

BEYOND PROTECTION

Designing intersectional humanitarian response to LGBTQI+ displacement in Poland



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Save the Children

Beyond Protection

Designing intersectional humanitarian response
to LGBTQI+ displacement in Poland

This report aims to inform the humanitarian community and state representatives how the experience of humanitarian crises could shape a cross-sectoral and intersectional response that is inclusive, respectful and sustainable to local LGBTQI+ and refugee communities.

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Acknowledgments: This report would not have been possible without the active participation of individuals and organizations who generously shared their experiences and expertise with us. We would like to thank everyone who contributed to this report and who on a daily basis have been supporting people on the move.

We would like to thank Piotr Kołodziej, Elisa Sandri, Izzy Quilter and Paweł Mania from the Humanitarian Leadership Academy for their constant support of our activities and belief in this project.

This report has been funded by Disasters Emergency Committee (DEC) within the Sustainable Humanitarian Innovation for Transformation programme (SHIFT) run by the Humanitarian Leadership Academy and partners in the region.





CONTENTS

EXECUTIVE SUMMARY	6
KEY RECOMMENDATIONS	7
Table of Terms and Abbreviations	7
INTRODUCTION	11
Who is this report for?	12
METHODOLOGY	13
Positionality	14
Background and Context	14
Overview of the LGBTQI+ rights in Poland	14
Overview of refugees' rights and LGBTQI+ displacement to Poland since 2021	16
Three routes of LGBTQI+ displacement	17
Mapping the stakeholders	21
State actors and public services	21
International actors	22
Local organisations, non-formal groups and cross-sectoral platforms	22
DATA ANALYSIS	24
1. RECEPTION. Service Provision to LGBTQI+ Refugees and Migrants	25
SOGIESC Data Collection and Vulnerability Assessment	25
Gender-sensitive and SOGIESC-oriented Interpretation	27
Legal Assistance to LGBTQI+ Refugees and Asylum Seekers	29
Assistance in Crossing the Ukrainian border	30
Protection in the Reception and Detention Facilities	33
Key findings	39

2. INTEGRATION. Dividing Long-Term Responsibility for Integration of LGBTQI+ Refugees	40
Accommodation	40
Casework	42
Access to medical services of LGBTQI+ individuals	44
Key findings	45
3. INTERSECTIONAL COOPERATION AND SOGIESC MAINSTREAMING	46
Intersectional Response and Advocacy to LGBTQI+ Displacement	46
EXAMPLE 1: Mutual Learning at the Local Community	47
Learnings	48
EXAMPLE 2: Gaining Queer Access and Accepting Invisibility Through LGBTQI+ Non-Formal Groups and Transborder Coalitions	49
Learnings	52
EXAMPLE 3: Advocacy for Good Practice. SOGIESC Mainstreaming and Applicable Solutions	52
Learnings	53
SUMMARY	57
RECOMMENDATIONS	59
To the international organisations and UN agencies	59
To the local organisations	60
To the state representatives and relevant authorities	60

EXECUTIVE SUMMARY

This crisis was new to us, but not scary. We already knew 'scary' (KII 11, LGBTQI+ rights' activist)

Despite the constant development of the humanitarian sector, LGBTQI+ displacement remains fraught with the risk of invisibility, tokenism and misdirection of assistance. Therefore designing a humanitarian response sensitive to the LGBTQI+ needs always requires well-informed coordination among governmental, non-governmental and international actors to navigate the risks that these diverse actors may pose to each other - and seize the opportunities that such cross-sectoral collaboration might provide.

Poland presents a fascinating case of an EU Member country with a recent and well-proven decrease in protection of LGBTQI+ rights (2015-2021), faced with two humanitarian crises at its Eastern borders with Belarus and Ukraine. Our report explores in what way this ongoing response inspired the local and international aid providers to address the challenges that LGBTQI+ refugees and migrants face in Poland through the lens of localisation and intersectionality. Therefore it aims to inform the humanitarian community and state representatives how this experience could shape a cross-sectoral and intersectional response that is inclusive, respectful and sustainable to local LGBTQI+ and refugee communities (as well as the intersecting ones: LGBTQI+ refugees' communities).

This research is based on the analysis of 19 in-depth interviews with experts and humanitarians providing assistance to LGBTQI+ and/or refugees in Poland after 2021. Additionally it is supported with the lived experience of providing such assistance at all stages of reception and integration (Queer Without Borders). The findings show that local networks are forming and growing, sharing resources, best practices, lessons learned and even failures. Polish civil society organisations tend to focus on using their own access and expertise in the local LGBTQI+ context rather than depending on national bodies or international guidelines. This is mainly because they have little trust in how public authorities treat minorities—especially the LGBTQI+ community—or due to growing disappointment with how international organisations address LGBTQI+ displacement within Europe's borders.

KEY RECOMMENDATIONS:

1. Support local organisations in programming their activities in a holistic and intersectional way to adequately address the special needs of the cross-discriminated populations, such as LGBTQI+ refugees and migrants.
2. Ensure transfer of expertise in supporting LGBTQI+ refugees from international humanitarian response and local organisations to public administration and services.
3. Build and strengthen networks and partnerships for the protection of LGBTQI+ refugees and migrants. Seek cooperation with other organisations that may have the resources, staff or expertise essential to adequately respond to their needs.





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Table of Terms and Abbreviations

Collective accommodation centre	Open centers for temporary accommodation of refugees, mainly from Ukraine, established throughout Poland after 2022.
Detention, guarded refugee centres	One of the types of facilities for refugees in Poland, with no possibility of mobility of asylum seekers who wait for their decision.
Full-scale invasion to Ukraine	Russian aggression to Ukraine in 2022.
ILGA Europe	International Lesbian and Gay Association.
Inclusion mainstreaming	Promoting inclusion in humanitarian programming, as the cross-cutting issue that needs to be considered at different stages of response within the organisations.
LGBTQI+	Lesbian, Gay, Bisexual, Trans, Queer, Intersex and more. Umbrella category.
ORAM	Organisation for Refugees and Migrants.
Pinkwashing and tokenism	Pinkwashing, also known as rainbow-washing, is the strategy of deploying messages that are superficially sympathetic towards the LGBTQI+ community for ends having little or nothing to do with LGBTQI+ equality or inclusion, including LGBTQI+ marketing. Tokenism is the instrumental use of someone's identity to, for example, appear inclusive or tolerant.
Protection Cluster/ Working Group	The working group of INGOs and LN-GOs within the Cluster System, that coordinates the response to the needs of the most vulnerable groups; cross-cutting issues of humanitarian response.

<p>Reception and integration</p>	<p>two stages of humanitarian response (in this case: refugee response); reception - short-term assistance to the newcoming refugees covering the first needs, integration - more structured assistance mainly with the access to services.</p>
<p>Queer, queerfriendly</p>	<p>another umbrella term for LGBTQI+, might be offensive if used in the wrong context; queerfriendly spaces are the spaces adapted to provide safety and comfort to LGBTQI+ communities.</p>
<p>Safeguarding</p>	<p>Safeguarding means protecting one's health, right to privacy, safety, wellbeing and human rights; enabling them to live free from harm, abuse and neglect.</p>
<p>SOGIESC</p>	<p>Sexual Orientation, Gender Identity and Expression, Sex Characteristics.</p>
<p>Refugee status, subsidiary protection or humanitarian visa</p>	<p>Different forms of international and national protection in Poland. A foreigner is granted a subsidiary protection if his/her return to the country of origin may constitute a risk of harm being inflicted through receiving capital punishment or enforcing execution, or by being subjected to torture or inhuman or degrading treatment. Humanitarian visa is a form of protection status due to the humanitarian or human rights risks the individual faces in their country.</p>
<p>Temporary Protection for Ukrainian Citizen (UA)</p>	<p>Temporary protection is an exceptional measure to provide immediate and temporary protection in the event of a mass influx or imminent mass influx of displaced persons from non-EU countries who are unable to return to their country of origin. The 2001 Temporary Protection Directive provides a tool for the EU to address such situations.</p>

INTRODUCTION

The 2022 full-scale invasion to Ukraine brought attention to vulnerable groups that often tend to fly under the radar of public compassion or humanitarian community - such as LGBTQI+ refugees and migrants. Poland had never been a direct responder in a humanitarian crisis before, and facing two crises - at the Ukrainian and Belarusian borders - at the same time, meant it had to rapidly adapt and merge international standards with the local context, as well as seeking and assisting refugees. In this report we present how the refugee response at the Polish borders with Ukraine and Belarus led to cross-sector cooperation in support of LGBTQI+ communities in Poland. It also inspired local and international aid organisations to develop new solutions and partnerships to address the diverse needs of LGBTQI+ refugees and migrants within the EU. This research aims to answer the questions:

How has Poland's humanitarian response addressed the needs of LGBTQI+ refugees? What lessons can be learnt from this experience to further shape and inform humanitarian organisation's activities in the future?

As of December 2024, there are 963,000 refugees from Ukraine registered under the EU Temporary Status. However, due to a lack of data collection and estimations, there is not even an estimated number of LGBTQI+ asylum seekers within various vulnerable groups. At the Belarusian border, this lack of data is even more severe, and the overall scale remains unknown. However, long before the Russian invasion, LGBTQI+ refugees in Poland already faced major challenges in accessing protection and being safeguarded from intersectional discrimination. At the same time, there was a shift in the scale of displacement, a sudden arrival of international organisations and dedicated funding, and a strengthening of professionalism and local responder networks. Their experience has been shaped by former resistance and intersectional solidarity in response to systemic queerphobia and state-fueled anti-refugee sentiments in the region. Poland has a history of queer resistance that had an impact on the service provision to LGBTQI+ refugees and migrants after 2021. Therefore, international actors aiming to support SOGIESC mainstreaming in this part of Europe should be aware of the pre-conditions and good practices that already exist or have been developed.

