:

Formally recognize LGBTQI+ asylum seekers and forced migrants as a vulnerable group under national and international law. Ensure their immediate and non-discriminatory access to essential services including medical, psychological, and legal support, as well as safe and appropriate short, medium and long-term accommodation. Service provision must be fully compliant with international safeguarding standards and guided by the principle of humanity, particularly in closed and open refugee centres.

2. Legal and Procedural Reform:

Reform asylum procedures to incorporate SOGI-ESC-specific protections at every stage. This should include:

a) Respectful, confidential handling of disclosures related to sexual orientation and gender identity.

b) Standardised, rights-based vulnerability and credibility assessments.

c) Mandatory, comprehensive training for all officials involved in asylum procedures—including border guards, migration officers, and law enforcement—on the rights and needs of LGBTQI+ individuals seeking protection.

3. Integrated Stakeholder Engagement:

Establish transparent, collaborative mechanisms for engagement among government authorities, NGOs, and international actors to address the protection needs of LGBTQI+ asylum seekers throughout all stages of the humanitarian cycle.

Ensure that LGBTQI+ displacement and protection needs are explicitly and positively reflected in current and future migration policies and administrative practices.

4. Accountability and Monitoring Mechanisms:

Implement independent monitoring and evaluation systems to regularly assess the treatment of LGBTQI+ refugees in reception facilities and asylum processes. Ensure compliance with international human rights obligations through transparent reporting and public accountability frameworks

Introduction

In times of crisis, the greatest risk of neglect and discrimination falls on those who were previously deprived of protection in times of peace. Around the world, LGBTQI+ persons are targeted by authoritarian regimes, forgotten in conflicts and exposed to violence and discrimination at all stages of their journey to their 'first safe country'. What if such safety cannot be guaranteed?

The obligation to protect LGBTQI+ persons rests with both the state actors and humanitarian NGOs, stemming either from the constitutional provisions and international agreements; or humanitarian principles, such as humanity and impartiality. The case of Poland after the 2022 Ukrainian reception proves that even on the eastern borders of the European Union, a lack of in-depth critical reflection and administrative preparedness regarding LGBTQI+ forced migrants can lead to serious violations of LGBTQI+ rights, both in asylum procedures and in the provision of humanitarian services.[17] This report gathers evidence that systemic obstacles faced by LGBTQI+ forced migrants were present before the outbreak of full-scale war in Ukraine, while LGBTQI+ displacement itself has intensified.

The atmosphere of hostility towards LGBTQI+ people and migrants, documented by Amnesty International and Human Rights Watch[18], provides an important context for the reality of protection and assistance experienced and reported by LGBTQI+ asylum seekers in Poland. As reported by ILGA Europe between 2016 and 2021 Poland experienced a decline in LGBTQI+ rights.[19] The situation deteriorated sharply after 2019, as Polish state representatives increasingly targeted LGBTQI+ individuals through persecution, arrests, and harassment.

When it comes to the migration landscape, the humanitarian crisis on the Belarusian border and the outbreak of full-scale war in Ukraine preceded the change of government in 2023. Three years of refugee response has led to the professionalisation of the local humanitarian sector, but also to the rise of securitization narratives and anti-refugee sentiment. As evidenced by the testimonies collected in this report, as well as previous work by ORAM and the Humanitarian Leadership Academy, LGBTQI+ forced migrants in Poland have found themselves caught in the crossfire of these two hostile discourses.

Analyses of Poland's humanitarian response from 2021 to 2023 reveal that LGBTQI+ refugees often encounter significant barriers and discrimination when attempting to access essential services.[20] The ongoing humanitarian crisis at the Polish-Belarusian border, which began in August 2021, has worsened the situation for LGBTQI+ forced migrants. While attempting to cross the border, they face an increased risk of violence and abuse, including torture on the Belarusian side. In Poland, they often endure systemic pushbacks and prolonged detention in closed facilities that do not meet EU standards. At the border with Ukraine transwomen and non-binary refugees face limited access to humanitarian aid and encounter cross-discrimination. Despite significant

17 ORAM (2024), Mainstreaming Inclusion for LGBTQI Refugees, 413ec0e2-e6a5-4637-92ec-8d0c4c7ba9a7.usrfiles.com/ugd/413ec0_389f27f9b67440499555a0382eb81987.pdf

18 Amnesty International (2022), They treated us like criminals. From shrinking space to LGBTI harassment, amnesty.org/en/documents/eur37/5882/2022/en/; HRW (2023), Poland: Rule of law erosion harms women, LGBT, https://www.hrw.org/news/2022/12/15/poland-rule-law-erosion-harms-women-lgbt-people

19 Ibid., Poland: Country Profile at ILGA Europe, ilga-europe.org/tag/poland/?s=&view=grid&documenttype=all&orderresultsby=priority

20 Humanitarian Leadership Academy (2025), Beyond Protection, kuchniakonfliktu.pl/en/beyond-protection-%E2%80%93-designing-intersectional-humanitarian-response-to-lgbtqi-displacement-in-poland-2

social and political mobilisation, as well as rapid allocation of global and national emergency response resources, their SOGIESC-specific needs – such as medical assistance or safe shelter – remain inadequately addressed.

In November 2024, the ORAM report highlighted serious obstacles to access to humanitarian services and asylum procedures for LGBTQI+ people in Central and Eastern Europe.[21] In January 2025, a report by the Humanitarian Leadership Academy analysed the intersectional humanitarian response in Poland, highlighting the successes and failures of SOGIESC mainstreaming.[22] They are united by the perspective of aid providers, not the beneficiaries themselves. This report follows the testimonies of LGBTQI+ forced migrants themselves who fled to Poland to escape violence and discrimination in their countries of origin. Through cooperation between Plan International Poland and the Migration Consortium, it identifies specific legal obstacles and humanitarian deficits that have reportedly hindered or prevented LGBTQI+ people from obtaining protection or support in Poland.

This study involved 24 LGBTQI+ forced migrants and 18 key informants: experts, lawyers and humanitarian practitioners involved in aid provision in Poland (or Ukraine). The research team has supported the testimonies with analysis of the Polish legal framework of protection (Chapter 2) and specific case studies illustrating the obstacles encountered by LGBTQI+ forced migrants in Poland.

The ultimate goal of this research is to present an evidence-based narrative and concrete solutions that, through an inclusive and rights-based approach, will integrate the administrative framework with humanitarian principles in order to ensure a fair and transparent protection system for LGBTQI+ persons in and after the emergency. This report is therefore precise and deeply rooted in the Polish context, whilst it is giving voice and agency to LGBTQI+ migrants themselves

Research objectives

This study:

1. **Investigates Discrimination** faced by LGBTQI+ refugees and migrants in Poland.

2. **Analyses Needs and Barriers** experienced by LGBTQI+ refugees and migrants in accessing protection and services in Poland.

3. **Evaluates Humanitarian Response,** tracing the development of a humanitarian response to LGBTQI+ refugees and migrants, including efforts by public administration, local organisations, informal groups, international NGOs (INGOs), and UN agencies.

4. **Identifies Gaps** in humanitarian and legal protection for LGBTQI+ refugees and migrants, and offers recommendations grounded in an intersectional, human rights-based approach.

5. **Provides Findings for Future Programming** and policy for vulnerable communities.

21 ORAM (2024), Mainstreaming Inclusion for LGBTQI Refugees, 413ec0e2-e6a5-4637-92ec-8d0c4c7ba9a7.usrfiles.com/ugd/413ec0_389f27f9b67440499555a0382eb81987.pdf

22 Humanitarian Leadership Academy (2025), Beyond Protection, kuchniakonfliktu.pl/en/beyond-protection-%E2%80%93-designing-intersectional-humanitarian-response-to-lgbtqi-displacement-in-poland-2

Context analysis

Current legal framework for LGBTQI+ asylum seekers in Poland

Policy keypoints:

- **LGBTQI+ asylum seekers can apply and be granted international protection in Poland as members of 'social group' that might risk persecution.**

- **The standards of protection and data collection on this group is not consistent nor adequately transparent and needs a unified approach.**

- **The psychological credibility assessment and interviewing techniques are criticized as outdated or potentially harmful and need reassessment in line with relevant standards.**

Poland signed the 1951 Refugee Convention (referred to here as Convention) and its 1967 Protocol in 1991. Additionally, Poland is a member of the Council of Europe and a State Party to the European Convention on Human Rights (ECHR). According to the Parliamentary Assembly of the Council of Europe, individuals with a well-founded fear of persecution due to their sexual orientation qualify as refugees under Article 1(a)(2) of the Refugee Convention as they can be accommodated under the particular social group ground of the Convention.

Asylum seekers who meet one or more of the Sexual Orientation, Gender Identity and Expression, and Sex Characteristics (SOGIESC) criteria may apply and be granted international protection in Poland under this premise. This results from both the Act of 13 June 2003 on Granting Protection to Foreigners within the Territory of the Republic of Poland and the provisions of international law binding Poland under the Geneva Refugee Convention. Even though SOGIESC criteria are not explicitly listed in the text of the Convention as a condition for granting refugee status, there is a common understanding that LGBTQI+ asylum seekers are a particular 'social group' exposed to persecution in the light of the Convention. The standards respected by most EU members, the provisions of the ECtHR, and the UNHCR Guidelines prioritize this interpretation as well.

However, a report of the Polish Commissioner for Human Rights (Ombudsman), UN SOGIESC and AIDA, suggests that Poland very rarely[23] grants protection under SOGIESC criteria, and does so in a non-transparent and non-standardised manner, which will be described further below. The Ombudsman's analysis points out that the standards of protection are not implemented and data regarding persons applying for protection under SOGIESC criteria in recent years is not collected. This makes it more difficult to obtain international protection based on SOGIESC criteria. Such practices contradicts international standards, particularly for the people crossing the Polish-Belarusian border in an irregular manner.

Such an interpretation is also reflected in the EU law (Article 10 of the 2011/95/EU Directive of the European

23 Ombudsman's Office (2019), Sytuacja prawna osób nieheteronormatywnych, bip.brpo.gov.pl/sites/default/files/Raport%20RPO%20Sytuacja%20prawna%20os%C3%B3b%20LGBT%20w%20Polsce.pdf

Parliament[24] and the Council on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast)), as well as in the Polish national regulations (Article 14 part 2 of the 2003 Act on Granting Protection to Foreigners). This interpretation has also been confirmed by the jurisprudence of the Court of Justice of the European Union (CJEU) and Polish administrative courts.

According to experts, procedures granting refugee status to LGBTQI+ asylum seekers appear to be "far from consistent in this region of the world. Moreover, none of the Central and Eastern European countries has official guidelines on how to process refugee applications from LGBTI people. Unfortunately, in most CEE countries, granting a positive asylum decision requires evidence of actual enforcement of such laws, thereby running counter to UNHCR's guidance that laws prohibiting same-sex relations, even if irregularly, rarely or never enforced, could lead to an intolerable predicament for an LGBTI person amounting to persecution (...) practice in Poland is that enforcement of the law is essential for recognition of LGBTI claims".[25] As the Ombudsman emphasised in a 2019 report, it is the state responsibility to organize training for Border Guard officers on the specific challenges faced by LGBTQI+ asylum seekers and refugees. This is also elaborated on further below in this report.

This is of particular importance in light of the Court of Justice of the EU 2014 judgement (Joined Cases C-148/13 to C-150/13, which obligates member states to introduce special forms of hearings[26]) in the asylum procedure for LGBTQI+ persons that do not violate an individual's dignity, and are conducted in a way that respects their private and family life. Additionally, the Court underlined that "having regard to the sensitive nature of questions relating to a person's personal identity and, in particular, his sexuality, it cannot be concluded that the declared sexuality lacks credibility simply because, due to his reticence in revealing intimate aspects of his life, that person did not declare his homosexuality at the outset" (para 69).

Jurisprudence of the European Court of Human Rights obliges all member states to refrain from deporting asylum seekers to any country, where they could be killed or persecuted, such as in the case of deportations of homosexual and bisexual men to Iraq or Iran.[27] However, according to organisations representing LGBTQI+ asylum seekers from Iraq or Iran, Polish authorities have been deporting LGBTQI+ such asylum seekers since 2021.[28] [29] Similarly applicants seeking protection based on SOGIESC from countries like Venezuela or Guatemala have not received such protection since 2023, due to what the Office for Foreigners describes as improving social conditions in those countries.

The Head of the Office for Foreigners receives very few applications for international protection on the grounds of persecution based on sexual orientation or gender identity. According to the Ombudsman, there are only two cases of refugee status granted on the grounds of homophobic persecution and one case on the grounds of gender identity persecution, involving a Belarusian trans woman. The Ombudsman stated that it is impossible to assess whether international standards are applied when processing asylum claims of LGBTQI+ persons, since very few individuals apply for international protection on the basis of sexual orientation and gender identity. The Ombudsman also highlighted the outdated and discriminatory nature of psychological credibility assessments, which make it impossible to reliably assess the asylum-seeker's gender identity or sexual orientation. In private correspondence with the Migration Consortium, an expert from a Polish human rights organisation made a similar assessment, also stressing the importance of training of the Polish Office for Foreigners and the Border Guard. Moreover, the organisation warned that some interpreters use offensive, transphobic, and homophobic language during interviews, which has a negative impact on refugees' psychological well-being and the application process.

24 2011/95/EU Directive of the European Parliament, https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32011L0095

25 Ombudsman's Office (2019), Sytuacja prawna osób nieheteronormatywnych, bip.brpo.gov.pl/sites/default/files/Raport%20RPO%20Sytuacja%20prawna%20os%C3%B3b%20LGBT%20w%20Polsce.pdf

26 As mentioned: curia.europa.eu/juris/document/document.jsf;jsessionid=14443B72885E8393D31B6BE15F5E12D1?text=&docid=160244&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=7345036

27 ECHR decision of 22.6.2004. F. v. United Kingdom, application no. 17341/03.

28 Association of Legal Intervention, interwencjaprawna.pl/detencja-alternatywy-do-detencji-old/

29 RUV (2023), Urząd Imigracyjny może odmówić Wenezuelczykom, ruv.is/polski/2023-10-03-urzad-imigracyjny-moze-odmowic-wenezuelczykom-ochrony-miedzynarodowej-392952

Context analysis

Migration routes

Our literature review identifies three main migration routes taken by LGBTQI+ people fleeing persecution or war in their country of origin to reach Poland. These migration routes have been documented as emerging patterns between 2021 and 2024.

Route 1: Fleeing from Belarus and Russia

The situation for LGBTQI+ people in Belarus[30] and Russia[31] has deteriorated dramatically in the period of 2019-2024 marked by increasingly restrictive laws and a rise in societal homophobia and transphobia. Since 2021, LGBTQI+ individuals fleeing Belarus have rarely applied for refugee status. This is primarily due to simplified regulations for Belarusian citizens, such as extended humanitarian visas and the Business Harbour Visa.[32] However, these provisions have led to the systemic invisibility of LGBTQI+ refugees from Belarus, leaving their specific needs unaddressed.

Route 2: Polish-Belarusian Border

The second route has been used by non-Belarusians crossing the Polish-Belarusian border since 2021. This group includes citizens from countries such as Uganda, Afghanistan, Yemen, Syria, Eritrea, Nigeria, Iraq[33] – nations widely recognised for actively persecuting and harassing LGBTQI+ individuals and organisations.

