



**Forcibly Displaced
People Network**

**Submission to the Department of Home Affairs
in response to the Discussion Paper
Australia's Humanitarian Program 2026-2027**

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About the Forcibly Displaced People Network

The Forcibly Displaced People Network (FDPN) is Australia's first national LGBTIQ+ refugee-led organisation and a peak body working to address LGBTIQ+ displacement. FDPN's work combines advocacy, research, and capacity-building to ensure that policy development and service delivery reflect and meet the needs of LGBTIQ+ forcibly displaced people. For more information visit <http://fdpn.org.au/>.

List of used acronyms

AP: Assisted Passage

APO: Approved Proposing Organisations

CSP: Community Support Program

FDPN: Forcibly Displaced People Network

LGBTIQ+: people who are lesbian, gay, bisexual, trans, intersex, queer or asexual

RSD: Refugee status determination

SHP: Special Humanitarian Program.

SOGIESC: sexual orientation, gender identity and expression, and sex characteristics

UN: United Nations

UNHCR: United Nations High Commissioner for Refugees

Full list of recommendations

1. Increase the overall size of the offshore Australian Humanitarian Program to respond to both acute humanitarian emergencies and protracted displacement situations, particularly in under-resourced regions.
2. Allocate a minimum of 3% across all onshore and offshore components of the total Australian Humanitarian Program places as a quarantined quota for LGBTIQ+ forcibly displaced people, with a longer-term target of 6–10%.
3. Ensure pathways to resettlement are inclusive by design to reflect the lived realities of LGBTIQ+ people impacted by criminalisation, persecution, and non-recognition of relationships.
4. Develop and implement all related policy reforms through a structured consultative process with refugee communities, LGBTIQ+ organisations, including specifically LGBTIQ+ refugee-led organisations, and other civil society stakeholders.
5. Ensure that prioritisation for resettlement within the Refugee category is based primarily on assessed protection risk, irrespective of whether applicants have existing family or community connections in Australia.
6. Work in partnership with UNHCR to improve the identification of LGBTIQ+ protection risks within refugee status determination and referral processes, including through guidance, training, and safeguards that enable safe disclosures.
7. Develop scalable, rapid-access, community-led emergency protection pathways for LGBTIQ+ individuals facing persecution who are unable to safely leave their

country of origin, ensuring timely access to protection and durable resettlement outcomes.

8. Authorise trusted civil society and refugee-led organisations, particularly those run by LGBTIQ+ forcibly displaced people, to identify, assess, and refer individuals facing acute protection risks into humanitarian and emergency pathways, particularly where formal international mechanisms are inaccessible.
9. Ensure that emergency protection mechanisms are responsive to the lived realities of LGBTIQ+ persecution, including cumulative and ongoing harm, rather than requiring evidence of a single imminent incident.
10. Amend family reunion policy to allow case-by-case consideration of applications involving de-facto LGBTIQ+ partners who were not disclosed at the time of the original protection or humanitarian visa grant.
11. Require decision-makers to apply trauma-informed and contextual discretion when assessing the genuineness of LGBTIQ+ relationships, recognising that conventional forms of documentary evidence may be unavailable or unsafe to obtain.
12. Expand the definition of "family" within the Humanitarian Program and the Family Stream of the Migration Program to include extended family members and chosen family units, particularly for LGBTIQ+ refugees.
13. Formally recognise targeted, community-led initiatives such as *Bridge to Safety for LGBTIQ+ Refugees* as integral components of the Special Humanitarian Program.
14. Provide sustainable funding and operational support to enable the continuation and expansion of the *Bridge to Safety for LGBTIQ+ Refugees*.
15. Extend Assisted Passage support to LGBTIQ+ refugees resettled through the *Bridge to Safety for LGBTIQ+ Refugees*.
16. Apply the SHP eligibility of "substantial discrimination amounting to a gross violation of human rights" as presumptively met for LGBTIQ+ applicants from countries with documented criminalisation or persecution.
17. Following the introduction of the *Bridge to Safety for LGBTIQ+ Refugees Program*, continue to scale up NGO- and community-led referral pathways, particularly for those unable to register safely with UNHCR or engage in national protection systems.
18. Fund the Forcibly Displaced People Network as the LGBTIQ+ refugee-led peak body to build settlement capability across sectors including settlement, health, housing, and employment.
19. Provide sustainable and quarantined funding for LGBTIQ+ refugee- and migrant-led community organisations, recognising their essential role in supporting belonging, safety, and long-term settlement outcomes.

20. Mandate comprehensive training on working with LGBTIQ+ refugees in all government-funded settlement service contracts, developed and delivered in partnership with LGBTIQ+ refugee-led organisations.
21. Redesign Community Support Program to explicitly prioritise individuals with intersectional and compounded risks, including LGBTIQ+ people, people with disabilities, and others facing compounded marginalisation.
22. Remove job-readiness criteria, age and language which currently disadvantage people impacted by displacement, exclusion from education, or legal persecution.
23. Reduce or subsidise application and administration fees through means-tested models to increase accessibility.
24. Ensure that financial barriers to access Community Support Program are levelled or subsidised, particularly for systemically marginalised applicants and community sponsors.
25. Establish partnerships with LGBTIQ+ community-led and in particular LGBTIQ+ refugee-led organisations to act as Approved Proposing Organisations or introduce an alternative model for intermediary organisations that enables safe and trusted sponsorship.
26. Mandate that Approved Proposing Organisations (or similar organisations under the new model) demonstrate cultural safety, human rights compliance, and LGBTIQ+ inclusion as a condition of government accreditation.
27. Mandate the meaningful involvement of LGBTIQ+ refugee-led organisations in the design, implementation, monitoring, and review of all complementary pathway programs.
28. Ensure that all existing and future complementary pathway programs are formally additional to, and do not displace or substitute for, Government-led humanitarian resettlement commitments.
29. Ensure that multi-source country reports are used to assess protection claims based on SOGIESC grounds, and provide guidance where such reports are lacking.
30. Mandate periodic comprehensive training on SOGIESC protection claims across all stages of refugee status determination for all RSD decision makers at both Departmental and Tribunal levels, co-designed with and delivered by LGBTIQ+ refugee-led organisations.
31. Conduct annual reviews of the Procedural Advice Manual and Administrative Review Tribunal guidelines on assessment of SOGIESC protection claims across all stages of RSD.
32. Ensure that short, compelled returns to a country of origin undertaken solely to maintain lawful entry or access to international protection systems in a neighbouring country are not treated as evidence of safety, durability of return, or diminished protection need in refugee and humanitarian decision-making for LGBTIQ+ applicants.

