



# **FORCIBLY DISPLACED PEOPLE NETWORK**

## **Submission to the Senate Standing Committees on Community Affairs Inquiry into the Worsening Rental Crisis in Australia**

### **LGBTIQ+ forcibly displaced people and rental crisis**

#### **Forcibly Displaced People Network**

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## About Forcibly Displaced People Network

The Forcibly Displaced People Network (FDPN) is an Australian organisation dedicated to advocating for LGBTIQ+<sup>1</sup> individuals who have been forcibly displaced<sup>2</sup> from their homes due to persecution based on their gender identity or sexual orientation. **FDPN proudly stands as the first registered organisation led by LGBTIQ+ people who have experienced forced displacement.**

FDPN is at the forefront of efforts to raise awareness about unique challenges faced by LGBTIQ+ refugees, people seeking asylum, and migrants. We advocate for intersectional policies and services for LGBTIQ+ individuals in forced displacement. Through our national and international work, we are amplifying voices, paving an inclusive path towards fulfilling potential and shaping a future where every individual not only survives but thrives. With an unwavering commitment, we persistently work towards a future that upholds, celebrates, and safeguards the rights and dignity of forcibly displaced LGBTIQ+ people.

We welcome an opportunity to make a submission to the Inquiry into the Worsening Rental Crisis in Australia. In this submission we respond to the following terms of reference to bring the issues that LGBTIQ+ asylum seekers, refugees and migrants experience to the attention of the Committee:

- a. the experience of renters and people seeking rental housing;
- b. rising rents and rental affordability;
- d. improvements to renters' rights, including rent stabilisation, length of leases and no grounds evictions;
- h. any other related matters.

This submission is based on

- primary data collected from LGBTIQ+ forcibly displaced people through community consultation.
- the first-ever national survey of the settlement experiences for LGBTIQ+ forcibly displaced people and published the report 'Inhabiting Two Worlds At Once'.<sup>3</sup>

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<sup>1</sup> 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.

<sup>2</sup> Using the term 'forcibly displaced' we refer to people seeking asylum, refugees and migrants from non-Western countries who experienced a degree of coercion for reallocation to Australia.

<sup>3</sup> Cochrane, B., Dixon, T., Dixon, R. (2023). "Inhabiting Two Worlds At Once": Survey on the experiences of LGBTIQ+ settlement in Australia. Canberra, Australia: Forcibly Displaced People Network

- a roundtable by and with people with lived experience<sup>4</sup> for the purpose of this submission.

## Summary of Recommendations

1. Ensure that the national housing strategy is gender responsive and includes ambitious goals to reduce homelessness and increase affordable housing stock.
2. 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.
3. Ensure adequate investment in social and public housing that is culturally safe and accessible by building design standards and removes visa eligibility as a requirement for access.
4. 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.
5. Work with the real estate industry to increase the data security of rental application systems and reduce barriers for forcibly displaced people to apply for rentals (including continuous employment, rental history, ID documents etc.).
6. Increase the rates of rental assistance and social security payments.

## Background on the issues for LGBTIQ+ forcibly displaced people

LGBTIQ+ forcibly displaced people come to Australia seeking protection having been persecuted on the grounds of their gender, sexuality or variations in sex characteristics. Despite being a priority for the government in the humanitarian program, the supports are still not being tailored to the specific needs of this cohort.

**LGBTIQ+ forcibly displaced people are less likely to trust and interact with the service system, preventing them from accessing safe and inclusive housing.**

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<sup>4</sup> In this document, people with lived experience refers to people with lived experience of being forcibly displaced from their homes due to persecution based on their gender identity or sexual orientation including refugees, people seeking asylum and migrants.

LGBTIQ+ forcibly displaced people are experiencing compounding marginalisation 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, migrants and LGBTIQ+ persons, LGBTIQ+ forcibly displaced people experience barriers with accessing those services. Specific programs designed to provide peer support to LGBTIQ+ forcibly displaced people 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+ forcibly displaced people 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.

