

Something for them

Meeting the support needs of same sex attracted, sex and gender diverse (SSASGD) young people who are recently arrived, refugees or asylum seekers.

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William Leonard

THE MAINSTREAM

Ethnic and religious
community

LGBTI
community

*Recently arrived
SSASGD
young people*

GLHV@ARCSHS, LA TROBE UNIVERSITY

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July 2016

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Contents

EXECUTIVE SUMMARY	i-vi
GLOSSARY AND ACRONYMS	vii-ix
1. INTRODUCTION	1
1.1. Background	3
1.2. Aims and outcomes	4
2. METHODOLOGY	6
2.1. Project management and design	6
2.2. Literature reviews	7
2.3. Recruitment, participants and interview data	8
2.4. Draft training package	11
3. BECOMING A REFUGEE IN AUSTRALIA	13
3.1. Australia's international obligations	14
3.2. Australia's humanitarian program	16
3.3. The status of LGBT people in their countries of origin	18
4. EMERGING ISSUES FOR RECENTLY ARRIVED SSASGD YOUNG PEOPLE	20
4.1. Family relationships	21
4.2. Connection to culture and community of origin	23
4.3. Faith and religious affiliation	26
5. ACCESS TO SERVICES	29
5.1. Resettlement	30
5.2. Mainstream services	33
5.3. LGBTI services	34
6. FRAMING RECENTLY ARRIVED SSASGD YOUNG PEOPLE	36
6.1. Introducing the framework	37
6.2. Mainstream Australia	38
6.3. Ethnic and religious community	39
6.4. LGBTI community	42

7. INCLUSIVE PRACTICE	44
7.1. Inclusive services for SSASGD young people	44
7.2. Inclusive practice guidelines	45
8. RECOMMENDATIONS	51
8.1. Legislative reform	52
8.2. Social policy	54
8.3. Capacity building	55
8.4. Research	57
APPENDICES	
A. Punishment – Top five source countries: Final protection visas	58
B. Punishment – Top five source countries: Offshore protection visas	59
C. Steering group membership	60
BIBLIOGRAPHY	61

Executive summary

Something for them aims to better understand and address the unique experiences and needs of same sex attracted, sex and gender diverse (SSASGD) young people who are recently arrived, refugees or seeking asylum in Australia.

Background

This report provides a review of Australia's domestic and international legal obligations to SSASGD young people who are recently arrived, refugees or seeking asylum, and also of the legal and social status of sexual and gender identity minorities in their countries of origin. It documents four SSASGD young people's experiences of migration and recent arrival in Australia and the results of studies of SSASGD young people's migration experiences in countries similar to Australia. The report uses these findings and those of an earlier, pilot project to develop an evidence-based framework for understanding the situation and complex forces that are at play in the lives of recently arrived SSASGD young people¹. The report concludes with a series of recommendations for government and services in the migrant, refugee and LGBTI-community sectors aimed at maximising the quality and effectiveness of support provided to these young people.

Belonging

All our respondents talked of the importance of belonging in Australia and the difficulties they faced in living and moving between different communities of identity that hold different and sometimes contradictory understandings of LGBTI people. Our findings and those of similar studies overseas clearly show that SSASGD young people's sexuality or gender identity is not an add-on to their migration experiences but are intimately bound to their sense of feeling welcome and at home in their country of arrival.

¹ Noto, O., Leonard, W. and Mitchell, A. (2014) "Nothing for them": *Understanding the support needs of LGBT young people from refugee and recently arrived backgrounds*. Monograph Series No. 94. The Australian Research Centre in Sex, Health & Society, La Trobe University: Melbourne.

Family relationships

Family and familial connection are extremely important to many of the cultures and communities of origin to which recently arrived SSASGD young people belong. Recently arrived SSASGD young people in Australia and overseas report that:

- They experience intense personal conflict between expressing their sexual feelings or gender diverse identity and meeting their family's traditional sexed and gendered expectations
- Being out or being outed often leads to hostility and rejection by family members both pre- and post-migration
- They experience high levels of and ongoing stress and fear about the potential effects of being out on their personal wellbeing and that of their relatives, including bringing shame and dishonour on their family; and
- For some, exploring or expressing their minority sexual or gender diverse identity necessarily involves a radical break from their family.

Connection to culture and community of origin

Connection to culture and community of origin can provide a continuity of identity and belonging that mitigates the loss of control and dislocation often associated with migration. For recently arrived SSASGD young people maintaining these connections can prove difficult due to:

- Rejection, alienation and sometimes ongoing violence from members of their community of origin pre- and post-migration
- Pressure from elements within their community of origin, the mainstream and the LGBTI community to identify, primarily, with a minority cultural identity, which can make it more difficult to explore or express their sexuality or gender diversity; and
- The opportunities and fears that legal recognition of LGBTI people in Australia bring, including if, when and how to live openly as LGBTI within and across intersecting cultures and communities.

Faith and religious affiliation

Religious affiliation and religious faith provide many recently arrived migrants with a continuity and powerful sense of collective and personal worth as they move between countries, cultures and communities. Our study and similar research overseas show, however, that for many recently arrived SSASGD young people religious beliefs and practices that are hostile to sexual and gender identity diversity are a source of deep distress and hurt. Some recently arrived SSASGD young people report that they:

- Find it impossible to reconcile the tension between their religion and their sexual orientation or gender diverse identity, having to choose one at the expense of the other; or
- Retreat from communal religious practices and events but continue to exercise their faith in private.

In Australia, however, there is growing support within mainstream, ethnic and migrant communities to reconsider the relationships between religious faith, cultural practices and the law in ways that acknowledge LGBTI people without excluding or vilifying them.

Recommendations

The following recommendations are divided into four key areas that are consistent with social justice principles and the framework developed in this report. Maximising the quality of support provided to recently arrived SSASGD young people depends on a coordinated response between government and support services across all four areas.

Legislative reform

The report recommends that Government:

- Consider changes to the *Migration Act* and related legislation and policies to minimise the risks specific to recently arrived SSASGD young people, including:
 - Protections against resettling them in countries where same sex attracted and gender diverse identities or practices are illegal or where the social environment is deeply hostile to LGBTI people

- Reforming assessment processes for protection claims by recently arrived SSASGD young people to bring them in line with best practice²
- Consideration of protections against recently arrived SSASGD young people being sent ‘home’ to undergo ‘reparative’ or ‘gay conversion’ therapies or being coerced into undertaking such therapies in Australia
- Grant LGBTI Australians full legal equality, including recognition of their familial and committed, intimate relationships
- Remove religious exemptions from Commonwealth, State and Territory laws prohibiting discrimination on the basis of sexual orientation and gender identity or, failing the removal of religious exemptions, require all service providers to commit to *not discriminating* on the basis of sexual orientation and gender identity and/or commit to actively affirming LGBTI people; and
- Enact or strengthen legal provisions against harassment and vilification directed at an individual or group on the basis of their sexual orientation, gender identity or intersex status.

Social policy

The report recommends that Government:

- Include sexual and gender identity minorities in all diversity policies and policies that address the population effects of systemic discrimination
- Review policies across the migrant, refugee, youth, multicultural and LGBTI sectors to include recently arrived SSASGD young people where appropriate
- Assist non-government agencies that provide support services to migrants, refugees and asylum seekers to address the situation and needs of recently arrived SSASGD young people
- Provide opportunities to assist recently arrived SSASGD young people develop supportive and respectful relationships within their local communities and beyond

² See Kaleidoscope Australian Human Rights Foundation in collaboration with K&L Gates LLP (2015) *Looking through the Kaleidoscope: A Guide to Best Practice in Determining Applications for Refugee Status Based on Sexual Orientation, Gender Identity and Intersex Grounds*.

- Facilitate discussions among representatives of faith-based organisations, multicultural bodies and LGBTI-community organisations about the relationships between culture, religious faith and sexual and gender identity minorities; and
- Establish a body with representatives from faith-based organisations, multicultural bodies, LGBTI community and youth organisations tasked with improving the health and wellbeing of SSASGD young people, including those who are recently arrived, refugees or asylum seekers.

Capacity building

This report recommends that essential services, including education, employment and housing:

- Develop culturally diverse, LGBTI-inclusive practices
- Develop links and referral pathways with LGBTI, migrant, multicultural and youth agencies that have expertise in working with SSASGD young people; and
- Provide information to SSASGD young people and, where needed, face-to-face service provision, in languages other than English.

The report recommends that migrant and multicultural services increase their capacity to identify, work with and provide support to recently arrived SSASGD young people by:

- Developing information, resources and training on LGBTI issues generally and on the issues specific to recently arrived SSASGD young people
- Developing links, common resources, training and cross-referral pathways with LGBTI-community organisations and, where appropriate, LGBTI-accredited counselling and support services
- Ensuring settlement workers and agencies overseas have the knowledge, capacity and resources to provide clients with information on the current legal and social status of LGBTI people in Australia and of Australia's obligations toward people seeking asylum on the basis of their minority sexual orientation or gender identity; and
- Employing case managers to assist recently arrived SSASGD young people navigate the service system and access the range of services they need.

The report recommends that LGBTI organisations, and in particular those that target SSASGD young people, work with migrant and multicultural support services to develop:

- Culturally inclusive practices and models of service delivery, where possible; and
- Resources and cross-referral pathways for recently arrived SSASGD young people who need increased support to address cultural, religious, familial or community of origin issues.

The report recommends that Government:

- Gather information on the range of migrant, multicultural, youth and LGBTI-support services available to recently arrived SSASGD young people
- Develop and publicise referral networks for recently arrived SSASGD young people among the range of services currently available
- Identify gaps in current support services and develop links between support and essential services for this group of young people; and
- Provide funding and resources to establish a safe house for recently arrived SSASGD young people who are subject to homophobic or transphobic violence or fear of such violence.

Research

The report recommends further research on:

- The health and wellbeing of SSASGD young people who are part of communities that hold religious and/or cultural beliefs hostile to sexual orientation and gender identity minorities
- The lived experiences of recently arrived SSASGD young people with a focus on recruitment strategies aimed at increasing the number of participants overall and those who identify as female and same sex attracted, and as sex and gender diverse; and
- Recently arrived SSASGD young people's service-seeking behaviours.

Glossary and Acronyms

Asylum seeker: Someone who has applied for protection in a host country. An asylum seeker is awaiting a determination from the host country as to their claim for asylum and is not yet a refugee. Refugees are people who have already been determined as meeting the criteria for refugee status³.

Bisexual: A person who is sexually and emotionally attracted to people of both sexes. Often this term is shortened to 'bi'.

CALD: An acronym for 'culturally and linguistically diverse.' The term may include refugees and recently arrived people. In Australia, CALD is sometimes used to describe people who are neither Indigenous nor of Anglo-Celtic background⁴.

Cisgender and Cisgenderism: Cisgender describes people whose gender conforms to the social expectations of the sex they were assigned at birth. Cisgenderism refers to a belief that such conformity is normal or natural and that those whose gender does not match the expectations of the sex they were assigned at birth are unnatural and a threat to society.⁵

Coming out: The ongoing process through which individuals come to recognise and acknowledge, privately and publicly, their sexual orientation, gender identity or intersex variation.

Coming home: A term gaining in popularity as an alternative to 'coming out'. 'Coming home' refers to the gradual introduction and integration of one's same sex partner to one's family and friends⁶. For some people the term invokes notions of safety, inclusion and acceptance⁷.

Coming in or Inviting people in: 'Coming in' or 'Inviting people in' are terms preferred by some people because they don't pressure individuals to publicly 'come out' as LGBT. The terms encourage SSASGD people to choose with whom they share their life and from whom they seek support.

Cultural Competence/Awareness: An approach that is responsive to the beliefs, values and practices of different groups or populations. The term is often used to

³ UNHCR (2012-2013) 'About Refugees'.

⁴ 'CALD' is used (and critiqued) in research on young people. For example see Harris, A. (2011) *Teaching Diversities: Same Sex Attracted Young People, CALD communities, and Arts-Based Community Education*. Centre for Multicultural Youth: Carlton.

