



FORCIBLY DISPLACED PEOPLE NETWORK

**Submission to the Department of Home Affairs in response to
the Discussion Paper**

Australia's Humanitarian Program 2024-25

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Forcibly Displaced People Network

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About Forcibly Displaced People Network

Forcibly Displaced People Network (FDPN) is the first national 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>

We welcome an opportunity to make a submission in response to the discussion paper on the 2024-25 Humanitarian Program. We thank the Department of Home Affairs for recognising the protection needs of and identifying LGBTIQ+ displaced people as one of the priority cohorts of the Humanitarian Program.

Offshore Component

Offshore Refugee Status Determination for LGBTIQ+ Claimants

The Australian Government's Humanitarian Program identifies LGBTIQ+ individuals as one of its priority cohorts. However, significant challenges persist across regions in ensuring safe identification and refugee status determination (RSD) for this vulnerable group. Not all UNHCR staff are adequately trained, which has implications effective RSD and prolongs the prospects for resettlement for LGBTIQ+ people. In the context of ongoing violence and discrimination even in camps or transit countries, LGBTIQ+ displaced people may fear disclosing their LGBTIQ+ status to RSD officers who are not offering assurances of LGBTIQ+ inclusion.

To improve mechanisms for better RSD for LGBTIQ+ refugees, comprehensive training for all involved in RSD is essential to create an affirming and safe environment for LGBTIQ+ persons to disclose their identities. We see the role of the Australian Government in working with the UNHCR to improve these processes, as a way to meet the commitments to prioritising resettlement of LGBTIQ+ refugees. Such work should explore partnerships with LGBTIQ+ refugee-led organisations who are well positioned to assist with training and identification. It is particularly critical in contexts where RSD is outsourced to governments that criminalise LGBTIQ+ identities.

Priority Resettlement Cohort: Quotas for LGBTIQ+ refugees

Noting the heightened protection needs and safety risks, both in refugee camps and transit countries, there is an urgent need for expedited responses and also guarantees that LGBTIQ+ refugees remain a priority cohort.

FDPN recommends introducing quotas for resettlement for LGBTIQ+ individuals within offshore protection visas and community refugee sponsorship programs. These quotas should represent at least 3% to 6-10% of all visas to expedite pathways to safety for LGBTIQ+ refugees.

Onshore component

Onshore Refugee Status Determination

FDPN acknowledges the significant challenges faced by individuals seeking asylum based on persecution because of their sexual orientation, gender identity, expression, and sex characteristics (SOGIESC) within Australia's domestic protection framework. These challenges are particularly acute for highly vulnerable individuals and are compounded by pervasive discrimination and structural disadvantages that hinder access to justice and the proper presentation and assessment of protection claims.

Key barriers include:

- Decision-makers, legal representatives, and case workers may exhibit unconscious bias and stereotypes in determining SOGIESC-based protection claims, restricting access to justice.
- Prejudice may arise from a lack of understanding or alignment with Western SOGIESC concepts when assessing protection claims.
- Complex forms of social isolation within refugee communities further exacerbate these challenges.

We welcome the Department's best practice guidelines for handling protection claims related to SOGIESC. However, we note that these guidelines are non-binding and inconsistently implemented.

To ensure inclusive and affirming RSD processes, we recommend the following:

1. Ensure comprehensive and well-evidenced multi-source country reports are used to assess protection claims based on sexuality, gender and variations in sex characteristics.
 - a. Issue guidance that where such reports are scant this is not considered as evidence that widespread persecution of LGBTIQ+ people does not occur.
 - b. This is to be aided by employing an LGBTIQ+ Resource Officer whose role is to support the Department Officers in accessing appropriate, comprehensive, and up-to-date material to inform assessment decisions.
2. Mandate periodic comprehensive training on assessment of protection claims based on gender identity and expression, sexual orientation and variations in sex characteristics across all stages of refugee status determination for RSD decision makers.
 - a. Such training is to be co-designed with LGBTIQ+ refugee-led organisations.
 - b. Such training to include but not limited to the following content areas:
 - i. LGBTIQ+ terminology including cultural terminology;
 - ii. Drivers of LGBTIQ+ displacement including disaggregated by gender, sexual and bodily diversity;
 - iii. Working with interpreters; and

iv. Trauma-informed practice.