This research aims to study the shift from LGBTQI+ community-based assistance to SOGIESC-oriented humanitarianism. These results could inform the humanitarian community and state representatives how the experience of the humanitarian crisis can shape cross-sectoral and intersectional response that is inclusive and respectful to both local LGBTQI+ and refugee communities. More importantly, it draws on the local context to tackle the real issues affecting the vulnerable group, rather than wrongly applying them to certain situations. This way, experiences of solidarity with LGBTQI+ refugees in Poland could inspire international actors for shaping the effective solutions and recognition of each other's true strengths and limitations, such as humanitarian access, trust of community or safeguarding procedures.

Who is this report for?

This report is intended for local and international humanitarian workers and human rights advocates, planning to strengthen their work with vulnerable groups in Central-Eastern Europe, and in other relevant regions. Second group is public administration, local and central authorities, border services, social workers and public policy experts willing to create safer and respectful cross-sectoral response for LGBTQI+ refugees in their daily work. Lastly, it aims to inform the refugee and LGBTQI+ communities themselves, to inspire inspire them to build a sustainable and professional response that aligns with the best local and international standards.

METHODOLOGY

The following analysis is based on 19 in-depth interviews with the employees of local humanitarian and human rights organisations and members of informal groups, humanitarian workers from international organisations, lawyers, interpreters and medical providers. Three of the key informants belonged to informal groups, including one representing a non-formal group from Belarus operating in Poland. The services provided by responders include legal, medical and material assistance, data collection and advocacy, as well as service provision regarding long-term accommodation, casework and further psychological support.

Four of the respondents had lived experience of displacement, including holding a refugee status, while the two represented a group that had to move to Poland due to the risk of persecution. Three of the responders represented international organisations. Sixteen interviews were conducted in Polish, two in English and one in Ukrainian. The interviews took up to 90 minutes and were conducted between September and November 2024. Majority (14) of the interviews were conducted online, while the rest took place in person.

All interviewees were informed of the purpose and requirements of the study and either signed or verbally agreed to them. Respondents were addressed with the pronouns of their choice. Some of the interviews had two sets of questions, one of which was for a separate Save the Children scoping study on queer casework. This was due to the limited number of people specialised in this work in Poland and as well as a desire to respect their time.

The respondents were asked to describe their work, the services they provide, the challenges they face, the needs of their beneficiaries, their cooperation with national and international actors, and the lessons learned from their experience. They were also invited to propose recommendations based on the needs of LGBTQI+ refugees.

No sensitive personal data was collected nor expected to be collected within this study.

Positionality

Both investigators identify themselves as non-heteronormative, have no prior experience of forced migration. Both have previously conducted qualitative research with LGBTQI+ and displaced people and were trained accordingly. In addition to research, both have been involved in direct and indirect assistance to LGBTQI+ people on the move since 2021.

Background and Context

To understand the intersectional discrimination against LGBTQI+ refugees and the humanitarian response by local actors, it is essential to examine the situation of LGBTQI+ individuals and refugees in Poland in recent years, including the barriers they face in accessing the public services and exercising their rights and freedoms.

Overview of the LGBTQI+ rights in Poland

Since 2016, Poland has consistently ranked last in ILGA Europe ranking of EU member countries regarding LGBTQI+ rights¹. The takeover of the right-wing Law and Justice party led government steered to a stark deterioration in the quality of life for LGBTQI+ individuals, the creation of so-called LGBTQI+ free zones, greater state acquiescence to violence and hate speech in public debate and even legislative harassment and smear attacks on LGBTQI+ rights defenders². As documented by Amnesty International, between 2016-2023, LGBTQI+ people faced severe restrictions and limitations in enforcing their right to protest, freedom of expression and assembly, bearing the hallmarks of legal harassment and unlawful policing and surveillance, often within the rhetoric of protecting traditional family values.

As of today, the change of government in October 2023 has not yet led to the expected political or legislative changes, despite the pre-election promises, such as the legalisation of same-sex civil partnerships. Also, the demand to amend the Criminal Code, recommended by Amnesty International and Human Rights Watch, to introduce the premises of sexual orientation and gender identity into the catalogue of hate crimes

1 Five years in row Poland was placed last in the ILGA Europe ranking as the EU member country that is the least protective and respectful towards LGBTQI+ rights of its citizens.

2 Amnesty International (2022), They treated us like criminals, www.amnesty.org.pl/wp-content/uploads/2022/07/THEY-TREATED-US-LIKE-CRIMINALS-report-on-LGBTI-activists-in-Poland-Amnesty-International-EUR3758822022english.pdf

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and incitement to hatred, has not been introduced yet (December 2024).³ The Independent Expert of the United Nations on SOGI, in the preliminary report on his visit to Poland in November 2024, pointed out that while there has been a noticeable improvement in the rhetoric towards LGBTQI+ people, concrete legal changes are still urgently needed as *it is essential that safeguards are put in place to prevent a future recurrence of LGBT people being attacked for political gain.*⁴

As for 2024, transgender people in Poland face significant obstacles in accessing medical services and transition and the legal procedure for changing the gender marker in official documents requires suing one's own parents.⁵

The attacks and curtailment of LGBTQI+ freedoms have been accompanied by a vicious campaign against refugees and migrants, who became a political scapegoat for both the 2016 and 2023 election campaigns. Particularly in 2023, this aligned with the anti-refugee and securitisation sentiment in Europe, as reflected in the EU Migration and Asylum Pact, the initial attempts at an EU Directive on Facilitation and national legislation in the region.

Overview of refugees' rights and LGBTQI+ displacement to Poland since 2021

Regarding legal framework, Poland is a signatory to the 1951 Geneva Convention and other relevant international provisions, such as 1967 New York Protocol relating to the Status of Refugees. Individuals can apply for various forms of national and international protection in Poland, such as refugee status, subsidiary protection or humanitarian visa and various forms of legalisation of stay. The granting of refugee status or subsidiary protection is decided by the Office for Foreigners, and for the duration of the procedure, the individuals are placed in centres for foreigners (open or guarded). Since March 2022 the status of refugees from Ukraine has been regulated by a special law granting them Temporary Protection, freedom of movement and access to social benefits.

3 Amnesty International (2022), They treated us like criminals, www.amnesty.org/pl/wp-content/uploads/2022/07/THEY-TREATED-US-LIKE-CRIMINALS-report-on-LGBTI-activists-in-Poland-Amnesty-International-EUR3758822022english.pdf

4 OCHR (2024), LGBT rights in Poland: a symbolic shift is important, but not enough, www.ohchr.org/sites/default/files/documents/issues/sexualorientation/statements/2024-12-13-ie-sogi-op-ed-poland-visit.pdf

5 ILGA Europe (2024), Annual Review. Poland, https://www.ilga-europe.org/files/uploads/2024/02/2024_poland.pdf

The Office for Foreigners reinforces⁶ that it does not collect data of asylum applications on the basis of SOGIESC criteria and there is no other approximate statistic of the scale of these applications. However, already in 2019 the Polish Ombudsman pointed out severe administrative limitations faced by LGBTQI+ people applying for protection in Poland and shortcoming of no data collection and recognition of SOGIESC claims for protection.⁷ In turn, the ORAM report from 2024 also points to insufficient recognition and training of public services to protect the rights of LGBTQI+ people.⁸

Three routes of LGBTQI+ displacement

In 2024, it was evident that the scale of LGBTQI+ displacement to Poland has notably grown, characterised by new and pre-existing routes of queer displacement to Poland. We can identify three routes of forced mobility of LGBTQI+ people fleeing persecution in their countries of origin to Poland that have emerged or changed between 2021 and 2024.

The first route involves those fleeing persecution in Belarus⁹ and Russia, particularly from Chechnya¹⁰, where the situation for LGBTQI+ people has drastically worsened. This is reflected both in the introduction of discriminatory legislation and the rise of societal homophobia and transphobia, often leading to violence against this group by individuals and state actors. The second route involves those crossing the Polish-Belarusian border from 2021 without Belarusian citizenship, including citizens of Uganda, Afghanistan, Yemen, Iraq or Iran; countries that are widely recognised for actively persecuting and harassing LGBTQI+ individuals and organisations. The third route involves refugees fleeing the full-scale war in Ukraine, with a significant representation of trans women and non-binary individuals.