33. Introduce flexible exemptions and alternative evidentiary pathways to parental consent requirements where applicants are survivors of forced marriage, family violence, or family-based persecution, including specifically LGBTIQ+ adults, children and adolescents, ensuring that consent requirements do not place applicants at risk or obstruct access to refugee and humanitarian visas.

Introduction

Structural exclusion of LGBTIQ+ forcibly displaced people from protection

"LGBTIQ+ people are the first to be executed and the last to be evacuated."
FDPN Community member

We support the guiding principles of the Australian Humanitarian Program, and thank the Australian Government for the identification of LGBTIQ+ forcibly displaced people as one of the priority cohorts. However, our experience and evidence show that LGBTIQ+ forcibly displaced people do not equally enjoy the benefits of the Australian Humanitarian Program, and remain structurally excluded with their protection needs unmet and often unrecognised.

Drivers of displacement for LGBTIQ+ persons

LGBTIQ+ individuals face more complex drivers of displacement compared to their non-LGBTIQ+ counterparts.

Displacement of LGBTIQ+ persons originates from direct experiences of persecution. More than one third of UN Member States persecutes LGBTIQ+ individuals at a systematic level.¹ In many countries with ongoing experiences and impacts of colonisation, advocacy for human rights of LGBTIQ+ persons is often perceived as a form of Western imperialism (i.e. which is seen to be in conflict with local culture and incompatible with existing institutions), further limiting the ability of LGBTIQ+ persons to belong to communities and contribute to social and economic life.²

LGBTIQ+ persons experience intensified targeting during political instability. While political instability and violence are significant drivers of displacement for all people, regime change, and civil wars are heavily linked with the vilification and persecution of LGBTIQ+ people by both State and non-State actors, such as religious and military groups. Consequently, when power is concentrated in the hands of authoritarian governments or a country is embroiled in crisis, there is a heightened risk of violence against members of the LGBTIQ+ community in addition to ethnic- or gender-based violence that may occur.³ Thus imprisonment and extrajudicial killings of LGBTIQ+ people are commonly practiced.

¹ Human Rights Watch. (2025) Maps of anti-LGBT Laws by Country. Available [online](#).

² Centre for Feminist Foreign Policy. (2023) Towards Meaningful Inclusion of LGBTQI+ Groups in Women, Peace, and Security Architecture: A Practical Guidebook.

³ UN Women. (2015) Criminalising homosexuality and LGBT rights in times of conflict, violence and natural disasters; Human Rights Watch (2022) How Targeting LGBT+ Rights Are Part of the Authoritarian Playbook.

The rise of anti-gender movements including in the Asia and the Pacific intensifies persecution risks for LGBTIQ+ persons. Groups, often supported by foreign states and religious actors, are weaponising cultural narratives to undermine sexual and reproductive health and rights, criminalise LGBTIQ+ identities and experiences, and erode democratic institutions.⁴

Social and familial structures do not offer default acceptance to LGBTIQ+ persons and may contribute to the experiences of persecution, even in countries without legislative persecution. At times of crisis, LGBTIQ+ persons cannot rely on their social and familial structures, and hence experience breakdown or a complete lack of support structures to rely upon.

Of critical importance is to note, that displacement of LGBTIQ+ persons does not occur because of one's diverse sexual orientation, gender identity and expression, and sex characteristics (SOGIESC). LGBTIQ+ displacement is a symptom and a result of systemic violence rooted in entrenched hetero-, cis- and endonormativity, patriarchy, racism, classism, ableism and other forms of structural oppression and marginalisation.

Identification of protection needs, refugee status determination and access to resettlement for LGBTIQ+ forcibly displaced people

LGBTIQ+ persons represent an estimated 3 to 6% of all forcibly displaced people.⁵ Despite the well-established evidence of complex experiences of displacement, LGBTIQ+ forcibly displaced people are not routinely identified as being in greatest need of resettlement. Barriers include visa categories that do not reflect lived realities, documentation requirements that are unattainable for those fleeing persecution,⁶ protection procedures that rely on biased western perception of credibility assessments,⁷ and highly restricted access to family reunification.⁸

Recognition of LGBTIQ+ protection needs has lagged behind lived experience of this cohort. While countries like Australia and Canada began recognising sexual orientation and gender identity as grounds for asylum in the 1990s, it took 18 years for UNHCR to issue its first guidance in 2008. This delay reflects the broader pattern of institutional neglect and systemic failure.

