



# FORCIBLY DISPLACED PEOPLE NETWORK

## Submission to the Department of Home Affairs' 'Next Steps' discussion paper

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### **Forcibly Displaced People Network**

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## Glossary

<b>LGBTIQ+</b>	people who are lesbian, gay, bisexual, trans, intersex and queer. '+' (plus) signifies further diversity in terms of gender, sexuality, bodies and relationships not captured by the acronym.
<b>SOGIESC</b>	sexual orientation, gender identity and expression, and sex characteristics.
<b>Forcibly displaced people</b>	the term is inclusive of asylum seekers, refugees and migrants from non-Western countries.

## About Forcibly Displaced People Network

Forcibly Displaced People Network (FDPN) is the first LGBTIQ+ refugee-led organisation in Australia. FDPN's aims are empower and increase self-reliance of LGBTIQ+ forcibly displaced people through direct support, capacity building, training of services and policy change. For more information visit <http://fdpn.org.au>

FDPN is the national organisation supporting LGBTIQ+ forcibly displaced people across states and territories. You can read more about our impacts [here](#).

We welcome an opportunity to make a submission in response to the discussion paper on the next steps in refugee policy.

## Summary of recommendations

1. Ensure that services funded to work with refugees and migrants are required to collect data on their SOGIESC. Such data collection needs to follow the 2020 ABS standard for Sex, Gender, Variations of Sex Characteristics and Sexual Orientation Variables.
2. Ensure that the available data on refugees collected by the Department of Home Affairs is disaggregated by SOGIESC variables.
3. Fund the Forcibly Displaced People Network as an LGBTIQ+ refugee peak body.
4. Ensure that services funded to work with refugees and migrants are required to undergo a comprehensive training on working with LGBTIQ+ forcibly displaced people.
5. Ensure that health services provided to refugees are LGBTIQ+ inclusive and gender affirming.
6. Consider establishing a pilot on connecting employment services, private sector and LGBTIQ+ refugee-led organisations to develop a model of access to employment for LGBTIQ+ refugees.
7. Ensure that English learning workbooks are inclusive of LGBTIQ+ experiences, diversity of families, equal rights to marry and reflect on the non-discrimination obligations.

8. Ensure client-centred approaches and collaboration in housing support and allocation to mitigate any safety risks for LGBTIQ+ persons.
9. Ensure that any materials on legal rights and responsibilities are inclusive of LGBTIQ+ experiences.
10. Ensure that CRISP is LGBTIQ+ inclusive and responsive.
11. Fund the Forcibly Displaced People Network to establish and run a pilot of peer-led mentoring support for newly arrived LGBTIQ+ refugees.

## Persecution of LGBTIQ+ individuals

Lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQ+) people around the world remain persecuted, subjected to physical and sexual violence, torture, harassment and exploitation simply for who they are and who they love. There are around 70 UN member states that criminalise consensual same-sex sexual acts, with the death penalty a possibility in 11.<sup>1</sup> LGBTIQ+ people are subjected to sexual and gender-based violence including conversion practices, forced marriages, honour killings among many other manifestations of violence.

Trans and gender-diverse people are murdered for simply who they are. According to the date from the Trans Murder Monitoring project<sup>2</sup> that systematically monitors, collects and analyses reports of homicides of trans and/or gender-diverse people worldwide between January 2008 and September 2020, 3664 trans and gender-diverse people were murdered (please note that this is a registered number):

- 97% of those were trans women.
- 73% of those killed in Europe were migrants.
- 89% of those killed in the USA were people of color

In many countries around the world, it is not possible to change gender markers in documents. Where it is possible, harsh and unfair conditions are imposed such as being unmarried or divorcing, having no minor children, forced sterilization and gender reassignment surgery.

People born with innate variations in their sex characteristics are often not protected from harmful and deferrable medical interventions that are inflicted on them around the world. In many countries, intersex children are subjected to forced surgeries performed on them because of wrongful assumption that their bodies do not fit medical norms for female or male. This still happens in Australia too.