⁵ Leonard, W., Lyons, A., and Bariola, E. (2015) *A closer look at Private Lives 2: Addressing the mental health and well-being of lesbian, gay, bisexual and transgender (LGBT) Australians*. Monograph Series No. 103 The Australian Research Centre in Sex, Health & Society, La Trobe University: Melbourne, p.5 footnote 2.

⁶ Poljski, C. (2011) *Coming Out, Coming Home or Inviting People In? Supporting Same-Sex Attracted Women from Immigrant and Refugee Communities*. Multicultural Centre for Women's Health: Melbourne, p. 15.

⁷ Poljski, C. (2011) p.15.

highlight differences between the values and practices of minority and marginal groups and those of the dominant culture. While the term has most commonly been applied to racial, ethnic and religious minorities it has recently been used to include minority sexual orientation and gender diverse communities and their unique beliefs, values and practices.

Gay: A person whose primary emotional and sexual attraction is toward people of the same sex. The term is most commonly applied to men, although some women also use this term.

Gender identity: A person's deeply felt sense of being male, female, both, in between, or something other. Everyone has a gender identity.

Gender questioning⁸: The process whereby an individual comes to question the usefulness or validity of their current biological sex and/or assigned gender. This includes people who see the binary categories of male/female and masculine/feminine as meaningless or unduly restrictive, and those who feel that their gender does not align with the social expectations of the sex assigned to them at birth.

Heterosexism (or Heteronormativity): Heteronormativity is the belief that everyone is, or should be, heterosexual and cisgender and that other sexualities or gender identities are unhealthy, unnatural and a threat to society. Heterosexism describes a social system built on heteronormative beliefs, values and practices in which people of non-heteronormative sexualities and gender identities and people with intersex variations are subject to systemic discrimination and abuse.

Homophobia: Fear of and/or prejudice against lesbians and gay men and their sexual desires and practices which often leads to discriminatory behaviour or abuse.

Inclusive service provision: The provision of services in a manner respectful and aware of the culture, beliefs and practices of the recipient. In this report the term includes the provision of services to LGBTI people in ways that recognise and affirm their particular values, beliefs and practices.

Lesbian: A woman whose primary emotional and sexual attraction is towards other women.

LGBT: An acronym for 'Lesbian, Gay, Bisexual and Transgender' commonly used in research and government policy to describe people who are same sex attracted or gender diverse or who are not exclusively heterosexual or cisgender⁹. However, some young people who are recently arrived and whose sexual feelings or gender identity

⁸ In this report the term 'gender diverse' includes 'gender questioning', although it should be noted that not all those questioning their gender identity would identify as gender diverse.

⁹ For example, the Victorian Department of Health's Victorian *Refugee Health and Wellbeing Action Plan* refers to gay, lesbian, bisexual, transgender or intersex young people. Victorian Department of Human Services (2008) *Refugee health and wellbeing action plan 2008-2010: Current and future initiatives*. Melbourne: Social Policy Branch, Victorian Department of Human Services.

don't fit their community of origin's expectations may not use or be familiar with the term.

Migrant: The term refers to individuals whose decision to migrate is 'taken freely...for reasons of "personal convenience" and without intervention of an external compelling factor'¹⁰. In general, these individuals choose where they migrate and can freely return to the place or country from which they migrated.

Queer: An umbrella term often used to describe a range of minority, non-heterosexual and cisgender identities including gay, lesbian, bisexual, transgender and gender questioning.

Refugee: A person who is unable or unwilling to return to their country of origin because of a well-founded fear of persecution on racial, religious, ethnic or political grounds, or membership of a particular social group^{11, 12}. This includes people who are persecuted due to their sexual orientation or gender identity.

Same sex attracted: An umbrella term often applied to young people to describe individuals who experience feelings of sexual attraction to others of their own sex. This includes young people who are: exclusively attracted to people of their own sex; attracted to people of both sexes; curious about or unsure of their sexual orientation; and heterosexual young people who may experience attraction to people of their own sex at some time.

SSASGD: This report uses the acronym 'Same Sex Attracted and Sex and Gender Diverse' to describe people who are not exclusively heterosexual or cisgender. Many of our respondents felt that SSASGD was a more inclusive acronym than LGBT. The term 'sex and gender diverse' is broader than transgender, while SSASGD does not lock people into identity categories¹³. The term may also translate better across languages and cultures.

Transgender: An umbrella term and, for some, an identity term used to describe people who sit outside the gender binary or whose gender identity does not match the expectations of the sex they were assigned at birth. Transgender people may or may not feel the need to access hormone therapy and/or surgery.

Transphobia: A fear of and/or prejudice against people who are transgender which often leads to discriminatory behaviour or abuse.

¹⁰ Article 1.1 (a) *Measures to improve the situation and ensure the human rights and dignity of all migrant workers*. 1998 Report of the working group of intergovernmental experts on the human rights of migrants submitted in accordance with Commission on Human Rights resolution 1997/15. COMMISSION ON HUMAN RIGHTS Fifty-fourth session, Intergovernmental working group of experts on the human rights of migrants.

¹¹ UNHCR (2012-2013) *About refugees*'.

¹² Australia uses this definition of 'refugee' to determine the legitimacy of claims for refugee status.

¹³ For example, see Hillier, L., Jones, T., Monagle, M., Overton, N., Gahan, L., Blackman, J. and Mitchell, A. (2010) *Writing themselves in 3: The Third National Study on the Sexual Health and Wellbeing of Same Sex Attracted and Gender Questioning Young People*. Monograph Series No. 78. Australian Research Centre in Sex, Health and Society, La Trobe University: Melbourne.

1. Introduction

...I knew I needed to get out of the country, because it was a very conservative country and I needed to be out of there to flourish and it was purely luck that I came to Australia

Rishaan¹⁴

*As men and women of conscience, we reject discrimination in general, and in particular discrimination based on sexual orientation and gender identity. Where there is a tension between cultural attitudes and universal human rights, rights must carry the day [emphasis added]*¹⁵

Migration stories are often told as triumphal tales: individuals and families leaving lives of poverty and limited opportunity for a better future in a land of plenty. In Australia, these triumphal tales are part of our national identity, an egalitarian society where all are welcome and where success is not limited by a person's social or cultural background. These tales, however, mask or perhaps whitewash other more problematic stories of migration and their contribution to our national character. They mask the effects of successive waves of migration on the lives of the original inhabitants of the land and ignore the reality that, for many, migration was not a choice but was forced on them by circumstances beyond their control. For some recently arrived migrants, they have the *unsettling* experience of not feeling that they have been **invited in**. For others, **coming out** to a new land carries with it grief and loss at having to leave behind those they love and a familiar and valued way of life.

This report looks at the experiences of same sex attracted and sex and gender diverse (SSASGD) young people who are recently arrived, refugees or seeking asylum. For this group of young people their experiences of migration are intimately bound to their sexual orientation and gender identity. For those who have a growing awareness that their sexual feelings or gender identity do not match the expectations of their

¹⁴ Rishaan is one of five people who were interviewed as part of this project. The other four are Phillip, Hamza, Syed and Lourdes (a support worker). All have been de-identified to maintain their anonymity and protect their privacy.

¹⁵ United Nations Secretary-General, Ban Ki-moon at www.ohchr.org/EN/Issues/Discrimination/Pages/LGBT.aspx

community of origin, finding a safe space, and people they can trust, to talk about and explore these feelings may be almost impossible. For those young people who are recently arrived and who are sure of their same sex attraction or sex and gender diverse identity, finding ways to navigate the expectations of their community of origin and the opportunities and freedoms that Australia offers may prove daunting and, at times, deeply distressing.

Many of these young people are arriving from countries where same sex attraction and sex and gender diverse identities or practices are illegal and subject to criminal sanctions, from forced 'corrective treatments' to imprisonment and even death. For those young people who arrive alone there is the possibility of exploring their sexual orientation and gender identity outside the gaze and disapproval of their community of origin. For those young people who arrive with family and friends, or who find themselves settled with members of their community of origin, exploring their sexual feelings and gender identity raises difficult questions of when, where and with whom to be open. It also raises the fear that openness might lead to rejection from the people they know and love. For those young people who arrive alone, the possibilities of exploring their sexual feelings and gender identity are weighed against the loss of connection and support from the family and cultural community they've left behind. For those who arrive with family and friends, the support from their community of origin as they build a new life is weighed against the costs of taking advantage of the freedoms that Australia provides.

For SSASGD young people who are recently arrived, refugees or seeking asylum their migration stories double and redouble. Their stories are not only tales of leaving one place, one home, to arrive at another. They are also stories of being and living as same sex attracted or sex and gender diverse, of new beginnings that challenge many of the dominant norms, beliefs and practices of their communities of origin. Migrant communities have fought to maintain their cultural identities as part of the Australian community, as part of the differences and diversity all Australians share. They have fought and won the right **to not have to choose** between one cultural and national identity and another.

This report is another small step in opening spaces within policies, programs and services where SSASGD young people who are recently arrived, refugees or seeking asylum do not have to make the difficult and sometimes impossible choice between one identity and another, between their culture and community of origin and their sexual orientation or gender identity. This report aims to open spaces where these young people are able to hold these parts of their lives together, and where, in Rishaan's words, they are provided with the support, care and respect they need to flourish.

It is into this space of not having to choose that we launch this report.

1.1 Background

This research report is a response to the recommendations of a pilot study titled *Nothing for them* (2014). The study aimed to document the capacity of support services to meet the specific needs of LGBT¹⁶ young people who were recently arrived, refugees or seeking asylum¹⁷. The study was prompted by anecdotal reports from young people and service providers that there were few services and formal support structures in place for LGBT young people who were recently arrived.

During the consultations, many service providers reported having a significant number of young clients disclose that they were questioning their sexual feelings or that they were same sex attracted or sex and gender diverse. While some services provided appropriate advice and support this was dependent on the goodwill and expertise of individuals within the organisation. Many providers reported that they did not feel confident working with LGBT young people who were recently arrived, refugees or seeking asylum while others did not believe it was appropriate to ask clients questions about sexual orientation or gender identity. Nearly all of the service providers interviewed said they had received no formal training on these issues and that LGBT

¹⁶ The pilot study used the acronym LGBT. This report uses the acronym SSASGD which many of our interviewees and key informants felt was more inclusive. Unlike LGBT, they argued, 'same sex attracted' and 'gender diverse' do not lock people into categories. See 'SSASGD' in the *Glossary and Acronyms*, p.xx for a more detailed explanation and definition, Noto, O. et al. (2014).

¹⁷ The original project brief referred to LGBT young people who were recently arrived or refugees. However, on advice from many of our key informants the brief was expanded to include LGBT young people seeking asylum, Noto, O. et al. (2014), p.4.

young people who were recently arrived were absent from organisational policies, practices and protocols.

The pilot report made a series of recommendations aimed at improving the quality of support services provided to SSASGD young people who were recently arrived, refugees or seeking asylum. The recommendations were directed at agencies that work or have the potential to work with young people who are recently arrived, including CALD, migrant and youth support agencies as well as LGBTI-focused services. The recommendations highlighted seven key areas: research; staff training; service development; youth support; family and community support; resource development, and funding¹⁸.

1.2 Aims and outcomes

This research report aims to better understand and document the lived experience of SSASGD young people who are recently arrived, refugees or seeking asylum. The pilot project focused on the knowledge and experience of support workers and service providers in working with this particular cohort of young people. It also provided a review of the small amount of Australian youth research and policy that looked at the intersection of CALD and minority sexual orientation and sex and gender diverse identities.

This report builds on the findings of the pilot study. It provides a review of the legal and social status of same-sex attracted and sex and gender diverse people in the countries that are currently the primary source of Australian visa protection applications. It also relies on interviews with four SSASGD young people who came to Australia as refugees or asylum seekers where they talk about their experiences of migration and how they negotiated their cultural and sexual or gender identities in the context of being recently arrived in Australia.

¹⁸ Noto, O. et al. (2014), pp.35-39.