## Responses to Terms of Reference

**TOR: A. the experience of renters and people seeking rental housing; and D. improvements to renters' rights, including rent stabilisation, length of leases and no grounds evictions.**

### Experiences of discrimination

**LGBTIQ+ forcibly displaced people experience unacceptable levels of housing discrimination.**

The 'Inhabiting Two Worlds At Once' report found that 50% experienced discrimination in the housing market. Table 1 shows that respondents most often cited multiple reasons for experiencing discrimination in housing, including LGBTIQ+ status, race and ethnicity, migration status or disability.

Table 1. Discrimination by grounds in the area of housing<sup>5</sup>

	Number	Per cent of total
<b>Yes (total answered)</b>	<b>31</b>	<b>50.8%</b>
Yes, SOGIESC <sup>6</sup> (only)	11	18.0%
Yes, race /ethnicity (only)	4	6.6%
Yes, migration status (only)	2	3.3%
Yes, disability (only) <sup>7</sup>	1	1.6%
Multiple reasons	13	21.3%
Other reasons	0	0%
<b>No</b>	<b>30</b>	<b>49.2%</b>
Total (of those who answered)	61	100%
Not answered (excluded)	21	

In further sharing experiences about housing, respondents shared **experiences of racism, homophobia, transphobia and even violence:**

**"I was assaulted by male neighbour in shared house I lived, but the organisation which helped me with the accommodation, did not resolve this problem."**

<sup>5</sup> Lines that are marked by 'only' exclude responses where multiple reasons have been reported.

<sup>6</sup> The survey used Sexual Orientation, Gender Identity and Expression and Sex Characteristics (SOGIESC) instead of LGBTIQ+. For the purposes of this submission they are considered synonymous.

<sup>7</sup> Three respondents have experienced discrimination based on their disability alongside other reasons, so it is recorded under the multiple reasons.

**“I have lived in many very unsafe housing situations, with angry and violent people banging on my door and barging into my room and being spoken to in an abusive way.”**

**“My landlord took advantage of me as a recent new arrival and tried to illegally evict me. She then tried to lodge vexatious claims against me in VCAT and in the magistrates' court, all of which were defeated.”**

Further it was noted in the community consultations that many **fear disclosing that they are in same-sex relationships** for the fear of discrimination.

**“I am worried how the queer relations will impact the chances of getting a rental. I am deeply intimidated of putting this information.”**

LGBTIQ+ asylum seekers, refugees and migrants are being **profiled for their race**, migration status, gender or sexuality by real estate agents and thus are not approved for rentals.

### **Case study 1**

Lynn<sup>8</sup> is a queer migrant of colour was looking for a rental in Brisbane. The real estate agent asked her about her visa and to provide some additional documents including a character reference from the employer. And at the end Lynn was refused her application.

Lynn's friend from Anglo-Celtic background rented through the same agency with no additional documents required.

## **Barriers to secure private rentals & quality of rentals**

**LGBTIQ+ forcibly displaced people face additional barriers to accessing rental properties.**

The requirements to access rental properties in place at formal real estate agents tend to be inaccessible for LGBTIQ+ forcibly displaced people. These requirements include:

- Proof of continuous employment,
- Proof of savings,
- Proof of a rental history, and

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<sup>8</sup> All case studies in this submission are real but the names and other identifying features have been changed to protect the privacy and ensure anonymity.

- 100 points of identification.

Many LGBTIQ+ forcibly displaced people may not be able to meet all requirements. Consider the following example: a trans non-binary person who came back to Australia after a few months, overseas could not find a rental because they could not show they had continuous employment even though they had enough savings.

Transgender forcibly displaced people may not be able to show 100 points of identification because of their migration journey. This could be the case for those who lost document or have their national passports expired documents. As many are seeking safety from their countries of origin is not possible to restore the documents without availing one's location. This is a significant safety risk. Others may not have identity documents that match (name, gender etc.) and fear disclosing that they are trans to landlords.

### **Case study 2**

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.