6 Parliament of Poland, Request for information no. 31375 to the Ministry of Interior (11.02.2022) <https://www.sejm.gov.pl/sejm9.nsf/InterpelacjaTresc.xsp?key=CBPB6T>

7 Polish Ombudsman's Office (2019), Sytuacja prawna osób nieheteronormatywnych i transpłciowych w Polsce, <https://bip.brpo.gov.pl/sites/default/files/Raport%20RPO%20Sytuacja%20prawna%20os%C3%B3b%20LGBT%20w%20Polsce.pdf>

8 ORAM (2024), Mainstreaming Inclusion for LGBTQI+ Refugees, https://413ec0e2-e6a5-4637-92ec-8d0c4c7ba9a7.usrfiles.com/ugd/413ec0_ebe1caf9d0014f188700d5aea3e0373c.pdf

9 Krytyka Polityczna (2024), 'Wystarczy że milicjanci...' <https://krytykapolityczna.pl/swiat/bialorus-lgbt-protesty-makeout/>

10 Human Rights Watch (2023), Setting the Record Straight, <https://www.hrw.org/news/2023/09/12/setting-record-straight-chechnyas-anti-gay-purge>

Refugees from Belarus: In the summer 2021, the number of refugees and asylum seekers from Middle East and Africa arriving in Poland via Belarusian border, has significantly risen due to the state-induced actions of Lukashenka's authoritarian regime, with some seeking protection on the basis of SOGIESC. Watchdog organisations have reported systemic violence and mistreatment towards irregular migrants, whose right to asylum was undermined by Polish authorities and border services, with no proper assessment of their needs and vulnerabilities - such as SOGIESC criteria - nor provision of basic humanitarian assistance. As a result of the securitisation of the EU borders and the introduction of a state of emergency by Poland in September 2021, the Belarusian and Polish border services have implemented extensive measures, including forced imprisonment, threats, sexual violence and abuse, refusal of the medical aid, deprivation of sleep and food, and - in most cases - pushbacks¹¹. Activists and international agencies, including Frontex, did not receive the mandate from the Polish state or decided not to engage, and the We Are Monitoring Association has documented over 22 thousands requests for assistance and 89 deaths at the Polish-Belarusian border since 2021¹², while a total of 6,729 refugees and 948 asylum seekers have been registered by the UNHCR crossing via Belarus by the beginning of 2024. Those who successfully applied for asylum, mostly are placed in the guarded detention centers, with no to little adequate medical, legal and psychological assistance.

As reported by Helsinki Foundation for Human Rights, LGBTQI+ asylum seekers are placed in the guarded detention centres for long periods of time and deprived of the necessary provisions, assistance or vulnerability assessment, with heightened risk of psychological deterioration and queerphobic violence from other detainees and the staff of the refugee centres.

The same border is also a migration route for people fleeing Belarus or Russia, especially after the 2020 crackdown on protests in Belarus. Belarusians or Russians, however, are more likely to legalise their stay in Poland through other legal means, such as humanitarian and work visas. While Belarus is reviewing its law on "LGBT propaganda," repression of the LGBTQI+ community has increased significantly since late August 2024 and LGBTQI+ displacement has intensified.

11 Amnesty International (2022), Cruelty Not Compassion, <https://www.amnesty.org/en/documents/eur37/5460/2022/en/>

12 We Are Monitoring (2024), <https://wearemonitoring.org.pl/en/report/>



Refugees from Ukraine: In February 2022 the full-scale war on Ukraine by Russia caused the mass displacement of millions of refugees from Ukraine, including LGBTQI+ people and other vulnerable groups¹³. As of December 2024, there are around 963,000 Ukrainian refugees registered in Poland with EU Temporary Protection Status. This displacement led to an almost unprecedented mobilisation both in Poland and other neighbouring countries, as well as the introduction of emergency legal measures at the European level and the mobilisation of resources from the global humanitarian community¹⁴. The first months revealed the unequal standards of humanitarian response to forcibly displaced people depending on the trajectory of migration, humanitarian access and state approach, undermining the impartiality and neutrality of humanitarian action¹⁵. At the same time, extraordinary legal and financial measures enabled the strengthening of capacities of local actors as first responders who actually had humanitarian access, trust and necessary expertise to vulnerable populations, as well as communication channels to respond holistically to their needs¹⁶.

There is no data on how many LGBTQI+ individuals have been displaced from Ukraine due to the invasion, yet it is estimated to be up to 300,000¹⁷. Existing research on Ukrainian reception¹⁸ indicates that LGBTQI+ refugees face severe restrictions and discrimination in accessing basic services from public actors¹⁹, and are often forced to rely on interventions and accommodation arrangements offered by the civil society organisations. However, outside the major metropolitan areas such support is not available, mostly due to the limited support or lack of NGOs that could address their needs. Some refugees from Ukraine rely on peripheral collective centres due to the difficult economic situation that they face and the compassion fatigue within Polish civil society, which adds an extra layer of vulnerability and often creates distance between refugees and aid providers.

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

14 Groupe URD (2024), Grand Bargain Localization Commitments, <https://reliefweb.int/report/poland/grand-bargain-localization-commitments-poland-case-study-june-2024>

15 Amnesty International (2023), Cruelty Not Compassion at Europe's Other Borders, <https://www.amnesty.org/en/documents/eur37/5460/2022/en/>

16 Bryant, Hargrave, Jarosz et al. (2024), Narratives and the Ukraine Response <https://odi.org/en/publications/narratives-and-the-ukraine-response-implications-for-humanitarian-action-and-principles/>

17 Shevtsova, M. (2024), Queering Displacement, <https://reliefweb.int/report/ukraine/queering-displacement-state-ukrainian-lgbtq-community-during-russian-full-scale-invasion>

18 ORAM (2024), Mainstreaming Inclusion for LGBTQI Displacement, https://413ec0e2-e6a5-4637-92ec-8d0c4c7ba9a7.usrfiles.com/ugd/413ec0_ebe1caf9d0014f188700d5ae-a3e0373c.pdf

19 Devex (2023), Has Poland Welcomed LGBTQ Refugees?, <https://www.devex.com/news/devex-newswire-has-poland-welcomed-lgbtq-refugees-103432>

Evidently, there are fundamental differences in the experiences of people from different trajectories of LGBTQI+ displacement. While those crossing the Belarusian border have the experience of long-term detention in guarded centres, those with Ukrainian citizenship do not share this experience and most often seek private accommodation or collective centres. Preliminary analysis also suggests uneven access to humanitarian support depending on the route taken, due to funding being prioritised for the reception of Ukrainian refugees.

All three 'groups' have been facing distinct systemic challenges in Poland during the reception and integration stages, such as access to legal procedures & social services, safe accommodation and access to public health services.

Mapping the stakeholders

The following excerpt maps key positions and institutions in Poland that are prevalent in improving the situation of LGBTQI+ refugees and migrants.

State actors and public services

The Office for Foreigners under the Ministry of the Interior is primarily responsible for processing applications for protection. At the central level, an important monitoring role falls to the Office of the Ombudsman and the Minister of Equality (2023). The Border Guard is responsible for receiving applications for protection at regular and irregular border crossings. The administration of refugee centres and collective accommodation centres remains crucial in providing a safe environment to LGBTQI+ refugees in vulnerable situations.

The Ministry of Labour, Family and Social Policy has an important role in planning and supporting the integration of refugees and the Ministry of Civil Society (2023) function has the potential to strengthen the sustainability of local organisations providing aforementioned services. At the local level, some cities have the position of Equality Commissioner and Emergency Coordinators as important allies in the inclusive local refugee response.

International actors

In the context of Poland's humanitarian response to the needs of LGBTQI+ essentials was the activity of two working groups - Protection and Shelter - coordinated successively by UNHCR, IOM and Habitat for Humanity. Advocacy support, data collection and training from the SOGIESC refugee response were conducted under the umbrella of ORAM, International Rescue Committee, Plan International, Save the Children and the Humanitarian Leadership Academy.

Most of the international actors present at the Polish-Ukrainian border did not have direct access or decided not to directly engage at the Belarusian border. Therefore their role in both responses was often uneven. Doctors Without Borders (MSF) has been operating directly on this section of the border for the longest time, but does not offer support specifically dedicated to LGBTQI+ individuals.

Local organisations, non-formal groups and cross-sectoral platforms

Local organisations and informal groups could be categorised according to the scope of the assistance, target beneficiary, registration status, seniority, territory of operation - Belarusian or Ukrainian reception - or whether their original focus is on LGBTQI+ individuals or migrants. Migrant-led organisations, cross-border queer collectives, watchdog groups, and coalitions or associations of other organisations play a special role in supporting LGBTQI+ refugees. Examples of such organisations include migration-focused groups like the Border Group, Polish Voluntary Humanitarian Aid (POPH), the Migration Consortium, the Our Advocate Initiative, and the NGO Forum 'Together'. In the area of LGBTQI+ rights, a key coalition is the Marching Cities Coalition. Bridging both areas, there is the informal group Queer Without Borders. Additionally, well-established Polish humanitarian organisations, such as Polish Humanitarian Action and the Polish Center for International Aid, form a separate category of support.

In addition, there are many informal aid groups providing support or fundraising for LGBTQI+ refugees in this region of Europe, that decided not to register or to keep a low profile due to the risk of criminalisation from their relative states (Belarus, Russia). It should be mentioned that some of these collectives found themselves in Poland as a result of fleeing their countries of origin, usually Belarus or Ukraine.

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DATA ANALYSIS

Where there is something real, there is no one. So many different experts, so much inclusion, but when I have a gay kid before deportation - silence
(KII 8, non-formal group activist)

The following analysis examines the development of the Polish humanitarian response to the needs of LGBTQI+ individuals at its various stages, respectively reception and integration, with a particular focus on documenting examples of cross-sector collaboration, good practices and applicable actions on so-called 'inclusion mainstreaming'.

Chapters One and Two describe the stages of reception and integration of LGBTQI+ refugees and migrants in Poland through the lens of the needs and offered assistance. Chapter Three showcases the examples of collaboration between disparate actors of this response and drafts upon how this collaboration and knowledge can be consolidated and implemented in other regional contexts where tailored and localised assistance for LGBTQI+ community is essential.