3. Mandate annual review of the Procedural Advice Manual on assessment of protection claims based on gender identity and expression, sexual orientation and variations in sex characteristics across all stages of refugee status determination.
4. Require all protection visa applicants to be invited to attend an interview with the Department of Home Affairs, especially in circumstances where SOGIESC-based claims are raised or may be evident.
 - a. Where circumstances permit, those interviews should be conducted in-person and decision records should include specific acknowledgement of the limitations on providing documentary evidence in support of SOGIESC-based claims.
5. Amend the policy on the assessment of de-facto and spouse relationships to include a specific section on the evidentiary issues for LGBTIQ+ displaced people to allow full access to family reunion.

By implementing these recommendations, the Department can significantly improve the onshore component of the Humanitarian Program, ensuring a more just and equitable process for LGBTIQ+ asylum seekers.

Complementary pathways

FDPN supports the development of complementary pathways for refugees as a vital component of the Humanitarian Program. These pathways provide alternative solutions for displaced individuals, ensuring broader and more flexible options for resettlement and integration.

Partnering with LGBTIQ+ refugee-led organizations (RLOs) in determining complementary pathways for LGBTIQ+ refugees is crucial. These partnerships can significantly assist decision-makers in understanding the structural issues these refugees face, such as forced marriages, sexuality and gender identity conversion practices, and the inability to medically or legally affirm their gender. These factors that translate into complex pre-arrival experiences, health concerns or lack of identification documents often hinder their ability to access education or employment. This in turn may make them less suited for education or employment focused complementary pathways. Partnering with LGBTIQ+ RLOs ensures that complementary pathway become responsive to the unique needs and challenges faced by LGBTIQ+ refugees. It helps design inclusive criteria thus creating more effective and equitable solutions.

Similarly, family reunification processes must be responsive to the contexts in which LGBTIQ+ refugees live. Often, there is a very limited ability to provide documentary evidence of relationships due to persecution in their countries of origin. Establishing responsive family reunification programs requires close partnerships with LGBTIQ+ RLOs to ensure these programs are inclusive and effective.

Complementary pathways offer a vital lifeline for LGBTIQ+ refugees, providing alternative avenues for safety, stability, and integration. FDPN remains committed to

supporting these efforts and is ready to collaborate further to enhance complementary pathways within the Humanitarian Program, ensuring no one is left behind.

Settlement

FDPN acknowledges that LGBTIQ+ refugees face unique challenges and often do not experience equal settlement outcomes compared to their non-LGBTIQ+ peers. Our recent settlement report¹ has highlighted significant disparities in various aspects of settlement, including health, social support services, community connections, and experiences of discrimination and violence.

A snapshot of the findings include:

1. Health and Mental Health:

- Self-reported mental health scores indicate serious concerns. The average assessment of the mental health state was 56 out of 100; with significantly lower ratings among LGBTIQ+ refugees with disabilities (32/100) and those who are trans (48/100).
- Approximately 27% of participants reported that their overall health had worsened since their arrival in Australia.

2. Social Support Services:

- A concerning 67% of participants experienced discrimination in the service system.
- Barriers to service access include uncertainty about LGBTIQ+ inclusivity, awareness gaps, cultural competence concerns, and participants not perceiving the need for services.

3. Homelessness:

- About 35% of participants have experienced homelessness in Australia, with an average duration of 4.5 months.
- Financial stress, unemployment, and insecure visa status are the main contributors to homelessness.
- Discrimination in housing affects approximately 50.8% of participants, encompassing racism, homophobia, and transphobia.

4. Experiences of Discrimination and Violence:

- Discrimination is widespread, with 69% experiencing LGBTIQ+ discrimination, 85% experiencing racism and migration status discrimination, and 15% experiencing ableism.
- Around 60% of participants experience violence in Australia, notably higher than the national average of 4.4%.