Since 2021, civil society organisations and international observers have reported violations of asylum procedures and escalating border violence, including pushbacks, on both sides of the Polish-Belarusian border.[34] [35] There are also alarming reports that this violence affects people from particularly vulnerable groups who cross this border irregularly.[36] The militarisation of the area, the broad authorisation of the border forces to use weapons, and the introduction of a law in March 2025 that – in practice – suspends the right to asylum within the territory, are cementing the Belarusian border as one of the increasingly dangerous migration routes.[37]

Route 3: Ukraine

The third route has been taken by LGBTQI+ refugees fleeing the full-scale war in Ukraine.[38] The mass movement of millions of refugees from Ukraine in 2022 prompted a swift, intersectional, and multi-sectoral response, resulting in the establishment of humanitarian infrastructure, the rapid allocation of resources by international actors and the private sector, and the introduction of temporary protection status by the EU and, subsequently, the Polish state. However, human rights organisations have reported restrictions on access to humanitarian aid and intersectional discrimination against individuals from vulnerable groups, such as refugees from the Roma community, older people, and transgender and non-binary individuals crossing the Polish-Ukrainian border. Trans women and non-binary persons within this group have faced severe discrimination in accessing medical services.[39] All the groups mentioned above face distinct systemic challenges in Poland during both the reception and integration stages, including barriers to asylum procedures and limited access to social services. These challenges underscore the need for an in-depth analysis, particularly as the number of intersectionally excluded LGBTQI+ refugees has significantly increased between 2021 and 2024 compared to previous periods.

30 ILGA Europe (2024), Policy paper: Asylum 2024, https://www.ilga-europe.org/files/uploads/2024/02/2024_asylum.pdf

31 HRW (2024), Russia: First Convictions Under LGBTI 'Extremist' Ruling, https://www.hrw.org/news/2024/02/15/russia-first-convictions-under-lgbt-extremist-ruling

32 gov.pl, Poland: Business Harbor, https://www.gov.pl/web/poland-businessharbour-en/poland-business-harbour-the-polish-goverments-programme (accessed: 24.04.2025)

33 We Are Monitoring, https://wearemonitoring.org.pl/en/home/

34 We Are Monitoring (2025), I said I want to stay in Poland. But they pushed me back, https://wearemonitoring.org.pl/wp-content/uploads/2025/02/WAM-12-months-of-the-new-government.pdf

35 Human Constanta (2025), Humanitarian crisis in Belarus and at the European Union Border, https://humanconstanta.org/en/humanitarian-crisis-in-belarus-and-at-the-european-union-border-in-2023-2024-a-structural-analysis-and-perspectives/

36 Monthly reports of We Are Monitoring: https://wearemonitoring.org.pl/en/home/

37 We Are Monitoring (2025), I said I want to stay in Poland. But they pushed me back, https://wearemonitoring.org.pl/wp-content/uploads/2025/02/WAM-12-months-of-the-new-government.pdf

38 ORAM (2024), Mainstreaming Inclusion for LGBTQI Refugees, 413ec0e2-e6a5-4637-92ec-8d0c4c7ba9a7.usrfiles.com/ugd/413ec0_389f27f9b67440499555a0382eb81987.pdf

39 Euractiv.pl, Uchodźcy LGBT+ z Ukrainy w Polsce. Jaką pomoc otrzymują? https://www.euractiv.pl/section/migracje/news/uchodzcy-lgbt-z-ukrainy-jaka-pomoc-otrzymuja-w-polsce/

Methodology and sampling

Methodology

The methodology of this study combines **qualitative research methods**, **legal framework analysis**, and a **desk review of secondary sources**. The approach was developed with special attention paid to ethical considerations and the vulnerabilities of the target group. Given the challenges in accessing participants with refugee and LGBTQI+ characteristics, as well as concerns for their security and psychosocial wellbeing, the study adopts qualitative methods and case study analysis.

The data collection was conducted between August and October 2024 in Poland or – in individual cases – online, with the individuals remaining abroad.

Key aspects of the methodology include:

1. Qualitative Data Collection:

a. Key Informant Interviews (KIIs):
   i. 23 interviews with 24 LGBTQI+ refugees and migrants from various countries who experienced detention or violence at the Polish-Belarusian border.
   ii. 18 in-depth interviews with experts, including local community organisations, international humanitarian workers, lawyers, caseworkers, and academics (two with refugee background).
   iii. Despite outreach efforts, contact with public administration was not achieved, with one exception.

2. Participatory Approach:

a. Tools such as the **KII questionnaire** were developed in consultation with Plan International Poland and underwent **ethical review** to ensure alignment with research standards.

3. Anonymity and Safety Measures:

a. Interviews were conducted in **six languages (and two dialects of Arabic)** with interpreters to accommodate diverse participants.
b. Strict privacy protocols, including anonymisation of data and limited access to transcripts, were implemented.
c. Interviews were conducted in safe spaces or online after verifying the safety of participants.

4. Sampling Challenges and Adjustments:

a. Focus was placed on interviewing participants in safe legal and physical conditions.
b. Certain groups, such as individuals in guarded detention centres or those at risk of trafficking, were excluded to prioritise safety.
c. Due to the diversity of participants and legal contexts, **surveys and focus group discussions (FGDs)** were removed from the study to maintain focus on qualitative insights.

5. Ethical Considerations:

a. Participants provided written and/or verbal consent.
b. Respondents were informed about their rights and the option to withdraw at any time.
c. Special attention was given to the **psychosocial well-being** of interviewees throughout the process.

This methodology was designed to address the complexity and sensitivity of researching the situation of LGBTQI+ refugees and migrants, ensuring ethical integrity and data reliability.

Three respondents provided both expert insights and personal experiences as LGBTQI+ refugees. Two respondents answered questions through written correspondence,

one participated in consultation with a solicitor, and two others requested that their interviews not be recorded. These arrangements were made to respect the respondents' privacy and security needs.

All interviewees selected fictitious names to protect their identities, and the names used in this report are those chosen by the participants themselves. Nine individuals who were contacted declined to participate in the study, and three others withdrew after their interviews had been conducted. None of the participants reported any issues to the Security Officer, although they were informed about this option. Local NGOs supporting LGBTQI+ individuals often assisted in identifying and connecting with interviewees, ensuring their anonymity was preserved.

Sampling

Geographic Scope:

- Participants included those who crossed the **Polish-Belarusian** border and those displaced due to the **war in Ukraine**.
- Fieldwork also identified **Turkey**, **Armenia** and **Georgia**, which are transit countries where respondents faced discrimination and challenges during migration.

The sample was carefully balanced to represent the spectrum of sexual orientation, gender identity and expression (SOGIE).

Regarding **regional mobility dynamics**, the research focused on four groups of **In-Depth Interviews (IDIs)**:

1. **Forced Migrants and Refugees from Russia (including Chechnya) and Belarus:**

- This group includes individuals who fled Belarus after the 2020 protests due to persecution, oppression, and harassment — particularly democratic activists and LGBTQI+ rights defenders.
- Many in this group experienced incarceration or threats before fleeing their home country
- They often entered Poland using **humanitarian visas**, enabling temporary legal protection.

2. **Asylum Seekers from countries such as Iraq, Syria or Uganda:**

- This group includes individuals who crossed the **Polish-Belarusian border irregularly** after August 2021.
- They fled countries with **severe anti-LGBTQI+ legislation** and a **well-documented risk of queerphobic discrimination or violence**.
- Many experienced **irregular migration and border violence**, including **pushbacks**, during their journey through Belarus and into Poland.

3. **Refugees *En Masse* Fleeing the War in Ukraine (after 2022):**

- This group includes **trans women and non-binary individuals** who arrived in Poland in large numbers after February 2022, seeking **temporary protection** due to the escalation of the war in Ukraine.
- Many faced challenges crossing the border, particularly if they lacked the **F64 diagnosis**, the absence of which could complicate their ability to leave Ukraine under martial law restrictions.

4. **Individuals Granted Protection Based on SOGIESC Criteria Before 2020:**

- This group comprises individuals who received **refugee status** or other forms of protection prior to 2020, based on **sexual orientation, gender identity, or expression (SOGIESC) criteria.**
- Access to this group was particularly challenging due to the **isolated cases** of such protection granted in Poland, combined with the **lack of representative data** and the **absence of formal data collection mechanisms** by public authorities.

Limitations of research

Reaching LGBTQI+ refugees and migrants proved especially difficult because protections based on SOGIESC criteria are rarely granted in Poland. There is also little to no comprehensive and representative data on the issue. Despite these obstacles, as seen in the findings, we managed to reach all the groups in relation to the identified migration routes (apart from Chechens).

Categories	Planned KIIs:	Conducted KIIs:
A. Ind. of Belarusian or Russian nationality.	20% (app. 5)	8
B. Ind. irregularly crossing the Belarusian border (non-BY).	30% (app. 8)	7
C. Ind. crossing the Ukrainian border (after 2022).	30% (app. 8)	5
D. Ind. before 2020.	10%* (app. 2-3)	4

The sample includes individuals – mostly Ukrainians, Russians and Belarusians – who did not seek international protection based on sexual orientation or gender identity. Instead, they legalised their stay through other means, such as temporary protection for Ukrainians, or sought alternative forms of international protection, like humanitarian visas. These individuals reported being motivated to come to Poland due to threats or personal experiences of discrimination or persecution in their home countries.

In Russia[40] and Belarus[41], the systemic criminalisation of civil society since 2019 has been driven by the use of homophobic laws, affecting individuals even if they are not openly part of the LGBTQI+ community.

The research team did not manage to arrange the interviews with public authorities apart from local officials, therefore had to rely on publicly available information.

Positionality

The researcher team primarily consisted of queer-identifying individuals with certified experience of working with minorities and of conducting intersectional qualitative research and human rights investigations.

Four **data collectors/interpreters** contributed to the project:

- **Polish AMI**[42] – A gay-identifying man, fluent in **Polish, Russian, and French**.
- **Ukrainian AFI**[43] – A queer-identifying woman with **refugee experience**, identifying as female.
- **Polish AFI** – A woman with expertise in qualitative research.
- **Kurdish AMI** – A gay-identifying man with **refugee experience**, fluent in **Polish, Arabic, Pashto, and French**.

The principal investigator of this research has worked on and co-authored the reports of Humanitarian Leadership Academy[44], Amnesty International[45] and Migration Consortium[46], and contributed to the studies conducted

40 Amnesty International (2022), Stop LGBTI Criminalization in Russia, https://www.amnesty.org/en/petition/stop-lgbti-criminalization-in-russia/

41 Tortures Belarus (2022), Torture of LGBTQI+ people in Belarus, https://torturesbelarus2020.org/en/katavanni-lyudzej-lgbtk-i-gamafobnaya-palityka-rezhymu/

42 As Male Identifying.

43 As Female Identifying.

44 Humanitarian Leadership Academy (2025), Beyond Protection, https://kuchniakonfliktu.pl/en/beyond-protection-%E2%80%93-designing-intersectional-humanitarian-response-to-lgbtqi-displacement-in-poland-2

45 Amnesty International (2022), They treated us like criminals. From shrinking space to LGBTI harassment, https://amnesty.org/en/documents/eur37/5882/2022/en/

46 Migration Consortium (2023), Polish School of Assistance. Reception and integration of refugees from Ukraine in Poland in 2022, https://konsorcjum.org.pl/en/report-the-polish-school-of-assistance/

Methodology and sampling

by ORAM[47], UNHCR[48], Foundation Ukraine[49] or Polish Humanitarian Action[50], as well as to the UN SOGIESC report on LGBTQI+ displacement in late 2024.[51] This has specific practical and ethical implications, particularly in the context of the HLA report. The data was collected during a similar period (autumn 2024), both reports are written from a specific research perspective, and some themes – such as the issue of three trajectories of queer displacement – appear in both (as well as in several other independent works). However, they differ in terms of their research objectives and sample, as well as the target audience of the specific report.

The reason for this lies in the very limited pool of experts in the field of LGBTQI+ displacement to Poland, with access to and trust from the 'queer refugees' themselves. Queer Without Borders – the informal coalition responsible for aid provision and data collection[52] – is possibly unique in the Polish humanitarian ecosystem and due to the first-hand access to restricted areas, QWB often becomes key informant for decision-makers on this subject. It has allowed to produce this report and, for the first time, to collect testimonies from LGBTQI+ forced migrants in a short period of time, while maintaining representation, data triangulation and necessary precautions.

Existing literature

At the turn of 2024 and 2025 several publications appeared in parallel, addressing the broader situation of LGBTQI+ people on the move in Central and Eastern European countries. This opens a new chapter in research on LGBTQI+ displacement to Poland, as previously similar publications either did not exist or were either internal (UNHCR) or academic in nature.

ORAM's report *Mainstreaming Inclusion for LGBTQI+ Refugees. An Overview of the Displacement Context in Central and Eastern Europe*[53] (2024) draws upon the analysis of KIIs with humanitarian professionals from Czechia, Hungary, Poland, Romania and Slovakia, to consolidate the insights and collect the best practices on LGBTQI+ inclusion in humanitarian settings. The report provides an excellent and comprehensive point of reference, although the Polish case study is based on only five expert interviews.

Local organization Lambda Warsaw[54] (2025) has published a guide with an emphasis on LGBTQI+ rights, which provides an elegant toolkit for local organisations, particularly in terms of supporting transgender and non-binary people. It is an excellent and necessary educational tool, but it has a completely different purpose and focus, and aspects of asylum law and humanitarian programming are barely touched upon. It is based on the expert knowledge of Lambda itself, which has been providing services mainly to LGBTQI+ refugees from Ukraine since 2022, and it could benefit greatly from a research component.

HLA and Conflict Kitchen's *Beyond Protection. Designing intersectional humanitarian response to LGBTQI+ displacement in Poland* (2025)[55] is based on expert interviews with humanitarian practitioners, and aims to offer good practices and success stories of intersectional cooperation between local and international humanitarian organizations. The report focuses on issues related to the design of the humanitarian response itself and localisation and strategies for good-quality assistance to LGBTQI+ refugees. It shifts the focus from the refugees' experiences and policy recommendations, to the innovative partnerships.