The report relies on Australian and international research, reviews of legal and social policies, and the voices and experiences of SSASGD young people who are recently arrived, refugees or asylum seekers to develop a framework for understanding the situation and complex forces that are in play in their lives. It uses this framework to address a number of the key recommendations arising from the pilot study.

In relation to SSASGD young people who are recently arrived, refugees or seeking asylum this study aims to:

- Better understand their unique experiences and needs
- Advocate for their inclusion in the development of relevant government and sector policy and programs
- Develop and trial resources, information and training on their needs to workers and agencies in the refugee, migrant, youth and LGBTI community sectors; and
- Improve their health and wellbeing outcomes.

2. Methodology

This research project built on the findings and recommendations of the pilot study *Nothing for them* (2014). This project advocates for the inclusion of SSASGD young people in relevant government policies and programs. It also provides information to assist in the development of resources and training for staff who provide support services for this cohort of young people.

2.1 Project management and design

The project was managed by a Project Officer (0.8 EFT) and Director GLHV, with advice from an advisory group. The advisory group included researchers, policy makers and service providers with an interest in LGBTI and multicultural health and wellbeing (Appendix C). The advisory group provided input on the project's aims and cultural sensitivity, stakeholder engagement, participant recruitment, the development and trialling of training and resources, and dissemination of the research findings¹⁹.

The project relied on:

- Reviews of local, state and federal government policies targeting recently arrived migrants, refugees and asylum seekers and recent Australian and international research and policy looking at CALD young people who are LGBT or who are questioning their sexual feelings or gender identity
- Informal interviews with relevant government officials and policy makers and with people who provide support services to young people who are recently arrived, refugees or seeking asylum

¹⁹ For a list of advisory group members and their organisational affiliation see **appendix A**.

- A review of international law and policy governing asylum seekers and refugee applications with a focus on LGBT people which included:
 - The legal status of LGBT people in their countries of origin
 - The provision of information in their countries of origin to people considering applying for refuge or asylum in Australia
 - Appeals to the Magistrates Appeals Tribunal and/or the High Court of Australia where refugee status was not granted on first application; and
- Semi-structured interviews with SSASGD young people who came to Australia as refugees or asylum seekers in the past ten years. Participants required a high level of English proficiency as all interviews were conducted in English.

Ethics approval for the project was granted through La Trobe University Human Research Ethics Committee on 11 May 2015, application no. HEC15-012.

2.2 Literature reviews

The project drew on a literature review of recent Australian research and policy on the wellbeing of CALD young people who are LGBT or questioning their sexual feelings or gender identity conducted as part of the pilot study, *Nothing for them* (2014).

Something for them includes a review of more recent international studies that document the experiences and needs of SSASGD young people from CALD backgrounds in the UK, Canada and New Zealand, a number of which included information on SSASGD young people who were recently arrived, refugees or seeking asylum.

Desktop research was undertaken to gain a better understanding of the broader context in which this cohort of young people make the journey to Australia. This included reviews of the academic and grey literatures produced by international and supranational organisations such as the United Nations, the International Association for Migration, the Organisation for Refuge, Asylum and Migration (ORAM) and the International Lesbian and Gay Association (ILGA). This work provided an understanding of the global political processes that are shaping and directing the flow of refugees and asylum seekers and of the situation of LGBT migrants, and, in particular, SSASGD young people.

Desktop research was also undertaken to understand how decisions regarding someone's suitability to be classified as a refugee are made in Australia. A review of the Migration Review Tribunal and High Court of Australia's decisions was undertaken using the Australian Legal Information Institute database. The key search terms used were 'refugee', 'asylum seeker', 'LGBT' (lesbian, gay, bisexual, transgender), and 'appeal'.

Over the course of the project, key informants provided links to other relevant information and material such as journal articles, media stories and legal and policy developments concerning LGBT people who were recently arrived, refugees or asylum seekers.

2.3 Recruitment, participants and interview data

Five participants were recruited to take part in the study: three men who identified as gay, one man who identified as bisexual and a support worker who had been providing assistance to one of the participants in the Australian visa process.

A range of techniques and strategies were used to recruit participants.

2.3.1 Recruitment

LGBT and CALD media

Advertisements and a press release calling for participants were placed in MCV, the major LGBT monthly publication in the greater Melbourne area, and popular LGBT news and blog sites including SameSame (www.samesame.com.au) and JOY 94.9 (joy.org.au). A separate press release was sent to over 130 multicultural publications with a print or digital presence in Victoria, including publications targeting the Indian, Korean, Chinese, Arabic-speaking and African diaspora communities.

Support services

Electronic and hard copy versions of the flyer calling for participants was distributed to over 50 individuals working at a variety of educational, welfare, health and social support agencies that provide services to recently arrived migrants, refugees and/or asylum seekers.

Facebook and other social media

Advertisements and a flyer calling for participants were run on Facebook and posted on GLHV and ARCSHS websites and respective social media channels. Paid advertisements were also taken out on Facebook. The advertisement was shown 13,458 times resulting in 127 clicks through to GLHV and ARCSHS's Facebook pages.

Snowballing

Caseworkers and other support workers from migrant, refugee and asylum seeker organisations were approached directly as part of the project while professionals and counsellors were also approached informally at conferences and public events. Those approached were asked to forward information about the project, including the project officer's contact details, to current or past clients that met the informant criteria and might be interested in participating.

Despite the range of recruitment strategies used, only 5 people agreed to participate in the project. All five were recruited through snowballing. A New Zealand study, looking at identity coherence among men who identified as Muslim and gay, reported similar difficulties in recruiting participants²⁰.

2.3.2 Participants

Four men agreed to be interviewed as part of the project. They came from four different countries: Lebanon, Jordan, Mauritius (all aged in their mid-twenties) and Venezuela (aged in his mid-thirties). Three participants identified as gay and one as bisexual, and all identified as male. A support worker who was providing one of the participants with assistance in their visa application was also interviewed.

Three participants had arrived in Australia to study and the remaining one had arrived as a permanent resident. Only one of the three students was studying at the time the interviews were conducted and he intended to complete his studies in Australia. The other two were unwilling or unable to return to their country of origin in part because of

²⁰ 'Given the political and cultural sensitivity around these identities', argues the anonymous author of the study, 'only five participants came forward despite intensive advertising and snowballing efforts'. Anonymous (2015) 'Muslim and gay: Seeking identity coherence in New Zealand', *Culture, Health and Sexuality* e-version <http://dx.doi.org/10.1080/13691058.2015.1079927>

their sexuality. Both were seeking permanent residency in Australia and intended to recommence study once their immigration status was clear. The participant who had arrived as a permanent resident had done so as a skilled migrant with full working rights and intended starting his own professional business in Australia.

Finding participants comfortable enough and willing to speak about their migration experience and their ethnic and religious affiliations has proven difficult for similar research projects overseas²¹. This is not surprising as LGBT or SSASGD people from recently arrived, refugee and asylum seeker backgrounds may face numerous barriers that prohibit them from participating in research studies. These may include language barriers, fears of a breach of confidentiality, fear of doing anything that they perceive could harm their prospects of permanent residency in Australia or a lack of trust in official organisations. These vulnerabilities may be even more acute for recently arrived SSASGD young people. In our study, ethical considerations and difficulties with recruitment meant that all our participants were recounting migration and settlement experiences in Australia that had taken place a number of years earlier. However, their stories, experiences and insights are consistent with the key issues raised in the international research and we believe reflect many, but not all, of the issues facing newly arrived SSASGD young people in Australia today.

Despite repeated efforts and targeted expressions of interest, the project was unable to recruit any female or sex and gender diverse participants. This may reflect the ways in which gender and gender identity place added pressures on young women and sex and gender diverse young people who are recently arrived. It might also reflect a gender-bias in the recruiting methods that favored people who identified as male and same-sex attracted. A number of our key informants noted that many recently arrived SSASGD young people are not able to work and may not be accessing benefits and that some form of remuneration may have assisted with recruitment.

²¹ Anonymous (2015) and Chavez, K. (2011) "Identifying the Needs of LGBTQ Immigrants in Southern Arizona", *Journal of Homosexuality* 58 (2), 189-218, p215.

2.3.3 Interview data

Semi-structured interviews were conducted and involved questions relating to:

- Participants' experiences of migration, awareness of their sexual feelings and sexual identity
- The relationship between participants' culture and community of origin and their sexual identity; and
- Participants' access to appropriate support services in Australia.

Interviews ran for approximately 90 mins and were digitally recorded and professionally transcribed. All participants were given pseudonyms to ensure their anonymity.

Interviews were analysed according to key events and experiences. Particular attention was paid to participants' most memorable experiences of being recently arrived in Australia and how they negotiated the intersections between their cultural and migrant status and their sexual identity. The analyses identified patterns and contradictions among the participants' stories and experiences and drew these together under common themes.

2.4 Draft training package

There are limited resources and training addressing the needs of SSASGD young people from CALD backgrounds and almost none dealing explicitly with members of this cohort who are recently arrived, refugees or asylum seekers²². A review of training and resources was undertaken looking at materials developed by the Multicultural Centre for Women's Health, the Centre for Culture, Ethnicity and Health, GLHV and some small HEY Grants funded projects²³. A draft 3-hour training package is currently being developed

²² Noto, O. et al. (2014), pp.1-2.

²³ The HEY Project is funded by the Victorian Government (2011-2019) and aims to improve the mental health and wellbeing of SSASGD young Victorians. The Project provides funding for eleven agencies, each of which has particular expertise and experience in working with and on behalf of SSASGD young people. It also includes an annual small grants round that has funded a number of projects looking at issues facing SSASGD young people from diverse ethnic and religious backgrounds. See www.heyproject.org.au/

that incorporates examples, insights and materials from all the different components of this project, including quotes and case studies from survey participants. The draft package will be finalised and trialled on a small group of representatives from migrant and refugee services, LGBTI community organisations, the youth sector, and government.

3. Becoming a refugee in Australia

Australia's refugee and humanitarian program is an important part of our contribution to the international protection of refugees. It is designed to ensure that Australia can respond effectively to global humanitarian situations and that support services are available to meet the specific needs of these entrants [emphasis added].

Department of Immigration and Border Protection²⁴

Gay people get beaten, they get stabbed, they get killed. They light them on fire, put tyres on their head, burn them. They can kidnap you, just take you away somewhere. I can't go to the police. The police will arrest me because it's illegal to be gay [in Nigeria].

Adebayo²⁵

In Australia, there are two paths to becoming a permanent migrant. One is managed by the Migration Program and involves skilled migration, family reunions and other special eligibility criteria. The second is managed by the Humanitarian Program, which administers applications by refugees and others in humanitarian need²⁶.

Since the end of World War II, the Humanitarian Program has awarded over 750,000 visas. During this period there have been dramatic changes in global politics resulting in the emergence of new regional conflicts, civil unrest and humanitarian crises. In turn, these emerging crises have acted as 'push factors' for new and shifting patterns of migration²⁷. In the past twenty years, for example, there have been significant changes in the composition of Australia's humanitarian intake. From 1998 to 2001 about half of those awarded humanitarian visas were from Europe. However, during this same period new regional conflicts saw arrivals from Africa increase from 17% to 70% of all arrivals

²⁴ Australian Department of Immigration and Border Protection (2015) *Home Page*.

²⁵ Miles, N. (2009) *No Going Back Lesbian and Gay People and the Asylum System*. London, UK: Stonewall.

²⁶ Australian Bureau of Statistics (2012) *Humanitarian Arrivals*.

²⁷ Australian Bureau of Statistics (2012) *Humanitarian Arrivals*.

and since 2005 there has been a steady increase in arrivals from the Asia-Pacific region²⁸.

Over the past decade, an increasing number of protection visas have been granted to arrivals from source countries that have extremely punitive laws against consensual sex between adults of the same sex^{29,30}. It is not clear how many SSASGD young people arriving from these countries will apply for protection on the basis of their sexual orientation or gender identity³¹. However, like their compatriots, many will apply for protection because of persecution or the threat of persecution based on ethnic, religious or other characteristics common to their community of origin. Recently arrived SSASGD young people carry the added burden of having to deal with their source country and community of origin's negative and sometimes hostile attitudes towards sexual and gender identity minorities. Many hide their sexual orientation or gender identity, some passing as heterosexual and cisgender while others who are known to be same-sex attracted or sex and gender diverse may have experienced state-sanctioned and familial violence in their country of origin.