Refugee status determination (RSD) often fails to sensitively and safely assess protection risks for LGBTIQ+ forcibly displaced people. Many are unable to register with UNHCR

⁴ IPPF, Justice for Prosperity (2024) Report: Unveiling Subversive Power: Shedding Light on Anti-Rights Actors in the Asia-Pacific Region. Available [online](#).; Mcewen, H., Narayanaswamy, L. (2023) The International Anti-Gender Movement Understanding the Rise of Anti-Gender Discourses in the Context of Development, Human Rights and Social Protection. Working paper prepared under the UNRISD programme Gender Justice and Development. Available [online](#).

⁵ Organisation for Refuge, Asylum & Migration. (2012) Rainbow Bridges: A Community Guide to Rebuilding the Lives of LGBTI Refugees and Asylees.

⁶ Reid, A/HRC/59/43: Protection against Violence and Discrimination Based on Sexual Orientation and Gender Identity in Relation to Forced Displacement – Report of the Independent Expert on Protection against Violence and Discrimination Based on Sexual Orientation and Gender Identity.

⁷ Ibid.

⁸ Matthieu, T. (2024) Developing Safe and Legal Routes for LGBTQI+ Refugees. An Overview of the Situation in Germany, France and Italy. Available [online](#).

due to fear of exposure, discrimination, or violence.⁹ Where RSD is undertaken by states, which also criminalise diverse SOGIESC, LGBTIQA+ forcibly displaced people cannot register to make their asylum claims, or have no choice but conceal their LGBTIQA+ status, risking negative RSD and/or de-prioritisation for resettlement. Others are deprioritised due to the absence of dedicated referral mechanisms and procedural safeguards.¹⁰

Even when resettled, LGBTIQA+ refugees remain excluded from services and communities.¹¹ Critical needs including safe housing, mental health support, and safety are routinely unmet.

Chronic underfunding of LGBTIQA+ refugee-led organisations

LGBTIQA+ organisations while playing a critical role in ensuring that the specific and intersectional needs of this community are met, remain severely underfunded. This reflects a global trend which sees LGBTIQA+ lives as marginal in the total funding distribution. Global Philanthropy Project reports¹² that:

- In 2021-22, \$905 million USD was distributed among approximately 8,000 LGBTIQA+ organisations globally.
 - Only 5% of this funding was for the Asia and the Pacific region despite the region containing more than half of the world's population.
 - Out of this funding, less 1% was directed at refugee and migrant issues (\$48,295 out of \$44.8 million).
- In contrast, in the same year, 3 anti-LGBTI organisations reported a combined income of over \$1 billion.

A very similar pattern is observed domestically. LGBTIQA+ communities are amongst the least funded cohorts in Australia. Registered LGBTIQA+ organisations receive just 5 cents out of every \$100 received by Australian charities.¹³ Within the Australian landscape, however, most mainstream LGBTIQA+ organisations do not work specifically with forcibly displaced LGBTIQA+ people, nor do they engage in migration, asylum, or settlement policy and advocacy.

⁹ Reid, A/HRC/59/43: Protection against Violence and Discrimination Based on Sexual Orientation and Gender Identity in Relation to Forced Displacement – Report of the Independent Expert on Protection against Violence and Discrimination Based on Sexual Orientation and Gender Identity.

¹⁰ Matthieu, T. (2024) Developing Safe and Legal Routes for LGBTIQ+ Refugees. An Overview of the Situation in Germany, France and Italy. Available [online](#).

¹¹ Cochrane, B., et al. (2023) "Inhabiting Two Worlds At Once": Survey on the experiences of LGBTIQA+ settlement in Australia. Canberra, Australia: Forcibly Displaced People Network. Available online:

<https://www.fdpn.org.au/lgbtiqa-settlement-report/>; Department of Home Affairs. (2024) Towards Fairness: A multicultural Australia for all. Australian Government. Available [online](#).

¹² Global Philanthropy Project. (2024) Global Resources Report 2021/22: Government and Philanthropic Support for LGBTI Communities. Available [online](#).

¹³ Aurora & GiveOUT. (2021) Where are the rainbow resources? Understanding the funding needs of the LGBTIQA+ sector in Australia. Available [online](#).

LGBTIQ+ refugee-led organisations are therefore left with the primary responsibility of supporting forcibly displaced community members, despite lacking the funding, institutional backing, and administrative infrastructure afforded to other actors in the settlement sector.

Additionally, many established actors within Australia's settlement infrastructure, including Approved Proposing Organisations (APOs) and organisations participating in community sponsorship models such as CRISP, are faith-based institutions. These organisations often benefit from long-standing access to philanthropic, charitable, and faith-linked funding streams, as well as established governance structures and administrative capacity.

LGBTIQ+ refugee-led organisations do not have comparable access to these funding ecosystems. In addition, they operate in an increasingly hostile environment marked by the rise of anti-rights and explicitly anti-LGBTIQ+ movements. These movements not only target LGBTIQ+ communities directly but also undermine the legitimacy, safety, and sustainability of organisations that support them, further limiting funding opportunities and increasing operational risk. As a result, both LGBTIQ+ forcibly displaced people and the organisations working to support them are subject to compounded and systemic disadvantage.

Responses to the consultation questions

Question 1: Composition of the 2026–27 Australian Humanitarian Program

Size and focus of the Australian Humanitarian Program

We note that global resettlement capacity continues to decline despite escalating levels of forced displacement. Of the estimated 42.5 million refugees under UNHCR's mandate, approximately 2.5 million are identified as being in need of resettlement. However, in 2025 only 28,500 refugees were resettled globally, a significant reduction from more than 188,000 in 2024.