Additionally, LGBTQI+ displacement themes appear in the background of broader analyses, usually as an illustration of a vulnerable group. Bloch (2024) analyzes gender

47 ORAM (2024), Mainstreaming Inclusion for LGBTQI Refugees, https://413ec0e2-e6a5-4637-92ec-8d0c4c7ba9a7.usrfiles.com/ugd/413ec0_389f27f9b67440499555a0382eb81987.pdf

48 Internal needs assessment (2022).

49 Report has not been published so far.

50 Polish Humanitarian Action (2025). Bez wykluczeń. Dobre praktyki antydyskryminacyjne dla sektora humanitarnego, https://www.pah.org.pl/wp-content/uploads/2025/03/Publikacja-Bez-wykluczen.-Dobre-praktyki-antydyskryminacyjne-dla-sektora-humanitarnego.pdf

51 UN IE SOGIESC (November 2024), Poland: UN Expert calls for the swift and decisive action…, https://www.ohchr.org/en/press-releases/2024/11/poland-un-expert-calls-swift-and-decisive-action-protect-lgbt-people

52 Queer Without Borders, https://facebook.com/profile.php?id=100092895772822&sk=friends (access: 24.04.2025).

53 ORAM (2024), Mainstreaming Inclusion for LGBTQI+ Refugees. An Overview of the Displacement Context in Central and Eastern Europe, https://413ec0e2-e6a5-4637-92ec-8d0c4c7ba9a7.usrfiles.com/ugd/413ec0_389f27f9b67440499555a0382eb81987.pdf

54 Lambda Warsaw (2025), Report not available on the website. https://www.lambdawarszawa.org/ (access: 24.04.2025).

55 HLA (2025), Beyond Protection. Designing intersectional humanitarian response to LGBTQI+ displacement in Poland, https://kuchniakonfliktu.pl/en/beyond-protection-%E2%80%93-designing-intersectional-humanitarian-response-to-lgbtqi-displacement-in-poland-2

representations of refugees in Polish public debate, revealing that societal perceptions often marginalised LGBTQ+ refugees, framing them as less deserving of protection compared to other groups.[56] Jarosz and Klaus (2023) have analysed initial risks that transwomen faced, when attempting to cross the Polish-Ukrainian border.[57] Proudman (2025) offers insight into queer Ukrainian diasporas and solidarity after the full-scale war.[58]

This interesting but sparse bibliography demonstrates that there is still a need for analysis that:

a) is not limited to refugees from Ukraine, but points to systemic threats, mechanisms of racialisation and double standards affecting a larger sample of LGBTQI+ people with different refugee trajectories;

b) contextualises the legal and administrative framework within the humanitarian response and recognises the role of public administration in an inclusive humanitarian response;

c) recognises the regional and historical context but focuses on a specific case study;

d) draws conclusions and recommendations based on the testimonies of refugees themselves.

This report was created for this purpose, and we hope that it will effectively fill research gaps and enable applicable action and advocacy based on reliable data collection and analysis.

56 Bloch, N. (2024), Is a Woman a Better Refugee Than a Man? Gender Representations of Refugees in the Polish Public Debate [in:] Migration Studies – Review of Polish Diaspora, 2023 (XLIX), Vol. 3 (189), pp. 39-56.

57 Jarosz, S. et Klaus, W. (2023), Polish School of Assistance, https://konsorcjum.org.pl/en/report-the-polish-school-of-assistance/

58 Proudman, F. (2025), Queering the Ukrainian Diaspora: The Experiences of LGBTQI Ukrainian Migrants Following Russia's Full-scale Invasion, https://utppublishing.com/doi/abs/10.3138/diaspora.24.2.2024.12.24

The Analysis

In this study, we analyse the collected material with a focus on the forced migration routes of LGBTQI+ individuals and their countries of origin. It is important to emphasise that the choice of how an individual decides— or is able — to legalise their stay in Poland does not diminish their experience of LGBTQI+ displacement. For instance, a person may enter the country on a work visa if they believe it will help secure their legal status.

LGBTQI+ persons at the Polish-Belarusian border after 2021

Notorious acts of border violence by Polish and Belarusian border guards, along with the denial of access to legal and medical assistance and the harassment of humanitarian workers, have made the Polish-Belarusian border and the surrounding area (known as the "*zona*")[59] a particularly perilous route for irregular migration since August 2021. These actions were conducted regularly by the border services of both Poland and Belarus. Additionally, Polish Border Guard officers routinely deny individuals the right to seek asylum. As of April 2025,[60] 93 migrants died while trying to cross the Polish-Belarusian border irregularly. The Helsinki Foundation for Human Rights states that the number of persons who have disappeared at the Polish-Belarusian border has been increasing.[61]

This 'green border' migration route presents additional challenges for people from vulnerable groups, including LGBTQI+ individuals who might seek protection in Poland on the basis of the SOGIESC criteria. It is important to note that SOGIESC data are not collected at the 'green border' — neither by border services nor by the NGO We Are Monitoring, which has been the only Polish organisation documenting mobility in this border region since autumn 2021. A Belarusian civil society organisation (CSO) reports anonymously that needs assessment and assistance to LGBTQI+ refugees and migrants have been impossible on the Belarusian side, primarily due to the lack of humanitarian access to the border area and the criminalisation of solidarity by Lukashenko's regime since 2021.

59 We Are Monitoring (2024), We have only one war, https://wearemonitoring.org.pl/wp-content/uploads/2024/10/RaportGranica_srodek_ENG_online.pdf

60 We Are Monitoring (October 2024), https://wearemonitoring.org.pl

61 Helsinki Foundation for Human Rights (2024), Zaginieni na granicy polsko-białoruskiej. Pushbacki jako czynnik wymuszonych zaginięć: https://hfhr.pl/upload/2024/08/raport-o-wymuszonych-zaginieciach.pdf

‘Coming out under the guns’ at the Belarusian border

Interviews conducted with both experts and forcibly displaced individuals have revealed that LGBTQI+ people face violent and discriminatory treatment from border and military services, including multiple pushbacks[62]. They also reported that they rarely received support from their own community (in terms of nationality or religion) at various stages of their journey. In some cases, individuals deliberately avoided contact with their community out of fear of exposure, discrimination, or violence.

Six out of the seven respondents who had crossed the Belarusian border identified severe discrimination or SOGIESC-motivated violence from family members or relatives in their country of origin as a direct cause for fleeing. One respondent, a male refugee from Iraq, described how his father’s violence and imprisonment by him, combined with widespread homophobic violence in the community, led to his decision to flee. This experience ultimately resulted in admission to a psychiatric ward following a suicide attempt.

My boyfriend’s father told my father about me, that I was gay. When my father found out, he tied me up like a dog, beat and tortured me. (...) After a month of imprisonment and beatings, I managed to escape from home (...) I spent time alone in the forest with a large group of strangers. I tried several times to cross the Polish-Belarusian border. I was repeatedly stopped and pushed back, beaten, shot with tear gas. With my own eyes, I saw coffins and graves of people who tried to cross the border. (...) I spent 33 days in the forest, and for 5 days we were without food and drink, we drank water from the swamp. (IDI2)

A refugee from East Africa stated that he had sought legal protection in Poland and explored all available options at the time, only to be repeatedly pushed back to Belarus by Polish border guards.

I am LGBTQI+ and it is not legal, it is not safe in my country. I have tried many times to leave the legal ways (...) I needed medical treatment in the forest. They finally took me [to the hospital] (...) After my X-ray results, they [Polish BGs] brought me back to Belarus. (IDI4)

The respondent reported being ignored by Polish border guards when attempting to apply for asylum in Poland. He was able to submit an application only after at least three pushbacks. He stated that his SOGIESC-motivated claim was initially disregarded by the border guards. The respondent emphasised that disclosing his sexual orientation—first during the journey through the forest, and later in a detention centre—put him at serious risk of violence from other migrants. He explained, ***You are living with people who hate you, even from your own country. You act straight. Everything is a secret.*** (IDI4)

Many LGBTQI+ asylum seekers do not immediately disclose their sexual orientation or gender identity upon arrival in the country of asylum or during initial registration. They may withhold this critical aspect of their claim at early stages due to internalised queerphobia, shame, trauma, fear of repercussions, or a lack of information about grounds for protection.[63] These challenges in coming out at the border were also confirmed by three solicitors who work with clients who have previous experience with the Belarusian border. As one of them mentioned:

How are they supposed to come out? In the swamp? In front of their colleagues from Iraq or [other] homophobic countries? (...) Not only is this procedure unrealistic, but even when a boy tells a [border] guard that he is LGBT, the guard ignores it at best. (KII3)

One local organisation that collects migration-related data ceased gathering information on SOGIESC-motivated asylum applications directly at the border. This decision was made because most LGBTQI+ individuals on the move choose to come out at a safer point in their journey, and the border is not considered such a stage.

Both interviewed experts and the literature review confirm that law enforcement officials are frequently perpetrators of violence in many countries of origin for LGBTQI+ refugees and migrants. This could explain the lack of trust in uniformed services, including the military and border guards, among refugees and migrants, making disclosure (coming out) extremely difficult or even impossible. Several studies highlight the importance of coming out for a successful asylum claim, noting that LGBTQI+ asylum seekers are expected to share the details of their identity in a way that is deemed ‘credible’ by state officials[64].

The experience of ‘coming out under the gun’ (under pressure or at risk of violence) is highly retraumatising. This, in turn, may reduce trust in the legitimacy of the asylum procedure and, as studies suggest, lower the success rate of such applications[65]. Additionally, the fear that a state official might intentionally or accidentally disclose an LGBTQI+ individual’s identity to friends and/or family in the country of origin further intensifies this anxiety.

The lack of data regarding the scale of such applications at the border makes it impossible to verify whether proper procedures are being followed. This failure constitutes tacit consent to arbitrary and prejudice-driven discrimination against vulnerable individuals by border services.[66]

People who crossed the Polish-Belarusian border confirm this. Three respondents reported that border guards initially ignored their requests to apply for asylum based on SOGIESC criteria. The respondents were pushed back and, when they were finally admitted to the asylum procedure, discovered that their declarations had not been registered. As one Iraqi man recalls:

He asked: what’s your problem? What is LGBTQ? Why didn’t you tell about it when you came? And I told him: I did, I did. We have a recording, there were other people [activists]. [He said]: there is no such information in your file about your sexuality (IDI5)

The 2014 judgment of the Court of Justice of the European Union (CJEU) states that individuals seeking protection are not required to disclose their sexual orientation at the initial stage of applying for protection. The omission of this information at the outset cannot be used against asylum seekers by authorities during the procedure.

An analysis of the available and collected data suggests that Polish border guards are not adequately trained to handle asylum claims based on SOGIESC criteria. Interviews with refugees and lawyers indicate a degree of intentionality in the hostile behaviour of the border guards. The Pact on Migration and Asylum, particularly in the area of screening vulnerable groups, is worryingly vague regarding LGBTQI+ asylum seekers and the standards of their treatment by border guards, as well as how the lack of adequate training should be dealt with.[67]

It remains unclear to what extent the implementation of the Pact’s mechanisms at the domestic legislative level will result in improvements in scrutiny and transparency of vulnerability assessments. Nevertheless, experts emphasise the impact of the increasing securitisation of borders on so-called ’queer refugees’. They point out that existing border technologies already overlook and fail to account for, the unique experiences of women and queer refugees, a trend that is likely to persist[68].

62 Pushbacks entail a variety of state measures aimed at forcing refugees and migrants out of their territory while obstructing access to applicable legal and procedural frameworks. In doing so, States circumvent safeguards governing international protection (including minors), detention or custody, expulsion, and the use of force. More on pushbacks at the Polish-Belarusian border: We Are Monitoring Association, https://wearemonitoring.org.pl/en/home/

63 ILGA Europe (2021), Policy Briefing on LGBTI Refugees and EU asylum legislation.

64 Shaw & Verghese (2022). LGBTQI+ refugees and asylum seekers. A Review of Research and Data Needs https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBTQI-Refugee-Review-Jul-2022.pdf

65 Ibid.; Liinason, M. (2020). “Challenging the Visibility Paradigm: Tracing Ambivalences in Lesbian Migrant Women’s Negotiations of Sexual Identity.” Journal of Lesbian Studies 24 (2): 110–25. doi.org/10.1080/10894160.2019.162

66 Fundamental Rights Agency (2024). Monitoring fundamental rights during screening and the asylum border procedure – A guide on national independent mechanisms, https://fra.europa.eu/en/publication/2024/border-rights-monitoring

67 Included in the Screening Regulation and in the amended Asylum Procedures Regulation.

68 Frada, R. (2023). Gendered Borders: Unveiling the Impact of EU’s Technological Fortress on Women and Queer Refugees, https://igg-geo.org/en/2023/11/14/gendered-borders-unveiling-the-impact-of-eus-technological-fortress-on-women-and-queer-refugees/; Mengia, T. (2023). Queering migration temporalities: LGBTQI+ experiences with waiting within Germany’s asylum system, https://tandfonline.com/doi/full/10.1080/01419870.2022.2076566

The Analysis

Access to procedures and humanitarian aid

Another major obstacle for LGBTQI+ asylum seekers crossing the Polish-Belarusian border is the lack of access to asylum procedures and the denial of access to adequate medical and/or humanitarian aid. Humanitarian access – meaning the ability of humanitarian actors to reach their beneficiaries – precedes any actual humanitarian engagement. Polish state obstruction in allowing such access has worsened the situation for LGBTQI+ refugees in need of assistance.[69] In March 2025, a new bill was introduced, effectively suspending the right to asylum in the border regions.[70] Both the previous and current Polish governments established the so-called no-entry zone at the border, in September 2021 and May 2024, allowing only residents to move with a broader degree of freedom. This policy has prevented humanitarian INGOs, UN agencies, and the Red Cross from openly providing assistance in the area.

Furthermore, since February 2022, when the full-scale war in Ukraine began, these organisations have focused their efforts on the border with Ukraine.[71] At the same time, some international actors have opted to indirectly and discreetly support local humanitarian efforts to assist vulnerable groups, regardless of their migration trajectory.

Since the introduction of the border no-entry zone, it is mainly activists from local organisations or informal groups who provide help for people on the move. Activist groups operating at the border form informal border solidarity infrastructures such as the Border Group (Grupa Granica), Ocalenie Foundation or Podlaskie Voluntary Humanitarian Aid (Podlaskie Ochotnicze Pogotowie Humanitarne). They offer humanitarian, medical and legal assistance during migrants' journey to Poland or in detention centres for foreigners[72]. By doing so, they are at risk of criminalisation and strategic litigation against public participation (SLAPP), such as legislative harassment, overpolicing or criminal charges of migration facilitation under Article 264 of the Penal Code[73].

Based on the collected data, it is difficult to assess the real impact of this denial of access to standardised humanitarian aid from international organisations to individuals from vulnerable groups. As one activist recalled the training in providing assistance to LGBTQI+ people: *It's all very nice, but they're not the ones there with us* – referring to the fact that international actors conducting trainings do not operate at the Belarusian borders themselves or are unfamiliar with the local context and the LGBTQI+ situation in Poland. Cases of LGBTQI+ persons reported at the border are handled by individuals from relevant organisations, according to the stages and areas of support, but such a system is based largely on individual contacts, not institutional frameworks or procedures (*distributed humanitarianism*).

Interviewed representatives of international organisations mentioned difficulties in gaining access to the Belarusian border strip, mostly from representatives of the Polish government. Humanitarian access is a principled and negotiated endeavour, crucial for granting assistance or protection to beneficiaries. Arbitrary withholding of consent to humanitarian relief operations by the state and non-state actors[74] puts at additional risk not only the vulnerable populations, but also local aid providers and credibility of humanitarian operations itself. While such access can be mediated through appropriate training or funding pathways for local actors, the lack of direct access at the reception stage in Belarus or Poland, and subsequent detention of LGBTQI+ asylum seekers, leads to the perpetuation of humanitarian inaction and impunity of state services against intersectionally excluded groups.