3.1 Australia's International Obligations

Those who are lesbian, gay or bisexual, those who are transgender, transsexual or intersex, are full and equal members of the human family, and are entitled to be treated as such³².

3.1.1 Asylum seekers and refugees

Australia is a party to a number of international conventions and protocols that bring with them obligations under international law to protect the human rights of refugees

²⁸ Australian Bureau of Statistics (2012) *Humanitarian Arrivals*.

²⁹ Australian Bureau of Statistics (2012) *Year Book of Australia*.

³⁰ Carroll, A. and Itaborahy, P. (2015) *State Sponsored Homophobia, 10th Edition*. Geneva, Switzerland: International Lesbian, Gay, Bisexual, Trans and Intersex (ILGA) Association.

³¹ Kaleidoscope Australian Human Rights Foundation (2015).

³² Mrs. Navanethem Pillay, High Commissioner for Human Rights, United Nations.

and asylum seekers who arrive in Australia³³. Furthermore, Australia has a duty to ensure that asylum seekers who are found to be refugees are not returned or sent to a place where their life or freedom would be under threat³⁴. The *Migration Act 1958* (Cth) requires that all 'unlawful non-citizens' – defined as persons who are not Australian citizens and do not have permission to be in Australia – be detained, regardless of their circumstances. Those detained are either granted a visa or they are removed, voluntarily or otherwise, from Australia³⁵.

Mandatory detention was implemented in 1992 as a temporary measure, yet it has been maintained and strengthened over the past 25 years. Detention of 'unlawful non-citizens' was intended as an immigration control measure, but successive Australian Governments have adopted increasingly punitive laws and policies to discourage the maritime arrival of asylum seekers and refugees.

3.1.2 Protection from sexual orientation and gender identity-based discrimination

Under international law, Australia is required to provide protection to asylum seekers who face persecution on the basis of their sexual orientation or gender identity³⁶. In 2011, the UNHCR acknowledged that the provision of the *1951 Convention Relating to the Status of Refugees* that recognises fear of persecution based on belonging to 'a particular social group' includes belonging based on sexual orientation and gender identity³⁷. The UNHCR noted that this provision had 'not been consistently applied' and in 2012 released a set of guidelines to assist with claims for refugee status on the basis of sexual orientation and gender identity³⁸.

In Australia, individuals whose claim to refugee status or permanent residency is based wholly or in part on their LGBT status must provide evidence that they are indeed LGBT or T. In the recent past, claimants were more likely to be believed if they behaved

³³ Australian Human Rights Commission (2015) *Asylum Seekers and Refugees Guide*. These obligations apply regardless of how or where refugees or asylum seekers arrive in Australian territories or whether they have a valid visa when they arrive or make their application.

³⁴ This is known as the principle of *non-refoulement*. Australian Human Rights Commission (2015).

³⁵ Australian Human Rights Commission (2015).

³⁶ Noto, O. et al. (2014), pp.16-17.

³⁷ UNHCR (2011) *Handbook and Guidelines on Procedures and Criteria for Determining Refugee Status under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees*. UN High Commissioner for Refugees (UNHCR), pp.82-83.

³⁸ UNHCR (2012) 'Guidelines on International Protection No. 9: Claims to Refugee Status based on Sexual Orientation and/or Gender Identity within the context of Article 1A(2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees', Section 1, p.2.

and presented in ways that conformed to Western stereotypes of what it means to be gay, lesbian, or gender diverse³⁹. There are cases of claimants being asked to submit items of proof such as photographs, membership of known LGBT groups or the professional testimony of support or health care workers.⁴⁰

While guidelines like those produced by the UNHCR are useful, they nonetheless leave the decision regarding the claimant's 'genuine' sexual or gender identity to the beliefs, knowledge and biases of individual officials. Organisations like Kaleidoscope and ORAM have made recommendations for the development of standard procedures and protocols to ensure commonality in the assessment of claims for refugee status or permanent residency based on an individual's minority sexual or gender identity⁴¹.

3.2 Australia's Humanitarian Program

Australia's Humanitarian Program comprises two different streams; an onshore and an offshore stream. The onshore stream awards humanitarian visas to people who are already in Australia and seek Australia's protection under the 1951 Human Rights Convention. The offshore stream administers the humanitarian visa program for people who are overseas and subject to persecution and human rights abuses and wish to seek refuge in Australia⁴². This program includes people who apply for protection while in their home or another country and people detained in immigration detention centres managed and operated by Australia overseas.

Australia's remoteness and lack of borders with other nations means that asylum seekers arrive either by air or sea. Those arriving by air are, confusingly, classified as non-irregular maritime arrivals, while those arriving by sea are classified as irregular

³⁹ Noll, G. (2006) 'Evidentiary Assessment in Refugee Status Determination and the EU Qualification Directive', *European Public Law* 12(2): 295-317 and Berg, L., and Millbank, J. (2007) 'Constructing the Personal Narratives of Lesbian, Gay and Bisexual Asylum Claimants', *Journal of Refugee Studies* 22(2): 195-223. In one case, an applicant's claim to refugee status on the basis of his sexual orientation was rejected because the decision makers characterised the applicant's description of his early and only same sex sexual experiences as 'sexual play'.

⁴⁰ Unfortunately, in Australia, there have been cases where documentary evidence of someone's LGBT identity is disregarded, assumed to have been 'staged' and 'self-serving' (N05/50659[2005]).

⁴¹ Kaleidoscope Australian Human Rights Foundations in collaboration with K&L Gate LLP (2015) and ORAM <http://oramrefugee.org/publications/>

⁴² Australian Bureau of Statistics (2012) *Humanitarian Arrivals*.

maritime arrivals. The number of irregular maritime arrivals has increased since the first wave of Vietnamese migration in the late 1970s. Between 1976 and 1981 the majority of arrivals by sea were from Vietnam (just over 2,000 people). Between 1989 and 1998 the majority of arrivals were from Cambodia, Vietnam and Southern China (almost 3,100 people) and by 2001 the majority of irregular maritime arrivals were from Afghanistan and Iraq (nearly 12,000 arrivals between 1999 and 2001).

In the early 1990s the Australian Government amended the *Migration Act* to enable the mandatory detention of 'designated persons'. The amendment was deemed an extraordinary and temporary measure to control the growing number of irregular maritime arrivals from Indochina⁴³. Far from being temporary, however, the scope and purpose of the regime have been transformed over the past twenty years and it now also acts as a deterrent to anyone considering arriving by boat to seek asylum in Australia.

In 1994, the regime was broadened to include the mandatory detention of all 'unlawful non-citizens' until they had been granted a visa or deported. In October 1999, the Australian Government introduced Temporary Protection Visas as a further deterrent for those seeking to travel by boat to Australia⁴⁴. By the end of 2001, the Government had secured legislation that enabled offshore detention of asylum seekers arriving by boat on Papua New Guinea, Nauru and external Australian Territories including Christmas Island⁴⁵. The legislation required that asylum seekers arriving by boat be processed offshore. It also removed territories like Christmas Island, Ashmore and Cartier Islands and the Cocos Islands from the Australian 'migration zone'. This meant that non-citizens arriving at these territories were deemed not to have arrived in Australia for visa application purposes^{46, 47}.

⁴³ Parliament of Australia (2014) *Immigration Detention in Australia*.

⁴⁴ Temporary Protection Visas are temporary visas allowing asylum seekers who have been deemed refugees to be released to live and work in the community for a set period of time, usually three years. This visa class does not allow holders to apply for visas for their family so they can't be reunited and it also limits the number of government services provided to these visa holders.

⁴⁵ The *Migration Amendment (Excision from Migration Zone) Bill* (2001) and The *Migration Amendment (Excision from Migration Zone) (Consequential Provisions) Bills* (2001).

⁴⁶ Parliament of Australia (2014).

Between 2008 and 2010 the majority of irregular maritime arrival final visa grants were to citizens of Afghanistan, while the majority of non-irregular maritime arrival final visa grants were to citizens of China⁴⁸. During the same time period more people who sought asylum in Australia arrived by air than by sea⁴⁹.

3.3 The status of LGBT people in their countries of origin

*Where I come from, it's something you don't tell anybody...*⁵⁰

3.3.1 Legal status

Currently, four of the top five source countries for irregular maritime arrivals who have been granted final protection visas under Australia's Humanitarian Program have extremely punitive laws against consensual same-sex sexual conduct. In all of these jurisdictions sexual relations and practices between people of the same sex are illegal and subject to criminal sanctions, ranging from 'conversion therapies' to imprisonment and even death (Appendix A).

The situation is similar for those people who apply for protection visas offshore and are determined to be refugees. Again, the top five source countries have laws that criminalise sexual activity between people of the same sex (Appendix B). However, given the changes to the Migration Act in 2001 which removed these offshore territories from the Australian migration zone, Australia accepts no obligation to settle these people within its own borders.

⁴⁷ The Pacific Solution, as it was known, was formally ended in 2008 by the Rudd Government. However, the policy was reintroduced by Julia Gillard under the findings of an expert panel, tasked to look at possible solutions or alternatives to processing asylum seekers. Parliament of Australia (2014) *Immigration Detention in Australia*.

⁴⁸ Not including the various Special Administrative Regions or Taiwan. Australian Bureau of Statistics (2012).

⁴⁹ Australian Bureau of Statistics (2012).

⁵⁰ Miles, N. (2009).

3.3.2 Disclosing past abuse

Any claimant for asylum or permanent residency will find it challenging to talk to government officials about their past traumatic experiences which may include persecution or incidents of torture or sexual assault. These challenges can be magnified for SSASGD young people who have experienced abuse because of their sexual orientation or gender identity or who live in constant fear of being 'outed'. Either way, on arrival in Australia, these young people are faced with the difficult task of if, when, and how to talk with decision makers and support services about matters that for many are shameful and extremely private, discussions that depend on high levels of trust and mutual understanding.

4. Emerging issues for recently arrived SSASGD young people

[T]hat's the main reason why I'm not telling [my parents] now because I cannot afford to go back [home and] go to some voodoo doctor and get me treated

Rishaan

Back home you live in a box, you're locked away. You learn to be invisible. You have to deny who you are and what you want. It's like you're leading a double life, it's Jekyll and Hyde.

Marisha⁵¹

Nothing for them (2014) canvassed the opinions and experiences of policy makers and support workers. The report identified a lack of organisational policies, practices and procedures that addressed the needs of recently arrived SSASGD young people. However, like similar studies overseas, the report noted the difficulty in getting SSASGD young people to come forward and talk about their experiences of migration and their access to support services⁵². A comprehensive framework needs to incorporate the voices and experiences of SSASGD young people and the major factors and emerging issues that affect their health and wellbeing as they settle in Australia.

All of our participants talked of the importance of belonging in Australia and of the difficulties they faced in feeling at home at the intersection of two different cultures and communities. Our participants' responses were consistent with international research showing that a sense of belonging is vital to the mental health and wellbeing of migrants and refugees^{53, 54}. However, unlike their recently arrived heterosexual and cisgender

⁵¹ Miles, N. (2009).

⁵² Anonymous (2015); Chavez, K. (2011) 'Identifying the Needs of LGBTQ Immigrants in Southern Arizona', *Journal of Homosexuality* 58 (2), p215; Noto, O. et al. (2014).

⁵³ Herrman, H., Shekhar, S. and Moodie, R. (2005) *Promoting Mental Health: Concepts, Emerging Evidence, Practice* (World Health Organisation and Victorian Health Promotion Foundation). Melbourne, Australia: University of Melbourne.