While the proposed allocation of 20,000 places within the 2026–27 Australian Humanitarian Program may appear ambitious when viewed against this global backdrop, it must be understood in the context of a rapidly deepening and protracted global displacement crisis. Without increased global leadership and a meaningful expansion in resettlement places, displacement will continue to grow, further entrenching humanitarian need and prolonging unresolved crises.

The composition of Australia's Humanitarian Program must be guided by a central principle: access to protection must prioritise those facing the greatest and most persistent risks. In a global context characterised by the rise of anti-rights movements, including explicitly anti-gender and anti-LGBTIQ+ campaigns, the current scale and composition of the Humanitarian Program risk being insufficiently responsive to those most in need of durable protection.

LGBTIQ+ forcibly displaced people face intersecting and compounding harms, including criminalisation, sexual and gender-based violence, social isolation, and prolonged legal and social exclusion in countries of asylum. These risks are not episodic or temporary; they are systemic and enduring. As such, they require not only the capacity for rapid response to global emergencies, but also sustained and intentional prioritisation within resettlement and protection pathways.

While responsiveness to global humanitarian emergencies is essential, it must not come at the expense of individuals and communities experiencing entrenched and structural exclusion. Australia's Humanitarian Program should not treat these risks as secondary or discretionary. Rather, it should embed prioritisation for structurally marginalised cohorts, such as LGBTIQ+ forcibly displaced people, across all components of the program.

Achieving this requires both an increase in the overall number of resettlement places and structural reforms to the operation of the Australian Humanitarian Program. These measures are necessary to ensure equitable, safe, and inclusive access to protection for those who are systemically excluded and face heightened and ongoing risk.

In the context of very high global displacement and limited resettlement places, it is critical that each resettlement place should be directed first and foremost to where needs are most acute.

Recommendations

FDPN recommends that the Australian Government:

1. Increase the overall size of the offshore Australian Humanitarian Program to respond to both acute humanitarian emergencies and protracted displacement situations, particularly in under-resourced regions.
2. Allocate a minimum of 3% across all onshore and offshore components of the total Australian Humanitarian Program places as a quarantined quota for LGBTIQ+ forcibly displaced people, with a longer-term target of 6–10%.
3. Ensure pathways to resettlement are inclusive by design to reflect the lived realities of LGBTIQ+ people impacted by criminalisation, persecution, and non-recognition of relationships.
4. Develop and implement all related policy reforms through a structured consultative process with refugee communities, LGBTIQ+ organisations, including specifically LGBTIQ+ refugee-led organisations, and other civil society stakeholders.

Refugee category

The Refugee category should remain central to Australia's offshore Humanitarian Program, given its purpose of identifying and resettling individuals facing the most acute and enduring protection risks. However, we remain concerned that the protection risks

faced by LGBTIQ+ forcibly displaced people are not consistently or safely identified within current referral and RSD processes.

We have discussed the barriers to disclosures during RSD earlier in this submission. We therefore see a critical role for the Australian Government in working closely with UNHCR to strengthen the identification of LGBTIQ+ protection risks, including through improved guidance, training, and safeguards within RSD and referral processes.

We also note that it is highly likely that LGBTIQ+ forcibly displaced people do not have existing family or community networks in Australia. In this context, prioritisation for resettlement must be firmly grounded in assessed protection risk rather than the presence or absence of family connections in Australia.

Recommendations

FDPN recommends that the Australian Government:

5. Ensure that prioritisation for resettlement within the Refugee category is based primarily on assessed protection risk, irrespective of whether applicants have existing family or community connections in Australia.
6. Work in partnership with UNHCR to improve the identification of LGBTIQ+ protection risks within refugee status determination and referral processes, including through guidance, training, and safeguards that enable safe disclosures.

Access to protection for people while in their country of origin

While Australia's Humanitarian Program recognises persecution and grave human rights violations as grounds for protection, limited and highly constrained options exist for people who are facing persecution but remain in their countries of origin. This presents a significant protection gap for LGBTIQ+ individuals, for whom the very conditions of persecution often prevent flight.

FDPN is contacted multiple times each week by LGBTIQ+ people who remain in their countries of origin and are seeking pathways to safety. These individuals frequently have limited access to reliable legal information, trusted intermediaries, or established referral mechanisms. In many cases, they are living in concealment, experiencing ongoing threats of violence, arrest, or exposure, yet have no realistic means of exiting their country safely or lawfully.

Practical barriers to leaving a country of origin are particularly acute for LGBTIQ+ people and are often shaped by gender, legal status, and economic exclusion. For women in many countries,¹⁴ legal and administrative systems require the consent or cooperation of male relatives to obtain identity documents, passports, or exit permissions. Where persecution originates within the family, or where disclosure of

¹⁴ Human Rights Watch (2023) Trapped: How Male Guardianship Policies Restrict Women's Travel and Mobility in the Middle East and North Africa. Available [online](#).

sexual orientation or gender identity would result in harm, these requirements effectively immobilise individuals who otherwise meet protection thresholds.

Trans and gender diverse people face additional and distinct barriers. Identity documents that do not reflect a person's name, gender, or appearance can expose them to heightened scrutiny, harassment, detention, or violence at checkpoints, government offices, and border controls. In some contexts, the mere presentation of incongruent documentation can trigger arrest or forced reporting, rendering travel attempts unsafe or impossible.

Financial barriers further compound these risks. LGBTIQ+ people facing persecution are often excluded from formal employment, education, and housing, particularly in environments where criminalisation or social stigma are entrenched. As a result, they may lack the financial resources required to arrange travel, pay for documentation, or survive periods of displacement.