69 UNHCR (2024). Protecting lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ+) persons. Emergency Handbook

70 Notes From Poland (March 2025), Poland introduces law allowing suspension of asylum, https://notesfrompoland.com/2025/03/26/poland-introduces-law-allowing-suspension-of-asylum-rights/ 4.04.2025)

71 Hargrave, Bryant et al. (2024). Humanitarian narratives and the Ukraine response. Implications for humanitarian action and principles, ODI HPG, https://odi.org/en/publications/narratives-and-the-ukraine-response-implications-for-humanitarian-action-and-principles/

72 We Are Monitoring (2024). We only have one war… https://wearemonitoring.org.pl/wp-content/uploads/2024/10/RaportGranica_srodek_ENG_online.pdf

73 OKO.press (2024). Grupa Granica: Aktywiści z granicy polsko-białoruskiej oskarżeni. Grozi im do 5 lat więzienia, https://oko.press/grupa-granica-aktywisci-z-granicy-polsko-bialoruskiej-oskarzeni-grozi-im-do-5-lat-wiezienia

74 OCHA (2014), Arbitrary Withholding… https://unocha.org/publications/report/world/arbitrary-withholding-consent-humanitarian-relief-operations-armed-conflict

When asked about the prospects of implementing the mechanisms of the EU Pact on Migration and Asylum in the context of vulnerable groups, one expert replied: ***Yes, I agree with screening procedures, but only under conditions of comfort and confidentiality. And not by exterritorialising borders and avoiding responsibility for people in need*** (KII3).

LGBTQI+ asylum seekers in detention

I could not breathe here (IDI4)

Despite the criticism, the vast majority of irregular migrants from the Polish-Belarusian border whose asylum claims were received by the Border Guards were assigned to the detention centres (SOC), regardless of their vulnerability factors. Although detention should be applied as a last resort and within strict legal limits, local courts have ruled that crossing a border in an irregular way justifies detention[75] – even in cases when the border crossing points are closed or inaccessible, applications for asylum are ignored, and crossing took place under threat of loss of life or health by Belarusian guards.[76] In 2022, the Polish National Mechanism (NPR) for the Prevention of Torture (KMPT) under the Ombudsman's Office conducted visits to guarded centres and stated numerous violations, including a lack of staff training, overcrowding, and a serious deficit in access to psychological care. The Ombudsman also pointed out that 482 people were admitted to the centres in the first half of 2021, and as many as 3,570 in the second half. Given this significant rise, guarded centres were not prepared for individualised work with vulnerable people.[77]

The qualitative material collected in this report, along with the critical statements of local watchdog organisations[78], clearly indicate that detention – especially long-term detention – is harmful to psycho-physical health, decreases motivation for integration, and can lead to loss of trust in the host state apparatus. In some documented cases, it also causes or contributes to anxiety, post-traumatic stress disorder, and facilitates suicide attempts.[79] As one activist said:

Some before coming to Poland and to detention centre were beaten, raped, threatened, locked up in prisons. So here they end up behind bars once again. For them it is not a closed centre, it is a prison (KII11)

A 2024 Polish Migration Forum report points to serious and numerous cases of asylum seekers being held in detention centres and notes that 25 suicide attempts have occurred between October 2021 and October 2023. Moreover, the report mentions serious obstacles to accessing psychological and psychiatric care at the centres and a failure to identify or address the needs of vulnerable groups – including LGBTQI+ asylum seekers[80] – who do not receive adequate health care. Sometimes they are even accommodated in facilities that do not conform to their gender identification,[81] such as a trans woman who was placed in a male detention centre although she had informed the centre staff, including social workers, that she was a transgender person in transition since 2018. In the centre, she was deprived of access to hormonal therapy. Only infrequently was her lawyer able to provide her with hormones and other necessary medication, which disrupted her transition. She fled Vietnam to Russia and then from Russia to Poland, where she was detained until 2023. She struggled with getting any form of protection in Poland, even though she had experienced human trafficking and labour exploitation previously.

75 Klaus, W. et al. (2024). Detencja i jej alternatywy. Analiza orzecznictwa sądowego w sprawie umieszczania cudzoziemców w ośrodkach strzeżonych

76 Klaus, W. et al. (2024). Detencja i jej alternatywy. Analiza orzecznictwa sądowego w sprawie umieszczania cudzoziemców w ośrodkach strzeżonych

77 Biuletyn RPO (2022). KMPT diagnozuje…, https://bip.brpo.gov.pl/pl/content/kmpt-cudzoziemcy-strzezone-osrodki-raport

78 Legal Intervention Association, Kolejny status uchodźcy… https://interwencjaprawna.pl/kolejny-status-uchodzcy-dla-osoby-lgbtq-ktora-wspieramy/

79 Polish Migration Forum (2024), Wszyscy wokół cierpią, https://forummigracyjne.org/wszyscy-wokol-cierpia/

80 Ibid., pp. 37.

81 Legal Intervention Association (2024), https://interwencjaprawna.pl/transplciowa-kobieta-zwolniona-z-meskiego-strzezonego-osrodka-dla-cudzoziemcow/

Case study 1:

Vulvul

Vulvul arrived in Poland from Iraq via Belarus in late 2021. They and several of their friends were forced by Belarusian border guards to cross the border into Poland. At the so-called 'green border' (another colloquial term for the Polish-Belarusian border), theu met activists who offered them soup and warm clothes, and who recorded them while they were trying to apply for asylum. Despite documented attempts to obtain protection in Poland, they were repeatedly pushed back to Belarus. On their third or fourth attempt to obtain asylum, they were taken to a detention centre, where they became seriously ill because of debilitation and violence experienced on both sides of the border, as well as malnutrition at the centre. As they recall:

It was really bad, I got really sick. And they screamed at me: you live like a king; this is a good place (IDI2)

At the centre, which was overcrowded, they made friends with other LGBTQI+ refugees, but they all faced serious threats and attempts of physical and sexual violence from other detainees. They were also discouraged from coming out of their rooms.

One day they told us to change our room. They told me: because you are trans, you have to leave. Where I am supposed to go, I asked. 'There is a bathroom'. The guard was laughing. (...) We couldn't shower with others because whenever we took our clothes they were saying: you are like a woman. One guy told me that he wants to have sex with me. For some gifts when he is free (IDI2)

As the lawyer representing Vulvul explained, they had to hide in detention ***due to their tattoos, piercings and the way they expressed themselves*** (KII1). They had to fully cover their body. When Vulvul tried to report this to the guards and administration of the detention centre, they were met with indifference or derision. When they shared their concerns with the Office of Foreigners during an asylum interview, they were told that what was happening at the centre was ***not their problem*** (IDI2).

Vulvul and their two friends had to barricade themselves in their room out of threat of violence, and their mental health critically deteriorated in upcoming months, as their detention lasted for over half a year. After months of interventions by numerous watchdog organisations and the Ombudsman, repeated and reported incidents and further threats of violence, they were moved to an open centre for asylum seekers. While applying for refugee status on the basis of sexual orientation, Vulvul were refused and deemed 'lacking credibility' (KII1). The Office for Foreigners argued that Vulvul did not use the opportunity to come out directly at the border crossing, although they provided evidence and recordings to prove that they had done so. Only an appeal from the decision enabled Vulvul to get back into the procedure.

In 2022, the Helsinki Foundation for Human Rights, objected to pushback of three Iraqis to the Belarusian borderline, referring to the fact that these Iraqi men did try to apply for international protection. The Border Guard claimed it was acting under a decree of the Minister of Internal Affairs and Administration. Also, the European Court of Human Rights intervened in this case – the court obliged the Polish authorities not to expel Iraqis back to Belarus due to serious fear of persecution.

As Vulvul explains, the overall experience of past violence and discrimination, combined with a deterioration of mental health, motivated them to flee Poland, as it was ***no longer a country where they felt safe*** (IDI2).

The reason was how badly they treated us in the detention centre. In closed camp, in open camp, everywhere. There was no freedom. (...) At some point, I wished I never came to Europe. What I saw and experienced was terrible – he concludes (IDI2).

In Russia it was difficult for her to find a job, they harassed her at work, and even when it came to someone insulting her or some act of aggression, she had no help from the state. Rather, it was only when something really happened to her, like a body damage (...) she came through the kind of service – they attract people to work and she worked in such a black market, a sewing factory. The owners or bosses of her employer kept her passports and promised her a future she never had. (...) She was attacked in the workplace bathroom and she never wanted to shower there again after that, because not only was she forced to stay at the work camp with the men there, but no one respected her. There was a lot of violence from the guards, and from the employers, and from the people she met there. The fact that she was an LGBT person, made it double-time harder – as the interpreter translating her words explained (IDI6).

When the woman crossed into Poland, she was placed in a guarded facility for men. After the intervention of a local NGO, the Border Guard Commander released the woman in 2024, justifying the decision on the grounds that a further stay in the centre could cause danger to her life or health.

Only when I was detained in 2023, I found out in the detention centre already that I was entitled to protection. So, I hope to have more information about how people, specifically LGBT people, can get help because we really have it much worse than other people – explained the woman who declares that she was not informed about the possibility of applying for international protection due to her experiences in Vietnam and Russia (IDI6).

The conditions in detention centres in Poland pose a threat to LGBTQI+ persons, who cannot count on the support of other refugees (from the same country or region) and are exposed to direct violence and threats motivated by prejudice, sometimes even as a result of being publicly singled out by centre's personnel. This is described by a refugee who stayed in a detention centre for nearly a year:

I am not a criminal. And there you have no freedom; you cannot go out. How can I feel safe in prison? (...) We sleep in groups with people who hate us. (IDI3)

Another problem reported by individuals and their lawyers is the serious impediment to high-quality access to legal assistance for asylum seekers in detention. One lawyer reported that at one centre visitation rules change frequently, and she can only talk to clients with the door open, which effectively discourages an LGBTQI+ person from sharing private details relevant to the case. Another lawyer points out that limited access makes her clients feel severely demotivated, as they have the impression that their cases have been abandoned.

LGBTQI+ asylum seekers after detention

The release of an LGBTQI+ individual from a detention centre and the granting of protection does not guarantee their safety or security, nor does it guarantee their freedom. Our qualitative analysis indicates that for most LGBTQI+ individuals, it is often the moment when they decide to leave Poland because of the trauma they have experienced there or in Belarus. As one of the lawyers explains:

Originally, they wanted to stay in Poland, but with time they want it less and less. After so many months in the dark [of detention], they are in such a state that they are unable to stay here, they want to escape from a place that has caused them so much harm. (KII3)

A CSO caseworker responsible for direct assisting asylum seekers who have left detention centre also points to a complete lack of institutional support for those who leave the centre, often in remote areas of Poland: ***They have nowhere safe to live, no psychological care, but importantly, they also often don't have the support of their own community (...) what community do they have? (...) Not the LGBTQI+, but not their own [nationals] either*** (KII11). Some interviewed experts mentioned that, for example, clients from Morocco leave the centre without winter clothes or basic supplies (KII24). There have been instances of people who ended up at a train station in the middle of the night without emergency accommodation or advance notice. Since the Polish state does not provide any assistance, these are mostly informal groups and NGOs that support persons who leave detention centres.[82]

Creating a safety net is crucial, since most LGBTQI+ people lost the sources of safety they once relied on[83]. One of the interviewees, a Ugandan refugee, points out that it is necessary for LGBTQI+ people to join or create a new and safe community to start a life in Poland. As she emphasises: ***We need a place where we can go even if it's a garden like this. We sit and people know this is a community place for LGBT. Where we can have different ideas*** (IDI3).

Experts from organisations point out that the assistance at accommodation provided by organisations is limited and short-term. Refugees might decide to not go to an emergency flat or a shelter for LGBTQI+ people for various reasons, including fear of being targeted.

Interpretation and credibility assessment for LGBTQI+ asylum seekers

After a few years, I added the real reason to my case file. I explained why I was not telling the truth. That there was always the interpreter, and I was ashamed. (...) After those months I got an interview, with a woman from the centre and without an interpreter, because I felt better that way. (...) I apologised to the psychologist for lying. She said that I had the right out of fear not to say what I was afraid of (IDI18)

Gender-sensitive and inclusive interpretation plays a key role in the credibility assessment and interview process with the Office for Foreigners. Seven out of nine people who described their interview experience reported that the interpretation was of low quality or the attitude of interpreters was discouraging and, in some cases, even homo- or transphobic. In cases when the interview and interpreting experience was rated well, applicants were granted refugee status at first attempt; otherwise, an appeal procedure was necessary most of the time.

I remember the translation [during the interview] and it was a very unpleasant experience. [At some point] I didn't want to say anything anymore. (...) How you use this word or that word in this dialect to describe a homosexual person, it makes a difference. And the translator knows that difference – says Haroudi, recalling his interview that took place almost ten years ago (IDI18). ***My translator was actually asking me: are you really gay or you just want asylum? (...) I don't want this kind of question: is it really? You sure? You ok?*** – added Martin, a refugee from Uganda, whose interview was conducted more recently (IDI4).

Evidence and credibility assessment are rightly considered one of the most difficult aspects of any international protection procedure, especially for applicants falling under the SOGIESC criteria.[84] The challenge for the Office for Foreigners is to critically apply the appropriate guidelines in every case. For example, the Difference, Stigma, Shame and Harm (DSHH) model for determining refugee status is often criticised as outdated and Eurocentric. It can also lead to misleading interpretations of specific expressions by LGBTQI+ asylum seekers; nevertheless, it is still widely practiced and integrated into the structures and procedures.[85] Gathering sufficient evidence for the case and conducting a just assessment of the reality is another challenge. This often hinders the chance of the refugee's opportunity to provide evidence or declare their claim for asylum. Failure to declare one's sexual orientation or gender identity as a reason for persecution at the earliest possible stage of the proceedings, or failure to provide sufficient evidence – in both cases in contravention of the Court of Justice of the European Union (CJEU) 2014 judgement[86] – are the main reasons

82 Asylum in Europe, Detention of Asylum Seekers in Poland, https://asylumineurope.org/reports/country/poland/detention-asylum-seekers/

83 Shaw & Verghese (2022) LGBTQ+ refugees and asylum seekers. A Review of Research and Data Methods, https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBTQI-Refugee-Review-Jul-2022.pdf

84 EUAA (2022) https://euaa.europa.eu/sites/default/files/2023-01/2022_10_background_note_sogie_expert_panel_en.pdf

85 The UNHCR endorsed the model in the International Protection Guidelines and IOM has been using it since 2015.

86 TSUE judgment in the joined cases C148/13, C-149/13 and C150/13; A, B and C v Staatssecretaris van Veiligheid en Justitie dated December 2, 2014.

Case study 2:

Jessica

One of the notorious arguments undermining the credibility of an asylum claim is that it is grounded in pre-existing (past or present) relationships, marital or family life. Despite the existing literature on the subject, international guidelines and international case law in this area, the assertion that the testimony of a person declaring, for example, sexual attraction exclusively or mainly to the same sex, but who is also married or has a child, lacks credibility, **often does not** take into account the cultural, social and gender context of the applicant's background. One of the interviewees, a Ugandan refugee who eventually received a positive decision on her refugee status, shared her testimony with us:

I got married in 2011. I was young. I followed my mother's, my family's decision. But later on, after giving birth to my first son, I had problems when my former husband, who was very violent, started cheating on me with the housemaid. He did a lot of things to me (IDI3)

(...) I had a girlfriend at campus then and my husband got to know about it. He was very violent to me, very violent, but we settled it because of our son, and he said he forgave me (...) and pressured me that my son needs a sibling. I gave birth to my second son, it was 2019. My husband found my messages to her [my girlfriend] on my phone and [told me] you love other women; I'm going to expose you to your family. You know it's not allowed in Uganda.