⁵⁴ Hek, R. (2005) *The Experiences and Needs of Refugee and Asylum Seeking Children in the UK: A Literature Review*. Nottingham. United Kingdom, University of Birmingham; O'Sullivan, K. and Olliff, L. (2006) *Settling In: Exploring Good Settlement for Refugee Young People in Australia*. Carlton, Australia: Centre for Multicultural Youth, p 13-15.

peers, our participants faced the added pressures of having to negotiate their sexual feelings and gender identities at the intersection of cultures and communities that hold very different and sometimes incompatible views of LGBT people. For all our participants, their sexuality wasn't an add-on to their experiences of being recently arrived but was intimately bound to their sense of belonging and being at home in Australia.

Our four participants identified a range of overlapping factors that hindered or promoted their sense of belonging: family relationships; connection to culture and community of origin; and faith and religious affiliation. All these factors are consistent with the findings of the limited international research on the key socio-cultural factors that influence SSASGD young people's migration experiences in countries similar to Australia.

4.1 Family relationships

Connection to family and supportive familial relationships are determinants of good overall health and wellbeing. For recently arrived migrants, including SSASGD young people, their chances of being welcomed and supported increase if their family's status in the host community is high and their community of origin is not subject to systemic discrimination on the basis of particular cultural or ethnic differences such as language or religion^{55, 56}.

Connections with family may be particularly important for migrants, refugees and asylum seekers whose experiences of migration and resettlement are associated with a loss of control over almost all aspects of their lives⁵⁷. Maintaining supportive familial relationships can be a protective factor against pre-immigration trauma and the stresses of resettlement including loss of security and the undermining of a fixed and previously unquestioned sense of identity⁵⁸.

⁵⁵ Correa-Velez, I. et al. (2010).

⁵⁶ Montgomery, E. and Foldspang, A. (2005), 'Seeking Asylum in Denmark: Refugee Children's Mental Health and Exposure to Violence', *European Journal of Public Health* 15(3): 233-237.

⁵⁷ Correa-Velez, I. et al. (2010).

⁵⁸ Montgomery, E. and Foldspang, A. (2005).

For recently arrived SSASGD young people, however, maintaining familial relationships may be complicated by their family and community of origin's critical and sometimes violent treatment of LGBT people. Maintaining these relationships may also be complicated by these young people's feelings and sense of responsibility regarding their sexual orientation or gender identity and its impact on their family. A NSW study of the effects of homophobia in Arabic-speaking communities found that many SSASGD young people hid their sexuality from family members for fear of violence and of 'bringing shame on the family'⁵⁹. Others said that accepting their same sex attraction necessarily involved a break from their families⁶⁰. According to one study, the price some 'out' young Muslim gay men paid to remain connected to their families was to not talk about or remind anyone that they are gay⁶¹.

All four of our participants talked of the negative and lasting impact of familial hostility toward their sexuality. For two participants this led to their being alienated from their families. Hamza recounted that being 'known' to his family had resulted in the complete withdrawal of familial connection and support.

...I just don't get any support from them or any help, but there is nothing else...They do not support me with anything, [if I was] broke here they will not help me with anything...they're nothing.

For Syed, his brother's violent rejection of his sexuality resulted in him severing all connection with his family.

[My brother] attack me...[with an] insulin syringe. So he attack me, he hit me...it's midnight-no buses, no train...I started to cry...He took my passport...I got my passport and I fix everything, I put my clothes in bags and I leave the home.

⁵⁹ Kassisieh, G. (2011) "WE'RE FAMILY TOO" *The effects of homophobia in Arabic-speaking communities in New South Wales*. ACON, Lesbian and Gay Anti-Violence Project: Sydney, New South Wales. See also Reeders, D. W. (2010) *Double trouble? The Health Needs of Culturally Diverse Men Who Have Sex With Men*. Melbourne: Centre for Culture, Ethnicity and Health.

⁶⁰ Noto, O. et al., (2014), p.13.

⁶¹ Anonymous (2015).

Rishaan recalled that distancing himself from his family was a necessary part of his own process of 'self-acceptance'. Living with a family member, he said, 'was just not a very safe space for me to be when I was in the process of accepting myself finally'.

In contrast, Filip's father's disapproval did not result in him leaving home or severing all connection with his family. Rather, it led to a period of intense confusion during which Filip did not act on his sexual and emotional attraction to men.

My father when I first spoke to him about it he was really negative and really, really bad...I realised I was able of being in love with a man when I was 22...I was really troubled and puzzled...because [my father] is my male role guide and he was really, really quite negative. [His reaction] kept me away from the possibility of [acting on my attraction].

Familial disapproval can take many forms and come from parents, siblings or extended family members. Its effects are varied but in almost all cases responsibility for dealing with familial disapproval falls to the SSASGD young person, adding to and complicating the pressures SSASGD young people experience as part of the migration and resettlement process.

4.2 Connection to culture and community of origin

Connection to culture and community of origin, like supportive familial relationships, is associated with improved health and wellbeing for recently arrived migrants⁶².

Developing a sense of belonging in a new country is made difficult for some young recently arrived migrants, asylum seekers or refugees due to the pressure from their family or friends to stay loyal to their ethnicity while also mastering the values and culture of their new country⁶³. This tension can lead to young people over-identifying with their culture of origin and remaining apart from the mainstream or over-identifying with mainstream culture and becoming alienated from their community of origin. Or

⁶² Correa-Velez, I. et al. (2010).

⁶³ Pumariega, A., Rothe, E. and Pumariega, J. (2005) 'Mental Health of Immigrants and Refugees', *Community Mental Health Journal* 41(5):581-597.

these pressures can lead to young people feeling excluded from both, at home neither in the mainstream nor in their community of origin⁶⁴.

For many recently arrived SSASGD young people the pressures to fit in are compounded by the negative and sometimes hostile attitudes of family members which are bedded in and reflect the general attitudes and beliefs of their communities of origin. Recently arrived SSASGD young people who have been subject to harassment, violence or imprisonment before migration may neither want nor be able to maintain a connection with members of their community of origin during and after resettlement. Their experiences of homophobic or transphobic abuse and discrimination and a lack of support from members and representatives of their community of origin may outweigh the benefits of maintaining these connections as they find their way in unfamiliar territories.

Three of our four participants did not want to identify or associate with others from their community of origin, one vehemently so. Hamza was adamant that he wanted nothing to do with anyone from his community of origin and feared that contact might lead to abuse and even death.

I don't want to know anybody from my people...If anybody knows [about me being gay] I will be killed for sure...I'm here, so I want to do whatever I want, I don't care what the people [say] and yeah...I don't think it's necessary to have a connection here, I don't want it you know?

Syed did not want to be an object of gossip or ridicule among his extended family and community members.

When I came, the community and the people here talk...in the first hour I was in Australia they start to speak about me, my relatives, my cousins...I don't like that...I don't want [that].

Rishaan was the only one of our four participants who wanted to remain connected to his culture and community of origin. He made a distinction between 'the ones who get assimilated' and 'those like me who tend to their culture and don't want to let it go'. 'I'm

⁶⁴ Correa-Velez, I. et al. (2010).

part of those who are really attached,' he said, 'I'm attached to my country'. And yet the cost of maintaining that attachment for Rishaan was the impossibility of telling his parents about his partner or the 'amazing things' he was doing.

I want to tell my parents that I've found my man and I can't tell them and they don't know. The amazing things I'm doing are always a secret and I can't tell them.

For all our participants the importance they place on maintaining their ethnic and cultural identity is tightly bound to how closely they remain connected to their families. In turn, their degree of connection to both community of origin and family is linked to whether or not they can and do invite those closest to them into their personal lives as gay or bisexual men.

A recent New Zealand study found that the country's strongly secular traditions and history of progressive LGBTI legislative reforms had had an impact on the attitudes of established migrant Muslim families and communities⁶⁵. Some men who identified as gay and Muslim in this study had found ways of maintaining connections to their family and the Muslim community while being openly gay. Nonetheless, these strategies relied on complicated footwork and degrees of openness and disclosure that differed between their family and the Muslim community. However, for recently arrived SSAGSD young people who have little or no knowledge of the legal and social status of LGBTI people in their adoptive countries, it may be impossible to imagine ways of being openly LGBTI *and* part of their families and communities of origin. In an Australian survey, lesbian women who were immigrants and refugees reported a strong desire for maintaining connection to family and community of origin despite feeling intense pressure to choose between their sexual and ethnic or cultural identities⁶⁶.

⁶⁵ Anonymous (2015), p.3.

⁶⁶ Poljski C. (2011).

4.3 Faith and religious affiliation

Religion provides a system of belief and social organisation that are key elements of many individuals' sense of personal and collective identity and worth⁶⁷. For migrant and refugee communities religion may be one of the few ways in which they can maintain some continuity of identity and value as they move from one place or one culture to another. It can also help recently arrived migrants feel safe and provide them with a sense of belonging in their country of arrival.

However, many religious faiths and organisations are dismissive of or openly hostile to sexual orientation and gender identity minorities. A number of studies have documented the difficulties that gay men, lesbians and bisexuals experience in maintaining their sexual and religious identities⁶⁸. Studies in the UK document the hostility that many LGBT people experience from within their own ethnic communities because of religious beliefs and teachings that portray homosexuality and in some cases sex and gender diverse identities as evil and deserving of punishment and retribution. These include studies of Jewish, South Asian and Pakistani-Muslim communities⁶⁹.

A national Australian study found that SSASGD young people who were religiously affiliated were more likely than SSASGD young people who reported no religious affiliation to⁷⁰:

- Feel bad about their same sex attraction
- Have experienced social exclusion or been subjected to homophobic language from friends
- Report homophobic abuse, and feel unsafe, in the home
- Be unsupported by their mother, father, brother, teacher or student welfare coordinator/counsellor, when disclosing their identity; and
- Report thoughts of self-harm and suicide or carry out self-harm.

⁶⁷ Silberman, I. (2005) 'Religion as a Meaning System: Implications for the New Millenium', *Journal of Social Issues* 61(4): 641-663.

⁶⁸Henrickson, M. (2007) 'Lavender Faith: Religion, Spirituality and identity in Lesbian, Gay, and Bisexual New Zealanders', *Journal of Religion and Spirituality in Social Work* 26(3): 63-80; Hillier, L. et al. (2010); Minwalla, O., Simon Rosser, B., Feldman, J. and Varga, C. (2005) 'Identity Experience Among Progressive Gay Muslims in North America: A Qualitative Study within Al-Fatiha', *Culture, Health & sexuality* 7(2): 113-128.

⁶⁹ Coyle, A. and Rafalin, D. (2001) 'Jewish Gay Men's Accounts of Negotiating Cultural, Religious, and Sexual Identity', *Journal of Psychology & Human Sexuality* 12(4): 21-48; Yip, A. (2004) 'Embracing Allah and Sexuality? South Asian Non-Heterosexual Muslims in Britain'. In *South Asians in Diaspora*, P. Kumar and K. Jacobsen (eds.), Leiden: EJ Brill, pp.294-310; Jaspal, R. and Cinnirella, M. (2010) 'Coping with Potentially Incompatible identities: Accounts of Religious, Ethnic, and Sexual Identities from British Pakistani Men Who Identify as Muslim and Gay', *British Journal of Social Psychology* 49(4): 849-870.

⁷⁰ Hillier, L. et al. (2010), p. 91.

For recently arrived SSASGD young people negotiating the tension between their ethnic and sexual or gender diverse identities is difficult and highly stressful. Some maintain their faith and religious beliefs but withdraw from their community of origin's religious institutions and practices. Others find that being open about their sexual orientation or gender identity necessarily involves a radical break from both their religious beliefs and religious institutions and events⁷¹.

For three of our participants, all of whom had been or identified as practising Muslims, religion played a major role in their lives. Being a Muslim was important to Syed but he practised his faith away from organised prayer meetings. 'I do religion by myself,' he said, 'my way [is] different. At my room I listen to the Koran...I pray by myself'. Syed said he felt unwelcome at prayer meetings because they reflected the dominant, conservative tenets of Islam including hostility toward LGBT people.

Rishaan expressed deep sadness at being unable to reconcile his faith with his sexuality. The effort and finally impossibility of reconciling these two aspects of himself came at great personal cost.