1. RECEPTION. SERVICE PROVISION TO LGBTQI+ REFUGEES AND MIGRANTS

At this border they don't care if you are or are not straight. You could be pregnant, trans, whatever, and still [border guards] will kick you out (KII 6, legal CSO)

Prior to fall of 2021, an intersectional response to the needs of LGBTQI+ refugees and migrants in Poland was either non-existent or limited to legal organisations providing support for rare legal status proceedings, due to the low numbers of refugees applying under this premise for protection. The reception at the Belarusian, and then in 2022 at Ukrainian border have accelerated the expansion of reception services for LGBTQI+ refugees and migrants.

The intensification of irregular crossings at the Belarusian border after 2021 has led to an increase in claiming refugee status on the basis of SOGIESC criteria, shared between few legal organisations such as Legal Intervention Association and Helsinki Foundation for Human Rights.

The assistance offered at the Belarusian border to LGBTQI+ was mainly legal and held by the local organisations, while at the Ukrainian border local and international actors prioritised also medical assistance in accessing transition and support with the safe temporary accommodation.

SOGIESC Data Collection and Vulnerability Assessment

As previously stated, there is no data officially collected by public authorities or border services on the SOGIESC-based claims for refugee status.²⁰ As described by an activist working at the Polish-Belarusian border:

We do not collect this data, because we have no need to do so. It doesn't surprise me that the government doesn't collect them, because it's inconvenient for them (KII 11)

²⁰ Parliament of Poland, Request for Information no. 31375, <https://www.sejm.gov.pl/sejm9.nsf/InterpelacjaTresc.xsp?key=CBPB6T>

A few interviewees mentioned attempts to collect data on LGBTQI+ displaced people for specific programmatic or advocacy purposes, but all noted that the data remains highly fragmented. A representative from a community organisation stated that: We know that it's important data, but we don't quite know why and how to get it safely (...) I thought that with this we could show someone in power that there is more and we need to start thinking about it in a systematic way. Only after a year I see that we have very few of them, and the easier it is to wave and say with your hand that it doesn't matter (KII 3) As legal organisations have pointed out, the mishandling of sensitive groups' data puts both them and the aid organisations at risk. In addition to the danger of criminal prosecution (with facilitation of migration), they could also risk unintentionally disclosing sensitive data and the security of the LGBTQI+ person that goes through. As an employee from an organisation that monitors and reports on the situation at the border We Are Monitoring points out that, coming out at the border is unsafe and unlikely²¹. Not only does the individual face uniformed border services and police while applying for the protection, which is neither a safe nor comfortable situation for coming out, but also often has the former experience of border violence and discrimination/persecution from the state officials. We Are Monitoring Association does not collect data on SOGIESC categories, even though it collects it on other factors of vulnerability²². For the refugees stuck at the Belarusian border, often after repeated pushbacks, a border guard or a military officer may represent the uniformed services that actively persecute LGBTQI+ individuals in their country of origin/transit. It is usually at the next stage of the journey, often only in a refugee centre, that a person can gain the confidence to make an explanation that sexual orientation or gender identity is an important factor in their flight, amounting to an SOGIE claim²³. Such confidence may require information that such a possibility exists or that it may be an important part of (or even the basis for) the claim.

To our knowledge the minimal vulnerability assessments and screenings at the Polish borders take factors such as age and disability into account,

21 Espinoza, Hampton et al. (2024), Extrajudicial border enforcement against LGBTQI+ asylum seekers, <https://academic.oup.com/jrs/advance-article/doi/10.1093/jrs/feae031/7689739>

22 We Are Monitoring Website, <https://wearemonitoring.org.pl/en/home/>

23 Chelvan, S. "Put Your Hands Up if You Feel Love," *Journal of Immigration, Asylum and Nationality Law* 25, no. 1 (2011): 55; UNHCR. (2012). *Guidelines on international protection no. 9: Claims to refugee status based on sexual orientation and/or gender identity within the context of article 1(A)2 of the 1951 Convention and/or 1967 Protocol relating to the status of refugees*

but do not consider sexual orientation or gender identity²⁴. The legal professionals and humanitarian workers report that the information on SOGIESC status of asylum seekers at the Belarusian border is mostly ignored by the border services, even if adequately recorded. Such vulnerability assessment is crucial as it intends to help inform frontline workers and decision-makers on the relevance of vulnerability factors to detention decisions and referrals, alternatives to detention and support options, in the context of asylum procedures²⁵. In the context of Ukrainian reception, such assessment was also never coordinated nor conducted and it was mainly Ukrainian border services who have conducted individual assessments and security checks of trans people solely to execute conscription.

Gender-sensitive and SOGIESC-oriented Interpretation

One of the key obstacles faced by LGBTQI+ refugees at the irregular crossings or in detention centres is the lack of a trained or gender-sensitive interpreter on offer during interviews conducted with the Office for Foreigners. This significantly reduces the chances of a positive outcome for the successful asylum claim, undermining the credibility assessment²⁶. One of the interpreters participating in the interviews points out that the attitude and preparation of interpreters to work with LGBTQI+ people sometimes determines their success with the asylum procedure, because it is not uncommon for the interpreter to be the first person to whom an applicant in their own language speaks about a particularly private and personal aspect of their life: It's crucial for them to feel safe at such an interview. If they would at least give us five minutes or two to get to know each other. I would like to be able to say sometimes: don't be afraid, everything will stay in this room, give the real reason (...) If someone had said that to me years ago, I wouldn't have lied then (KII 7) Moreover, experts point out that, non-sensitive interpretation only contributes to the institutional 'deep-rooted culture of disbelief'²⁷, by which the assessment of a person's credibility is hampered by

24 ORAM (2024), Mainstreaming Inclusion for LGBTQI Displacement, https://413ec0e2-e6a5-4637-92ec-8d0c4c7ba9a7.usrfiles.com/ugd/413ec0_ebe1caf9d0014f188700d5ae-a3e0373c.pdf

25 UNHCR (2016), Vulnerability Screening Tool, <https://www.unhcr.org/sites/default/files/legacy-pdf/57fe30b14.pdf>

26 Humanity in Action (2017), Incredibly Queer. Sexuality based asylum in Europe, https://humanityinaction.org/knowledge_detail/incredibly-queer-sexuality-based-asylum-in-the-european-union/

27 <https://www.frontiersin.org/journals/human-dynamics/articles/10.3389/fhumd.2021.693308/full>



OBIEKT
CHRONIONY
WSTĘP WIEZRONIOMY

inaccuracies in the testimony, but also a loss of confidence in the legitimacy of the process, his own testimony or agency²⁸.

In the case of the refugee response, a group of interpreters—often with refugee experience—spontaneously formed at the Belarusian border and were employed by international organisations and agencies. In contrast, for the Ukrainian response, most international CSOs recruited Ukrainian-speaking staff.

However, analysis of the material indicates that many of these interpreters were not provided with gender-sensitive and SOGIESC-oriented translation training.

Legal Assistance to LGBTQI+ Refugees and Asylum Seekers

We definitely have more such cases. It used to be one every few years, now it's several a year (KII 4, migration lawyer)

The role of legal organisations in supporting LGBTQI+ newcomers has proven to be essential. A specialised and reliable network of legal organisations, in cooperation with the National Bar Association and several law firms, created an umbrella of support mechanisms dedicated to people on the Polish-Belarusian border, also including LGBTQI+ individuals. The range of support offered includes procedures for legalisation of stay, appeal procedures, requests for protection and redress, complaints against the actions of border guards, requests for release from forced detention, among others.

These organisations have rarely had significant experience in litigating LGBTQI+ cases in the past, with the exception of isolated cases from Chechnya and Uganda. Most, however, have experience in assisting individuals at risk of criminalisation and providing legal support for victims of targeted violence by the state apparatus. The organisations also provided legal support to individuals in detention and informed relevant institutions, such as the National Torture Prevention Mechanism at the Office of the Ombudsman, about the standards of their work with clients.

28 <https://www.tandfonline.com/doi/full/10.1080/1068316X.2022.2044038>

Our organization knows how to work with [LGBTQI+] people, but here there is no willingness to cooperate [from the state]. Just see what we are dealing with. (...) Detention? Nothing works there: deprivation of liberty, no comfort of interview with the client, access. After all, these are sensitive people, and someone might hear it, and then what? - informs one of the lawyers from the human rights organizations (KII 4).

One of the main challenges LGBTQI+ refugees face is the urgent need to legalise their residency in Poland and navigate the country's complex legal system. This has also highlighted to organisations the need for further training or expert advice. However, organisations report that most lawyers with expertise in LGBTQI+ cases are based in major Polish cities, making it difficult for them to reach and support clients in other areas.

Assistance in Crossing the Ukrainian border

For LGBTQI+ individuals one of the first documented challenges of the full-scale invasion was the difficulty, and in some cases the inability, of crossing the border for intersex and transgender people, particularly trans women and non-binary people who had male gender markers on their documents²⁹. These individuals often declared a fear of being conscripted due to transphobia in the Ukrainian military services³⁰. Many transgender people and some intersex people in Ukraine do not have identification documents with gender markers accurately matching their gender identity. In the context of the war, it is particularly problematic for transgender and intersex women who are still often marked as having male gender. They have been therefore refused to pass internal checkpoints or to exit Ukraine, since following their identity documents, they fall under the martial law and military mobilisation of men. Crossing the border was determined both by whether these individuals had a diagnosis of 'gender identity disorder' (called hereinafter 'F64') and the appropriate medical and legal

²⁹ ILGA Europe (2022), Briefing note. Border Crossing for LGBTI+ from Ukraine <https://www.ilga-europe.org/files/uploads/2022/07/Briefing-Note-Border-Crossing-LGBTI-Ukraine.pdf>

³⁰ The Conversation (2023), Ukraine's LGBTQ+ soldiers, <https://theconversation.com/ukraines-lgbtq-soldiers-call-for-more-rights-as-russia-forces-minorities-into-active-service-239973>



documentation³¹, as well as by factors completely beyond their control, such as the attitude of the border services and the Ukrainian military. Especially in the first months of the invasion, they were assisted by volunteers, lawyers and trans rights advocates who supported them with providing relevant documentation. Also trans men have faced difficulties as the decisions made by the medical commission in Ukraine showed little to no consistency³².