I was living in marriage but not happy. I got pregnant again [in 2020]. (...) Then he was cheating on me with my neighbour. [I talked with him] and he beat me up so much I had to go to hospital. I gave birth by caesarean section. (...) My daughter was born with Down syndrome.

I was so tired. So, one day, I packed my bags and left him. I went to my house. When I went to my house, he started following me. I was driving home, and I could see strange cars following me, strange messages threatening me. (...) And I had moved on with another girl. This time the law [death penalty for homosexual relations] has passed.

They found us in a bar and the police wanted to take me. I jumped off the patrol car and I ran from the car. I was hiding at my friend's house. My friend is called Peace. She's married. (...) And I was afraid I would bring the police to her. And you know in Uganda, if they find you that you're a lesbian or you're conniving with an LGBT, you're either life imprisonment or death penalty. (IDI3)

Jessica initially fled to Poland, and then after some months, applied for refugee status in Germany. However, she returned to Poland after her psychological wellbeing deteriorated and she experienced isolation and depression in Germany. Upon her return to Poland, she was granted refugee status based on the SOGIESC criteria in September 2024.

for a negative decision issued by the Office for Foreigners. It is crucial for relevant authorities, such as the Ministry of Interior, to ensure that demographic questions about sexual orientation, gender identity, and sex assigned at birth are integrated into the application process, and can be amended without negative repercussions for the asylum seeker.[87]

This makes the interview and interpreter's role even more important in giving a refugee an opportunity to clearly state their testimony, especially in cases where additional evidence may have been lost or intentionally destroyed – for example, by Belarusian officials (as happened to a few interviewed refugees). Respondents indicate that difficulties arise when rare languages are in need of translation or when the Office for Foreigners assigns preferred interpreters, for example, those available due to proximity to the refugee centre.

If there is one Luganda interpreter in Poland, no one cares if he is homophobic. He is what he is, and that's that (...) There is one translator from XXX, which I think everyone knows. And you know right away that he wishes you badly because he doesn't like gays – explains one of the refugees who works as an interpreter.

Likewise interpreters employed by international humanitarian organisations who lack adequate training, or regular evaluation of their work, may contribute to the exclusion of refugees from dedicated services.[88]

Risk of deportation, internal relocation or insisting on SOGIESC concealment

According to Polish law, individuals who are denied international protection receive a decision mandating their return and are eventually deported.[89] For safety reasons, the research team has not contacted deportees but is aware of deportations of people to Iraq and Morocco who were seeking protection in Poland based on SOGIESC criteria. In general, deportees may face real danger in the countries to which they are sent, but if such a country is not officially recognised as dangerous for LGBTQI+ people, the Office may decide that the evidence and testimony collected are not sufficient to grant protection on the basis of SOGIESC.[90]

Some interviewees explained that they could not imagine returning to their country of origin: ***I lost my job because of this. I separated from my family and brothers because of it. Where I am from, they can send you to prison. You can go to prison, and you can die there. And they don't care about you*** – explains Martin (IDI4).

To stop deportation under law[91] the Ombudsman, after examining the case, may request the relevant Commander-in-Chief of the Border Guard Station to initiate proceedings to grant a person permission to stay in Poland on humanitarian grounds. To the research team's knowledge, as of 2021, at least four SOGIESC-related deportations to countries where the health or life of LGBTQI+ people is potentially at risk, have been carried out despite the Ombudsman's intervention.

In other cases, the Office for Foreigners has decided that a person has the option of internal relocation within the country's territory or could conceal their sexual identity or expression. However, this contradicts international jurisprudence and/or the principle of *non-refoulement*. Moreover, the CJEU has established that gender identity or sexual orientation cannot be concealed, as they are an integral and inalienable part of one's identity.[92]

87 LGBTQI+ Refugee Review (2022), https://williamsinstitute.law.ucla.edu/wp-content/uploads/LGBTQI-Refugee-Review-Jul-2022.pdf, pp. 4

88 Arnaud et al. (2024). Queering Humanitarian Practices through the Inclusion of SOGIESC Concepts [in:] Journal of Humanitarian Affairs, vol. 5 Issue 3.

89 Article 302 of the Law on Foreigners

90 RFSL (2024), Rejection Motivations in SOGIESC Asylum Cases in Sweden, https://rfsl.se/wp-content/uploads/2024/09/Rejection-Motivations-in-SOGIESC-asylum-cases-in-Sweden.pdf

91 Biuro RPO (2022), https://bip.brpo.gov.pl/pl/content/rpo-interwencja-deportacja

92 https://interwencjaprawna.pl/wp-content/uploads/2019/05/raport_sip_w_dzialaniu_2019R.pdf, pp. 14

ECtHR: Being forced to conceal sexual orientation is unacceptable[93]

The Polish Office for Foreigners argues that asylum seekers can conceal their sexual orientation or gender identity in their country of origin. The Office uses this "discretion prerogative" to deem claims unfounded.[94] The Helsinki Foundation for Human Rights and the Legal Intervention Association observe that refusals of protection are sometimes motivated by a recommendation for applicants to move to another region within the country of origin, where anonymity combined with discretion could provide security. According to the Ombudsman, a person seeking protection is fleeing a country, not a particular region. Therefore, when considering an application for refugee status, "the competent authorities cannot reasonably expect an asylum seeker to hide their homosexuality in the country of origin or to exercise restraint in expressing their sexual orientation in order to avoid the risk of persecution".[95]

As informed by dr Maja Łysienia from the Legal Intervention Association and ECRE, the European Court of Human Rights (ECtHR) affirms that "a person's sexual orientation is a fundamental part of his or her identity and that no one may be obliged to conceal his or her sexual orientation in order to avoid persecution". The ECtHR rejected the Swiss authorities' claim that the applicant's sexual orientation would not be discovered in Iran. It emphasised that homosexual acts are criminalised in Iran both in law and practice. The Court further stated that LGBTQI+ persons are also at risk of the ill-treatment inflicted by non-state actors. Furthermore, Iranian authorities are known to be unwilling to provide the applicant with effective protection in this regard. This aspect of the case, however, was not taken into account by the Swiss authorities. Accordingly, the Court found that Article 3 of the ECtHR Convention has been violated.

This is only the second judgment of the ECtHR concerning the violation of Article 3 of ECHR in the case of LGBTQI+ asylum seekers. The previous judgement also concerned Switzerland (B and C). The Court rejected the concealment requirement for the first time in 2017- finally aligning the CJEU and other institutions on this issue.

It is commendable that the ECtHR appears to be changing its previously rather restrictive approach towards LGBTQI+ asylum seekers. However, it is concerning that the Court still feels compelled to specify that the parties agreed discretion cannot be required upon return. This merely dilutes established human rights standards.

93 Recht.nl (2024), https://recht.nl/nieuws/staatsrecht/239610/ecthr-being-forced-to-conceal-sexual-orientation-is-unacceptable

94 Śledzinska-Simon et Śmiszek (2011), LGBTI asylum claims, https://www.fmreview.org/sledzinskasimon-smiszek/

95 Ombudsman's Office (2019), Sytuacja prawna osób nieheteronormatywnych, https://bip.brpo.gov.pl/sites/default/files/Raport%20RPO%20Sytuacja%20prawna%20os%C3%B3b%20LGBT%20w%20Polsce.pdf, pp. 47.

Ukraine: refugee response after the full-scale war in 2022

Whenever there is an escalation of war it is the vulnerable groups that suffer (IDI9)

At least it's not Ukraine, at least it's not war (IDI8)

From February 2022, substantial social and political mobilisation took place at the Polish-Ukrainian border. Funding for emergency relief was also immediately released. However, the response to the needs of LGBTQI+ persons has been inconsistent. Forced migration from Ukraine is highly feminised due to the mandatory military conscription of men in its territory. There are also a lot of elderly people (both men and women) and minors among Ukrainian refugees. This demographic profile impacts and defines the needs and challenges of LGBTQI+ refugees, as the needs of LGBTQI+ people crossing the border with Ukraine differ from those crossing the Belarusian border. Non-binary and transgender persons often require specialised medical and psychological support. Access to hormone therapy is more limited in Poland than in Ukraine. Additionally, the cross-sectional awareness among medical staff regarding working with trans and non-binary people remains low. As reported by ILGA Europe and UN Independent Expert on SOGIESC, Polish legislative framework and medical service remain challenging to access, or even hostile, towards LGBTQI+ people, especially those with migration background.[96]

The only way for transgender women to legally leave the country is to obtain a diagnosis of "gender identity disorder" (F64), and to appear before the Military Medical Commission for an individual assessment. The legal situation of transgender people fleeing Ukraine without an F64 document[97] may be complicated in Poland or even at the border. As of 24th February 2022, according to the Martial Law, all Ukrainian citizens with a male gender designation on their identity documents, including cis- and transgender men and some transgender women and non-binary people, cannot leave Ukraine. As ILGA Europe notes, trans women face obstacles in crossing borders or accessing services: *Martial law refuses to leave the country, in a clear display of discrimination on the grounds of gender identity.*[98]

Respondents frequently expressed fear of being conscripted into the Ukrainian army, stemming from systemic transphobia in military structures[99]. People without a F64 diagnosis or the necessary medical and legal documentation faced additional challenges during transit and limited access to hormonal therapy[100]. Some LGBTQI+ people fled Ukraine to Poland before the full-scale war, for example, after the annexation of Crimea by Russia in 2014. They encountered challenges in legalising their residency or changing gender markers in their documents. Matej, who left a village in Crimea in September 2018 at the age of 17 to study in Poland, stated:

In my 'conscious' life in Ukraine I was not queer. I lived in the countryside and was very restrained as a person (...) In Ukraine, it was all more underground. Although now this is rapidly changing, now there are Homes for Queers sites, there is a network of people. (IDI11)

Matej recalls that many members of the Ukrainian community in Poland became engaged in the refugee response from the first days of the Russian war to Ukraine in 2022: ***When the war started, I helped to translate. Also, there was a shelter arranged in the cafe I work at (...) Suddenly there was a need in me to 'feel Ukrainian', but 'queer Ukrainian'. I have not managed to go to Ukraine once since 2018. And now I don't know Ukraine other than through the reality of this war*** (IDI11).

Both Polish and Ukrainian civil society mobilised in response to the full-scale war in Ukraine. There were also minority-led humanitarian efforts to address the needs of vulnerable groups, such as LGBTQI+ people supporting other LGBTQI+ who fled Ukraine.

96 UN SOGIESC (2024), LGBT rights in Poland: a symbolic shift is important, but not enough, [in:] Gazeta Wyborcza 13.12.2024, https://www.ohchr.org/sites/default/files/documents/issues/sexualorientation/statements/2024-12-13-ie-sogi-op-ed-poland-visit.pdf [source 12.04.2025]

97 Tranzycja.pl, https://tranzycja.pl/aktualnosci/zmiany-w-klasyfikacji-icd11/

98 ILGA Europe (June 2022), Briefing Note: Securing access to border crossings for vulnerable LGBTI people in the context of the war in Ukraine, https://www.ilga-europe.org/files/uploads/2022/07/Briefing-Note-Border-Crossing-LGBTI-Ukraine.pdf

99 Tranzycja.pl, Guideline for Transgender people leaving Ukraine, https://tranzycja.pl/en/publications/transgender-people-ukraine/

100 Jarosz & Klaus (2023), Polish School of Assistance, https://konsorcjum.org.pl/raport-polska-szkola-pomagania/

For me, this cafe has been the main safe [queer-friendly] space for the past four years. And from there, literally every single person I was surrounded by here was involved in this response. Some person I barely knew provided a safe place for a girl from Ukraine. (...) And now it's only after two years that I see again that the hatred [for Ukrainian refugees] has increased. (IDI11)

According to an opinion poll on the war in Ukraine and its possible expansion, conducted in April 2024[101], anti-Ukrainian sentiment has severely increased and civil society in Poland has begun to show signs of humanitarian fatigue.[102] Community-based humanitarian groups and their networks have gradually lost sustainability and their initial motivation, despite maintaining some logistical capacity.[103] This decline has also affected the work and motivation of minority-led responses and support for LGBTQI+ refugees.

Not everyone realizes what it's like to have everything and suddenly have to run away. And for LGBTQI+ people it's more understandable, we often don't need a war to get us kicked out of somewhere – Matej explains. Here in Poland, I was also often asked if I was a boy or a girl, and if I was Polish or Ukrainian. (IDI11)

At the time of writing, Matej was experiencing difficulties legalising his stay in Poland, as he felt that, being a pre-2022 migrant, he had remained in precarious labour conditions for an extended period. He noted that the intersectional solidarity between queer people in Poland and queer people fleeing their countries of origin became more evident following Russia's invasion of Ukraine in 2022. He stresses that such solidarity existed previously in response to other push and pull factors of displacement (incldiung economic ones).

I met a queer person from Georgia and her parents, and she had to flee. (...) When I was a kid, I also thought about it, that there should be such a [queer] migration, because I didn't feel safe in Ukraine at that time. Well, and it does exist, and it's a very big problem in post-Soviet countries to feel free and let others live as they want – Matej explains his experience of meeting LGBTQI+ displaced people in their countries and some similarities between their experiences he noticed (IDI11).

The lack of information or access to LGBTQI+ sensitive services within refugee accommodations and services poses a further challenge. An NGO humanitarian worker pointed out that coming out in collective accommodation is 'risky' and, given the prevalent homo- and transphobia in Poland, there are barriers to accessing public services for LGBTQI+ people. Additionally, little effort has been made by public administration to Address the situation. NGOs attempt to counter these issues by coordinating with local administration and distributing information materials among beneficiaries; nevertheless, they lack direct access to many of these locations (some are in remote areas or do not permit NGO entry).

Intersectional humanitarian response at the Polish-Ukrainian border

LGBTI and gender-diverse people are vulnerable to acts of stigmatisation, harassment and violence from both armed combatants and civilians, whether such acts are opportunistically motivated, connected to larger social discriminatory patterns, or the result of explicit, targeted political repression – UN Special Rapporteur on Protection from Violence, 22 March 2022[104]

In the initial weeks of the emergency, LGBTQI+ refugees encountered numerous obstacles at Polish border crossings. These included denial of entry when their gender identity did not match their documentation, a lack of tailored support for LGBTQI+ people, misinformation and absence of safeguarding procedures. Over time, additional administrative challenges emerged, such as the non-recognition of same-sex parents or marriage certificates, which created barriers to accessing benefits and visiting partners in medical facilities.

Gender recognition and access to hormonal therapy

The two interviewed experts on trans rights acknowledged that, in the early days of the full-scale war, transgender people experienced a lot of discrimination. Information channels and dedicated local organisations advised individuals approaching the border to gather all available medical documentation, following the principle 'the more stamps the better'.[105]

Another significant issue reported was limited access to gender-affirming hormone replacement therapy

101 CBOS 48/2024, O wojnie w Ukrainie i ewentualnym rozszerzeniu konfliktu, https://cbos.pl/PL/publikacje/raporty_tekst.php?id=6816

102 Klon/Jawor (2024), Kiedy praca w kryzysie staje się codziennością, https://fakty.ngo.pl/raporty/ngo-wspierajace-uchodzcow-w-polsce-raport-2024

103 Jarosz & Klaus (2023), Polish School of Assistance, https://konsorcjum.org.pl/raport-polska-szkola-pomagania/

104 Ukraine: Protection of LGBTI and gender-diverse refugees remains critical – UN expert, 22.03.2022 https://ohchr.org/en/press-releases/2022/03/ukraine-protection-lgbti-and-gender-diverse-refugees-remains-critical-un

105 Tranzycja.pl, Transgender People in Ukraine, https://tranzycja.pl/en/publications/transgender-people-ukraine/

The Analysis

Case study 4:

Artem

When the war starts, you start to get depressed, because it doesn't depend on you, the war didn't start because of you, you didn't influence it in any way, and you can't influence it in any way, and you just have to find ways out (IDI20)

Artem lived in Kyiv before coming to Poland in 2022. Initially, he travelled to Slovakia where he met his partner. Subsequently, he decided to continue his journey to Poland.