During the community consultation LGBTIQ+ forcibly displaced people also noted that they faced **prejudice against different visa types** and real estate agents and landlords not understanding the visa system. This was particularly true for those on bridging visas. Some community members noted that they feared the amount of data real estate agencies collect on applicants. Providing a large amount of identifiable data poses risks to people who are transgender or fear persecution from their families if the data is hacked.

**“Landlords are asking for all this data that is sensitive and I do not how this information is being stored. Landlords are asking for anything and everything.”**



### Case study 3

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."

### Outcomes of the lack of access to formal rental market

#### **Lack of access to the formal rental market drives community members into unsecure and unsafe housing.**

Exclusion from the formal system drives community members to insecure and unregulated private rentals which put them at risk, including of violence. Many community members search for rentals via private Facebook or Gumtree ads to rent direct from the landlord assuming this is a safer option. However, some reported more discrimination and safety risks.

For example, in Queensland a non-binary migrant from Asian background was leased a room in the house owned by an Anglo-Celtic family. Despite paying the rent for their room and utilities, they were asked to clean the whole house and cook for the family. They faced racial discrimination and were stereotyped as a cleaner because of their ethnic background.

LGBTIQ+ forcibly displaced people report experiencing sexual harassment through informal rentals. An example is a transgender of colour is renting a granny flat from a family. She has experienced sexual harassment from the landlord on three occasions and does not feel safe but does not have another affordable option to move out. A same-sex couple experienced a prospective landlord offering free rent in exchange for sex. In Victoria a gay man seeking asylum could not find an affordable rental as he is not receiving any income support. An Anglo-Celtic man offered him a room for a small rent payment but then started to sexually harass him demanding sex as additional rent payment.

## TOR B. Rising rents

### Lack of affordable housing

**There is a lack of appropriate social housing and housing support services for LGBTIQ+ forcibly displaced people.** Waitlists are long and requirements for affordable housing do not reflect the community profile.

During the consultation, a gay man with disability on the protection visa reported that he applied for social housing in VIC, but the waiting period is 2-5 years.

In addition to the lack of affordable housing, there is **also a lack of appropriate housing** for LGBTIQ+ forcibly displaced people. For example, during the COVID pandemic, the ACT government has established a pilot housing program for refugees consisting of two streams – one for single men and one for families with children. A gay men couple seeking asylum was not able to be housed because it was not safe for them to be in the shared housing with other men.

**“[it is] dangerous for LGBT asylum seeker living in private share house”**

### Rising rents

LGBTIQ+ forcibly displaced people reliant on government assistance **can no longer afford housing to increasing rents** and the rate of Centrelink that has not kept pace. A man in Victoria with a disability cannot find an affordable rental that is close to the health services that he needs to use regularly. His rent has increased but the Centrelink rent assistance did not. Others found themselves working longer hours or taking additional jobs to be able to pay the rent.

### Case study 4

Hafsar and Andrea used to live in the outer suburbs in the granny flat owned by the family of their ethnic origin. They had to hide their relationships fearing for being discriminated and outed to the community but stayed in the rental because of the price affordability for 3 years.

Finally, they have moved to the inner city as it is much safer for them. However, the landlord has increased their rent by \$150 a week this year. They have found themselves working more shifts to afford to pay the rent. They also reported living in the constant anxiety of they can afford to pay the rent as they do not have any family in Australia to fall back on to.

## TOR H. any other related matters.

### Experiences of homelessness

LGBTIQ+ refugees and people seeking asylum experience disproportionate levels of homelessness.

Our nation-wide survey<sup>9</sup> found that almost **35% of LGBTIQ+ forcibly displaced people experienced homelessness<sup>10</sup>** in the past or currently. **One third of those that currently or had experience homelessness in the past were trans people.** The average duration of being homeless was 4.5 months, with the shortest being 1 week and the longest 2 years. Three participants noted being homeless on more than one occasion.