I left Islam recently, it feels terrible. But...when you visit a mosque and they tell you stuff about how gay people are terrible...they're infected with HIV and it's God's gift to the gays...that's very damaging when you're a young kid and you know you're different and you hear that from the person who's supposed to be the crystallisation of knowledge.

Rishaan recounted how he found it impossible to divorce himself from Islam as an adolescent in his home country but how this became both possible and necessary once he settled in Australia.

I couldn't leave Islam back [home] because Islam, in my family, in my culture or society plays such a big role, everything is centred around religion. When you give up religion...your life really becomes meaningless and that is a very scary thing for a 15 year old...I left it a month and a half ago and I still struggle, I still feel the emptiness that has always been there.

⁷¹Kassisieh, G. (2011); Jaspal and Cinnirella (2010).

For recently arrived SSASGD young people, the pressures and risks associated with being open and out are compounded by their experiences of migration and a fear that loss of faith and religious affiliation will lead to greater loneliness and isolation. For Syed, maintaining his faith comes at the cost of no longer being part of a community of religious practice. For Rishaan, the possibilities of being an openly gay man in a new country bring with them a loss of Muslim identity and the almost unbearable grief that loss entails.

5. Access to services

I am a stronger person [in Australia]. I feel more human. I feel more connected to the diversity and people being different.

Filip

I didn't have the luggage of my social environment [home country] behind me so I could feel relaxed in expressing myself and be very open and authentic... I started my exploration by going to a gay bar.

Hamza

For many recently arrived SSASGD young people, being in Australia affords them a freedom and opportunity to explore their sexual feelings and sexual orientation and gender identities that they didn't have in their countries of origin. Some of our participants reported that this freedom coupled with a greater acceptance of LGBT people made them feel safer and more secure in Australia than in their home countries. In turn, this increased their willingness and desire to be part of and contribute to Australian society.

The degree to which recently arrived SSASGD young people feel part of Australian society is related not only to the sorts of relationships they maintain with their families, and communities and cultures of origin. It is also related to their access and use of mainstream and LGBTI services. For most SSASGD young people their engagement with mainstream services is vital to meeting their material needs, from housing to education and employment. At the same time, both mainstream and LGBTI services are often SSASGD young people's first point of call in learning about Australia and where and how they fit in. A lack of LGBTI-inclusive mainstream services and of culturally-inclusive LGBTI services may be a barrier to recently arrived SSASGD young people feeling welcome and at home. By delaying their access to important information and services, the lack of LGBTI and culturally appropriate services could be further compromising the health and wellbeing of this already vulnerable group of young people.

5.1 Resettlement

The earlier young refugees can develop a sense of belonging and feeling at home during resettlement, the better their health and wellbeing outcomes⁷². Refugee young people are at higher risk of mental ill health and behavioural problems associated with the stress of acculturating to their new home⁷³ and SSASGD refugee and asylum seeker young people may be even more so.

For recently arrived migrants who have been subject to significant trauma in the past, negative experiences during resettlement can recall those past traumatic incidents leading to reduced health and wellbeing. For recently arrived SSASGD young people, traumatic experiences during resettlement may tap into past experiences of discrimination and abuse related to their sexual orientation or gender identity or to a fear of such abuse that has been a constant in their lives. 'Back home' said Hamza,

...they are strict Muslim and they don't accept to be gay or lesbian, it's not acceptable at all. But here...nobody can reach you or touch you...it's safe.

One respondent in a UK study of lesbian and gay asylum seekers recounted how his father's decision that he seek asylum was a result of being repeatedly detained and threatened by local authorities and severely beaten by his father because of his sexuality.

The next time I got caught my boyfriend ran but because of my record they accused me of having a relationship with the guy who ran away and they kept me detained for three days. They plan to sentence me for execution. If I'd been sent to court I wouldn't be here now. I was one of the luckiest ones-my dad who beat me nearly to death paid for a powerful neighbour to get me out of jail. But it was his rule that I had to leave my country because he didn't want any more trouble.⁷⁴

⁷² Hek, R. (2005); Beirens, H., Hughes, N., Hek, R. and Spicer, N. (2007) 'Preventing Social Exclusion of Refugee and Asylum Seeking Children: Building New Networks', *Social Policy and Society* 6 (2): 219-229; Kia-Keating, M. and Ellis, B. (2007) 'Belonging and Connection to School in Resettlement: Young Refugees, School Belonging, and Psychosocial Adjustment', *Clinical Child Psychology and Psychiatry* 12(1): 29-43; O'Sullivan, K. and Olliff, L. (2006).

⁷³ Correa-Velez, I., Gifford, S. and Barnett, A. (2010) 'Longing to Belong: Social Inclusion and Wellbeing Among Youth With Refugee Backgrounds in the First Three Years in Melbourne, Australia', *Social Science and Medicine* 71(8): 1399-1408.

⁷⁴ Miles, N. (2009).

The stresses of resettlement and past traumatic experiences are compounded for refugees and asylum seekers who have been subject to restrictive immigration laws and policies. In Australia, this is likely to include anyone detained without a visa, often offshore and for an uncertain period of time. A longitudinal study found that refugees granted temporary visas reported higher levels of psychological distress for a wide range of post-migration challenges than refugees granted permanent protection visas⁷⁵. The research revealed a pattern of mental distress, resettlement difficulties, isolation and acculturation problems amongst those people who were subject to restrictive immigration policies. While this research did not ask participants their sexual orientation or gender identity, there is no reason to believe that SSASGD refugees subject to restrictive immigration policies would fare any differently than their non-SSASGD peers. One of our participants, Rishaan, observed that tightening government positions on asylum seekers were affecting his wellbeing.

When I learnt about [the Australian Border Force proposed visa check in Melbourne]...I was just so angry; I said fuck this...I don't want to stay here anymore...That just brought me so much down...

Providing recently arrived migrants, refugees and asylum seekers with access to essential services increases the likelihood of a positive resettlement experience. These include:

- English language services and information about Australian culture and life⁷⁶ (including information on the legal and social status of LGBTI people)
- Access to supportive schools⁷⁷
- Housing security and a say regarding their housing options⁷⁸
- Settlement in a quiet and secure local area⁷⁹; and
- Education⁸⁰ and employment opportunities (that generate income)⁸¹.

⁷⁵ Steel, Z., Momartin, S., Silove, D., Coello, M., Aroche, J., and Tay, K. (2011) 'Two Year Psychosocial and Mental Health Outcomes for Refugees Subjected To Restrictive Or Supportive Immigration Policies', *Social Science and Medicine* 72(7), p. 1149.

⁷⁶ Ager, A. and Strang, A. (2008) 'Understanding Integration: A Conceptual Framework', *Journal of Refugee Studies* 21(2), p181.

⁷⁷ Bond, L., Giddens, A., Consentino, A., Cook, M. and Hoban, P. (2007) 'Changing Cultures: Enhancing Mental Health and Wellbeing of Refugee Young People Through Education and Training', *Promotion and Education* 14(3): 143-149.

⁷⁸ Bond, L. et al. (2007).

⁷⁹ Bond, L. et al. (2007).

⁸⁰ O'Sullivan, K. and Olliff, L. (2006) *Settling In: Exploring Good Settlement for Refugee Young People in Australia*. Carlton, Australia: Centre for Multicultural Youth, p11.

Participants' rights to employment under their various visa conditions were varied. Regardless of their permission to work, participants expressed incredible frustration at not being given an opportunity to work by potential employers because of their lack of permanent residency status. Lourdes, who provided support to one of our participants, Hamza, said that he wanted to undertake an apprenticeship to become an electrician. However, Lourdes said that Hamza was hampered in doing so because he reported that employers were not willing to take a risk in employing someone whose future in Australia was uncertain.

[Hamza] wants to do a career change and it's sort of like he's in limbo at the moment...until [his visa situation] is all finished that's probably not going to happen. He can't afford to study full-time and he's...trying to get an apprenticeship but is anyone going to put him on because he's got that hanging over his head?

Lourdes

Rishaan felt that his Arabic name or perhaps his racial identity had impacted his job search negatively.

[W]hen you apply for jobs and you can [only] apply to big companies because smaller companies you wouldn't hear a response from... [Large companies] have diversity policies in place which protects my rights and for small companies, I've applied to a million jobs before. I didn't hear anything from any of them.

Rishaan

While access to essential services is a vital part of successful resettlement for all recently arrived migrants, for SSASGD young people they face the added pressures of accessing services that are both migrant and LGBTI friendly and aware.

⁸¹ Valtonen, K. (2004) 'From the Margin to the Mainstream: Conceptualising Refugee Settlement Processes', *Journal of Refugee Studies* 17(1): 70-96.

5.2 Mainstream services

In Australia, there is a growing acknowledgement that lack of LGBTI-inclusive mainstream services is one of the major drivers of reduced service use among LGBTI people⁸². For recently arrived SSASGD young people access to appropriate education, housing and employment is dependent on services that understand and can accommodate the complexities of their lives, including the pressures that come with having to negotiate their sexual or gender identities at the intersection of different communities and cultures.

Recently arrived migrants' access to mainstream services is also influenced by the degree to which those services are delivered in a culturally appropriate and sensitive manner. A number of studies have shown how racist and ethnocentric attitudes and practices in host countries like Australia can limit recently arrived migrants' access to mainstream services⁸³. While the lack of culturally appropriate services sometimes reflects broader, discriminatory social beliefs, even in those communities where migrants are welcomed, agencies are often insensitive to their needs and deliver services in ways that are not culturally inclusive.

All our participants had sought a variety of mainstream services while in Australia, from educational institutions and doctors to settlement services and government departments. Hamza expressed frustration at the difficulties he faced in getting clear information from services, 'we don't know...we didn't born here so we didn't know lots of things'. All our participants expressed frustration that:

- Service providers assumed that recently arrived migrants understood how to access services and navigate their way through Australian health and immigration systems
- The language that service providers used was difficult to understand and too complex either during face-to-face interviews or in letters and other communication; and

⁸²Victorian Department of Health (2011) *Well Proud: A Guide to Gay, Lesbian, Bisexual, Transgender and intersex Inclusive Practice for Health and Human Services*. Melbourne, Australia: Victorian Government.

⁸³ MSHN (2013) *An increased intake, a better response: addressing the health needs of greater numbers of refugees and asylum seekers*, MSHN report for the 1st MSHN forum April 2013; Noto, O. et al., (2014), pp.19-22.

- Service providers assumed all recently arrived migrants were eligible for Medicare and Pharmaceutical Benefits.

5.3 LGBTI services

Rishaan recalled how important accessing an SSASGD support group was and how it provided a space in which he could be both gay and Muslim.

Walking [into the support group] was just the start of my life. For the first time I've told people, I'm gay and I'm Muslim and that just took a huge weight off my shoulders and for an hour every week I could be myself in that group.

One of the participants in *Nothing for them* (2014) also talked of how important connecting to the LGBTI community was in allowing recently arrived SSASGD young people express a fundamental part of who they are⁸⁴.

[Being at an LGBTI social event] just made me feel happy to see a space that allows people to be themselves and express themselves and be comfortable and safe from harm.

However, a number of our participants expressed frustration that there wasn't a 'stand-alone' dedicated service providing health care and support to SSASGD young people who were recently arrived, refugees or asylum seekers. Where this support did exist it often depended on individual expertise within SSASGD or LGBTI organisations that provided specialist services in areas like health, housing and education. Just as many recently arrived SSASGD young people were not comfortable accessing mainstream or migrant services because they were not LGBTI-inclusive, others expressed difficulties in accessing LGBTI services because they were not delivered in a culturally sensitive and appropriate way. As one participant put it in *Nothing for them* (2014, p.28)

⁸⁴ Noto, O. et al. (2014), p.28.

My feeling and experience is that migrant and refugee organisations...are more aware of and better equipped to address GLBTIQ issues than many GLBTIQ organisations are with issues facing recently arrived people. I don't know if that's just because refugee and migrant organisations have more queer staff than GLBTIQ organisations have recently arrived staff.

Lourdes expressed frustration at the lack of a single organisation or place where she could find LGBTI-information, resources and referrals for her client, Hamza. Lourdes recalled contacting her state AIDS Council after Hamza's lawyer told her 'we need a psychology report'.

