



FORCIBLY DISPLACED PEOPLE NETWORK

**Submission to the House of Representatives
Standing Committee on Social Policy and Legal Affairs
on Homelessness in Australia**

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About Forcibly Displaced People Network

Forcibly Displaced People Network (FDPN) is the first organisation in Australia to dedicate its work to the issues of LGBTIQ+ forced displacement and be driven by the lived experience of it. FDPN is established to promote human rights and inclusion of LGBTIQ+ persons in forced displacement through peer support and strengthening services and policy responses.

Forcibly Displaced People Network provides refugee-led mentoring and peer support to LGBTIQ+ refugee women through its Queer Sisterhood Project. FDPN has provided financial support to LGBTIQ+ people seeking asylum to cope with financial stress due to pandemic in 2020. Our work is guided by the Canberra Statement on the access to safety and justice for LGBTIQ+ people seeking asylum and refugees.¹

We welcome an opportunity to make a submission to the Inquiry into Homelessness in Australia. In this submission we are highlighting increased housing stress and risks of homelessness for LGBTIQ+ people seeking asylum and refugees in Australia.

LGBTIQ+ stands for lesbian, gay, bisexual, trans and gender diverse, intersex, and queer as an inclusive umbrella abbreviation to encompass a range of diverse sexualities, genders and intersex status.

¹ Canberra Statement on the access to safety and justice for LGBTIQ+ people seeking asylum and refugees is available from <http://bit.ly/cbr-statement>. It is a policy guide for various stakeholder on reforms necessary to meet protection needs of LGBTIQ+ people seeking asylum and refugees.

Introduction

Lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ+) people around the world remain persecuted, subjected to physical and sexual violence, torture, harassment and exploitation. In 2019 there were 70 countries that criminalised consensual same-sex sexual acts, with the death penalty a possibility in 11.² Sexual violence and forced marriages are often used as a coercive tool to 'normalise' and control LGBTIQ+ women's sexuality and avoid familial shame.³ In countries where there are no laws prohibiting same-sex relationships, state sanctioned violence and discrimination in all areas of private and public lives persist. This significantly limits education and employment opportunities for LGBTIQ+ persons, drives people into poverty and homelessness and forces them to engage in survival sex.⁴

Australia recognises protection needs of LGBTIQ+ individuals and that they may experience "particular acts of persecution, significant harm and discrimination specific to, and because of, their sexual orientation and/or gender identity"⁵ in assessing their protection visa applications. However even in Australia, LGBTIQ+ people seeking asylum and refugees face persistent homophobia and transphobia and cannot rely on their families or ethnic communities for support, with these groups often being the first to persecute them for their sexual orientation and/or gender identity. With changes to the Status Resolution Support Services (SRSS) program, many LGBTIQ+ people seeking asylum have lost critical access to financial support and many still do not have access to Medicare. They remain invisible and marginalised.⁶ Lack of social connections, income support, language skills and employment opportunities as well as systemic gaps in support may result in increased risks to homelessness.

Housing and homelessness experiences of LGBTIQ+ people seeking asylum and refugees

Lack of data on prevalence of homelessness among LGBTIQ+ people seeking asylum and refugees

There is a lack of data in the Department of Home Affairs that disaggregates protection claims by claims based on sexual orientation and gender identity. Globally it is believed that up to 6 per cent of refugees identify as LGBT:

² ILGA World: Lucas Ramon Mendos, State-Sponsored Homophobia 2019: Global Legislation Overview Update (Geneva; ILGA, December 2019) Available from: <https://ilga.org/state-sponsored-homophobia-report>

³ Queer Sisterhood Project (2019) Being Queer and Refugee, ed. by Dixon T., Dixon, R.; available from <http://bit.ly/queer-sisterhood>

⁴ Canberra Statement on the access to safety and justice for LGBTIQ+ asylum seekers and refugees; available at <http://bit.ly/cbr-statement>; ORAM (2012) Rainbow Bridges: A community guide to rebuilding the lives of LGBTI refugees and asylees, available from <https://oramrefugee.org/wp-content/uploads/2016/02/oram-rainbow-bridges-2012-web.pdf>

⁵ Department of Home Affairs. Annexure 5: Assessing claims related to sexual orientation and gender identity. Retrieved June 11, 2020: <https://www.homeaffairs.gov.au/foi/files/2017/FA170301116-documents-released.pdf>

⁶ Such challenges have been well documented during the 2019 Queer Displacements conference. See Queer Displacements: Sexuality, Migration and Exile (2019) Conference report. Available from: http://tinadixson.com.au/wp-content/uploads/2019/12/Queer_Displacements_Report_webversion.pdf