Intersex people are often subjected to stigmatisation and discrimination from birth. Intersex infanticide remains a major problem in countries in southern and eastern Africa, South Asia, Brazil, and China. In some countries there are no birth registrations

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<sup>1</sup> 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>

<sup>2</sup> See more at <https://transrespect.org/en/map/trans-murder-monitoring/>

for intersex children at all. For example, intersex persons in Uganda are understood to be stateless due to historical difficulties in obtaining identification documents, despite a birth registration law that permits intersex minors to change assignment.[https://en.wikipedia.org/wiki/Intersex\\_human\\_rights\\_-\\_cite\\_note-sipd2016-101](https://en.wikipedia.org/wiki/Intersex_human_rights_-_cite_note-sipd2016-101)

LGBTIQ+ individuals who are persecuted on the basis of their sexual orientation, gender identity or sex characteristics are able to apply for protection under the international refugee law (the 1951 Refugee Convention) as well as Australian Migration law and regulations being recognised either as a 'member of a particular social group' or for their 'political opinion'. However, the lack of data collection, visibility and trained support services hinders successful settlement for this cohort. In this submission we are highlighting key barriers for LGBTIQ+ refugees to settle and become self-reliant and make a range of recommendations for a policy and practice change in this area.

All case studies provided in this submission are true accounts relayed to FDPN by its members. Names have been changed and some identifiable characteristics have been removed for privacy reasons.

## **Diversity of refugees: importance of visibility**

### **Lack of data**

In Australia there is no data on LGBTIQ+ refugees and migrants. It is our understanding that the Department of Home Affairs (the Department) does not disaggregate refugee data by applicants' SOGIESC. Globally it is believed that up to 6 per cent of refugees identify as LGBTIQ+:

- US-based Heartland Alliances reported 3.8% of refugee claimants in the US to identify as LGBT<sup>3</sup>;
- Another research reported 3.6% of refugee applicants in 2011 in the US identified as LGBT<sup>4</sup>; 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"<sup>5</sup>

In addition to claiming asylum based on the LGBTIQ+ related persecution, a person can be recognised as a refugee based on other grounds and be an LGBTIQ+ person. What this means is that there are many refugees not getting appropriate supports because their innate characteristics and background remain unknown and

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<sup>3</sup> 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.

<sup>4</sup> 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](https://www.dhs.gov/xlibrary/assets/statistics/publications/ois_rfa_fr_2011.pdf)

<sup>5</sup> 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>

unaccounted for. For example, based on the available Department statistics for 2019-2020, we can extrapolate that among 13,171 visas issued through the offshore stream there could have been between 395 and 790 people identifying as LGBTIQ+ and among 1650 visas issued onshore in the same year, there could have been between 49 and 99 people who are LGBTIQ+. This is a large cohort who is not having access to equitable settlement outcomes.

Compared with non-LGBTIQ+ refugee populations, LGBTIQ+ people seeking asylum and refugees experience compounding marginalisations. Alessi et al. highlight a number of differing and heightened experiences, including 'the early onset of victimization, the perpetration of violence by family members, the societal stigma that tacitly condones this violence, and the lack of formal and informal supports to help LGBT migrants cope with trauma.'<sup>6</sup> In addition, it is also important to account for the intersectionality of their experiences and look not only at their sexual orientation, gender identity but also age, race, ethnicity, nationality, religion, disability and migration status.

The data is also not collected on the service level too. LGBTIQ+ services are not collecting data on one's migration status, while we know that some services require Medicare eligibility to access them (this is especially true for any LGBTIQ+ health services). Settlement services are mostly not collecting data on one's gender identity (beyond sex binary), one's sexuality or intersex status.

Such lack of data not only hinders our understanding of the client base but also means that their needs are not comprehensively met. We exemplify this further throughout the submission. Currently, FDPN is running the first national survey on the settlement experiences for LGBTIQ+ refugees, asylum seekers, and migrants. FDPN will share this data with the Department once available.

### **Recommendation 1**

**Ensure that services funded to work with refugees and migrants are required to collect data on their SOGIESC. Such data collection needs to follow the 2020 ABS standard for Sex, Gender, Variations of Sex Characteristics and Sexual Orientation Variables.<sup>7</sup>**

### **Recommendation 2**

**Ensure that the available data on refugees collected by the Department of Home Affairs is disaggregated by SOGIESC variables.<sup>8</sup>**

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<sup>6</sup> Alessi, E.J., Kahn, S. & Chatterji, S. (2016). 'The darkest times of my life': Recollections of child abuse among forced migrants persecuted because of their sexual orientation and gender identity. *Child Abuse & Neglect* 51, 93-105.