They said try contacting these people, try contacting-you know...the department and that office will put you onto that office, there was just no one place [to get all the help needed].

Again, our participants said that lack of information in simple-to-understand English and in languages other than English was a barrier to their accessing LGBTI services. A number of our participants said that their lack of experience in seeking services combined with their lack of English proficiency meant that sometimes they didn't know which services they actually needed, mainstream or LGBTI-specific, or even if they could request a referral from one service to another.

6. Framing recently arrived SSASGD young people

To the immigrant community we're the gays; to the gay community we're immigrants; and in the end, we're invisible...I would like to stop being a wedge issue and be able to say that I'm fully a member of two communities⁸⁵.

Sometimes [I] think being gay is the best thing that ever happened to me because I've been able to explore so many things that [I] would be too oblivious [to] if I was straight.

Rishaan

The provision of policies, programs and services that meet the needs of SSASGD young people who are recently arrived, refugees or asylum seekers requires a framework that addresses the complex forces operating in these young people's lives. This framework includes not only an understanding of the broader socio-political processes driving migration and the laws criminalising and punishing minority sexual orientations and gender identities in those countries from which most of the people seeking protection visas come. It also includes an understanding of how these forces continue to have an impact on this cohort of young people's lives long after they have settled in Australia.

This section presents a framework that places the interests and welfare of recently arrived SSASGD young people at its centre. The framework acknowledges the differing social and cultural spaces these young people occupy and how the interactions and overlap among these spaces affect their sense of belonging and wellbeing in Australia. The framework recognises the pressures that individual recently arrived SSASGD young

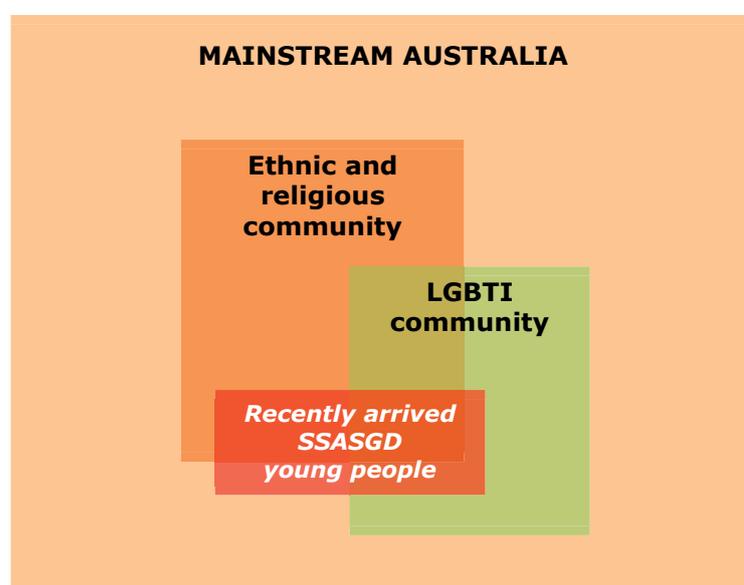
⁸⁵ Lewis, R. (2010) 'Lesbians Under Surveillance: Same Sex immigration Reform, Gay Rights, and the Problem of Queer Liberalism', *Social Justice* 37(1): 90-103.

people experience as they move between and inhabit these different and sometimes contradictory worlds. The framework provides a common understanding for the development and co-ordination of policies, programs and services that support recently arrived SSASGD young people.

6.1 Introducing the framework

Diagram 1 presents one way of conceptualizing the values, practices and beliefs that are at play in the lives of recently arrived SSASGD young people as they inhabit different communities and cultures. The diagram locates recently arrived SSASGD young people at the intersection of three discrete but not mutually exclusive communities: mainstream Australia; their ethnic and/or religious community of origin; and the LGBTI community.

DIAGRAM 1 – Framing recently arrived SSASGD young people



In this framework, mainstream Australia has a dual role. It doubles as both a set of shared socio-cultural values and practices but also as the broader context in which the interplay between different communities and cultural beliefs takes place. In this second

role it sets ***the terms and limits of cross-cultural engagement***, a set of common principles that apply within and across communities and cultures. These terms of engagement ensure that the rights of all individuals, including recently arrived SSASGD young people, are respected and not compromised during or as a consequence of their interactions with representatives and individuals from different communities.

6.2 Mainstream Australia

A recent report by the Australian Human Rights Commission (AHRC) provides a comprehensive overview of the current legal and social status of LGBTI Australians⁸⁶. The report details the status of LGBTI people in Commonwealth, State and Territory equal opportunity and anti-discrimination legislation. In 2013, the Commonwealth amended the *Sex Discrimination Act 1984* (SDA) to prohibit discrimination on the basis of sexual orientation, gender identity and intersex status. The changes to the Act brought Commonwealth legislation in line with state and territory anti-discrimination and equal opportunity legislation, which prohibits discrimination on the basis of sexual orientation⁸⁷. The amendments to the SDA include, however, exemptions for religious bodies that allow them to discriminate on the grounds of sexual orientation, gender identity and intersex status in employment and the provision of services (with the exception of Commonwealth-funded aged care)⁸⁸ that are conducted in accordance with the doctrines of the particular religion⁸⁹.

The AHRC's report also notes that Australia is 'one of an increasing number of countries around the world that recognise sexual orientation and gender identity as valid grounds to claim asylum'⁹⁰. Australia's recognition of the need to provide asylum seekers with protection from persecution based on their sexual orientation or gender identity is

⁸⁶ Australian Human Rights Commission (2015) *Resilient Individuals: Sexual Orientation, Gender Identity & Intersex Rights: National Consultation Report-2015*. Australian Human Rights Commission at www.humanrights.gov.au/sogii

⁸⁷ As the AHRC report notes, however, there is considerable variation in the terminology used and the different groups protected in each state and territory. All jurisdictions include sexual orientation, many but not all gender identity, and only Tasmania includes all three: sexual orientation; gender identity; and intersex status. Australian Human Rights Commission (2015), p.71.

⁸⁸The SDA as amended in 2013 makes it unlawful for aged care providers, even those owned by religious bodies, to exclude (or otherwise treat unfavourably) people based on their LGBTI or same-sex relationship status: SDA section 37.

⁸⁹ See Commonwealth Consolidated Acts at www.austlii.edu.au/au/legis/cth/consol_act/sda1984209/s37.html

⁹⁰ Australian Human Rights Commission (2015), pp. 79-80 and 81-82.

consistent with its commitment to prohibiting discrimination against LGBT Australians and providing them with equal opportunity under the law. For SSASGD young people who are recently arrived and granted asylum this means that mainstream Australia has an obligation to protect them from discrimination and abuse and to enable them to live openly as LGBT with opportunity, dignity and respect.

6.3 Cultural and religious affiliation

All our respondents talked of the pressures and, for some, impossibility of being openly same sex attracted within their community or culture of origin. Their stories are very similar to those of recently arrived SSASGD people seeking asylum in countries like Australia⁹¹. All talked of the pressures and fear they experienced in their countries of origin and two were subject to extreme violence and the threat of murder by family members or the state.

What is different on arrival in countries like Australia, is that there is no longer a congruence or seamless fit between state law, cultural and religious belief, and familial attitudes. In those countries from which most people seeking protection visas in Australia come, negative attitudes toward same sex attracted and gender diverse people are shared across family, society and state. Laws criminalising sexual orientation and gender identity minorities are grounded in cultural and religious beliefs that demonise same sex attracted and non-cisgender activities and identities. In turn, these laws and beliefs reflect—as they drive—familial attitudes toward SSASGD family members, including rejection and violence. On arrival in Australia this overlap and continuity are disrupted. Familial and cultural taboos against SSASGD people are no longer legitimated and supported by criminal sanctions and legal prohibitions.

What our study and similar international research show is that much of the discrimination and abuse experienced by recently arrived SSASGD young people has less to do with cultural practices as such and more to do with particular religious beliefs. For many recently arrived SSASGD young people the hostility they experience from their family and community of origin is grounded in religious teachings and practices shared

⁹¹ Coyle, A. and Rafalin, D. (2001); Hek, R. (2005); Jaspal, R. and Cinnirella, M. (2010); Miles, N. (2009); Yip, A. (2004).

by different ethnic and cultural groups including well-established Australian faith-based communities and organisations. In Australia the tensions between religious beliefs and attitudes and treatment of SSASGD people are not unique to migrant communities or ethnic and cultural minorities. National research shows that a significant percentage of SSASGD young Australians who are affiliated with mainstream religious faiths and organisations report that religious teachings had been used against them in hurtful and abusive ways⁹². Ruth, an 18 year old respondent in an Australian survey of the health of SSASGD young people, said

I was raised in a Christian family so I was constantly embarrassed and disgusted with myself for feeling the way I did. I was constantly told it wasn't natural and that it was just a phase I was going through. I got depressed and became suicidal⁹³.

Ruth's response is indicative of the experience of many SSASGD young Australians from different religious faiths who struggle to reconcile their same sex attraction or gender diverse identity with their family and religious community's religious beliefs⁹⁴.

Exemptions in Commonwealth, state and territory legislation that allow religious organisations to discriminate against LGBTI people in certain circumstances are testimony to the special status afforded religious faith in Australia. However, in Australia this situation is exceptional and not the legal norm. While religious organisations may exclude LGBTI people if they believe this exclusion is necessary to comply with their religious doctrine, this exemption does not grant individuals, families or communities who hold these religious beliefs the right to subject LGBTI people to public abuse and violence.

Recently established migrant communities that are committed to cultural and religious beliefs that reject or devalue LGBTI people may experience the state's legal support of sexual orientation and gender identity minorities as a 'clash of cultures' and an attack on their independence and religious freedoms. As studies have shown, however, the uncoupling of religious faith and practices from state law opens spaces within

⁹² Hillier. L. et al. (2010), p. 15.

⁹³ Hillier. L. et al. (2010), p.93

⁹⁴ Hillier. L. et al. (2010); Kassisieh, G. (2011); Noto, O. et al., (2014).

communities to reconsider the relationships among their cultural practices, religious belief and the law. These are spaces where mainstream and minority communities whose ethnic identities are tightly bound by religious belief can begin to consider ways of acknowledging their LGBTI members without alienating or vilifying them. In 2013 the Arab Council received ACON's Honor Award for their efforts to create greater acceptance and understanding of LGBTI people within local Arab-Australian communities⁹⁵. In August 2015, the Jewish Community Council of Victoria hosted its first LGBTI engagement symposium⁹⁶ and in February 2016 the Victorian Government launched its draft Multicultural Policy Statement, *Embracing Our Cultural Diversity*. It is one of the first multicultural policy documents in Australia to include a section on diversity of gender and sexuality. '[T]o develop a truly respectful and inclusive Victorian community,' advises the draft statement, 'our multicultural communities must listen to the voices of LGBTI people...'⁹⁷

For recently arrived SSASGD young people, however, state support of sexual orientation and gender diversity opens up new possibilities even as it brings new fears and concerns about how to live openly within and across intersecting communities and cultures. It puts intense pressure on these young people as they navigate their way among different communities that hold conflicting understandings of same sex attraction and gender diversity. For some it also involves renegotiating their faith and their relationships to religious organisations within and outside their community of origin. This is a complex choreography in anybody's language and we see this complexity reflected in the different strategies that recently arrived SSASGD young people adopt to survive and hopefully flourish in their new homes. Some stay hidden and pass as heterosexual and cisgender, others invite those they trust in, others come out as LGBT. What is vital is that mainstream services support these young people in developing strategies that don't involve them pitting one part of themselves against another and that don't reinforce

⁹⁵ Arab Council Australia (2013) *Annual Report 2013*. Arab Council Australia Inc., p.7

⁹⁶ As the JCCV announced in its newsletter "In a milestone event for social inclusion in the Jewish community, the Jewish Community Council of Victoria (JCCV) held its first LGBTI (Lesbian, Gay, Bisexual, Transgender and Intersex) Community Engagement Symposium on Sunday, attended by over 80 people', at www.jccv.org.au/news/1235/59/JCCV-LGBTI-Community-Engagement-Symposium.html

⁹⁷ Victorian Government (2016) *Embracing Our Cultural Diversity: Victoria's Multicultural Policy Statement – Draft Consultation Paper* at www.multicultural.vic.gov.au/images/2016/MulticulturalPolicyStatementPublicConsultationDraft.pdf

cultural or religious beliefs and practices that devalue their sexual orientation or gender diverse identities.