One such information platform has been Tranzycja.pl, with information on how to leave the country, safely across the border with Poland and find safe shelter³³. It offers guidance on how to proceed depending on having an F64 documented diagnosis, practical information on crossing the border, help finding shelter or getting hormones and other needed medications. A chatbot for LGBTQI+ Ukrainians has also been launched on Telegram, initially with the designated assistance available 24/7. As noted by one of the Tranzycja.pl activists:

We had people on the line who did not manage to collect a set of documents on time and met a 'wall' from the Ukrainian side, because from their perspective they were men capable of defending the country. And if they didn't want to defend the country, they were cowards (...) We explained, supported by friends from Ukrainian organisations, that as women they are not subject to conscription, and step by step showed how to safely and legally cross the border and seek support in Poland. Without guilt or shame (KII 18).

Those individuals who managed to reach Poland by various means faced additional challenges. These stemmed from differences in the hormonal transition procedure and different access to prescriptions and medication in Poland and Ukraine³⁴. Lack of medication could, in extreme cases, lead to hormonal imbalance, detransition and severe health problems, resulting in attempts to obtain and dispense them on their own.

31 Tranzycja.pl (2024), <https://tranzycja.pl/en/publications/transgender-people-ukraine/>

32 OutRight International (2023). Transborder crossing, https://outrightinternational.org/sites/default/files/2022-09/Transborder%20crossingbrief_EN.pdf

33 Ibid.

34 OutRight International (2022), Transborder Crossing Brief, https://outrightinternational.org/sites/default/files/2022-09/Transborder%20crossingbrief_UA.pdf

An analysis of the collected data indicates that local organisations found international actors' outreach activities on LGBTQI+ refugees at the border and at the reception points to be 'lagging behind actual needs' and, in some cases, insufficiently embedded in the regional context. A Ukrainian aid worker noted that information leaflets distributed at Ukrainian border crossings contained links to Polish-language websites or inactive links. Another pointed out that the UNHCR information desk, despite displaying rainbow flags and expressions of support, was unable to support her with information on the reality of the situation of transgender people in Poland.

Protection in the Reception and Detention Facilities

In most cases in Poland, depending on the trajectory of displacement, a person is placed in an open or guarded detention centre for foreigners, a point of collective accommodation, private accommodation or a temporary shelter run most often by non-governmental entities. It does not apply to Ukrainian refugees after 2022, who receive Temporary Protection Status and - if with no alternative - might be directed to a collective accommodation centre (not refugee centre).

LGBTQI+ individuals held in guarded detention centres experienced a decline in physical safety and psychological well-being, as well as a lack of access to legal and medical assistance³⁵. Despite the legal obligation to issue a decision within a set timeframe, people in detention waited up to 20 months. For LGBTQI+ individuals, this was particularly traumatising, exposing them to attacks from other detainees and worsening their sense of isolation, according to legal organisations. One interviewee explained that access to detainees depends on the whim of the centre's administration, and the psychological or medical support offered by the state is negligible, while personnel require training in working with LGBTQI+ people.

Respondents of this research argue that the collective accommodation centres for refugees in Poland have also not been prepared to accommodate LGBTQI+ refugees fleeing Ukraine. With such a scale of displacement, it became necessary from an administrative perspective to launch collective accommodation centres state-wide. However, this approach multiplied the challenges for vulnerable groups over time, failing to meet special needs and further isolating LGBTQI+ refugees

³⁵ Polish Migration Forum (2024), Everyone around is suffering, <https://forummigracyjne.org/en/everyone-around-is-suffering/>

from actors that could provide much-needed assistance, by placing them in remote regions of Poland³⁶. Furthermore, according to the 2023 monitoring report on collective accommodation centres for refugees in six regions of Poland, the public display of LGBTQI+-friendly posters (sometimes with a QR code) featuring rainbow symbols in visible areas of shared spaces violated safeguarding procedures. This approach increased the risk of queerphobic violence rather than ensuring safety and privacy.

Training for public administration of Office for Foreigners on LGBTQI+ protection

In October 2024, at the initiative of UNHCR, a training course was held in Warsaw for nearly 60 representatives of the Office for Foreigners and the administration of refugee centres. It was conducted by Queer Without Borders and Conflict Kitchen (as part of the Humanitarian Leadership Academy project), MOVA Association, Legal Intervention Association and Lambda Poland.

As part of the training, administration representatives received training on SOGIESC-sensitive asylum procedures, the national and international legislative frameworks, credibility assessment for LGBTQI+ individuals, respectful interpretation and the risks and challenges LGBTQI+ people face worldwide. Participants had an opportunity to test their skills in practice, conducting pilot interviews and debating with the experts.

Public administration in Poland, especially the Office for Foreigners, plays a crucial role in reception and securing the legal situation of LGBTQI+ asylum seekers. Therefore such training is vital to both local organisations and public officials to assess the SOGIESC-motivated claims in a manner that is respectful, safe and non-retraumatising. The engagement of public sector and expert civil society organisations is proven crucial in building the permanent social change, inclusive response and SOGIESC-mainstreaming even when international actors decide to withdraw from the country.

³⁶ Jarosz. (2024), At the starting point, <https://konsorcjum.org.pl/en/at-the-starting-point-monitoring-of-collective-accommodation-for-ukrainian-refugees/>



Additionally, the ongoing closure of collective accommodation facilities in municipalities poses a serious risk of homelessness for LGBTQI+ refugees, according to local organisations:

Understand that when you're a queer person, a refugee, the choice is one or none (...) If they close down a point like this from where you're close to people like you, to queer organisations, some substitute for life, what's left? Taking a chance on the private market or some remote village, where you'll feel like you've lost your life ('jakbyś życie przegrał') - explains one of the local caseworkers (KII 10).

Both short-term and long-term housing for LGBTQI+ people, safety from violence, safeguarding and affordability must be prioritised³⁷. As LGBTQI+ refugees are particularly exposed to precarious conditions and lack of community support³⁸, the risk of homelessness or exploitation is heightened, as highlighted by representatives of three organisations offering short- and medium-term shelter for LGBTQI+ refugees. As an expert from an international organisation points out, reception centres and short-term accommodation centres must provide clear information for LGBTQI+ people about possible forms of support offered by other state or non-governmental actors, tailored to their specific needs. This information can also be offered by the centre's staff before the beneficiary leaves the centre, at no cost while ensuring full discretion.

Local legal organisations pointed to the difficulty of securing funds for legal support of LGBTQI+ refugees in Poland and negotiating with project partners, especially when working in guarded centres with non-Ukrainian refugees. As a migration lawyer highlighted:

For INGOs, it wasn't pure humanitarian aid or a basic need (...) It was the responsibility of the state, the Polish state has the resources to provide such aid, so why are we providing it? (KII 4)

37 Notes From Poland (2022), Safe Houses offer shelter to homeless LGBTQI+ youth in Poland <https://notesfrompoland.com/2022/06/27/safe-houses-offer-shelter-to-homeless-lgbt-youths-in-poland/>

38 Collins & McDowell(2023), Intersecting Barriers: The Production of Housing Vulnerability for LGBTQ Refugees in Alberta, Canada, <https://www.tandfonline.com/doi/full/10.1080/14036096.2023.2282655>

An organisation providing psychological assistance to people in detention centres encountered similar limitations and was eventually forced to shut down its psychological support programme for people in detention. Both respondents emphasised on the crucial role of psychological and legal assistance in direct work with LGBTQI+ people who potentially experienced extensive and unlawful border violence, long-term isolation, impunity of the border services and violation of the asylum procedures.



Significance of psychological assistance to LGBTQI+ refugees in detention

Guarded refugee centres are penitentiary in nature. There are documented cases in which LGBTQI+ detainees have been placed in facilities that do not align with their gender identity, and it is regular administrative practice to detain individuals regardless of their vulnerability criteria and heightened risks of intersectional discrimination.

As it is stated in a report by Polish Migration Forum: *National legislation guarantees that NGO representatives can contact people in detention in order to provide them with psychological support (...) In one case (...) the court took into account a psychological opinion issued by a psychologist from outside the centre. This demonstrates the importance of access to external assistance and psychological assessment for foreign nationals in detention.* However, as the author analyzes, in 2021, this access was taken away from social organisations without any reason given.

As documented in the Polish Migration Forum's 'All around us are suffering' report on the current state in guarded refugee centres, the psychological condition of those detained there is rapidly deteriorating as a result of the trauma they have previously suffered, their minority experiences, and their prolonged isolation and uncertainty about their legal status. This is accompanied by a lack of ongoing psychological and psychiatric support, with the state-hindered access for CSOs.