While emergency resettlement mechanisms exist in principle for individuals facing immediate threats to life or liberty, these pathways remain largely inaccessible to LGBTIQ+ people. We are not aware of emergency resettlement being granted to LGBTIQ+ applicants through such mechanisms. It is likely that referral processes apply an exceptionally high threshold of imminent danger, often failing to recognise the cumulative and persistent nature of LGBTIQ+ persecution, which may not present as a single, discrete event but nonetheless places individuals at constant and escalating risk.

Further, emergency and humanitarian protection frameworks often assume that relocation to a neighbouring country with a UNHCR presence will result in access to safety and protection. For LGBTIQ+ individuals, this assumption does not hold. Relocation may simply move a person from one hostile environment to another. For example, while a person may be able to move from Afghanistan to Pakistan, same-gender relationships remain criminalised in Pakistan under colonial era laws, and LGBTIQ+ people are at risk of arrest, violence, and abuse by both state and non-state actors.¹⁵ In such contexts, the presence of a UNHCR office does not guarantee registration, protection, or safety.

These realities mean that LGBTIQ+ people facing persecution within their countries of origin frequently have no viable access to protection pathways. Without flexible, risk responsive mechanisms that account for gendered, economic, and identity-based barriers to movement, Australia's humanitarian response risks excluding those who are most in need of protection precisely because they are unable to flee.

Recommendations

FDPN recommends that the Australian Government:

7. Develop scalable, rapid-access, community-led emergency protection pathways for LGBTIQ+ individuals facing persecution who are unable

¹⁵ See more at: <https://database.ilga.org/pakistan-lgbti>

to safely leave their country of origin, ensuring timely access to protection and durable resettlement outcomes.

8. Authorise trusted civil society and refugee-led organisations, particularly those run by LGBTIQ+ forcibly displaced people, to identify, assess, and refer individuals facing acute protection risks into humanitarian and emergency pathways, particularly where formal international mechanisms are inaccessible.
9. Ensure that emergency protection mechanisms are responsive to the lived realities of LGBTIQ+ persecution, including cumulative and ongoing harm, rather than requiring evidence of a single imminent incident.

Inclusiveness and responsiveness of family reunion

We note that access to family reunion is available to persons holding a Protection visa (subclass 866), Refugee and Humanitarian visas (subclasses 200, 201, 202, 203 and 204), and Resolution of Status visa (subclass 851). This access enables reunification with immediate family members, including a spouse or de-facto partner, dependent child or stepchild, and parent or step-parent for applicants under the age of 18.

While we welcome the recognition of de-facto same-gender partners within the family reunion eligibility, which is particularly important for LGBTIQ+ refugees who originate from countries where marriage equality is not legally recognised, significant structural barriers remain.

Firstly, **eligibility for family reunion requires that a de-facto partner be declared at the time the applicant was granted their protection or humanitarian visa. This requirement fails to account for the realities faced by many LGBTIQ+ refugees.** LGBTIQ+ people frequently have deeply rooted fears of authority due to lived experiences of persecution, criminalisation, and violence by state actors in their countries of origin. There is a risk that some feared disclosing intimate relationships during RSD. This risk is particularly acute for individuals assessed by UNHCR or States that criminalise LGBTIQ+ persons. In such contexts, disclosing the existence of a same-gender or gender-diverse partner may have posed a genuine threat to their safety, or the safety of their loved ones. The rigidity of the current requirement effectively penalises LGBTIQ+ refugees for taking steps necessary for their survival.

A more equitable approach would permit decision-makers to consider family reunion applications on a case-by-case basis, allowing applicants to explain why their same-gender partner was not disclosed at the time of the original application and providing them with an opportunity to submit evidence of their relationship having been in place then. Importantly, decision-makers must be equipped to understand that conventional documentary evidence of relationships, such as shared leases, joint finances, photographs, or being social recognised as a couple, may be limited or impossible to obtain in contexts where LGBTIQ+ relationships are criminalised or socially

stigmatised. Contextual, trauma-informed discretion must therefore be applied when assessing the genuineness of these relationships.

Secondly, **the limitation of family reunion to “immediate family members” fails to reflect the lived reality of many LGBTIQ+ refugees.** As outlined earlier in this submission, LGBTIQ+ individuals experience a heightened likelihood of family rejection, estrangement, or breakdown. For many LGBTIQ+ refugees, support, care, and kinship are instead found within chosen families – trusted individuals who fulfil familial roles. The exclusion of chosen family from the family reunion disregards these realities and undermines the humanitarian purpose of the program, which is to facilitate safety, stability, and successful settlement.

Recommendations

FDPN recommends that the Australian Government:

10. Amend family reunion policy to allow case-by-case consideration of applications involving de-facto LGBTIQ+ partners who were not disclosed at the time of the original protection or humanitarian visa grant.
11. Require decision-makers to apply trauma-informed and contextual discretion when assessing the genuineness of LGBTIQ+ relationships, recognising that conventional forms of documentary evidence may be unavailable or unsafe to obtain.
12. Expand the definition of “family” within the Humanitarian Program and the Family Stream of the Migration Program to include extended family members and chosen family units, particularly for LGBTIQ+ refugees.

Question 2: Operations of the Special Humanitarian Program (SHP)

Bridge to Safety for LGBTIQ+ Refugees

In 2026, FDPN launched the **Bridge to Safety for LGBTIQ+ Refugees Program**¹⁶ (*Bridge to Safety*), a targeted initiative designed to enable LGBTIQ+ refugees in the Asia and the Pacific region to access priority processing within Australia’s Humanitarian Program. *Bridge to Safety* is delivered by FDPN in partnership with the Refugee Advice & Casework Service Centre (RACS).