**“Many times over the years, but especially since covid-19 changed everything and made me much poorer and unable to pay for bond and first month rent upfront.”**

Here is how this data compares to existing information on homelessness:

- Private Lives 3<sup>11</sup> reported that 22% of LGBTIQ+ people broadly have been or are currently homeless.
- Data on trans people experiencing homelessness broadly matches the data in Private Lives 3.
- In the average Australian population, the number is .004% or 48 people per 10,000 people.<sup>12</sup>
- Jesuit Refugee Services<sup>13</sup> report found that since arriving in Australia, 55% of people seeking asylum had experienced some form of homelessness, and that 21% reported being homeless in 2020. When we disaggregate our data by visa status, 50% of our sample who experienced homelessness are people seeking

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<sup>9</sup> Cochrane, B., Dixon, T., Dixon, R. (2023). “Inhabiting Two Worlds At Once”: Survey on the experiences of LGBTIQ+ settlement in Australia. Canberra, Australia: Forcibly Displaced People Network

<sup>10</sup> The survey defined homelessness as not having a stable or safe place to live. The definition included: couch surfing; sleeping outside; living or sleeping in a car; staying in a shelter, hostel or refuge; living in an abandoned house or building; staying in overcrowded housing; or living in temporary accommodation. This is consistent with the accepted definition in Australia and other major population surveys.

<sup>11</sup> Hill, A. O., Bourne, A., McNair, R., Carman, M. & Lyons, A. (2020). Private Lives 3: The health and wellbeing of LGBTIQ people in Australia. ARCSHS Monograph Series No. 122. Melbourne, Australia: Australian Research Centre in Sex, Health and Society, La Trobe University.

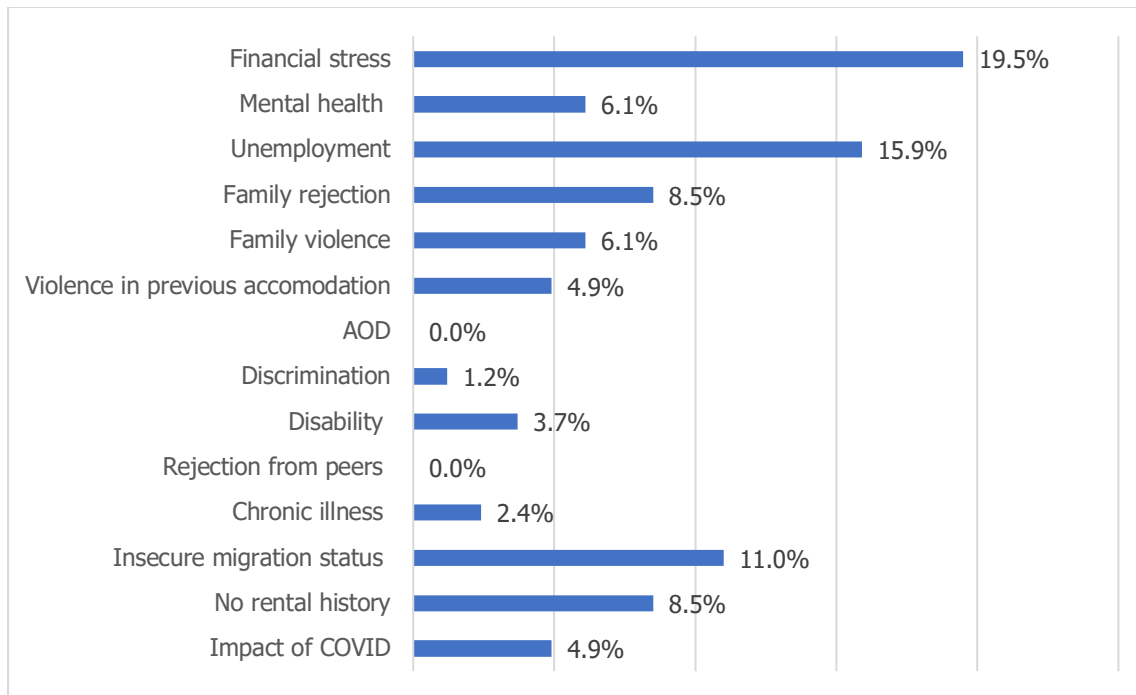
<sup>12</sup> Estimating Homelessness Census, 2021 <https://www.abs.gov.au/statistics/people/housing/estimating-homelessness-census/latest-release>

<sup>13</sup> Conroy, E. et al (2021) A place to call home: a pilot survey of people seeking asylum in Greater Sydney. <https://aus.jrs.net/wp-content/uploads/sites/20/2021/08/A-Place-to-Call-Home-Survey-Findings.pdf>

asylum. Overall homelessness among LGBTIQ+ displaced people was higher in 2022 than for their non-LGBTIQ+ peers in 2020.