Long-term detention is particularly acute for LGBTQI+ individuals who are often deprived of other detainees' support, as they can even become a perpetrator of violence. CSOs, in interviews, reported cases of attempted or declared suicidal intent or self-harm by SOGIE asylum seekers. This aligns with the relevant UNHCR expertise on the impact of refugee settings on the mental condition of refugees from vulnerable groups. A 2023 post-audit by the Supreme Audit Institution at the refugee centres showed that not only do they not provide psychological support, but even exacerbate and solidify post-traumatic disorders. With the closure of the largest psychological support programmes by the Polish Migration Forum in detention, LGBTQI+ detainees are left to rely on systemic solutions that are currently unavailable.

Key findings:

1. At the reception stage, refugees and aid organisations in Poland report severe systemic obstacles hindering an inclusive humanitarian response for LGBTQI+ individuals. These include a lack of training for humanitarian workers, border services, and public administration, as well as legislative invisibility and harmful border practices, all of which obstruct adequate protection and humanitarian access.
2. Research indicates that the conditions in detention and reception centres can be particularly harmful for LGBTQI+ refugees, who are often placed in overcrowded prison-like facilities and experience mental and physical health deterioration or even the risk of detransition.
3. Safeguarding risks must be taken into consideration and have to be standardised by both local and international actors, when addressing the LGBTQI+ displacement.
4. While support for LGBTQI+ refugees varies depending on their migration trajectory, their protection must prioritise the SOGIESC-oriented legal assistance and interpretation, psychological and medical support, as well as effective vulnerability assessment and advocacy for the safe pathways. Selective empathy and double standards towards LGBTQI+ refugees due to their migration trajectory undermines the public trust in humanitarian standards.
5. An effective inclusive humanitarian response requires a clear division of tasks and responsibilities among its implementers. The case study of Poland indicates that local actors have an advantage in access to beneficiaries at the stage of reception, but need support in terms of sustainable funding and standardised SOGIESC procedures and policies.

2. INTEGRATION. DIVIDING LONG-TERM RESPONSIBILITY FOR INTEGRATION OF LGBTQI+ REFUGEES

We really want to invite people to stay here with us. It's just hard to do that in a country that has a history of hatred towards LGBTQI+ (...) Often [refugees] are the ones who don't want to stay, because there's nothing here for them (LGBTQI+ activist of non-formal group)

Poland is no exception to the rule. There is a lack of procedures and practice, but it can be done with the right support, step by step (project coordinator in international organization)

Service provisions for integrating people with LGBTQI+ displacement experience in Poland rest primarily with civil society organisations, supported with international actors' financial support and expertise in other regional contexts.

Accommodation

One of the essential challenges in service provision to newly arrived refugees and migrants in Poland after 2022 was the access to safe medium- and long-term accommodation. As the LGBTQI+ refugees and migrants are particularly vulnerable to homelessness and exploitation in the humanitarian settings, securing queerfriendly accommodation remains a priority for many humanitarian actors in Poland. According to statistics from the Stonewall Association UK, one in five LGBTQI+ people in Europe have experienced homelessness, and one in four amongst transgender people³⁹. As the Campaign Against Homophobia report indicates, LGBTQI+ people are significantly more likely to experience homelessness in Poland (16.5% in 2020)⁴⁰, and according to a February 2024 report by the Ministry of Family, Labor and Social Policy, out of the 31,000 people living in homelessness in Poland, 10%

39 Stonewall (2016), LBGT in Britain, https://www.stonewall.org.uk/system/files/lgbt_in_britain_-_trans_report_final.pdf

40 Campaign Against Homophobia (2020), Report for Years 2019-2020, https://kph.org.pl/wp-content/uploads/2021/12/Rapot_Duzy_Digital-1.pdf

are migrants, 6% of whom are Ukrainian nationals⁴¹. Therefore the housing vulnerability severely affects LGBTQI+ refugees and migrants, who remain at high risk of exclusion and racialised practices while arranging accommodation. Those forced to seek it urgently, after detention or collective accommodation, tend to have reduced chances of actual safety and reduced motivation to seek support within the migrant community.

The LGBTQI+ migrants and refugees might seek private accommodation at the public market or apply for a spot in one of few shelters led by CSOs. Some respondents reported that their shelters received people diverted from other organisations, where they were denied accommodation, arguing that the decision is motivated on the basis of language. Also, some alternative housing programmes, such as the Social Rental Agencies promoted by Habitat for Humanity, have been limiting their offerings to local governments for ‘Ukrainian refugees.’⁴²”

Not only is the Polish private accommodation market facing an economic slump, but the rise of anti-refugee sentiment and aid burnout in Poland is leaving potential tenants in a situation of severe scarcity and exposure to double standards and racialisation.

Here, the Poles do not want to rent out housing to just anyone. I have friends who were looking for housing, representatives of the LGBT. They also look... Let's say, non-standard for Poland. And they were looking for housing for a very long time, they were looking for 3.5 months, because they were either told that it was already rented, but the ad is still up (KII 4)

As interviewees who run accommodation for LGBTQI+ refugees have reported, private accommodation and ‘Polish hospitality’ is a temporary solution with the increased risk factor⁴³. Since 2023, this research documented a significant increase in anti-refugee sentiment⁴⁴ and anti-

41 Migrant Integration (2024), Poland. Homelessness Among Migrants, https://migrant-integration.ec.europa.eu/news/poland-homelessness-among-migrants_en

42 Habitat for Humanity (2023), Guide on Social Rental Agencies, https://habitat.pl/files/san/Guide_on_Social_Rental_Agencies-PL.pdf

43 NGO.pl (2023), ‘Ani jednego bezpiecznego miejsca’, <https://api.ngo.pl/media/get/202767>

44 Euractiv (2024), Polish support for receiving Ukrainian refugees reaches new low, <https://www.euractiv.com/section/politics/news/polish-support-for-receiving-ukrainian-refugees-reaches-new-low/>

Ukrainian narratives⁴⁵ in Poland, as well as compounding humanitarian fatigue⁴⁶ at most, if not all, levels and groups of relief actors - from civil society to international organisations⁴⁷. Roughly one in three refugees have experienced ‘various types of tension’ in private accommodation, according to a UNHCR analysis of private accommodation presented as part of the Shelter cluster in June 2024⁴⁸. IOM’s September 2024 scoping mission, on the other hand, indicates a growing trend of labor exploitation stemming from accommodation arrangements⁴⁹. As indicated by the 2021 UNHCR Guidelines and respondents of this research, LGBTQI+ people are at increased risk of sexual or labour exploitation, especially under conditions of insecure employment or housing⁵⁰.

Casework

Some organizations have learned to work with LGBTQI+ refugees and have assigned specialised caseworkers who have received training from international or local organisations (both internal or external). As one caseworker points out: It’s work based on trust. A person who is not queer is less likely to understand what someone is dealing with, she explains. When someone in our organisation sees that someone might need additional support, they refer them to me (KII 1). In such assistance, close cooperation with a lawyer and translator is essential.

LGBTQI+ oriented casework is an approach that is essential in the context of allowing individuals to stand on their own two feet as they face institutional obstacles in accessing accommodation, employment or education. In the case of minors and other intersectionally excluded groups, international organisations are in a special position to set casework standards that will later become a model at the local level.

45 Bryant, Hargrave, Jarosz et al. (2024), Navigating narratives in Ukraine humanitarian response, <https://odi.org/en/publications/navigating-narratives-in-ukraine-humanitarian-response-amid-solidarity-and-resistance/>, pp. 24

46 HIAS (2023), Combating compassion fatigue, <https://hias.org/news/combating-compassion-fatigue-serving-polands-refugees/>

47 Jarosz (2024), Gdzie teraz jesteśmy?, <https://konsorcjum.org.pl/raport-gdzie-teraz-jestemy/>

48 UNHCR (2024), data.unhcr.org/en/search?type%5B0%5D=document&working_group=372§or_json=%7B%220%22:%20%220%22%7D§or=0

49 Private information shared confidentially with the investigative team.

50 UNHCR (2023), Working with lesbian, gay, bisexual... <https://emergency.unhcr.org/sites/default/files/2024-01/Working%20with%20lesbian%2C%20gay%2C%20bisexual%2C%20transgender%2C%20intersex%20persons%20in%20forced%20displacement%2C%202021.pdf>



Access to medical services of LGBTQI+ individuals

Access to medical services for LGBTQI+ individuals in Poland remains a significant challenge, marked by systemic gaps and social stigma. According to the Fundamental Rights Agency (FRA) report⁵¹ 19% of LGBTQI+ people experienced discrimination from healthcare or social workers. Lack of knowledge on LGBTQ individuals' specific health needs, combined with bias and outright hostility, as well as language barriers, leave queer refugees particularly vulnerable to health risks. This is accompanied by the financial barrier to access LGBTQ-friendly healthcare providers, as there are few within the public healthcare system.

This is particularly acute for transgender individuals, who need to provide medical documentation to be able to continue hormonal therapy; when they have none, endocrinologists require psychological or psychiatric assessment, indicating lack of counter-indications for medical transition, and a letter from the psychologist to issue a prescription for hormones. Transgender asylum seekers in detention don't have access to hormonal therapy and the consequences of its abrupt discontinuation are not acknowledged. They rely on individual activists and CSOs that very often don't have financial capacities to cover the costs of appointments and medication. Furthermore, as check-ups and medical appointments for people living with HIV are not available to those without medical insurance, many asylum seekers in practice have no access to treatment. Even though antiretroviral (ARV) treatment is available for free, it must be paired with regular testing and visits to a sexual health clinic to be effective (and there are only 17 clinics providing the treatment all over Poland). Lack of access to treatment, combined with the taboo around STDs (sexually-transmitted diseases) and the stigmatisation of patients, exacerbates the isolation of people living with HIV and the deterioration of their health.