I had no water or food with me at all because I left with only a backpack. And instead of 12 hours, I travelled to the border for 20-something hours. (...) Then I went to a friend in Lodz, they helped me with the documents, helped me open a Ukrainian (UKR) PESEL, because I arrived after the war began, a month later. Then I started living in Warsaw. I turned to the X organisation. At first, the organisation seemed very good, they helped me with temporary housing, then they helped with food, that is, there were food cards. At first, they helped the LGBT community in general, but when the war started, they started helping Ukrainians as well. (IDI20)

Artem reported that the initial solidarity with Ukrainian refugees has diminished over time, and he has experienced intersectional discrimination due to his sexual orientation, nationality and temporary protection status in Poland. ***I got less hate about [being a part of] LGBT, but there was some, nonetheless. As for the fact that I'm a refugee from Ukraine – a lot. Only I don't understand what they say here that I live on their taxes*** (IDI20).

Although the Ukrainian government claims that the situation of LGBTQI+ people has improved, homo- and transphobic violence still occurs, Artem explains: ***There's a singer named Dorofeeva, it seems they beat her up and came out of the club. They smashed her head and beat up badly. They still haven't found the person who did it. Although there was an attack, there were cameras, people filmed the moments*** (IDI20). At the same time, he points out that in Poland, hate crimes motivated by homo- or transphobia cannot be officially reported as such.

And then you go to the police and say that a Pole has beaten you up or tried to threaten you. Everyone is afraid of the Polish police because they have also heard about many different situations with the police. And people are just afraid to contact any government agencies. And where can they go? Nowhere (IDI20)

Artem is disappointed with Poland's assistance for LGBTQI+ refugees, considering it unsustainable. He believes that the funds allocated for their reception were often spent ineffectively, failing to address the basic and long-term needs of LGBTQI+ individuals, focusing primarily on short-term solutions such as temporary accommodation.

At the same time, he emphasises the transient nature of financial support from international organisations for groups assisting minorities, despite the ongoing needs: ***They've completely abandoned us. Well, almost. They don't help at all, nothing. That is, the tenders are over, the help has been given. It's strange, how can that be?*** (IDI20)

Case study 5:

Sasha

Sasha arrived in Poland with her partner and child from the Zaporizhzhia region in the first months of full-scale war in 2022. When hostilities erupted just 50 kilometres from their home, she and her girlfriend decided to flee. They travelled to Lviv via the Zhytomyr route, fearing that their association with LGBTQI+ community might make them targets of Russian aggression or persecution if their home region fell under occupation. Reflecting on her fears, Sasha recalls: ***We didn't see Ukrainian troops, and I was afraid we were about to be attacked*** (IDI8)

After crossing the Polish border, Sasha and her partner faced repeated difficulties with the local administration, particularly while trying to obtain a PESEL number for her son. She recalls an encounter at the registration office:

The lady at the window asks me: father's name. I say: no father. So, the father is deceased? I say – no, the child has two mothers. And she says that this is not possible (IDI8)

Such challenges continued, especially when accessing benefits and registering as a family. These obstacles stemmed from the fact that same-sex unions and adoption by same-sex couples are neither legalised nor recognised in Poland.

We came to the UNHCR stand. And there is a rainbow poster hanging: here you can come as a family. We think it will be fine. And the lady asks – do you have a stamp that says you are married? So, I explain – in Ukraine it's impossible and in Poland it's also impossible (IDI8)

Currently, Sasha works for a social organisation, supporting refugees and others who face exclusion. She explains that the biggest challenge in assisting LGBTQI+ people is that their needs are diverse and constantly evolving.

in Poland. The available hormone dosage can be lower than those commonly used in Ukraine, and access to hormone doses can be difficult, posing a serious risk for individuals undergoing hormone therapy. This created the threat of medical detransition and associated side effects, such as anxiety and depression – mental health issues particularly severe during armed conflict and displacement. A primary source of information on transition accessibility in Poland, developed by local activists, states:

Due to transphobia and the disorganisation of the Polish healthcare system, accessing hormone therapy (HRZ) can, unfortunately, involve certain obstacles. If you have reached a safe place in Poland, you should ask for help from people from the organisation that helped you with your accommodation as they may be able to help you supplement your hormones (...) Technically speaking, Ukrainian refugees qualify for free health care and should be able to easily obtain prescriptions for free, especially for ongoing medication. By law, the pharmacist is obliged to refill the prescription, but we know of cases in which it was refused. (KII6)

Systemic barriers for trans people from Ukraine extended beyond the risk of having inaccurate documentation and being detained at the border. They also included invasive strip searches and intrusive questioning by Ukrainian border officials.[106] The situation is especially dangerous for unaccompanied minors. As one Ukrainian activist explained, many minors were not properly screened initially due to the absence of adequate security and safeguarding procedures:

I still remember, a girl, a trans girl, she ran away from her parents, literally. There was a situation when she, let's just call her Michelle, ran away from Ukraine from her parents because her Ukrainian parents shoved her into a mental hospital and forced her to be a boy. (IDI8)

There were also challenges linked to shifting the responsibility for providing an intersectional response to LGBTQI+ refugees onto local organisations, such as scaling up operations and humanitarian fatigue[107]. Additionally, some organisations expressed scepticism about the training offered by international organisations on SOGIESC sensitivity in humanitarian response. One expert explains: ***We are here, and they are there. They explain to us how to do it [support to LGBTQI+ refugees] in Uganda, while we already know how to do it here*** (KII5) – one of the experts emphasizes that the humanitarian realities and needs of LGBTQI+ refugees vary significantly depending on regional contexts.

Over time, the situation of LGBTQI+ people crossing the Ukrainian border has gradually stabilised. However, this progress has largely depended on cross-border advocacy efforts and the development of effective working methods by social organisations and informal groups – often with limited support from public administration.

Intersectional exclusion: situation of queer Roma refugees

If someone finds out, I might be rejected. And I don't have it written on my forehead (IDI12)

As part of the mass migration from Ukraine, approximately 50,000–60,000 Roma refugees fled to Poland, often arriving in the first days of the full-scale war. These refugees faced well-documented discrimination in accessing humanitarian services, housing, and medical and psychological support[108]. As one respondent, Maćko, explains: ***Even big organisations think [displacement] doesn't affect us – and it does, like it affects all people*** (IDI12). He also highlights the challenges related to societal expectations and internal dynamics within Roma communities. ***There are these rules, 'romanite', they can be interpreted in different ways, in favour or not, it's best if they don't say anything [about LGBTQI+ people]*** (IDI12). Maćko further explains that attitudes toward LGBTQI+ people within Roma communities are often shaped by the broader social environment in the region or country of residence.

It's worse in Ukraine because if the local community are strong believers and don't want LGBT people, the Roma don't want either. The Roma have to learn from someone and adapt. When you have a community that is negative, negatively oriented, then you know – you need to adapt. (IDI12)

Although the literature on queer Romani people is not as extensive as it could be, an inclusive humanitarian and integration system or policy could benefit from a deeper understanding of the Roma refugee context and the specific vulnerability factors they face.[109]

Maćko shared that, in his daily work, he has been approached by LGBTQI+ Roma refugees seeking assistance. However, he acknowledged that it was a deliberate decision to refer them to other organisations focused specifically on LGBTQI+ support. He explains: ***They come to us [the organisation; LGBTQI+ persons], but we are unsure how to assist them. Our organisation won't force anyone to participate. They told us they didn't want to have 'PGE training***[110] [IDI12: 'LGBTQI+ trainings'].

106 Wachowich, A. (2022). Trans-Ukrainians and the Need for LGBTQIA+ Inclusion in National and International Refugee Policies

107 Jarosz, S. (2024). Gdzie teraz jesteśmy? Sytuacja organizacji społecznych w obliczu kryzysu, https://konsorcjum.org.pl/raport-gdzie-teraz-jestesmy/

108 Foundation Towards Dialogue (2023), They are not refugees, they are travellers. Situation of Roma refugees from Ukraine in Poland after 2022, https://fundacjawstronedialogu.pl/wp-content/uploads/2023/07/Report_They-Are-Not-Refugees_They-Are-Travellers.pdf

109 Fremlova, W. (2022). Queer Roma. https://eriac.org/wp-content/uploads/2022/12/Queer-Roma.pdf

110 A wordplay: 'PGE' is the main gas and energy provider company in Poland.

Not the 'real refugees'? Other migration routes for LGBTQI+ people to Poland

This study distinguishes between migration routes taken by LGBTQI+ refugees fleeing queerphobic persecution from other distinctive routes of LGBTQI+ displacement to Poland such as Russia (particularly Chechnya), Turkey, and Belarus. These individuals tend to pursue other means of legalising their stay in Poland not based on SOGIESC criteria, although in interviews they report a well-founded fear of persecution or criminal charges filed (either previously or in their absence) as the main reason for fleeing.

Russia: Stop, you have to be normal![111]

They have new ways to persecute us (IDI20)

Three experienced Polish NGOs which provide legal assistance to LGBTQI+ asylum seekers mentioned Russia, including Chechnya, as the first recorded trajectory of LGBTQI+ displacement to Poland (KII1, KII2 KII6). In 2017, the violent crackdown on the LGBTQI+ community in Chechnya led to what the UN visiting experts confirmed as mass brutality and killings of homosexual and bisexual men[112]. According to Amnesty International reports, more than 100 men identified as gay were kidnapped by authorities in Chechnya in 2017, and many were forced to testify or confess under torture.[113] Chechnya is the only Russian republic where homosexual acts are punishable by death, and those charged with or suspected of same-sex relations are sent to isolated detention camps with conditions that human rights organisations describe as resembling 'concentration camps'.[114]

Despite attempts at contact, it was not possible to include people from Chechnya in this study. However, three people from other Russian republics participated. In 2024, Russian courts handed down the first known convictions for extremism stemming from a 2023 Supreme Court decision declaring the "international LGBTQI+ movement" to be extremist.[115] Even displaying the rainbow flag is grounds for administrative penalties, as is the 'promotion of homosexuality', which has been penalised in Russia since 2014. This legislative framework is used for political arrests of activists and opposition figures. Under Russian criminal law, a person found guilty of displaying symbols of extremist groups faces up to 15 days in jail for a first offence and up to four years in prison for repeat offences. Participation in or financing of an extremist organisation is punishable by up to 12 years of imprisonment.[116]

Alexsei and Vasil fled Russia after the outbreak of the full-scale Russian war in Ukraine. Vasil left St. Petersburg shortly after Russia's announcement of a special "military operation". He first fled to Armenia with a humanitarian visa, where he spent a few months due to the high risk of criminalisation of his activism – he describes this period as ***preemptive migration*** (ID21) – and then moved to Poland where he received a residence permit. ***I am not a good fit for emigration. It is not what I wanted*** – he explains. ***I knew at some point it would no longer be possible [to stay in Russia]. I could not openly speak about my job nor my private life. (...) In Russia I had a very firm metal door, I had those countermeasures and security protocols, and I feel like at some point every activist in Russia knew me*** (IDI21).

Alexsei joined him later. Both obtained work visas for Poland, as their workplace supported them in the process. ***I was able to move out of Russia because we were together. His work then got me out of Russia and helped me get started somehow***, he explains (IDI20). Both Vasil and Alexsei reported a significant increase in anti-LGBTQI+ sentiment in Russia over the past few years, deteriorating public attitudes and the police's targeting of LGBTQI+ people on charges of extremism or moral depravity. ***Dating was also dangerous, as there were more and more so-called fake dates, often filmed. Such film was used by the [Russian] police as evidence in the case or to blackmail you*** (IDI20).

Maria left Russia in 2019 and moved to Poland. As she explains: ***I was [in Poland] with a woman I fell in love with. It was a very strong feeling. In Russia, I said to myself: stop, you have to be normal. I didn't get involved because I was struggling with my identity. Once I was in a club, and so I was afraid that any of my friends could discover the truth*** (IDI19). Later, she became involved in social work. Since she wants to visit her family and friends in Russia in future, she is afraid to even upload photos on her social media from Pride Parades because Russian law prohibits LGBTQI+ propaganda. ***My close family member passed away, and I wanted to go [to the funeral]. I flew through Georgia, afraid to even cross the border. In Tbilisi, I met a girl, realised we had similar values and calmed down. She was talking about her partner of 10 years. I said: don't be afraid to tell me you have a girlfriend*** (IDI19).

All the aforementioned interviewees stated that the full-scale war in Ukraine has led to a significant rise in anti-Russian, anti-Belarusian sentiment and anti-LGBTQI+ rhetoric. ***They do not distinguish between the victim of the regime and the perpetrator***, Eva explains. ***I was chatting in Polish with a young boy. When you speak Polish, it's pretty much ok, but when he recognised [the accent], he became silent and didn't want to talk*** (IDI19).

Belarus: It is apparent that the government is on the same track as Russia[117]

The situation in Belarus is distinctive because of the gap between the legal and social realities of LGBTQI+ people, particularly those involved in activism for this or other communities following the 2020 protests against Lukashenka's regime. According to official government statistics, criminalisation of LGBTQI+ people occurs sporadically, as homosexuality was legalised in 1994. Despite this, the LGBTQI+ community faces social stigma, harassment, surveillance, and extortion attempts by law enforcement, especially following the wave of arrests in 2020 and the tightening of Lukashenko's regime. Minority-led NGOs, numerous LGBTQI+ organisations – such as Grupa Dotyk or Human Constanta – have been forced to flee Belarus. Their members have experienced unlawful arrests. Public support is also low, with 73.5 percent considering homosexuality unjustifiable, according to a 2022 Equaldex ranking[118]. In the summer of 2024, anti-LGBTQI+ harassment intensified once again. Twenty people, including four transgender individuals, were violently arrested at an LGBTQI+ community meeting.

These trans women were beaten by police officers with an electroshocker. And they said that is the law. And one of these girls screams that no, that this is the law in Russia, but not yet in Belarus. And [the policeman] says: both in Russia and Belarus – explains one activist. It is clear that there is no such law, and they are already enforcing it. (IDI13)

Each of the five Belarusians participating in the study had been engaged in activism for the LGBTQI+ community. One abandoned this work due to the trauma of prolonged arrest and torture. Nevertheless, only one has applied for refugee status (not in Poland), one for a humanitarian visa, and the rest applied for other types of permits (for work or study).

This is because in Belarus, all the queer people there are hostages – explains Artem (IDI14). ***Now we have 'the Russian mir' [lit. the "Russian peace"]. You can see that everyone has to flee.*** An activist, who visited Poland several times before applying for protection and received a *Karta Polaka*[119] in 2022, explains: ***When I came to Poland in 2015, it was a good time to rest from Belarus. Warsaw is Minsk, if Minsk got free*** (IDI14) – he says, explaining that Warsaw seems familiar, but allows him to feel free.