<sup>7</sup> See more at <https://www.abs.gov.au/statistics/standards/standard-sex-gender-variations-sex-characteristics-and-sexual-orientation-variables/latest-release>

<sup>8</sup> This recommendation follows commitments of the Global Compact on Refugees to ensure data disaggregation by age, gender, diversity and disability.

## Importance of visibility

For LGBTIQ+ people in Australia full equality and enjoyment of non-discrimination and equal treatment haven not yet been achieved. Some available data highlights concerning statistics:

- 34 per cents of LGBTI people hide their sexual orientation or gender identity (SOGI) when accessing services and 39 per cent hide SOGI at work.<sup>9</sup>
- LGBTI young people report experiencing verbal homophobic abuse (61 per cent), physical homophobic abuse (18 per cent) and other types of homophobia (9 per cent), including cyberbullying, social exclusion and humiliation.<sup>10</sup>
- Transgender men and women experience significantly higher rates of non-physical and physical abuse compared with lesbians and gay men.<sup>11</sup>
- Globally, LGBTIQ+ people are 7% less likely to be employed than their peers; their earnings are 4% on average lower and they are 11% less likely to hold managerial position.<sup>12</sup>

When it comes to LGBTIQ+ people who have experienced forced displacement their experience is more complex due to an intersecting nature with bias associated with their migration status as well as experiences of racism, xenophobia and ableism. Yet, in much of public narrative and policy these experiences remain invisible.

Public narratives on refugee issues remain heteronormative and cisgender. For example when in 2019, FDPN co-founders organised the [Queer Displacements conference](#) it was first of this kind conference in Australia. It is rare that refugee advocates (in particular those with no lived experience) acknowledge compounding issues for LGBTIQ+ displaced people. Existing mentoring programs for refugees neither address any issues connected to SOGIESC nor create a safe space for LGBTIQ+ forcibly displaced people to openly engage. All of this means that many are reluctant to seek supports or speak up fearing that they will be discriminated against. In a study by Kahn (2015) services reported that their clients who were LGBTIQ+ forced migrant were so accustomed to being rejected that they assumed that services also would reject them.<sup>13</sup>

Lack of public visibility has the following impacts:

- it creates a false impression that this group does not experience any barriers to getting supports;

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<sup>9</sup> Australian Research Centre in Sex, Health and Society, La Trobe University, Private Lives 2: The second national survey of the health and wellbeing of GLBT Australians (2012) pp 45-46.

<sup>10</sup> Australian Research Centre in Sex, Health and Society, La Trobe University, Writing Themselves in 3: The third national study on the sexual health and wellbeing of same sex attracted and gender questioning young people(2010), p 39.

<sup>11</sup> Australian Research Centre in Sex, Health and Society, La Trobe University, Private Lives 2: The second national survey of the health and wellbeing of GLBT Australians (2012)

<sup>12</sup> The Organisation for Economic Co-operation and Development  
<https://www.oecd.org/els/soc/lgbti.htm>

<sup>13</sup> Kahn, S. (2015) Cast Out: "Gender Role Outlaws" seeking asylum in the West and the quest for social connections. *Journal of Immigrant and Refugee Studies* 13 (1): 58-79.

- it objectifies and makes the cohort of LGBTIQ+ displaced people exotic where the media is only interested in stories of extreme violence and persecution without a comprehensive attention to the issue;
- it impedes community building and connections<sup>14</sup>;
- it impedes the process of inclusion and advocacy.

A key to person's successful settlement is seeing themselves represented in public, media or politics. It means having their experiences legitimised, their needs known and met. This is currently not true for LGBTIQ+ forcibly displaced people. With an absence of specialist supports around Australia and a lack of visibility of this group, the sense of community and belonging is often eroded for this cohort. Organisations such as FDPN can play a key role in bringing these experiences to the forefront as well as training settlement services on working in inclusive ways.

### **Recommendation 3**

**Fund the Forcibly Displaced People Network as an LGBTIQ+ refugee peak body.**

## **Barriers to support and inclusion**

In this section we wish to highlight practical barriers to inclusion that LGBTIQ+ refugees experience.

### **Inclusivity of services working with refugees**

In Australia, there is a lack of specialist supports in place for this cohort with services working under the assumption that all refugees are heterosexual and cisgender.<sup>15</sup> As most refugee services do not collect data on sexuality; there is no mandatory training on specific needs and considerations for this group. This means that many LGBTIQ+ forcibly displaced people choose not to engage with any services.<sup>16</sup>

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<sup>14</sup> FDPN still gets contacted by people who are isolated and think they are the only ones who are LGBTIQ+.