51 FRA Europe (2024), LGBTQI+ at a crossroads, <https://fra.europa.eu/en/publication/2024/lgbtiq-crossroads-progress-and-challenges>

Key findings:

1. At the level of integration, LGBTQI+ refugees face serious obstacles in accessing housing, health care, accommodation and administrative support.
2. As a result, LGBTQI+ refugees need a specialised team, trained to work and communicate with vulnerable groups. Local LGBTQI+ and migrant organisations are exchanging their expertise and mapping each other's capacities. International organisations should also map the support offered locally, to identify the gaps and support sustainable solutions.
3. At the level of integration, the lines are blurring as to what remains the responsibility of the state and its administration and what should be ceded to local and international organisations. Transferring intersectional skills and work to the state administration should be a priority in improving the situation of LGBTQI+ refugees.

3. INTERSECTIONAL COOPERATION AND SOGIESC MAINSTREAMING

Intersectional Response and Advocacy to LGBTQI+ Displacement

It works both ways. We show them, they show us. At least that's how it should work (KII 3, local LGBTQI+ organization)

Valuable learning process, valuable perspective. Only they are leaving Poland, and the refugees are still arriving (KII 5, local migration organisation on INGO exit strategy)

Intersectional approach to advance the human rights of LGBTQI+ refugees and migrants has been increasingly implemented by Polish civil society and international humanitarian actors in regards to Ukrainian reception, less so in reception of individuals from the other migration routes. The challenges for LGBTQI+ refugees at the level of reception and integration listed in the report can be further addressed, but not in the institutional vacuum and by a lone actor. The capacity development, outreach and community engagement for LGBTQI+ refugees and migrants - to be real instead of tokenistic - must be in line with the international standards, in cooperation with public authorities and promoting the voices and action of local organisations and adequate communities⁵².

The insights gained from the aid providers to LGBTQI+ refugees and migrants in Poland provide examples for both successful cooperation, mutual learning and joint advocacy; as for the disenchantment and humanitarian fatigue, affecting the aid providers with the minority background in much prevalent way. This chapter is a short catalogue of successful collaboration in the field of LGBTQI+ displacement, presenting the creative, often innovative solutions and emerging platforms that have facilitated the positive transformation.

52 EUAA (2024), Asylum Report 2024. Providing protection and support to applicants with diverse SOGIESC, <https://euaa.europa.eu/asylum-report-2024/44-providing-protection-and-support-applicants-diverse-sogiesc>

EXAMPLE 1: Mutual Learning at the Local Community

Locally-driven humanitarian response at the Ukrainian border has sparked a number of good practices and successful collaborations to assist the needs of LGBTQI+ individuals. One such example is the exchange of resources and knowledge transfer between migration and LGBTQI+ organisations operating within the same region (voivodeship) or municipality.

Culture of Equality is a Wrocław-based association⁵³ that has been supporting LGBTQI+ individuals since 2014, offering casework and accommodation to queer people, including refugees. Nomada Association is one of the larger organisations in Poland supporting forced migrants, offering them specialised legal assistance and translation, additionally advocating against hate speech and violence motivated by prejudice and GBV. Faced with a humanitarian crisis, instead of competing for limited resources and grants, they - as both described it - identified each other's needs and areas of expertise and support. As a result, Nomada refers queer individuals to safe accommodation at Culture of Equality, and both share Nomada's legal team for SOCIESC-oriented cases.

A similar example is the collaboration between the Warsaw House Foundation and the Feminoteka Association, which, by offering safe accommodation for LGBTQI+ people, women and girls, have the ability to share resources and also jointly advocate and apply for resources when needed. From their perspective, skillful stewardship of shared resources allows organisations greater flexibility in spending, because the pressure is not on them to respond to every beneficiary's needs, and they are more likely to appear credible to potential funders.

We're a bit more 'fresh' at this than Feminoteka, so they gave us a little bit of a heads up on what to look for [when running a shelter] - admits the leader of the organization. At first, among the more experienced organisations, we felt like neither fish nor fowl. Now I think we've earned the right to be seen as doing a 'good job' (KII 8)

53 Culture of Equality Website, <https://kulturarownosci.org/>

At the local level, several such collaborations have blossomed between local actors specialising in supporting various marginalised groups, especially migrants and LGBTQI+ individuals. Some organisations providing support to LGBTQI+ refugees have opted not to do so or disengage, despite the potential. The cooperation with another (or particular) local organisation or taking up the project leader role was not in their interest, as they mentioned.

We want to offer support in our own way and not to dilute our brand (KII 7) - one local CSO leader pointed out. We have been in the same city for so many years and have not cooperated. We don't want to suddenly make decisions that we will regret under a crisis. We will suffer, the people we help will suffer (KII 13) - explains another one.

What inspires minority organisations to work together in the first place is shared responsibility and resource sharing, mutual trust in expertise and reputation, credibility to donors, joint advocacy at the local level, and a process of mutual learning. They are discouraged by the prospect of over-expanding their activities and target audience, overloading their own team, taking risks for a joint project and the bad experience of collaboration. Less often, organisations were concerned about losing their own credibility or upper hand with local authorities through a new 'label' ('queer' or 'refugee').

Learnings:

1. Encourage sustainable assistance to LGBTQI+ refugees through task division at the local level. Community engagement of local actors with different portfolios through joint projects and shared training (with a focus on LGBTQI+ or refugees' protection).
2. Positively contribute to practices of local public administration in promoting inclusion and protection of LGBTQI+ refugees and migrants.
3. Integrate SOGIESC within the work of non-LGBTQI+ CSOs.

EXAMPLE 2: Gaining Queer Access and Accepting Invisibility Through LGBTQI+ Non-Formal Groups and Transborder Coalitions

From the perspective of international actors, the important question to operate in the area of LGBTQI+ displacement is to address the need or implement the framework, while local needs may differ from what the international actors assume. and how to reach and consult with LGBTQI+ groups in an ethical and appropriate manner not when it is convenient, but when it brings the change and services closer to beneficiaries.

A major limitation for international humanitarian actors who intend on such access and assistance to LGBTQI+ refugees through local partners is that in many crisis settings it is provided by unincorporated groups and communities (collectives, queer communities, migrant-led support groups)⁵⁴. In these contexts, prevalent in Central and Eastern Europe, the pre-crisis marginalisation and criminalisation of sexual minorities enforces a reluctance to register or make aid activities public. Such groups can enjoy trust and provide access to the LGBTQI+ minorities, create transborder networks for information exchange and support or gain humanitarian access in crisis-stricken areas inaccessible to most international actors (such as Belarusian border).

Invisibility, malleable structure or decentralisation of decision making can be a strategic choice that enables action but disables funding. Unregistered entities face severe obstacles in obtaining funding for their activities. Such is the example of Ukrainian and Belarusian minority and migrant-led queer collectives that have proliferated in Poland after 2020, which provide essential assistance to LGBTQI+ individuals who are displaced due to risk of persecution. They remain - often intentionally - out of reach of INGOs and public actors and even other minority organisations⁵⁵. In the words of an activist from the Belarusian group offering assistance to trans refugees:

We are not on their map (...) We interpret trust differently [than INGOs] (KII 19).

54 Daigle, M. (2021), How should humanitarians consider LGBT+ issues in their work?, <https://odi.org/en/insights/how-humanitarians-should-consider-lgbt-issues-in-their-work/>

55 TVP World (2024), Queer Not From Here. Queer Refugees Find Their Voice <https://tvpworld.com/83724015/belarus-ukraine-turkmenistan-queer-refugees-find-their-voice>

Poland could be a fascinating case for studying the international response to non-formal humanitarian efforts in the context of the two crises on the EU's eastern frontier. Since 2022, international actors have been forced to make strategic decisions—whether to support informal aid initiatives, encourage registration, or find creative solutions to redirect funding towards the Belarusian response.

An example of collaboration between humanitarian operators and informal local aid providers to target LGBTQI+ displacement might be Queer Without Borders⁵⁶ collective. A non-formal coalition of three registered organisations, one association of associations and one non-formal collective, operates with greater flexibility and discretion, which is essential in providing assistance to LGBTQI+ refugees, primarily non-Ukrainians, who are inaccessible to the other actors. The group operates with specific individuals representing specific organisations and areas of expertise - such as SOGIESC-sensitive translation (MOVA Association), inclusive housing and holistic case work (Conflict Kitchen), direct humanitarian assistance at the Belarusian border (Border Group), inclusive migration policy and data collection (Migration Consortium), and medical and legal assistance to transgender and non-binary refugees and migrants (Lambda Poland Foundation).

The challenge lies in providing resources for coordinated action and material assistance to beneficiaries, particularly non-Ukrainian queer refugees. The group seeks partners and resources through donors for feminist and queer activities, such as the Guerilla Fund, FemFund, ActionAid and Fund for Diversity (formerly). The breakthrough came with a partnership with the Humanitarian Leadership Academy, which allows for transparent and amplified advocacy and research, gaining platform and sustainability for the minority-driven transformative action.

This support made it possible to inform the stakeholders at the Joint Diplomatic Meeting or ILGA Europe Conference in 2024, as well as providing expertise to the UN Special Rapporteur or ODIHR on the effective prevention of discrimination and violence against LGBTQI+ refugees in Poland.

⁵⁶ This report is a result of cooperation between Humanitarian Leadership Academy and Queer Without Borders, therefore this example poses as autoethnographical.