We acknowledge and welcome the Australian Government’s support for the prioritisation of these applications, the provision of settlement services, and the coverage of medical costs. *Bridge to Safety* is a life-saving initiative that demonstrates the effectiveness of community-led, risk-based pathways to protection. As an LGBTIQ+ refugee-led organisation, FDPN provides culturally safe, trusted support, enabling individuals who may otherwise be excluded from formal systems to access protection. In partnership with

¹⁶ FDPN, RACS (2026) Media release: New initiative helps LGBTIQ+ refugees access resettlement in Australia. Available at: <https://www.fdpn.org.au/media-release-bridge-to-safety/>

specialist legal providers, *Bridge to Safety* removes structural barriers and facilitates timely access to safety for people facing imminent harm.

Under the program, FDPN identifies and assesses cases through self-referrals and referrals from trusted regional partner organisations, with a focus on risk, urgency, and exclusion from other protection pathways. RACS provides specialist legal assistance, including advice, RSD, and the preparation and lodgement of humanitarian visa applications with the Department of Home Affairs. Travel costs remain the responsibility of FDPN. Upon arrival, LGBTIQA+ refugees granted humanitarian visas are referred to appropriate settlement services. FDPN is currently not recognised as an Approved Proposing Organisation (APO) but is able to refer identified LGBTIQA+ refugees as a community organisation.

Assisted Passage (AP) is currently not extended to the *Bridge to Safety*. FDPN does not receive core organisational funding and specifically to run *Bridge to Safety*, relies on donations and philanthropic funding to cover staffing, operational costs, and critically international travel costs for approved visa holders. These costs are substantial. While we understand the policy rationale for AP arrangements where SHP entrants are supported by family sponsors, the same approach is not appropriate where sponsorship is provided by a community organisation acting in the public interest. The absence of AP support in such cases entrenches structural exclusion of LGBTIQA+ refugees and undermines the humanitarian objectives of the program.

At present, *Bridge to Safety* represents the only dedicated pathway of this kind available to LGBTIQA+ refugees seeking resettlement through Australia, apart from limited international comparators such as the Canadian model. Where similar in intent programs were established, such as Community Refugee Integration and Sponsorship Pilot (CRISP) for example, they received some government funding to effectively implement their proposals. Given both demonstrated need and program effectiveness, *Bridge to Safety* should be sustained, adequately resourced under FDPN's leadership and delivery framework.

Recommendations

FDPN recommends that the Australian Government:

13. Formally recognise targeted, community-led initiatives such as *Bridge to Safety for LGBTIQA+ Refugees* as integral components of the Special Humanitarian Program.
14. Provide sustainable funding and operational support to enable the continuation and expansion of the *Bridge to Safety for LGBTIQA+ Refugees*.
15. Extend Assisted Passage support to LGBTIQA+ refugees resettled through the *Bridge to Safety for LGBTIQA+ Refugees*.

Other reforms to the Special Humanitarian Program

The emphasis on the existence of family or community connections to Australia for SHP eligibility systematically disadvantages LGBTIQ+ forcibly displaced people.

While we recognise the policy intent of this framework, and do not seek its complete overhaul, we reiterate that LGBTIQ+ refugees are far less likely to have maintained family ties. In this context, unless an LGBTIQ+ refugee is proposed through *Bridge to Safety*, they are not likely to be found eligible.

International legal frameworks increasingly recognise that persecution on the basis of SOGIESC meets the threshold of 'substantial discrimination amounting to a gross violation of human rights'.

In particular, the International Criminal Court's Policy on the Crime of Gender Persecution¹⁷ and Policy on Gender-Based Crimes¹⁸ explicitly recognise that LGBTIQ+ persons fall within the scope of gender-based persecution. In light of this recognition, discrimination and persecution experienced by LGBTIQ+ people, particularly in countries where same-sex relationships and gender diversity are criminalised, should be treated as presumptively meeting the SHP threshold of substantial discrimination amounting to gross human rights violations.

Recommendations

FDPN recommends that the Australian Government:

16. Apply the SHP eligibility of "substantial discrimination amounting to a gross violation of human rights" as presumptively met for LGBTIQ+ applicants from countries with documented criminalisation or persecution.
17. Following the introduction of the *Bridge to Safety for LGBTIQ+ Refugees Program*, continue to scale up NGO- and community-led referral pathways, particularly for those unable to register safely with UNHCR or engage in national protection systems.

Question 3: Settlement services and supports

Evidence consistently demonstrates that LGBTIQ+ refugees experience significantly poorer settlement outcomes than other humanitarian entrants, even after arrival in Australia. FDPN's 2022 LGBTIQ+ Settlement Report¹⁹ found that more than half of LGBTIQ+ displaced people reported discrimination across all aspects of life in Australia, with 67% experiencing discrimination when accessing social and community services. These experiences actively deter engagement with settlement services that are intended to support successful integration. Approximately 30% of respondents reported experiences of homelessness, highlighting acute failures in housing access and stability.

¹⁷ International Criminal Court. (2022) Policy on the Crime of Gender Persecution. Available [online](#).

¹⁸ International Criminal Court. (2023) Policy on Gender-Based Crimes: Crimes involving sexual, reproductive and other gender-based violence. Available [online](#).

¹⁹ Cochrane, B., et al. (2023) "Inhabiting Two Worlds At Once": Survey on the experiences of LGBTIQ+ settlement in Australia. Canberra, Australia: Forcibly Displaced People Network. Available online: <https://www.fdpn.org.au/lgbtiqa-settlement-report/>

Approximately 60% experience violence after arriving in Australia, with the rate rising to 75% for trans people. Out of these only 17% of LGBTIQ+ refugees sought support, with most relying on friends and community rather than formal services. Many fear reporting violence due to distrust in authorities, fear of retaliation, or visa concerns.