- US-based Heartland Alliances reported 3.8% of refugee claimants in the US to identify as LGBT⁷;
- Another research reported 3.6% of refugee applicants in 2011 in the US identified as LGBT⁸; and
- Organisation for Refuge, Asylum and Migration estimates “that between 4 and 6 percent of the asylees in other countries could be lodging claims based on their LGBTI status”⁹

There is also a lack of data on the housing and homelessness experiences for LGBTIQ+ people seeking asylum and refugees. Available research into homelessness experiences has shown that:

- LGBTQ people are over-represented amongst homeless people in Australia;¹⁰
- People seeking asylum are at risk of homelessness due to a lack of income support and affordable housing. ¹¹

The 2015 AHURI study has found that “the hardships and trauma many refugees endure prior to resettlement coupled with their lack of financial resources upon entry into Australia means that they are often vulnerable to housing stress, housing insecurity and homelessness.”¹² It has also identified racial discrimination as “a key impediment for refugees in navigating the housing market”.¹³ 23.5 per cent of their respondents strongly agreed with statements concerning the role of racial discrimination as a barrier to housing access.

With changes to Status Resolution Support Service payments, almost 80% of people seeking asylum became not eligible for income support payments. Compounded with other factors this has increased their risk of becoming homeless.

⁷ Heartland Alliance (2012) Rainbow Welcome Initiative: An Assessment and Recommendations Report on LGBT Refugee Resettlement in the United States. Washington, DC, US Department of Health and Human Services, Office of Refugee Resettlement.

⁸ Portman, S., Weyl D. (2013) LGBT refugee resettlement in the US: emerging best practices. Forced Migration Review, issue 42; Martin, C. D., Yankay J. (2012) Annual Flow Report. Refugees and Asylees 2011. Available from:

https://www.dhs.gov/xlibrary/assets/statistics/publications/ois_rfa_fr_2011.pdf

⁹ ORAM (2012) Rainbow Bridges: A Community Guide to Rebuilding the Lives of LGBTI Refugees and Asylees. Available from <https://oramrefugee.org/wp-content/uploads/2016/02/oram-rainbow-bridges-2012-web.pdf>

¹⁰ McNair, R., C. Andrews, S. Parkinson and D. Dempsey (2017). LGBTQ Homelessness: Risks, Resilience, and Access to Services in Victoria – Final Report. Melbourne, University of Melbourne.

¹¹ Liddy, N., Sanders, S., and Coleman, C., Australia’s Hidden Homeless: Community-based options for asylum homelessness, Hotham Mission Asylum Seeker Project, Melbourne, 2010. Available from: http://library.bsl.org.au/jspui/bitstream/1/1957/1/Australias_Hidden_Homeless.pdf

¹² Flatau, P., Smith, J., Carson, G., Miller, J., Burvill, A. and Brand, R. (2015) The housing and homelessness journeys of refugees in Australia, AHURI Final Report No.256. Melbourne: Australian Housing and Urban Research Institute Limited. Available from:

<http://www.ahuri.edu.au/publications/projects/p82015>

¹³ Ibid.

Lack of safe and inclusive housing options for LGBTIQ+ people seeking asylum and refugees

LGBTIQ+ people seeking asylum are experiencing compounding marginalisations arising not only from the intersection of their sexual orientation and gender identity, but also age, race, ethnicity, nationality, religion and migration status.

Despite availability of services for people seeking asylum, refugees and LGBTIQ+ persons, LGBTIQ+ people seeking asylum and refugees experience barriers with accessing those services. Specific programs designed to provide peer support to LGBTIQ+ people seeking asylum and refugees are not widely available. Training of services in relation to gender responsive, inclusive and culturally competent service provision remains a gap across settlement and LGBTIQ+ services.

LGBTIQ+ people seeking asylum and refugees come from the contexts where they were persecuted not only by state actors but also families and societies. A distrust to services and authority figures is common especially in the context of not trusting that they will not be discriminated for their gender identity and sexual orientation. This means that many LGBTIQ + people seeking asylum and refugees do not engage with the service system for the fear of discrimination and disclose of their identity to their communities.