Homelessness for our survey respondents<sup>14</sup> was driven primarily by financial stress (19.5%), unemployment (15.9%) and insecure visa status (11%). Insecure visa status can cause insecurity, under- and un-employment and financial stress so these reasons need to be seen together. See the chart below for further details.

**Chart 1. Circumstances that lead to homelessness**



Experiences of homelessness for LGBTIQ+ forcibly displaced people can increase the risks of sexual and gender-based violence and exploitation including 'survival sex'.

### Case study 5

Leila 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.

Leila 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

<sup>14</sup> Cochrane, B., Dixon, T., Dixon, R. (2023). "Inhabiting Two Worlds At Once": Survey on the experiences of LGBTIQ+ settlement in Australia. Canberra, Australia: Forcibly Displaced People Network

several months later that she spoke with a support service and was provided a safe accommodation.

## **Lack of community knowledge about tenancy rights**

Most of the participants in our community consultation reported that they did not know what to do if their tenancy right were violated or even what they were.

Where existing complaints mechanisms could have been utilised to rectify the situation, a lack of knowledge around legal systems, fears of repercussions, and importantly fear of deportation if complaints are raised and often impossibility to prove homophobia, transphobia and racism occurred, prevent people seeking asylum from utilising them.

Those who have ever lodged a complaint did report repercussions such as no-cause evictions or worsened harassment in shared accommodation.

## **Lack of tailored housing support for LGBTIQ+ forcibly displaced people by the non-for-profit sector**

### **Refugee services**

The access to housing for people seeking asylum and refugees remains one of the biggest issues. The situation for LGBTIQ+ refugees and people seeking asylum is even worse.

There are no community housing programs that are supporting the safety needs of LGBTIQ+ asylum seekers, refugees and migrants.

**“Refugee services are totally not equipped to allocate housing for LGBTIQ people. They place them in unsafe situations.”**

**“I am intersex. I am placed with others and they know about me. I do not feel safe”.**

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.

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.

We reported the levels of homelessness earlier in the submission. Most respondents who were homeless reporting seeking support for housing from refugee organisations. However, 50% of participants did not receive the support requested. For those participants who did not seek services, their main reasons were not knowing about services and not being sure a service would help them. One respondent said they did not know of any services that would assist them because they were on a temporary visa.

### **Case study 6**

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.

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.

### **Family violence shelters**

There is a lack of access to shelters for LGBTIQ+ forcibly displaced people who are fleeing violence but may be on a temporary visa.

### **Case study 7**

Sandita entered Australia on a partner visa and lived in the ACT.

Sandita is a queer woman but was forcibly married to a man. Already in Australia he found out that she was seeing a woman and became abusive. Sandita left him.

Seeking family violence services, she was confronted with homophobic attitudes and a lack of understanding that Sandita could be queer and married in the past.

Domestic Family Violence services could not provide her with suitable accommodation. She stayed with friends for some time. A housing service told her that between her situation

where she could stay with friends and a single mother sleeping in the car, they would help a single mother.

### **Mainstream housing providers**

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.

### **Case study 8**

Tulika and Manjula 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 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 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 9**

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 from 70kg **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.

Finally, there is 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) that is persistent across the private and community housing sectors.

In conclusion, the evidence from the survey, community consultation and case studies provided above highlight systemic issues that LGBTIQ+ people seeking asylum and refugees are experiencing in relation to housing. Approaches to resolving the issues must involve LGBTIQ+ forcibly displaced people and be attentive to the issues arising from the intersection of one's sexuality, gender, sex characteristics, migration status and race.

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

Renee Dixson

Co-founder, Chair

Forcibly Displaced People Network