<sup>15</sup> FDPN, Migration Council of Australia (2020) Gender Responsive Settlement: Broader Learnings from LGBTIQ+ Refugees. Canberra.

<sup>16</sup> Chávez, Karma R. (2011) "Identifying the Needs of LGBTQ Immigrants and Refugees in Southern Arizona." *Journal of Homosexuality* 58 (2):189-218.

### Case study 1

Asmaa has always identified as bisexual. She only dated women up until the age of 22 without her parents ever knowing until she was seen kissing a woman. Asmaa's father, to avoid familial shame, arranged a marriage with a man who from the same city but who had migrated to Australia several years back. Asmaa had no choice but to agree to the marriage.

Soon after she arrived to Australia, her husband became controlling and later abusive. Having always been an independent woman with a degree and a starting career, Asmaa could not handle this ongoing abuse. She filed for divorce. She knew that she could not return back home and her options for staying in Australia were limited given she'd only spent 6 months here by then. An immigration lawyer advised her that she could seek protection, especially given she was from the country where homosexuality was punishable by death. Asmaa lodged a protection visa application.

Asmaa felt isolated with no family who disowned her for divorcing her husband, and no community fearing repercussions from them. After about a year, she came across FDPN online and reached out to connect. Asmaa told FDPN that she has never accessed any refugee services as she did not think that as a bisexual woman she would qualify for their support.

LGBTIQ+ refugees FDPN is working with report that often they choose not to engage with any refugee services fearing that they may be discriminated against. This is particularly true if they are not speaking English well as they worry that they will be provided an interpreter from their country of origin and thus be outed. Many report that before going to a service they check their website. If there is no information there on the supports for LGBTIQ+ people, they are choosing not to engage with services. Some report experiences of homophobia and transphobia inflicted by service workers.

## Case study 2

Mohamed has been resettled to Australia after spending three years in Turkey, his transit country. Mo is a trans man who has had a very traumatic history. When Mo arrived in Australia, he was assigned a caseworker who was supposed to help him with early settlement. His caseworker was also Iranian same as Mo.

At first, Mo was trying not to pay attention to occasional misgendering when the caseworker spoke to others in Mo's presence. Then it was the remarks about Mo's life being against God's will. Finally, after Mo brought it up that the caseworker's behaviour was transphobic, the conflict broke out. He reached out to the settlement service, but they dismissed these allegations and simply changed the caseworker to one from an Anglo background.

Mo was triggered and felt unsafe. He became paranoid that there were people wanting to kill him, just like before both in Iran and Turkey. Mo ended up in the emergency department after his suicide attempt. He spent several weeks in the hospital. When Mo came out of the hospital, he cut all contact with all organisations he has ever approached.

Services working with migrants and refugees need to ensure partnerships and referral pathways to existing LGBTIQ+ refugee-led groups and organisations. Forcibly Displaced People Network can provide support in this area.

## Recommendation 4

**Ensure that services funded to work with refugees and migrants are required to undergo a comprehensive training on working with LGBTIQ+ forcibly displaced people.<sup>17</sup>**

## Health needs

### Mental health

LGBTIQ+ forcibly displaced people have poorer mental outcomes.<sup>18</sup> The study by Kahn and Alessi has found that been subjected to repeated incidents of abuse in their countries of origin, so their experiences were more complex.<sup>19</sup> Hopkinson argues that in comparison with other refugees, LGBTIQ+ refugees are likely to have experienced

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<sup>17</sup> FDPN has developed a base line [training on LGBTIQ+ displacement](#) and settlement and can work with services to tailor training to their needs.

<sup>18</sup> Shidlo, A., & Ahola, J. (2013). Mental health challenges of LGBT forced migrants. *Forced Migration Review*(42), 9-11.; Chiang, Szu-Ying et al (2019) Navigating double marginalisation: migrant Chinese sexual and gender minority young people's views on mental health challenges and supports. *Culture, Health & Sexuality* 21 (7), 807-21; Fox, S. D. et al (2020) Minority stress, social integrations, and the mental health needs of LGBTQ asylum seekers in North America. *Social Science & Medicine* 246.