To be queer in Belarus, you had to be rich. Because of the bribes – says Liza, also an activist (IDI15).

I don't have contact with any queer people in Belarus, because as far as I understand they have all left,

111 IDI20

112 New York Times (2017), UN Experts Condemn Killing and abuse of gay men, https://nytimes.com/2017/04/13/world/europe/un-chechnya-gay-men-killing-abuse.html

113 Amnesty International (2018), Prześladowania i zabójstwa gejów w Czeczenii, https://amnesty.org.pl/przesladowania-i-zabojstwa-gejow-w-czeczenii/

114 Advocate (2017), Report: Chechnya is torturing gay men, https://advocate.com/world/2017/4/10/report-chechyna-torturing-gay-men-concentration-camps

115 Human Rights Watch (2024), Russia: First convictions under LGBT extremist ruling, https://hrw.org/news/2024/02/15/russia-first-convictions-under-lgbt-extremist-ruling

116 Consultant.Ru (2022), https://consultant.ru/document/cons_doc_LAW_34661/e3620d183bd6d1fe2ab8b0c912809857217325a2/

117 IDI17

118 Equaldex (2024), LGBT Rights in Belarus, https://equaldex.com/region/belarus

119 Legal document allowing the access to Polish citizenship on the basis of family background.

explains the person, who experienced phone requisitioning and police searches at her apartment in Belarus (IDI16).

In both Russia and Belarus, the campaigns and legislations targeting LGBTQI+ people are strictly political, aiming at silencing any voice against Lukashenko's regime. This is accompanied by policing, unlawful arrests and surveillance of activists or individuals accused of activism. Belarusians and Russians in Poland face strong anti-Belarusian and anti-Russian sentiments due to the military involvement of both Russia and Belarus in the full-scale war on Ukraine, despite the fact that they often flee from these very regimes.

Case study 3:

Marta

In 2021, Belarusian activist Marta moved to Ukraine out of fear for her safety. In Belarus, I could not identify as a lesbian, I was afraid. It was only in Kyiv that I began to be open about my sexuality. Until the outbreak of full-scale war in February 2022, she lived in Kyiv with her female partner and daughter. Following the escalation, she fled to Poland, where she has supported other activists. While in Ukraine, she had supported political prisoners of Lukashenko's regime, as the NGO sector in Belarus ***was impossible to save and completely destroyed*** (IDI13).

Before [the protests in] 2020 it was paradise compared to what it is now. In 2019 or 2020 when someone left [the country], it was not public, and now it is public – they are a public enemy. After the military outbreak, there was a woman who stood with the flag of Ukraine in Grodno. And when a man noticed that it was a trans girl, he started beating her (...) After 2020, you faced detention for politics and violence for being LGBTQI+. And now they are looking for LGBTQI+ to punish them under the umbrella of politics and completely erase them from public life. (IDI13)

Marta also explains how Belarus' participation in the full-scale war on Ukraine has affected transgender people. Before the war, military recruitment commissions refused to recognise gender recognition for three out of 20 transgender persons, as explained by one expert in an interview. ***This is now happening to 15 people out of 20***, she explains (IDI13). She also tells the story of her friends who are imprisoned in penal labour colonies.

In such a women's labour camp, if they recognize you [as a lesbian], they purposely set you up like this to make your conditions worse for the whole time you serve (...) Gay men in the colony have such a low status, they are intentionally infected with HIV. And trans people are just being traumatised (IDI13)

Despite her activism and commitment to a free Belarus, Marta has no intention of returning.

Even if there is an opportunity to return tomorrow, I will not go. My children have already experienced two migrations. And I promised my daughter that we will not go abroad again. Because she says she can't do it again (IDI13)

Turkey: hell for refugees, hell for queer[120]

In regard to LGBTQI+ displacement, Turkey presents an intriguing example of queerphobic state practices and rhetoric against its own citizens, as well as hosting one of the highest proportions of refugees in the world (including LGBTQI+ people who are not acknowledged by the state as such). The last decade of conservative rule brought a crackdown on civil society, including LGBTQI+ communities. The notorious bans on the Pride Marches[121] and targeted policing of LGBTQI+ activists motivated many LGBTQI+ Turkish citizens to seek a new life in other countries. At the same time Turkey is considered a safe country for LGBTQI+ asylum seekers from countries such as Syria, Eritrea or Yemen.

Consequently, some asylum seekers who do not find protection in Poland end up being deported to Turkey (as the 'first safe country'). Meanwhile, Poland is one of the EU member states that is the destination (or transit) country for Turkish LGBTQI+ people, who legalise their residence there through studies or work, like Aras who has experienced police violence in Turkey (IDI23). His political involvement increasingly made him a potential target for harassment. He described how 19 of his friends participating in the same demonstration as him were arrested after the implementation of the new law. ***It has been used as a populist tool to attack the opposition***, he adds (IDI23).

Another person who fled to Poland is Mustafa, who started exploring his sexuality after arriving in Poland. Both Mustafa and Aras emphasise the role of the LGBTQI+ community which they lost in their home countries and gained upon arrival in Poland. ***Queer places for foreigners make a difference*** – explains Mustafa. ***It helps me a lot to feel like me*** (IDI22). Although their experiences differ, they both agree that these are LGBTQI+ communities that allow them to feel safe in unfamiliar circumstances, highlighting the crucial role that other LGBTQI+ people and allies play in the secure facilitation of migration and settlement.

Respondents from all three countries expressed little trust that their potential application for protection in Poland – whether refugee status or subsidiary protection – would be successful if based on their sexual orientation or gender identity, due to what one respondent described as ***racism combined with homophobia*** (IDI22).

In all the above countries – Russia, Belarus and Turkey – there is a strong connection between human rights deterioration, particularly affecting LGBTQI+ people, and migration to European Union member states such as Poland. The process is typically simpler than other displacement routes because of geographical proximity, more straightforward legislative pathways due to stronger diplomatic ties with Poland, as well as already existing in Poland diasporas and modern technology that helps many migrants seek guidance in planning their journey or finding new like-minded communities. Cross-border communication channels and transborder LGBTQI+ networks are often utilised by LGBTQI+ migrants facing escalating human rights violations or humanitarian crises[122]. Such was also the case in Ukraine, where bottom-up intersectional humanitarian assistance was offered and both local and international humanitarian actors moved quickly to identify risks to vulnerable populations, such as LGBTQI+ refugees, and contacted groups operating on both sides of the border.

Each of the three countries mentioned has either contributed to or responded to the humanitarian crisis and mass migration through widespread human rights violations or large-scale refugee reception. In each of these countries, government homo- and queerphobic rhetoric has sparked displacement and legal harassment of their LGBTQI+ citizens. Most respondents acknowledged using transborder LGBTQI+ networks and dedicated online platforms (including dating apps) while navigating their displacement, whether to leave their country or to seek employment, accommodation or guidance in Poland.[123]

120 IDI23

121 Equaldex (2024), https://equaldex.com/region/turkey

122 Amnesty International (2023), Turkiye/Syria earthquakes…, https://amnesty.org/en/latest/campaigns/2023/02/turkiye-syria-earthquakes-a-human-rights-approach-to-crisis-response/

123 Shields, A. (2019). Immigrants on Grindr.

The CSOs and protection of LGBTQI+ forced migrants

What is holding us back? Money. Comprehensive support cannot be done 'with a discount' (KII12)

Humanitarian organisations with deep experience of assisting forcibly displaced people and migrants at large may not be equipped to implement a comprehensive understanding of the specific needs of LGBTI and gender-diverse persons in forced displacement. UN Independent Expert on SOGIESC 2021

Three years since the intensification of irregular migration at the Polish-Belarusian border and three years since the full-scale war in Ukraine, Poland continues to face challenges in developing sustainable and well-coordinated long-term response strategies.[124] The analysis of the collected material indicates that tailored support for LGBTQI+ people with lived experience of forced migration is currently undergoing rapid development in terms of organisational capacity, but not public policies or legislative frameworks. This progress presents both challenges and opportunities for new modes of cooperation. However, most of this cooperation occurs horizontally at the civil society level and relies heavily on bottom-up humanitarian responses. As documented by ORAM and HLA these efforts are often supported by international organisations.[125]

Significant gaps persist, particularly in the ability of Poland's institutions and civil society to provide specialised support for those suffering from the medical and psychosocial impacts of war and violations of international war, torture, or sexual violence.[126] This and other analyses indicate that these challenges disproportionately affect groups that experience cross-discrimination and remain largely invisible within the relief system – such as LGBTQI+ refugees. This group is too diverse to be easily categorised within the remit of a single humanitarian actor and is so 'new' to -public administration that the necessary tools and frameworks to provide adequate support are still lacking.

Local organisations adopt different strategies for addressing the needs of LGBTQI+ refugees, often shaped by their pre-existing 'pre-crisis' operating models and areas of focus. For most LGBTQI+ organisations, engagement with refugees only began in 2022, following the outbreak of the full-scale war in Ukraine. Similarly, most migrant-oriented or migrant-led organisations interviewed also began their refugee-focused work during this period.

Among the most significant obstacles reported by organisations are:

a) **Resource Deficits and Operational Instability** – Insufficient funding and lack of long-term financial security hamper sustainable support initiatives.

b) **Limited Political Will and Practical Support** – Minimal government engagement and inadequate policy frameworks create barriers to effective assistance.

c) **Uncertainty in Forecasting Needs vs Costs** – Difficulties in predicting the scale of needs relative to incurred expenses, particularly for maintaining legal and psychological support services.

d) **Limited Access to Beneficiaries** – Challenges in reaching and identifying beneficiaries, especially those from marginalised or intersectionally excluded groups.

In addition to structural challenges, humanitarian fatigue and discouragement were also reported by individuals involved in providing assistance.127 This was sometimes linked to a sense of limited agency or a lack of lasting impact. To ensure a truly intersectional and sustainable response, it is crucial to involve affected communities but to design robust support systems for those providing assistance.

It's a little hard to maintain that enthusiasm. We help, we help, the person leaves and doesn't want to stay [in Poland] (...) It's hard to be surprised, but it's also hard to feel that you're doing something lasting – explains one of the experts (KII4).

Notably, many expert respondents highlighted their own experience of displacement and/or gender identity or sexuality. The Polish humanitarian response at the local level was developed hastily, even when based on existing structures or grassroots solidarity networks, and often operated independently of public authorities.

While numerous publications and guidelines emphasise the advantages of self-advocacy and involving individuals with lived experience (of migration, being LGBTQI+. etc.) in supporting others, they tend to overlook associated risks. These include psychological strain, occupational health concerns, increased minority stress, and a higher likelihood of burnout. To ensure a truly intersectional and sustainable response, it is crucial to involve affected communities and to design robust support systems for those providing assistance. A fundamental challenge faced by social organisations is the lack of ongoing operational, systemic, and financial support. In the Polish context, there are no systemic alternatives to the services they provide. At the same time, the required support is often medium to long-term and holistic in nature.[128]

The analysis highlights frustration among local civil society actors due to lack of cooperation and willingness from public authorities and the ongoing withdrawal of international NGOs, despite continuing humanitarian needs arising from two ongoing crises at Polish borders. It also demonstrates the disconnect between local actors, the state, and international organisations, which poses a significant barrier to the development of a sustainable, long-term response for marginalised groups, particularly LGBTQI+ refugees.

124 HLA (2025), Beyond Protection. Designing intersectional humanitarian response to LGBTQI+ displacement in Poland, https://kuchniakonfliktu.pl/en/beyond-protection-%E2%80%93-designing-intersectional-humanitarian-response-to-lgbtqi-displacement-in-poland-2

125 HLA (2025), Beyond Protection. Designing intersectional humanitarian response to LGBTQI+ displacement in Poland, https://kuchniakonfliktu.pl/en/beyond-protection-%E2%80%93-designing-intersectional-humanitarian-response-to-lgbtqi-displacement-in-poland-2

126 ODI HPG (2024), Navigating humanitarian narratives in Ukraine, https://odi.org/en/publications/navigating-narratives-in-ukraine-humanitarian-response-amid-solidarity-and-resistance/

127 Jarosz, S. (2024), Gdzie teraz jesteśmy? Organizacje społeczne a kryzysy humanitarne w Polsce, https://konsorcjum.org.pl/raport-gdzie-teraz-jestesmy/

The Analysis

The needs of LGBTQI+ migrants and refugees

We are not a monolith and sometimes it seems they [organisations] forget that (...). A Ukrainian girl who comes in for a prescription has completely different needs than a closeted gay guy kept in detention on the [green] border – said a Ukrainian caseworker (KII9). The needs of refugees and LGBTQI+ migrants are highly individualised, and shaped by factors such as migration conditions, routes, SOGIESC categories, and experiences in their countries of origin, transit and destination. However, these factors alone cannot fully capture the personal experiences and positionality of beneficiaries within an intersectional humanitarian response. Organisations often describe the needs of forced migrants in Poland in broad and generalised terms, relying on inadequate frameworks such as 'need baskets' or predefined categories of assistance.

The testimonies of individuals and experts from organisations gathered in this report highlight several key categories of special needs for LGBTQI+ refugees. These include medical assistance (psychological, psychiatric, assistance in transition etc.), short-term and long-term accommodation, legal assistance and casework, interpretation services and community support, involving creation of a safe and queer-friendly environment.

These people want to [continue to] live here later, after what they went through, but Poland [the Polish state] is not helping them. (...) Usually, they can't rely on family, they kind of have to create a new one for themselves – explains one of the experts (KII2).

Some aid providers have noted that the issue of creating safe community spaces is often overlooked by individual actors within the humanitarian system. Establishing such spaces requires not only adequate resources, expert knowledge and clear communication, but also political and administrative support – elements that are frequently lacking or insufficient.

128 HLA (2025), Beyond Protection, https://kuchniakonfliktu.pl/lib/z9flq9/Beyond-Protection--Designing-intersectional-humanitarian-response-to-LGBTQI-displacement-in-Poland-m6p3tdc9.pdf

Access to public services for LGBTQI+ persons

Among the SOGIESC-sensitive services evaluated by the research team, the most pressing and ongoing challenge for refugees and migrants beyond access to psychological and medical support was securing safe (*queer-friendly*), affordable and adequate housing (both temporary and long-term accommodation options). Notably, this issue was not unique to Ukrainian refugees. In fact, non-Ukrainian refugees often faced even greater barriers and experienced more resistance, as well as double standards, in Poland's housing market. This discrimination extended to non-commercial, social and even LNGO-managed emergency and medium-term housing.[129]

Furthermore, for some respondents, the coordination of the SOGIESC-oriented facilities also resulted in limited access to public support. ***In some cases, this has made it possible for some facilities to specialise in accommodating people with specific needs, such as women who experienced sexual violence, LGBTI+ people or Ukrainian Roma. However, the main concern over these facilities was, as put by one of the LGBTQI+ shelter coordinators, that the state does not see us.***[130]

The establishment of collective accommodation centres in the first weeks following the outbreak of the full-scale war not only failed to identify or address the specific needs of LGBTQI+ people but also introduced additional risk factors. These included concerns related to privacy, safeguarding, and the prospect of achieving self-sufficiency, especially given the higher likelihood of LGBTQI+ refugees lacking family or community support[131].