¹ 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

- Only 17% of participants seek support after violence, primarily through counselling and friends.

Such inequitable outcomes demonstrate the need for the capability uplift of the settlement services.

Humanitarian Integration and Settlement Program

FDPN has welcomed the development of the Refugee and Humanitarian Entrant Settlement and Integration Outcomes Framework (Framework). As our study demonstrates, there is a crucial need to support the settlement sector in building their capabilities to work inclusively and affirmatively with LGBTIQ+ refugees across all identified domains in the framework. This support is essential to ensure that LGBTIQ+ refugees receive equitable and effective settlement services that address their unique needs and challenges.

Across various domains of the Framework, here are some of the opportunities for embedding LGBTIQ+ inclusion:

1. Language & Digital Literacy

- Ensure English learning workbooks reflect LGBTIQ+ experiences, diversity of families, equal rights to marry, and non-discrimination obligations.
- Mandate training for interpreters on LGBTIQ+ safe communication and require NAATI accreditation for those working with LGBTIQ+ forcibly displaced people.

2. Understanding Host Culture

- Ensure orientation information for resettled refugees is LGBTIQ+ inclusive and references human rights and anti-discrimination legislation.

3. Housing & Transport

- Establish safe housing facilities for newly arrived LGBTIQ+ refugees and ensure confidential service provision.
- Ensure LGBTIQ+ refugees have access to housing and services in LGBTIQ+ friendly communities, considering mobility, access to services, employment, and safety.

4. Community Welcome

- Mandate comprehensive training for organizations, agencies, and contractors to meet the needs of LGBTIQ+ forcibly displaced people through government funding contracts.

Given the need for a comprehensive uplift of the settlement system's capabilities, **we recommend establishing and funding a dedicated LGBTIQ+ refugee-led peak body.** This body can provide evidence-based, lived-experience informed capability uplift for a range of settlement agencies. This means that the settlement system becomes equipped to meet the settlement needs of LGBTIQ+ refugees, LGBTIQ+ refugees become self-reliant faster and the cost of settlement become reduced. FDPN, with its demonstrated capacity and reach, is well-placed to lead these efforts, ensuring impactful outcomes for LGBTIQ+ refugees and settlement system.

Community Refugee Integration and Settlement Pilot (CRISP)

FDPN has welcomed the establishment of the CRISP as a swift mechanism to bring displaced people to safety. Although LGBTIQ+ individuals were identified as a government priority, the available training for prospective sponsor groups was not provided sufficient guidance on the specific settlement needs of LGBTIQ+ refugees.

As our comprehensive study into the settlement experiences of LGBTIQ+ refugees revealed inequitable outcomes even within the trained settlement sector, we understood that it was unreasonable to expect that individual sponsors would be equipped to meet these needs without adequate knowledge and training.

Hence, recognizing this gap, FDPN has partnered with Community Refugee Sponsorship Australia (CRSA) to offer tailored recruitment, training, and post-settlement support to sponsor groups. As an LGBTIQ+ refugee-led organization that does not receive ongoing funding, FDPN has undertaken this initiative at our own cost, given the urgency and importance of this work. To date, our efforts have resulted in the successful matching and relocation of 10 LGBTIQ+ individuals to Australia.

FDPN plays an indispensable role in providing these tailored supports. Without such specialized work, there is a significant risk of failing to find suitable sponsor groups, not meeting the government's priorities to resettle LGBTIQ+ individuals, and hindering successful settlement outcomes for resettled LGBTIQ+ individuals. In the long run, this would lead to additional costs pressures on the Australian Government through the need to receive settlement support, delayed entry into the workforce, and impeded self-reliance—all counterproductive to the goals of the CRISP.

Given the high impact of the LGBTIQ+ component of CRISP as led by FDPN, **we recommend ensuring that the LGBTIQ+ component becomes a permanent feature of the CRISP.** FDPN has demonstrated unmatched expertise and capability to deliver these tailored supports, and sustained involvement will significantly enhance the program's effectiveness.

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

Renee Dixon

Co-founder, Chair

Forcibly Displaced People Network

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