<sup>19</sup> Alessi, E. J., Kahn, S., & Van Der Horn, R. (2017). A qualitative exploration of the premigration victimization experiences of sexual and gender minority refugees and asylees in the United States and Canada. *Journal of Sex Research*, 54(7), 936-948.

sexual violence. Such experiences coupled with often early victimisation have created more pronounced mental health outcomes.<sup>20</sup>

There is, however, a disparity in Australia between these data on the state of mental health of LGBTIQ+ refugees and availability of support. FDPN members report the following experiences:

- Limited availability of mental health services that are trained to work with LGBTIQ + refugee clients. This concerns both organisations working with refugees and LGBTIQ+ organisations.
- Long waiting periods (sometimes up to a year) to access free counselling.
- Inconsistent use of interpreters by LGBTIQ+ services (see a case study below).
- Turn-aways from refugee services for being 'too functional' and being able to speak English well (see a case study below).
- Lack of understanding of displacement experiences and the impact of visas by LGBTIQ+ services
- LGBTIQ+ refugees having no knowledge about mental health plans.
- LGBTIQ+ refugees having no knowledge about phone and web-based counselling lines.

### Case study 3

Aida is scared disclosing her sexual orientation in a refugee service as there is no indication in their office or on the website that they are supporting LGBTIQ+ clients. She has approached an LGBTIQ+ service to access counselling. During the first session she struggled to express her thoughts and feelings in English but they have never offered her to use an interpreter. When Aida requested an interpreter, she was told that it is 'too difficult to communicate via an interpreter' and if she wanted to get a counsellor who could do it, she would have to pay for sessions.

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<sup>20</sup> Hopkinson, R. A., Keatley, E., Elizabeth, G., Erickson-Schroth, L., Fattal, O., & Nicholson Sullivan, M. (2017). Persecution Experiences and Mental Health of LGBT Asylum Seekers. *Journal of Homosexuality* 64(12), 1650-1666.

#### Case study 4

Kaya has been living in Australia for 6 years. They have been recognised as a refugee and already became a citizen. During all these time in Australia, however, Kaya did not have a stable access to counselling.

Kaya's university has just advertised that are looking for people to join their group therapy sessions that will be run using cognitive behaviour therapy approaches.

Kaya applied but after the interview where they disclosed their pre-arrival experiences of violence including sexual abuse, the university staff member said that Kaya's case was too complex and so rejected their application. Instead, they suggested that Kaya approaches a refugee service. Kaya did, only to be told that as a citizen with a good English they are not considered a priority client.

### Sexual health

LGBTIQ+ forcibly displaced people are at heightened risk of engaging in unsafe sex and thus of sexually transmitted infections and blood born viruses due to a limited knowledge of sexual health, prearrival experiences of trauma and structural barriers connected to their visa status and experiences of homo/bi/transphobia and racism in Australia.

- Many LGBTIQ+ women may have been subjected to sexual violence, forced marriages and Female Genital Mutilation. Prior to Australia for lesbian, bisexual and queer women there was generally a lack of information available on sexual and reproductive health and STIBBV. Because mainstream reproductive rights discourse and policies are usually framed as hetero normative, many lesbian, bisexual and queer women avoided gynaecological check-ups. Such pattern continues in Australia.
- Gay, bisexual and queer men were often too subjected to sexual violence, but due to stigma attached they rarely disclose these experiences. With lack of information about safe sex and high engagement in dating they are at high risk.
- Trans people remain almost invisible in studies on sexual health. Many of trans clients of FDPN report engaging in sex work with a lack of employment opportunities or income support.

There is still little to no work done by migrant and refugee organisations on tailored supports for LGBTIQ+ forcibly displaced people and there is no work done on their sexual health. LGBTIQ+ organisations too are rarely attentive to the complexity of factors that face this cohort including race, ethnicity and migration status.

LGBTIQ+ forcibly displaced people do not have sufficient and tailored access to sexual health information. In Australia, where much information is sex positive and often is not provided through a culturally competent and safe lens, this cohort neither sees themselves represented in those messages nor even gets access to them. Most LGBTQ+ forcibly displaced people are primarily supported by settlement, asylum seeker or migrant services hence they continue to have very restricted access to sexual and reproductive health information that is LGBTIQ+ inclusive. Such lack of

information is also closely linked to the understanding of consent, thus experiences of sexual violence and potential STIBBV resulting out of it. For example in the most recent consultation on sexual violence that FDPN ran, one member said:

“When you hook up on a dating app, and then you go to somebody’s house. It is the first time to experience it. And the fact that you are already in that situation, you just have to do it, having the risk that they can do something to you or give you a disease.”