The inaugural 2019 Queer Displacements: Sexuality, Migration and Exile Conference has documented a number of challenges in relation to housing access¹⁴. We also have conducted qualitative interviews with LGBTIQ+ people seeking asylum and refugees about their experiences of homelessness and housing support in Australia. The following has been reported:

- 1.** Mainstream housing service providers in some instances placed LGBTIQ+ asylum-seeking women into a mixed gender shared temporary accommodation that contributed to increasing risks of discrimination, bullying and violence (see case study 1);
- 2.** Refugee service provides in some instances placed LGBTIQ+ people seeking asylum into housing without collecting data (safely) that they were LGBTIQ+ and without work on non- discrimination with their broader client base. This has, contributed to increasing risks of discrimination, bullying and violence (see case study 2);
- 3.** In the absence of data collection on sexual orientation and gender identity, at times settlement services are housing LGBTIQ+ refugees in suburbs with their ethnic communities, thus increasing risks of discrimination, bullying and violence (see case study 3);
- 4.** Experiences of homelessness are common among LGBTIQ+ people seeking asylum which increase the risks of sexual and gender-based violence and exploitation including survival sex (see case study 4);

¹⁴ Dixson, T., Dixson R. (2019) Queer Displacements: Sexuality, Migration and Exile. 2019 Conference Report. Available from: http://tinadixson.com.au/wp-content/uploads/2019/12/Queer_Displacements_Report_webversion.pdf

5. Transgender people seeking asylum and refugees are experiencing discrimination and transphobia where their self-identification does not match names and gender markers in their documents (see case study 5);
6. A lack of rental history, racial profiling, homophobia and transphobia create additional barriers for LGBTIQ+ people seeking asylum and refugees to compete on the rental market (see case study 6).

Case study 1

Tulika and Manjula¹⁵ are a same-sex couple that came to Australia in 2017 seeking asylum.

They were referred to a mainstream housing service provider that placed them into a temporary accommodation, a shared house where both men and women lived.

Tulika says: *"For the first three months we lived in a shared house. One of our neighbors was so angry when he realised that we were a couple. He would bang on our doors at night, verbally abuse us. He threatened us with violence all the time. We were really scared to be there and tried to spend all our time somewhere else."*

Tulika and Majula reported their experiences to the service but nothing substantial was done to address the situation. They had to find a private rental fearing for their safety.

Case study 2

Latisah is a queer woman that arrived in Australia seeking asylum in 2016. She was escaping forced marriage and sexual violence inflicted on her because her sexual orientation became known.

A faith-based service provider placed her in a refugee women's only shared house. Soon other women suspected that Latisah was queer. They started to bully and verbally abuse Latisah every time she went to common areas. She could not eat in the dining hall anymore because of ongoing abuse. When Latisah started taking food to her room, her food began missing from a shared fridge.

Compounded by visa uncertainty, impacts of pre-arrival trauma and depression, Latisah stopped eating and spent most of her time in the room sleeping. Later she was diagnosed with an eating disorder. Latisah's weight dropped to 45kg.

When Latisah reported ongoing abuse to the service provider, no actions were taken. Latisah was forced to move out into a private rental.

Case study 3

Mohammed is a gay man who was resettled to Australia under humanitarian program. He tried not to disclose his sexuality to people from his ethnic community worrying that his family would find out and inflict further violence on him.

¹⁵ In the following case studies, all names have been changed for privacy reasons.

A case worker in a settlement service in Australia never asked Mohammed about his sexuality or if he had any safety considerations. Instead, they assumed that as all resettled refugees Mohammed would want to live with his ethnic community, so he was housed accordingly.

Mohammed reported a constant feeling of being unsafe. He is forced to hide his sexuality even after resettlement.

Case study 4

Zuklifli is a transgender woman seeking asylum in Australia. When she arrived, she did not know that she could approach services for support. For the first few weeks she stayed in a hostel until her money run out.

Zuklifli said: *"I didn't have where to go on my first months in Australia, didn't have money to pay for accommodation, didn't have job."*

She became homeless living on the street. She was coerced to engage in survival sex in exchange for 'protection' from more sexual and gender-based violence. It was not until several months later that she spoke with a support service and was provided a safe accommodation.

Case study 5

Onkar is a transgender man who has been granted protection visa. He was not yet able to change his ID or gender markers on his documents to reflect his name and gender identity.

He was able to find a suitable private rental for him via a private landlord. Onkar inspected the property and agreed with the landlord on a price and moving date. However, once the landlord saw his documents, Onkar was refused without any explanation. When Onkar insisted on the reasons, a landlord said that they found a more suitable tenant. While it was clearly linked to the fact that Onkar was a transgender man, it was impossible for him to prove this and lodge a complaint.

Case study 6

Olga is a lesbian woman seeking asylum in Australia. She had to couch surf with some people she met because she could not find a place to live for several months. Olga had some irregular casual shifts at the local shop and could only afford a room in a shared house. Yet she struggled to secure even that being a new arrival to Australia.