While there has been a growing attention to the settlement needs and experiences of LGBTIQ+ refugees, settlement systems still lack the cultural competence and SOGIESC-inclusive practice needed to respond effectively.

To address these inequities, settlement services must be required to embed an explicit intersectional lens and systematically build their capacity to respond to the needs of LGBTIQ+ refugees. While Australia currently funds specialist peak bodies focused on young refugees, refugee women, and refugees with disability, as well as a national settlement peak body such as the Settlement Council of Australia, there is no equivalent, dedicated peak body focused on LGBTIQ+ refugees and migrants. Establishing and funding an LGBTIQ+ settlement peak body would enable consistent, sector-wide capacity building, inclusive practice guidance, and free specialist training for settlement providers, ensuring finite resources are used effectively to support those facing the greatest and most persistent settlement disadvantage.

Recommendations

FDPN recommends that the Australian Government:

18. Fund the Forcibly Displaced People Network as the LGBTIQ+ refugee-led peak body to build settlement capability across sectors including settlement, health, housing, and employment.
19. Provide sustainable and quarantined funding for LGBTIQ+ refugee- and migrant- led community organisations, recognising their essential role in supporting belonging, safety, and long-term settlement outcomes.
20. Mandate comprehensive training on working with LGBTIQ+ refugees in all government-funded settlement service contracts, developed and delivered in partnership with LGBTIQ+ refugee-led organisations.

Question 4: Reforming the Community Support Program (CSP)

We affirm our support for the redesign and reimplementing of a new Community Support Program (CSP) as its current form it does not fulfill its objectives and is not fit for purpose for LGBTIQ+ refugees and people seeking to act as community sponsors.

The CSP's as it was operating up until now was currently inaccessible to most LGBTIQ+ forcibly displaced people due to job-readiness criteria, high and prohibitive financial costs, and structural assumptions that exclude those without privilege, documentation, English language skills or immediate workforce entry capacity.

FDPN strongly supports the continuation of a named or linked sponsorship pathway within Australia's Humanitarian Program. However, it submits that in order to effectively harness the goodwill of the Australian community, its quota must operate in addition to existing Humanitarian Program quota of 20,000.

We also submit that the current CSP design centres on able-bodied, job-ready applicants with English proficiency, formal education, and the capacity to achieve self-sufficiency within 12 months. These assumptions ignore systemic barriers and reinforce exclusion. Thus, in response to the 'what attributes new CSP applicants should have and why', we strongly recommend the program does not introduce personal attributes or criteria in addition to the fundamental requirement under visa subclass 202 of substantial discrimination amounting a gross violation of human rights. As such we recommend removing discriminatory age-related, job-readiness/employment criteria.

We also recommend reform of existing APOs to ensure accessibility for LGBTIQ+ entrants, and diversification of APOs, along with better regulation and oversight of fees charged by APOs, which have contributed to the high costs of the program and its inaccessibility. If the CSP is to serve its humanitarian purpose, it must be restructured to remove discriminatory barriers and reflect Australia's values of equity, fairness, and protection for those most at risk.

Recommendations

FDPN recommends that the Australian Government:

21. Redesign Community Support Program to explicitly prioritise individuals with intersectional and compounded risks, including LGBTIQ+ people, people with disabilities, and others facing compounded marginalisation.
22. Remove job-readiness criteria, age and language which currently disadvantage people impacted by displacement, exclusion from education, or legal persecution.
23. Reduce or subsidise application and administration fees through means-tested models to increase accessibility.
24. Ensure that financial barriers to access Community Support Program are levelled or subsidised, particularly for systemically marginalised applicants and community sponsors.
25. Establish partnerships with LGBTIQ+ community-led and in particular LGBTIQ+ refugee-led organisations to act as Approved Proposing Organisations or introduce an alternative model for intermediary organisations that enables safe and trusted sponsorship.
26. Mandate that Approved Proposing Organisations (or similar organisations under the new model) demonstrate cultural safety, human rights compliance, and LGBTIQ+ inclusion as a condition of government accreditation.

- a. This must include ensuring at least one APO is recognised by and accessible to LGBTIQA+ communities.

Question 5: Other reforms to the onshore and offshore components of the program

Complimentary pathways

Complementary pathways must be expanded and redesigned to be truly accessible. Currently, many LGBTIQA+ people are excluded due to systemic barriers such as criminalisation, lack of identity documentation, and exclusion from education or formal employment that render them ineligible under standard requirements.

Recommendations

FDPN recommends that the Australian Government:

27. Mandate the meaningful involvement of LGBTIQA+ refugee-led organisations in the design, implementation, monitoring, and review of all complementary pathway programs.
28. Ensure that all existing and future complementary pathway programs are formally additional to, and do not displace or substitute for, Government-led humanitarian resettlement commitments.

Onshore component: RSD for LGBTIQA+ people seeking asylum

Decision-making remains inconsistently responsive to LGBTIQA+ lived experiences, with assessments often shaped by Western norms, stereotypes, and expectations about identity, disclosure, and expression. While the Department of Home Affairs has developed procedural guidance for SOGIESC-related claims, these guidelines are non-binding and unevenly applied. As a result, LGBTIQA+ applicants, particularly trans and gender diverse people, remain at risk of inappropriate questioning, misgendering, reliance on intrusive or stereotyped credibility assessments, and re-traumatisation during interviews and hearings. Training for decision-makers and Tribunal members remains insufficient, inconsistently delivered, and inadequately informed by lived experience.