### **Recommendation 5**

**Ensure that health services provided to refugees are LGBTIQ+ inclusive and gender affirming.**

## **Employment**

LGBTIQ+ forcibly displaced people experience unique barriers to accessing employment. These challenges are due to the layers of discrimination they may face as both displaced people and LGBTIQ+ persons. Limited or no English proficiency, lack of work experience in Australia and poor health status prior to arrival impact employment prospects. It has been well documented that LGBTIQ+ people face high levels of discrimination in workplaces.<sup>21</sup> The compounded impact of violence and persecution that many LGBTIQ+ forcibly displaced people have experienced is another factor that impacts their ability to enter the workforce. According to available research most LGBTIQ+ refugee women have been subjected to sexual and gender-based violence including forced marriages. Many have been denied education and employment opportunities prior to coming to Australia. Others have had previous negative experiences at work such as being discriminated or dismissed for being LGBTIQ+. These traumatic experiences bear impacts on the readiness to engage in employment. Trans people may face additional complications, as their names or gender in official documents may not match their self-identification. LGBTIQ+ refugees facing limited employment opportunities may be forced to engage in survival sex, which poses significant risks to their health and safety.

The lack of training for services responsible for employment placement results in not understanding specific needs on the employment or placing LGBTIQ+ forcibly displaced people into employment that is not safe for them. For example, employment services may place an LGBTIQ+ forcibly displaced person with a small business run by their ethnic community which increases homo-/ transphobic violence and bullying; or place trans women into a male dominated industry such as construction with no regard for their safety. This also means that LGBTIQ+ forcibly displaced people choose not to seek assistance from these services hence reducing their prospects of employment.

Available programs, placements and internships are not responsive to the needs of LGBTIQ+ persons, do not guarantee inclusion or dedicated spots for this cohort. Mentorship programs are not set up to connect people with similar lived experiences.

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<sup>21</sup> Sears & Mallory (2014) Gender Identity and Sexual Orientation Discrimination in the Workplace. A practical guide. Bloomberg BNA.

In a corporate space, many private sector companies have LGBTIQ+ staff networks and commitment to inclusion. Many also expressed support for refugees. Yet they need more knowledge on specific challenges for displaced people (eg. visa, background of trauma, impossibility of having their qualifications recognised etc) to successfully engage them in internships or employment.

#### Case study 5

Samah is a lesbian woman who got resettled to Australia. She has been invited to attend an interview for a position of a shop assistant. After the job interview, the manager tells Samah that she does not look "like a woman enough" to be employed in his store.

Despite the fact, that Samah can lodge a complaint to the Anti-Discrimination Board NSW, she decides against this, fearing that this may still impact her migration status and future citizenship prospects.

#### Case study 6

Amina is a lesbian woman who has recently got her protection visa after several years of waiting.

Amina is working at the recycling station where she started when she was still on a bridging visa. She is the only woman in the team. All of the team members have identical work duties. After some time, Amina has found out that she is paid less compared to her male colleagues. On top of this, she is also subjected to constant bullying and sexual harassment because of her sexual orientation from her male colleagues.

Amina asks her manager to increase her pay to the level of her male colleagues. He does not agree. Amina decides not to lodge a complaint and keep the job because of the fear of repercussions.

Experiences of homo- and transphobia are also prevalent in the government-funded English classes that are vital in making steps towards employment. Workbooks used do not reflect on the diversity of families, nor topics of LGBTIQ+ equality are raised in classes. When they are and are met with homophobic comments from classmates, teachers are not equipped to provide adequate responses.

### Case study 7

During an exercise at the English class, Zainab tells her classmate that she arrived in Australia with a wife. A classmate corrects her questioning whether she meant a husband. Zainab insists that she said correctly. A classmate gets up and changes his seat. Zainab complains to the teacher who says that Zainab might have misunderstood what had happened.

Next day when Zainab comes to the class several other students are whispering about her. Unable to cope with pressure she changes to Saturday classes cutting her hours by almost half.

We reiterate recommendations about the necessity of training on LGBTIQ+ inclusion for a range of providers in this instance language providers and employment services. There must also be partnerships and referral pathways established with LGBTIQ+ refugee-led organisations to ensure better placement of LGBTIQ+ refugees.