The network of services dedicated or adapted to LGBTQI+ refugees' special needs, often achieved through local collaborations between LNGOs, has significantly improved access to essential services for cross-discriminated populations within the period of 2021-2024[132], followed by the exit strategy that put at risk the survival of SOGIESC-dedicated services and accommodation.

129 HLA (2025), Beyond Protection, https://kuchniakonfliktu.pl/lib/z9flq9/Beyond-Protection--Designing-intersectional-humanitarian-response-to-LGBTQI-displacement-in-Poland-m6p3tdc9.pdf

130 (ed.) Jarosz & Klaus (2023), At the starting point. Collective accommodation to refugees from Ukraine and perspectives of the legal changes, pp. 34 konsorcjum.org.pl/en/at-the-starting-point-monitoring-of-collective-accommodation-for-ukrainian-refugees/

131 (ed.) Jarosz & Klaus (2023), At the starting point. Collective accommodation to refugees from Ukraine and perspectives of the legal changes, konsorcjum.org.pl/en/at-the-starting-point-monitoring-of-collective-accommodation-for-ukrainian-refugees/

132 HLA (2025), Beyond Protection, https://kuchniakonfliktu.pl/lib/z9flq9/Beyond-Protection--Designing-intersectional-humanitarian-response-to-LGBTQI-displacement-in-Poland-m6p3tdc9.pdf

Summary

This report presents a case study of Poland, the EU member state which, after years of erosion of the rights of LGBTQI+ people and other minorities, has been experiencing two parallel crises along its eastern borders with Ukraine and Belarus. Based on over 40 testimonies, including two dozen from forced migrants from Belarus, Ukraine, Syria, Afghanistan, Uganda, and other countries where their lives were in danger, we have provided this comprehensive analysis of risk factors and institutional barriers that make it difficult for LGBTQI+ persons to find haven in Poland.

The first section outlines the legal, social and migratory context of Poland, with a particular focus on LGBTQI+ rights standards and different displacement trajectories. The second section indicates that LGBTQI+ persons in Poland are exposed to violence and discrimination at every stage of the asylum procedure, if they even are entitled to access it. The third part briefly outlines how the increase in the scale and visibility of LGBTQI+ displacement has transformed the social sector in Poland, although it has not changed the administrative realities nor legal framework.

The analysis of the experiences of forced migrants themselves is a turning point in the debate on rights-based refugee response, as the Polish context redefines and broadens the category of 'LGBTQI+ displacement' to include, for example, people from Turkey, Russia or Belarus who do not apply for protection on the basis of SOGIESC criteria due to a lack of trust in the asylum system.

In light of legitimate concerns about the future of the EU asylum system and changes in the dynamics of EU and national regulations, securitisation narratives and the opening of new migration routes to Europe, this report shows how the lack of top-down solutions and cooperation between public actors and the humanitarian sector could lead to a collapse of the situation of the most vulnerable. At the same time, it identifies specific steps and solutions for reforming the asylum system in Poland to meet the needs of LGBTQI+ persons, thereby improving present and future humanitarian reception.

Recommendations

The protection of LGBTQI+ and gender-diverse people on the move is a human rights imperative, essential at all stages of the humanitarian cycle. Based on the analysis of the Polish refugee response and collected testimonies, this report indicates a need for improvement across all actors involved, particularly regarding legal protection and adequate access to services. Therefore, we recommend the following actions:

A. To Polish public authorities:

1. ***To the Ministry of Interior and border services:*** **Mandate comprehensive, rights-based training for all government officials and uniformed services**, including border guards, asylum officers, and law enforcement personnel, to ensure they provide effective, legally sound, and non-discriminatory protection and assistance to LGBTQI+ refugees and migrants.

   Develop and enforce standardised training modules to provide mandatory, gender-sensitive, and rights-based training for border guards, Office for Foreigners staff, and interpreters on recognising, processing, and safeguarding SOGIESC-related asylum claims with dignity and professionalism. Ensure that Border Guards and Office for Foreigners personnel undergo regular, transparently monitored, and compulsory training led by independent human rights and LGBTQI+ experts. Implement an evaluation system to assess compliance and identify systemic discrimination.

2. ***To the Office for Foreigners:*** **Allow for disclosure of SOGIESC status in a safe and voluntary manner. Provide a rights-centred, non-discriminatory and safe environment** for those who cite SOGIESC as part or basis of their claim at all stages of the procedure. Enforce compliance with international human rights and refugee protection frameworks, including the UNHCR Guidelines.

   Ensure that all stages of the asylum procedure, especially the interview and credibility assessment, are conducted in a sensitive and safe manner, with properly vetted interpreters for SOGIESC and gender-sensitive translation. Authorities must guarantee a safe, trauma-informed, and non-discriminatory environment for LGBTQI+ asylum seekers throughout the entire procedure.

Monitor and train interpreters in gender and LGBTQI+ sensitivity. Closely monitor and promptly respond to reports of homophobic, transphobic or biphobic mistranslation.

Provide the standardized vulnerability assessment protocol in line with international standards. Ensure that border authorities, asylum officers, and legal representatives strictly adhere to these standards and protocols while processing LGBTQI+ claims for protection. Prohibit harmful practices such as forced concealment, misgendering, or reliance on stereotypical assessments of LGBTQI+ identity.

3. ***To the border services and Ministry of Justice:*** **Border services must fully comply with international asylum laws by legally recognising and processing SOGIESC-based claims for protection**. Pushbacks and other illegal border enforcement practices must be immediately reported and prohibited. The Human Rights Officers of the relevant law enforcement units and Office of Commissioner for Human Rights must integrate the LGBTQI+ rights into their monitoring and reporting activities and respond appropriately when a violation is suspected or reported.

4. ***To the Ministry of Interior:*** **Ensure additional protection for SOGIESC asylum seekers against refoulement**. Fulfil the international obligation to provide special protection to LGBTQI+ persons against deportation from Poland to danger and the thorough and up-to-date verification of the LGBTQI+ rights status in those countries.

5. ***To the Office for Foreigners:*** **Prohibit the detention of SOGIESC refugees and asylum seekers in closed facilities.**

6. ***To administration of reception centers:*** **Guarantee access to psychological and legal support** within refugee and collective accommodation centres, as well as the access to necessary interpretation services. If these services cannot be accessed through public institutions, provide the access to non-governmental actors.

7. ***To public administration:*** **Ensure that public administration and health services treat LGBTQI+ individuals in a respectful, professional and non-discriminatory manner** at all stages of reception, regardless of their migratory trajectory. Implement an efficient monitoring and feedback mechanism regarding the potential discriminatory practices from the public administration.

   Ensure transparent referral mechanisms to CSOs that work with LGBTQI+ refugees and migrants. Support these organisations with necessary resources and unified guidelines that are based on their needs, and existing legal frameworks and international standards. Actively connect asylum seekers with vetted community organisations, ensuring they receive comprehensive, rights-based support without bureaucratic obstacles.

8. ***To the Ministry of Health:*** **Guarantee unrestricted access to gender-affirming healthcare for displaced trans and non-binary individuals, including hormone replacement therapy (HRT), gender-affirming surgeries, and mental health support**. Combat stigma in healthcare services. Ensure that medical professionals provide non-discriminatory care, upholding the right to equitable healthcare for all.

9. ***To the Ministry of Labour, Social:*** **Counteract on the risks of intersectional homelessness and exploitation in accommodation arrangements for LGBTQI+ people on the move**. Ensure the provision of secure, gender-sensitive, and minority-inclusive accommodation across short-, medium-, and long-term housing options.

10. ***To the Ministry of Justice:*** **Actively monitor, prevent and prosecute the incitement to hatred and violence towards ethnic, national and SOGIESC minorities**. Promptly condemn smear campaigns directed against LGBTQI+ or migrants' rights defenders. This is crucial, as this report's findings indicate that anti-LGBTQI+ narratives by public figures are reproduced at local levels and further impede relief efforts.

11. ***To the Ministry of Equality:*** **Actively counteract on reliable evidence of intersectional discrimination and incitement to violence.**

    Ensure that the Polish Criminal Code applies to the situation of all LGBTQI+ people on the move, including gender identity and expression (GIE) and sex characteristics (SC). Treat incitement to hatred promoted by public figures with the utmost

severity and conduct regular and transparent monitoring of anti-refugee and anti-LGBTQI+ sentiments.

12. ***To the Ministry of Interior and Administration:*** **Develop and implement inclusive migration policies that address the intersectional needs of LGBTQI+ refugees and migrants**. Establish inclusive community sponsorship, public integration programmes, or other measures to prevent homelessness. Prioritise collaboration with LGBTQI+ organisations and migrant-led initiatives to ensure rights-based, community-driven support. Consider LGBTQI+ inclusion as the cross-cutting issue for future crisis response and migration policy design.

13. ***To the Office for Foreigners:*** **Conduct data collection on SOGIESC asylum claims in accordance with international safeguarding requirements**. Inform key institutions and experts in a transparent but secure manner about demographic trends and the percentage of positive decisions granting protection.

14. ***To Ministry of Interior:*** As part of the national implementation of the EU Pact on Migration and Asylum, include additional solutions regarding protection of LGBTQI+ asylum seekers at all stages of reception, including screening. Follow the recommendations of Universal Periodic Review and UN Independent Expert on SOGIESC to improve the recognition and protection of LGBTQI+ refugees and migrants in Poland.

B. To international actors:

1. **Advocate for inclusive asylum and migration policies, in cooperation with local organisations, institutions and relevant LGBTQI+ and migrant communities**. Ensure that advocacy is evidence-based and if credible data is unavailable, prioritise data collection and needs assessment. Identify gaps and challenges at all stages of reception.

   Inform and equip your staff and partners with international standards in safeguarding and asylum law regarding LGBTQI+ asylum seekers. Additionally, seek information on local realities and legal frameworks regarding protection of migrants and LGBTQI+ rights.

   Advocate for integrating adequate protection or assistance for vulnerable refugees and migrants, such as LGBTQI+ people, in national implementation of new legal frameworks and policies, such as Migration Policy or the EU Pact on Migration and Asylum.

2. **Provide dedicated programmes, resources and procedures to address local LGBTQI+ displacement and response to it, in collaboration with and drawing on the expertise of local actors.**

   Deliver mandatory training for your team on gender-sensitive work with LGBTQI+ people with displacement experience. Depending on the organisation's profile, the nature of the support offered, and the target group, provide additional training and access to local experts. For example, if the organisational focus is on refugee women and girls from Ukraine, ensure the team is prepared to work with trans women and girls, trans men and boys, and has knowledge about the local context and challenges.

   Ensure the highest standards of work and safety, in regard to intersectional response. Integrate and normalise access to supervision and psychological assistance in anticipated and ongoing projects, addressing vulnerable groups; both for the beneficiaries and your own and your partners' personnel.

   Actively seek and offer support and information, strengthen and build networks with local humanitarian actors and informal groups. In the local humanitarian response, these groups often have much greater access to and trust of vulnerable communities exposed to intersectional discrimination, as well as established networks of support and expertise. In many humanitarian contexts, LGBTQI+ organisations are criminalised and discouraged from registering, so international actors must be especially careful and thoughtful about strengthening rather than harming them. Ensure collaboration with local NGOs working at all stages of reception and integration to identify and provide holistic support for people on the move.

   Provide structural support and stable funding to local NGOs to facilitate the development of humanitarian aid structures beyond exit strategy. Intersectional humanitarian response is often more complex, time-consuming and irreplaceable, requiring careful planning to ensure its sustainability.

3. **Ensure a well-coordinated response in consultation with all actors**. Maintain transparency of communication with other international actors to avoid duplication of efforts or overwhelming local capacity. Promote joint advocacy based on your organisation's expertise and experience.

4. **Establish a joint, independently monitored, task force on LGBTQI+ refugee protection**, ensuring collaboration between authorities, NGOs, and UN agencies, with publicly available progress reports and indicators.

C. To local NGOs and non-formal groups:

1. **Identify what resources and services are crucial or missing to provide displaced LGBTQI+ people with lifesaving assistance and protection**. Provide information on protection gaps and humanitarian needs of LGBTQI+ refugees and migrants to relevant stakeholders, at central and local levels

   Ensure the highest standards of work, safeguarding and safety, regarding intersectional response. Protect both the team and beneficiaries. Prioritise psychological support and supervision in planned and ongoing projects involving high vulnerability and trauma exposure. Recognise and address the symptoms of fatigue and burnout.

   Identify and report the legal gaps and shortcomings in the existing systems of protection for LGBTQI+ refugees and migrants, highlighting the vulnerability criteria, risks of intersectional discrimination at all stages of refugee reception, and discrepancies between law and practice. Assist international actors and watchdog institutions in navigating the local legal framework regarding refugee reception and LGBTQI+ rights.

2. **Advocate for the improvement of public services and integration of the LGBTQI+ component into existing and future legal and administrative frameworks.**

   Negotiate access to vulnerable populations at different stages of the humanitarian cycle with support from other actors (INGOs, diasporas, etc.). If the access to provide lifesaving assistance or human rights monitoring is refused, request the public and detailed information on how the state protects vulnerable groups of refugees and migrants; and what procedures it follows to identify them.

   Place LGBTQI+ voices and the experiences of forcibly displaced people at the centre of decision-making and advocacy efforts. Proactively elevate their perspectives in policy debates, media narratives, and stakeholder engagements to ensure that advocacy is community-driven and directly addresses their lived realities.

   Build and strengthen strategic alliances with international organisations, public institutions, and policymakers to enhance advocacy impact and secure long-term support. Whenever possible, participate in public hearings, policy consultations, and joint advocacy efforts to directly influence decision-making processes and shape policies that affect your work.

   Provide international watchdog organisations and institutions with reliable data and first-hand insights and thereby actively engaging them in protection and advocacy for LGBTQI+ refugees and migrants.

Annex A. Table of Interviews (IDI)

Number	'Name' of preference	Sample Category
IDI1	Arnak	A
IDI2	'Vulvul'	A
IDI3	Jessica	A
IDI4	Martin	A
IDI5	'Menti'	A
IDI6	Nela	A
IDI7	(Not Applicable; Two)	A
IDI8	Sasha	B
IDI9	Demir	B
IDI10	Anna	B
IDI11	Matej	B
IDI12	Macko	B
IDI13	Marta	C
IDI14	Artem	C
IDI15	Liza	C
IDI16	Dasha	C
IDI17	Niko	C
IDI18	Hanoudi	D
IDI19	Eva	D
IDI20	Alexsei	D
IDI21	Vasil	D
IDI22	Mustafa	D
IDI23	Aras	D

Annex B. Table of interviews (KII)

Number	Positionality	Expertise
KII1	LNGO	legal
KII2	LNGO	legal
KII3	LNGO	legal/casework
KII4	LNGO	legal
KII5	LNGO	legal
KII6	LNGO/unregistered group	medical assistance
KII7	INGO (network)	advocacy
KII8	INGO	programming
KII9	LNGO	casework/community building
KII10	LNGO	interpreter
KII11	LNGO	interpreter/casework
KII12	LNGO	accommodation/ casework
KII13	unregistered group	legal/data collection
KII14	academia	research
KII15	LNGO	accommodation
KII16	public administration	legal
KII17	LNGO	accommodation/ medical assistance
KII18	LNGO	medical assistance

We won't stop until we are all equal

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