A major limitation of such cooperation is mutual trust and the administrative boundary conditions for such cooperation. All actors bear some kind of risk in such an experimental collaboration, new to most humanitarian actors.

Learnings:

1. Trust and humanitarian access are crucial resources in efficient service provision to LGBTQI+ refugees and migrants, especially when such access (territorial, political) poses the risk of the international actor's mandate in the country.
2. Strengthening non-formal or transborder coalitions comes with a risk, but also allows reaching the actual beneficiaries in the conditions where LGBTQI+ displacement faces stigmatisation and violence. International actors might provide a level of protection and credibility in exchange for targeting the most vulnerable LGBTQI+ communities without tokenism.

EXAMPLE 3: Advocacy for Good Practice. SOGIESC Mainstreaming and Applicable Solutions

Humanitarian assistance for those experiencing cross-discrimination cannot be a coincidence or an experiment - one-time short-term project that would have unknown results for the beneficiaries. As it was demonstrated in the previous chapters, it still requires covering of specific basic needs like safe housing or access to medical services, with acknowledgement of special ones. The concern for sustainable partnerships and solutions that meet these criteria should be prioritised, supplemented with the joint advocacy for systemic change (if possible)⁵⁷. Below we present examples of feedback that was provided by local actors to international organisations, regarding the SOGIESC mainstreaming.

I feel that our work is an experiment. We have a proven solution and people in our Shelter, but there is no way to provide permanent funding - explains one of the caseworkers in local CSOs (KII 11).

57 IPPF (2019), LGBTQI+ Inclusion in Humanitarian Action: LGBTQI+ vulnerabilities and capabilities in crises, https://www.humanitarianlibrary.org/sites/default/files/2020/08/1.2019IPPFHumanitarian_LGBTICapabilityStatement.pdf

Queer refugees are such a litmus test. It sounds good as long as it costs little - says another respondent with long experience in a migration-oriented organisation (KII 17).

Local organisations explain that sustainable solutions such as dedicated shelter (temporary accommodation) or casework for LGBTQI+ refugees and migrants demanded additional work and resources from them, hindered by financial uncertainty and exit strategy for their partners. Creating a catalogue of good practices and SOGIESC solutions and strategies applicable to other crisis scenarios requires long-term support and evaluation.

We lack a bridge between crisis solutions and normalising them, integrating into the system, when something actually works. If it happens, it is superficial - explains the coordinator of one of the LGBTQI+ oriented shelters (KII 14).

Furthermore, an ORAM representative in an interview stressed that the role of the donor and humanitarian operator is to patch up the system, not replace it. SOGIESC mainstreaming in the humanitarian cycle should serve as a bridge connecting crisis response to the emergence of special needs and integrating these needs into institutions, practices and legal frameworks for future emergencies⁵⁸. In the opinion of the majority of respondents who raised the question of the future of operations, this bridge in Polish response to LGBTQI+ displacement was clearly missing. Moreover, the lack of a sense of a viable future for proven solutions - even if scaled down - was cited by local organisations as one of the main factors of their humanitarian fatigue or disengagement. There have also been allegations of pinkwashing, where LGBTQI+ displacement is treated instrumentally by other humanitarian actors.

Learnings:

- 1. Integrating inclusion and SOGIESC mainstreaming into humanitarian actions might be perceived as an attempt at pinkwashing. To effectively implement SOGIESC mainstreaming, such partnerships must focus equally on direct outcomes and**

58 CDAC (2022), Intentional inclusion of people with diverse SOGIESC (LGBTIQ+ people) in communication, community engagement and accountability aap-inclusion-psea.alnap.org/system/files/content/resource/files/main/SOGIESC%2Binclusion%2Bbrief_final.pdf

the long term exit strategy. Advocating for LGBTQI+ refugees and migrants means supporting solutions that are already working and that can further address the existing needs.

2. The context of Poland, the shifts in public policy and asylum framework and the reality of two humanitarian crises encourage confidence that the need to support LGBTQI+ refugees and migrants will not fade in the near future.

Shelter Community of Conflict Kitchen

[Link to Toolbox describing Shelter Programme.](#)

In 2022, Foundation Kitchen of Conflict carried out a project which resulted in the creation of a Shelter in Warsaw. The shelter was conceived as a place for young men on the move, combined with complex support from non-governmental social workers/assistants. The foundation also works on community building: fostering connections between people on the move as well as between them and the local community. The group was recognised as a particularly vulnerable one, as it has been not adequately addressed by other offers of refugee accommodation and/or casework: male, mostly discriminated due to the racialised response, with cases of other vulnerable identities (such as LGBTQI+).

Among the Foundation's beneficiaries are also LGBTQI+ individuals who often have no to few alternatives in the housing market, and often had experience at the Polish-Belarusian border. The Foundation offers them several months of accommodation with casework and job search, contingent on their work permit and agreement to the terms of cooperation, including security protocols. The organisation provides comprehensive assistance in the search for new housing and employment, while making sure to create a safe space and an LGBTQI+ friendly environment. It also creates a community of current and former programme beneficiaries who can support each other (Shelter Fellows).

The Conflict Kitchen works closely with the Humanitarian Leadership Academy and the organisations that make up Queer Without Borders. This report is the result of that collaboration.





SUMMARY

Look, different things are needed from a Ukrainian girl when she comes in for a prescription, different needs have a closed [in detention centre] gay guy (KII 9)

The forcibly displaced LGBTQI+ individuals arriving in Poland face systemic discrimination, selective empathy and years of built up and state-fueled hostility and otherisation. Nevertheless, recent refugee reception also has its positive outcomes. The period from 2021 to 2024 highlighted the presence of this often-invisible group and prompted local actors and minority-led initiatives to seek support in integrating SOGIESC into their internal programming.

This report aimed to inform the relevant stakeholders and humanitarian actors on developments in the LGBTQI+ displacement that inspired - or forced - local and international humanitarians in Poland to take action to adapt their services to the needs of newly discovered groups at risk. The analysis of the collected material proves that cross-sectoral assistance for LGBTQI+ individuals with lived experience of forced migration is currently under accelerated development, creating both challenges and new platforms for cooperation. Most of this cooperation, however, takes place between local organisations themselves or international and national organisations, hindering institutional and legislative change. Implementation of the Migration and Asylum Pact, or Migration Strategy, that most possibly will take place in 2025, provides an opportunity for the inclusion of LGBTQI+ refugees and migrants into the public and political discourse.

This report offers a unique analysis of cross-sector collaborations in Poland's humanitarian response to LGBTQI+ refugees. It shows that while Poland's response has partially addressed the needs of this group, it is too early to assess the future of intersectional responses, particularly within INGOs' exit strategies. However, the groundwork has been laid. Such transformation will require joint efforts from public administration, international humanitarian organisations, local actors, and LGBTQI+ communities and allies. The solutions and the good practices offered in this report point to the new forms of cooperation and trust required for effective intersectional response, SOGIESC mainstreaming and operationalisation to meet the needs of LGBTQI+ individuals at all stages of their journey.

RECOMMENDATIONS

The increase in the scale of forced migration of LGBTIQ+ individuals to Poland is putting more light to the existing structural and cross-sectoral obstacles, but also opportunities to improve existing standards, procedures and methods of cooperation. Based on the data collected in this report, we recommend the following:

To the international organisations and UN agencies:

- **As part of the localisation mechanism, support local organisations in programming their activities in a holistic and intersectional way to adequately address the special needs of the cross-discriminated populations and individuals on the move.**
- **Specifically support coalitions and multilateral agreements between local actors and non-formal groups that can share expertise and resources in assistance specific groups (migration CSOs and LGBTIQ+-oriented CSOs).**
- **Promote LGBTIQ+-oriented assistance and humanitarian programming in the framework of displacement. Intentionally include and advocate for SOGIESC focus in relevant cluster activities and advocacy, especially in the context of Protection and Shelter (Poland).**
- **Distinguish SOGIESC as a cross-cutting issue in humanitarian response, based on current data and scoping with local experts.**
- **Amplify local voices of LGBTIQ+ migrants and experts in national and international advocacy, especially if the existing legal framework and political rhetoric does not give safe space to address the issues. Do it with them, not for them. Avoid tokenism and pinkwashing in your actions and cooperation, as they might put at risk your local credibility.**

To the local organisations:

- **Create and nurture networks and cross-sectoral coordination platforms. Seek partnerships with other organisations that may have the resources, staff or expertise you need to respond to the needs of forcibly displaced LGBTQI+, especially in the region or municipality you operate at.**
- **Put in place procedures and policies for safeguarding, inclusiveness of activities and SOGIESC-relevant topics, especially if you provide direct assistance to the beneficiaries who might have additional needs. Pay particular attention to security requirements and anonymity of individuals, as well as to SOGIESC-inclusive language in your daily work and materials.**
- **Support the agency of beneficiaries through community building, integration work, engaging in organisations' activities. also avoiding epistemic exploitation when learning the needs and situation of the community they work with&for.**

To the state representatives and relevant authorities:

- **Provide regular training and evaluation on working with LGBTQI+ displaced persons, with a particular focus on the Foreigners Office and border services - but also the public administration of local offices. Invite external experts and organisations to organise these trainings and clearly communicate expectations.**
- **Prevent, de-escalate and penalise the queer- and xenophobic expression in the public sphere, especially from the representative of the state.**
- **Provide assistance and access to adequate accommodation arrangements that would be safe for LGBTQI+ individuals in the precarious or threatening situations. Provide or support safe accommodation to those in particularly vulnerable positions.**