There are also well-documented concerns regarding the conduct of interviews,²⁰ including invasive questioning about gender presentation, medical history, or sexual behaviour, as well as risks associated with interpreter use. For some applicants, fear of being outed or harmed by interpreters from their own community leads them to avoid interpreting support altogether, undermining procedural fairness.

Finally, Australia's onshore protection system continues to rely on country-of-origin assumptions that disadvantage LGBTIQA+ applicants. Individuals should not be denied

²⁰ Refugee Advice and Casework Service. (2024) Submission to the Australian Human Rights Commission: Current and Emerging Threats to TGD Human Rights. Available at: <https://www.racs.org.au/advocacy/tgd-rights>

the opportunity to seek asylum on the basis that their country is not typically regarded as a "refugee-producing" country. LGBTIQ+ people may face serious persecution in contexts that are otherwise considered stable, and protection assessments must account for this reality rather than applying rigid or generalised risk profiles.

Recommendations

FDPN recommends that the Australian Government:

29. Ensure that multi-source country reports are used to assess protection claims based on SOGIESC grounds, and provide guidance where such reports are lacking.
30. Mandate periodic comprehensive training on SOGIESC protection claims across all stages of refugee status determination for all RSD decision makers at both Departmental and Tribunal levels, co-designed with and delivered by LGBTIQ+ refugee-led organisations.
31. Conduct annual reviews of the Procedural Advice Manual and Administrative Review Tribunal guidelines on assessment of SOGIESC protection claims across all stages of RSD.

Understanding LGBTIQ+ survival mobility for the purposes of RSD

FDPN wishes to highlight another protection gap affecting LGBTIQ+ forcibly displaced people, who seek to access international protection through neighbouring countries. In some cases, individuals escaping persecution are only able to enter a neighbouring country on a short term or temporary visa, in order to register with UNHCR or access legal and humanitarian assistance.

For a range of reasons, such as but not limited to delays in registration or processing backlogs, these visas may expire before individuals are able to secure protection. In such circumstances, some individuals may engage in brief cross-border movements, returning temporarily to their country of origin solely to re-enter the neighbouring country and renew a lawful entry visa. These movements are driven by necessity rather than safety and should not be interpreted as evidence that return to the country of origin is safe or sustainable.

For LGBTIQ+ refugees, this practice reflects the absence of viable protection alternatives rather than an absence of risk. Temporary re-entry occurs covertly, and often involves heightened danger, including risks of arrest, violence, exposure, or forced reporting. Treating such returns as indicative of safety fails to account for the lived realities of LGBTIQ+ individuals navigating restrictive migration regimes, limited visa options, and inadequate access to formal protection mechanisms.

FDPN is concerned that return-based reasoning may be used to undermine credibility of protection claims across humanitarian and onshore protection pathways. RSD decision-makers should carefully distinguish between voluntary, sustained return in conditions of

safety and dignity, and short, compelled border crossings undertaken solely to maintain lawful access to neighbouring jurisdictions or international protection systems.

Recommendations

FDPN recommends that the Australian Government:

32. Ensure that short, compelled returns to a country of origin undertaken solely to maintain lawful entry or access to international protection systems in a neighbouring country are not treated as evidence of safety, durability of return, or diminished protection need in refugee and humanitarian decision-making for LGBTIQA+ applicants.

Parental consent for children traveling with an LGBTIQA+ parent or alone

Current parental consent requirements for children to depart or migrate can create serious protection risks for refugee and humanitarian visa applicants who are survivors of forced marriage, family violence, or gender-based persecution. In situations where a parent is separated but not formally divorced, or where contact with the other parent would pose a safety risk, requiring consent documentation can expose parents, in most cases women and their children to further harm.

This risk is particularly acute for LGBTIQA+ women who have escaped forced marriages and are fleeing with their children. In such cases, parental consent requirements may compel contact with a former spouse who is the perpetrator of violence or coercion. This can result in forced disclosure of location, retaliation, or renewed violence, particularly in contexts where divorce is not legally recognised or where state protection mechanisms are ineffective.

Similar risks arise for LGBTIQA+ adolescents aged 16–17 who are escaping persecution by their families on the basis of their SOGIESC. For these young LGBTIQA+ people, parental consent requirements may necessitate engagement with parents or guardians who are themselves the source of persecution. In such circumstances, seeking consent would not only be unrealistic but may place the young person at immediate risk of serious violence, forced confinement, forced marriage, or death. Despite their age and vulnerability, these adolescents may have no safe adult able to provide consent on their behalf.

In both scenarios, procedural requirements intended to protect children can, in practice, undermine access to safety and humanitarian protection. Protection frameworks must account for the realities of family-based persecution and avoid assumptions that parental involvement is safe or appropriate in all cases, particularly for LGBTIQA+ individuals and survivors of forced marriage.

Recommendations

FDPN recommends that the Australian Government:

33. Introduce flexible exemptions and alternative evidentiary pathways to parental consent requirements where applicants are survivors of forced marriage, family violence, or family-based persecution, including specifically LGBTIQ+ adults, children and adolescents, ensuring that consent requirements do not place applicants at risk or obstruct access to refugee and humanitarian visas.

Conclusion

To meet its commitments, Australia must continue embedding the meaningful participation of structurally excluded groups in all aspects of refugee policy and implementation. The risks LGBTIQ+ people face are not incidental. They are systemic, compounding, and life-threatening. These risks require deliberate and urgent responses, such as community-led referral models, prioritisation mechanisms grounded in equity, and structural reforms that align with Australia's stated values and protection obligations.

Once again, thank you for the opportunity to make a submission. FDPN looks forward to engaging with the Department of Home Affairs further on these matters.