Olga said: *"It wasn't easy. My application was refused many times as I didn't have any stable job and rental history in Australia."*

Case studies provided above highlight systemic issues that LGBTIQ+ people seeking asylum and refugees are experiencing in relation to housing. Where existing complaints mechanisms could have been utilised to rectify the situation, a lack of knowledge around legal systems, fears of repercussions, fear of deportation if

complaints are raised and often impossibility to prove homophobia, transphobia and racism occurred, prevent people seeking asylum from utilising them. A lack of training and competencies of working with LGBTIQ+ people seeking asylum such as an understanding of their safety needs results in increased risks of discrimination and violence as well as worsened mental health for this cohort.

COVID-19 impact on LGBTIQ+ people seeking asylum

The COVID-19 pandemic magnified existing structural inequalities and further pushed LGBTIQ+ people into isolation.

With businesses scaling down due to the COVID-19 pandemic, many LGBTIQ+ people seeking asylum have faced the loss of their casual employment. Without a stable income, they were struggling to put food on the table or pay their rent. A scarce access to affordable housing has driven people to destitution.

LGBTIQ+ people seeking asylum reported to us the following negative impacts:

- casual employment shifts are being reduced or cut completely;
- it is impossible to gain new employment due to the reduction in employment opportunities as well as employers' reluctance to hire people on Bridging visas;
- healthcare needs remain unmet and exacerbate with no access to Medicare;
- they have no phone credit to call services that moved to online service delivery; and
- no money to travel to access essential services;
- with no income, a rental debt accumulated;
- some LGBTIQ+ people seeking asylum become in lockdown in households that were homophobic and transphobic.
- LGBTIQ+ people who were in immigration detention were at further risk of infection and had restricted access to any support.

Below are some of the comments made¹⁶:

"I have been working as a casual employee for the past year. Now I've lost my job. I do not know how I will pay my rent. I am very stressed. I am very scared." David, LGBTIQ+ person seeking asylum

"In the last two weeks the business I work for has been slowing down. They've been cutting my shifts. Soon there won't be any work." Ayah, LGBTIQ+ person seeking asylum

"I dream that I better die than live like this. I have lost my SRSS. I've applied for 400 jobs and no one wants to hire me because of my Bridging visa. I can't go on like this anymore." Ameera LGBTIQ+ person seeking asylum

Forcibly Displaced People Network has been supporting the community during this time providing information and financial support. We have been advocating to the

¹⁶ Names have been changed for privacy reasons.

government to extend income support for all people on temporary visas. We also reinforce the calls made by the Refugee Council of Australia to ensure visa renewals (in particular Bridging visas) retaining their access to rights such as Medicare and work rights and to move all people seeking asylum out of immigration detention facilities into the community.¹⁷

In conclusion, Australia as a signatory to the 1951 Refugee Convention and 2018 Global Compact on Refugees should fulfil its obligations in offering support and protection to those in need of it. The Global Compact on Refugees calls on the states to “facilitate access to appropriate accommodation for refugees”. It is vital to ensure that people who are marginalised and at a risk of further violence such as LGBTIQ+ people seeking asylum and refugees are supported to be safe and live their lives in dignity.

Recommendations

1. Expand access to income support and Medicare benefits to all people seeking asylum and other people on temporary visas.
2. Ensure age, gender, diversity and disability disaggregated data collection on refugees and people seeking asylum.
3. Ensure that the national housing strategy is gender responsive and “includes ambitious goals to reduce homelessness and increase affordable housing stock.”¹⁸
4. Ensure adequate funding to specialist homelessness service and services working with people seeking asylum, refugees, migrants and LGBTIQ+ persons to increase their capacity to provide housing assistance.
5. Ensure adequate investment in social and public housing that is culturally safe and accessible by building design standards.
6. Ensure adequate funding to services working with people seeking asylum, refugees and LGBTIQ+ persons to increase their capacity and engage in ongoing training and professional development on this issue.

Once again, thank you for the opportunity to make a submission. If you wish to discuss this issue further, please contact Tina Dixson, FDPN Chair, using the details below.

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¹⁷ Refugee Council of Australia <https://www.refugeecouncil.org.au/32270-2/>

¹⁸ Equality Rights Alliance (2020) National Plan on Gender Equality. Affordable and Appropriate Housing for Women. <http://www.equalityrightsalliance.org.au/wp-content/uploads/2020/05/PRINT-Affordable-and-Appropriate-Housing-for-Women-final-2020.pdf>