### Recommendation 6

**Consider establishing a pilot on connecting employment services, private sector and LGBTIQ+ refugee-led organisations to develop a model of access to employment for LGBTIQ+ refugees.<sup>22</sup>**

### Recommendation 7

**Ensure that English learning workbooks are inclusive of LGBTIQ+ experiences, diversity of families, equal rights to marry and reflect on the non-discrimination obligations.**

## Housing

If LGBTIQ+ refugees are resettled to rural locations far from LGBTIQ+ resources and networks, they may experience isolation and have difficulties integrating. There is often a lack of specialised services to support LGBTQI+ refugees. Even in situations where LGBTIQ+ local organisations exist, they may lack understanding of the displacement experience of LGBTIQ+ refugees. This could impact on the type of support they can provide to LGBTIQ+ refugees. Transgender refugees often need gender affirming healthcare that is not available in all locations. Selecting an appropriate resettlement location will improve integration outcomes and reduce secondary movement.

LGBTIQ+ refugees may prefer to live separately from their communities of origin. In some cases, LGBTIQ+ refugees have not come out to their families, thus links with communities of origin may create risks of outing. It is important to provide safe, secure and affordable housing to LGBTIQ+ refugees. LGBTIQ+ refugees should preferably be

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<sup>22</sup> Such model would include developing guidelines on employing LGBTIQ+ refugees, build capacity of all parties involved in understanding specific needs of LGBTIQ+ refugees in the area of employment and trial specific employment programs. FDPN has a pilot proposal developed.

housed in private dwellings to avoid any potential discrimination or violence from other tenants. It is important that LGBTIQ+ refugees do not feel the need to hide their sexual orientation and/or gender identity in their housing arrangements. Safety is a paramount consideration in placement.

Current challenges in the housing area are explained by the heteronormativity of support. For example, at the beginning of COVID pandemic the ACT Government has established a transitioning housing pilot for two priority cohorts of asylum seekers: families with children and single men. Same sex couples could have been housed under this pilot as there were not fitting eligibility criteria; and for male couples it would have been unsafe to house them in a single male dwelling. These challenges are also exacerbated by a lack of data collected on one's SOGIESC and not seeking client's approval of the housing locations.

LGBTIQ+ housing services or women's service often limit a number of people on temporary visas they are housing due to a lack of exit pathways.

The same recommendations about training and data collection apply.

#### Case study 8

Tulika and Manjula are a same-sex couple. They are 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: "One of our neighbours 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 and tried to spend all our time somewhere else."

Tulika and Manjula reported their experiences to the service. The service worker said that they could tell other clients what to do. Tulika and Manjula had to find a private rental fearing for their safety.

#### Recommendation 8

**Ensure client-centred approaches and collaboration in housing support and allocation to mitigate any safety risks for LGBTIQ+ persons.**

#### Access to legal assistance beyond migration law

While there is information on migration and asylum processes available, other legal needs are not being met. Here is what we hear from the community:

- LGBTIQ+ forcibly displaced people do not know their rights in interactions with police;
- do not know when and if their visa could be cancelled for some offences or if they lodge complaints;
- experience discrimination (in employment and tenancy in particular);

- legal issues in employment arise such as underpayment of wages, bullying, terminations;
- not sure in general about their rights if they are on temporary visas (for example eligibility to change names; apply for driving license etc).

Despite these experiences many are reluctant to lodge complaints or seek justice erroneously assuming that their visa will be cancelled or other repercussions will follow.

#### Case study 9

Onkar is a transgender man. 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 there are some resources available, either for LGBTIQ people or refugees, many report that they cannot find these. Some come from countries where laws differ significantly (e.g., Australia adopts the common law jurisdiction, some come from countries where civil law or sharia law might be the governing jurisdiction). This leads to inequitable settlement outcomes.

#### Recommendation 9

**Ensure that any materials on legal rights and responsibilities are inclusive of LGBTIQ+ experiences.**

### Community Refugee Integration and Settlement Pilot (CRISP)

In the context that only less than 1% of refugees globally are being resettled and LGBTIQ+ refugees having specific vulnerabilities, it is essential that the Community Refugee Integration and Settlement Pilot (CRISP) is inclusive of these cohorts across the board. This means both setting a minimum number of LGBTIQ+ people being sponsored through CRISP as well as ensuring LGBTIQ+ lens in all training provided to sponsors/volunteers. People who are supported through CRISP may not seek resettlement for LGBTIQ+ persecution reasons, yet be LGBTIQ+; or may not feel the need to come out to those supporting them. Regardless, the program must take an approach that any person they are supporting may be an LGBTIQ+ person. This requires training.

#### Recommendation 10

**Ensure that CRISP is LGBTIQ+ inclusive and responsive.<sup>23</sup>**

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<sup>23</sup> FDPN can provide such training on a fee for service basis.

## Community support

In another study services reported that their clients who were LGBTIQ+ forced migrants were so accustomed to being rejected in their home countries that they assumed that services in Australia would reject them too.<sup>24</sup>

Many LGBTIQ+ refugees are resettled without their families and may not be able to rely on communities of the same ethnic background for support. Shidlo & Ahola highlight in their study that LGBTIQ+ refugees typically do not have the natural support of their ethnic communities, since their compatriots remind them of the very people that they have fled from.<sup>25</sup> In many cases they fear to disclose their LGBTIQ+ status to them. Thus, other forms of social support are critical. There is particularly a great need for LGBTIQ+ refugee-led support groups in providing a safe space for LGBTIQ+ refugees to share their experiences in the settlement process.<sup>26</sup> LGBTIQ+ refugee-led groups provide a place of belonging. They break social isolation, foster self-affirmation, and built community.

Portman and Weyl find that an emerging best practice is to 'link LGBT refugees with sponsors, either in the LGBT community or among straight allies, who can assist in meeting initial needs and provide the sense of social support that LGBT refugees who are isolated from their own communities require.'<sup>27</sup> Other research has reinforced the benefits of connecting LGBTIQ+ refugees with peer support to help ease settlement outcomes<sup>28</sup>. Similarly, the work of Queer Sisterhood Project also highlights the strengths of a peer- led support model for LGBTIQ+ refugees, as explored in the example below.

FDPN has been working on developing a pilot of creating a network of peer leaders across Australia to work alongside settlement services in provided a targeted and community led support.

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<sup>24</sup> Kahn, S. (2015). Cast Out: "Gender Role Outlaws" Seeking Asylum in the West and the Quest for Social Connections. *Journal of Immigrant & Refugee Studies* 13(1), 58-79.

<sup>25</sup> Shidlo, A. & Ahola, J. (2013). Mental health challenges of LGBT forced migrants. *Forced Migration Review* 42, 9-11.

<sup>26</sup> Murray, D.A.B. (2014). Real Queer: 'Authentic' LGBT Refugee Claimants and Homonationalism in the Canadian Refugee System. *Anthropologica* 56(1), 21-32.

<sup>27</sup> Portman, S. & Weyl, D. (2013). LGBT refugee resettlement in the US: emerging best practices. *Forced Migration Review* 42, 44-47.

<sup>28</sup> Organization for Refuge, Asylum & Migration. (2012). *Rainbow Bridges: A Community Guide to Rebuilding the Lives of LGBTI Refugees and Asylees*. ORAM. San Francisco. <https://oramrefugee.org/wp-content/uploads/2016/02/oram-rainbow-bridges-2012-web.pdf>; Moore, H.K.V. (2018). Lessons from LGBTIQ refugee-led community-based organisations. *Forced Migration Review* 58, 67-69.

### Case study 10

Queer Sisterhood Project, now a program of FDPN, has been operating since 2018 with an aim to provide LGBTIQ+ refugee-led mentoring, support, information and training for LGBTIQ+ asylum-seeking and refugee women in Australia. Its conception was driven by a lack of specific services to meet the needs of LGBTIQ+ asylum-seeking and refugee women as well as barriers and fears of these women to disclose their identity to service providers.

Queer Sisterhood Project connects LGBTIQ+ asylum-seeking and refugee women with relevant services to ensure that the supports they receive are inclusive. Queer Sisterhood Project has assisted LGBTIQ+ refugee women around Australia in securing education through peer support. Supported women obtained nursing, aged care and project management qualifications. Queer Sisterhood Project also worked on delivering sexual health information through workshops, produced a co-designed cartoon on issues of belonging and a brochure for services on supporting LGBTIQ+ refugees. The project draws on the principle of co-design, to ensure that its activities and supports are driven by the needs of LGBTIQ+ asylum-seeking and refugee women.

### Recommendation 11

**Fund the Forcibly Displaced People Network to establish and run a pilot of peer-led mentoring support for newly arrived LGBTIQ+ refugees.**

Once again, thank you for the opportunity to make a submission. If you wish to discuss this submission further, please contact Renee Dixson, FDPN Chair.

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