6.4 LGBTI community

As a Greek man I can say the broader gay and lesbian community has opened up their arms and welcomed me... Although I think there is prejudice towards the Asian gays - the Indians, Sri Lankans. Probably the same type of discrimination the wider society has towards the newer immigrant groups⁹⁸.

Nothing for them (2014) talked of the effects of racism and ethnocentrism within LGBTI communities on the health and wellbeing of LGBTI people affiliated with particular ethnic and cultural minorities⁹⁹. A report by ACON found that many same sex attracted people from Arabic-speaking backgrounds had experienced racism and ethnic stereotyping within LGBTI communities¹⁰⁰. Other Australian studies suggest that ethnocentrism and racism within LGBTI communities can lead to higher rates of depression and reduced access to and use of sexual health services among ethnically and culturally diverse gay and homosexually active men¹⁰¹.

For recently arrived SSASGD young people, discrimination from within LGBTI communities can increase their sense of social and cultural dislocation. A number of our participants reported that support and acceptance from within the LGBTI community was vital to their security and sense of belonging. It provided a safe and welcoming space to consider their options and begin developing strategies for dealing with the complexities of their lives. However, for those who do not experience this sense of welcome or who are subject to overt forms of racist and ethnocentric discrimination from LGBTI communities, these experiences can increase their sense of distress and alienation. They

⁹⁸ Mann, R., Horsley, P., Saunders, M., Briggs, V. and Mitchell, A. (2006) *Swimming Upstream: Making Places Welcoming. A Report on the Needs of Gay, Lesbian and Bisexual People in 'Hard to Reach' Groups*. Melbourne, Australia: Gay and Lesbian Health Victoria, La Trobe University, p17.

⁹⁹ Noto, O. et al., (2014), pp.9-10 and p. 34.

¹⁰⁰ Kassisieh, G. (2011).

¹⁰¹ Operario, D., Chong-suk, H. and Hyung-Hee, C. (2008) 'Dual identity among gay Asian Pacific islander men', *Culture, Health & Society* 10(5): 447-61; Prestage, G., Van de Ven, P., Wong, K., Mahat, M. and McMahon, T. (2000) *Asian gay men in Sydney: December 1999-Januaray 2000*. Sydney: National Centre in HIV Social Research.

can feel that they belong nowhere in Australia: not in the mainstream, nor their community of origin nor the LGBTI community. This sense of not-belonging may compound the pressures, fears and trauma associated with migration, increasing these young people's risk of physical and mental ill-health.

The delivery of culturally-inclusive services by LGBTI organisations involves much more than avoiding ethnic and racial stereotypes. It involves delivering services in ways that are culturally appropriate and that affirm ethnic and cultural diversity. For recently arrived SSASGD young people this includes providing support that acknowledges the tensions and pressures these young people experience as they move within and between communities that have very different attitudes toward LGBTI people and how they should be treated. The data also show that for many recently arrived SSASGD young people, culturally-sensitive service provision includes understanding the importance of religious faith and practices in their everyday lives. For some, their faith is integral to who they are and vital to their health and wellbeing. For others, it is part of a system of cultural beliefs and practices that leaves them little or no room to breathe.

LGBTI organisations that provide support to recently arrived SSASGD young people need to build on existing initiatives within and outside the LGBTI and multicultural sectors¹⁰². They also need to open a dialogue with representatives of faith-based organisations and identify areas of common concern which enable recently arrived SSASGD young people to feel safe and secure in their cultural, sexual and gender identities.

¹⁰² Noto, O. et al. (2014), pp.19-22.

7. Inclusive practice

I learned to keep it secret from 16 years old. I find myself in a situation with a strange person having to tell him about my private business. It is more than hard.

Ahmad¹⁰³

Our respondents and participants in similar studies overseas talked of the difficulties they faced in discussing matters relating to their sexual feelings or gender identity with mainstream service providers. Many had not disclosed their sexual feelings, sexual identity or gender identity with anyone from their community of origin, including family and friends, before arrival in Australia. Many had developed complex strategies to deflect attention from their personal lives and to minimise the possibility that others might consider that they were anything other than heterosexual or cisgender. It is not surprising, then, that recently arrived SSASGD young people may be reluctant to disclose their sexual orientation or gender identity to service providers. Nor is it surprising that they might find it difficult to discuss the pressures they are under whether or not they are open about their sexual feelings, sexual orientation or gender identity. Furthermore, it is unlikely that recently arrived SSASGD young people will have a clear idea of the sorts of supports they need or knowledge of the range of support services available.

7.1 Inclusive services for recently arrived SSASGD young people

Providing inclusive services for recently arrived SSASGD young people does not depend on clients coming out or inviting service providers in¹⁰⁴. Rather, it depends on services having considered and taken responsibility for addressing the needs of this population *in advance*, of having developed practices and protocols that are sensitive to and able to

¹⁰³ Miles, N. (2009).

¹⁰⁴ Chavez, K. (2011), p.198-200.

address their needs. For recently arrived SSASGD young people who choose not to come out to services and individual workers, an inclusive service nonetheless provides an environment where they know and feel they are welcome. It is also a service where these young people can access publicly available and e-based LGBTI information and resources and links to culturally sensitive and LGBTI-inclusive services without having to declare their sexual orientation or gender identity or fear that accessing information may lead to their being outed. For SSASGD who are open or who make the decision to come out after first accessing assistance, an inclusive service is one that lets them know that they will be listened to and supported in ways that address their specific needs and situation.

7.2 Inclusive practice guidelines

GLHV, in collaboration with Quality Innovation Performance (QIP), has developed a set of six LGBTI-inclusive practice standards, the Rainbow Tick¹⁰⁵. They are aimed at promoting organisational and cultural change and involve services reviewing all of their practices, procedures and protocols to ensure that they are LGBTI-inclusive. The following five guidelines for inclusive practice are built on the Rainbow Tick but also draw on the cultural competency framework outlined by the Centre for Culture, Ethnicity and Health¹⁰⁶. They are a first attempt to develop a set of guidelines for inclusive service provision that acknowledge the different and unique pressures that frame recently arrived SSASGD young peoples' resettlement experiences in Australia and that are both culturally sensitive and LGBTI-inclusive.

7.2.1 Organisational capacity

The implementation of inclusive practice requires:

- Commitment at the most senior levels of an organisation including time, personnel and finances

¹⁰⁵ QIP is a not-for-profit national accreditation body.

¹⁰⁶ The Lewin Group, Inc. (2002) *Indicators of Cultural Competence in Health Care Delivery Organisations: An Organisational Cultural Competence Assessment*. Washington, USA: USA Department of Health and Human Services quoted in Centre for Culture, Ethnicity and Health (2013) *A Framework for Cultural Competence*. Richmond Victoria: Centre for Culture, Ethnicity and Health, p1.

- A review of organisational procedures, practices and protocols to:
 - Gauge their degree of cultural sensitivity and LGBTI inclusion and to identify gaps and strategies for improvement
 - Facilitate links with a range of services and service sectors to provide information and support that addresses these young people's pre- and post-migration experiences and resettlement needs in ways that are culturally sensitive and LGBTI-inclusive; and
- Embedding culturally sensitive and LGBTI-inclusive practice in organisational governance and establishing processes to monitor, review and evaluate the effectiveness of organisational reforms.

7.2.2 Access and intake processes

It is important that recently arrived SSASGD young people know that a support service is inclusive. This involves gathering material and providing information to this client group in ways that do not compromise individual privacy nor place those who are not out at risk of being outed.

Client data entry should:

- Not assume everyone is heterosexual, cisgender or, if in a relationship, that their partner is of a different sex
- Include, where appropriate, gender neutral and sex and gender identity open questions that clearly show that this service recognises sexual and gender diversity. For example, use 'partner' instead of 'boyfriend', 'girlfriend', 'husband' or 'wife' and include non-binary sex and gender identities such as 'M/F/Other' or separate questions on sexual orientation and/or gender identity; and
- Each service needs to consider why it is gathering this information, how it will benefit individual clients and how best to frame these questions. It is nevertheless important that these questions are **not** compulsory and that this is made clear to clients.

Services should provide information and visual and promotional materials that include culturally diverse SSASGD young people. These might include:

- Generic materials that include information and images of this population group as part of a more comprehensive resource which young people can access
- Specific information and resources that target this client group accessible on-line or as hard copies that can be accessed privately; and
- Promotional materials and posters that include examples or images of recently arrived young people who are SSASGD

7.2.3 Consumer consultation

The development, monitoring and ongoing improvement of inclusive practices involves the active participation of a wide range of stakeholders. Individual services might consider:

- Including, where possible, recently arrived (or longer settled) SSASGD young people in community consultations and on boards, committees and/or working groups
- Including representatives from agencies that provide professional support to recently arrived SSASGD young people in consultations and on key advisory bodies, including representatives from multicultural, migrant, LGBTI and refugee organisations; and
- Seek representation on Government bodies, community reference groups and forums looking at the intersection of cultural and religious beliefs and practices and minority sexual orientation and gender identities, to make sure that the particular needs of recently arrived SSASGD young people are addressed.

7.2.4 Cultural safety

Of the six Rainbow Tick Standards “Cultural safety” is perhaps the hardest to pin down and the most difficult for services to provide or guarantee. Providing culturally safe services for recently arrived SSASGD young people involves minimising the risks to their wellbeing that arise from ignorance, misunderstandings or discrimination on the basis of their cultural and sexual or gender identities. At the same time, it involves developing

whole-of-organisation practices and protocols that value and affirm sexual orientation and gender identity diversity.

Promoting cultural safety involves:

- Not pressuring recently arrived clients to disclose their sexual orientation or gender diverse identity
- Ensuring that your service sends a clear and unambiguous message that it is culturally sensitive and LGBTI-inclusive; and
- Ensuring that young people can access the material and information they need without having to publicly declare or cite their sexual orientation or gender identity

For recently arrived young people who do let service providers in or whose minority sexual orientation or gender diverse identity is known, do not make assumptions about their situation or what will work best for them. Instead:

- Respond to the particular situation of each client and gain some understanding of the nature and importance of their relationships to their family, community of origin, or religion
- For each client tailor strategies to meet their current situation, strategies that enable them to maintain the relationships they value and want maintained and develop new relationships and access the range of supports they need. At the same time, acknowledge that these strategies may change over time. Some clients may want to:
 - Maintain connection to family, their faith and/or their community of origin without letting these people in
 - Maintain any or all of these relationships while also becoming connected to LGBTI organisations and community; and
 - Consider ways of being out in some contexts and not in others and accessing relevant services in ways that do not compromise this 'balancing act'; and
- At the same time develop protocols and procedures for referring your recently arrived SSASGD young clients to the range of services they need including protocols that relate to the inclusivity of those services.

Some recently SSASGD young people may need additional supports, professional referrals and guarantees to address:

- The ongoing legacy of trauma experienced before arriving in Australia; and
- A fear that being out will result in their being sent home for 'reparative therapies' or subject to such 'therapies' in Australia

Other recently arrived SSASGD young people who have experienced or fear violence from family or members of their community of origin in Australia may require material supports to guarantee their cultural safety including:

- Financial assistance, particularly if they are financially dependent on those who are subjecting them to abuse; and
- Safe spaces or houses where they are removed from the actuality or threat of violence.

The provision of interpreters raises complex privacy and confidentiality issues which pose serious threats to recently arrived SSASGD young people's cultural safety¹⁰⁷. These potential threats include:

- The provision of interpreters who may have connections to the young person's community of origin
- The informal use of family members as interpreters because they have a higher level of English proficiency; and
- The use of interpreters of a gender that is not culturally appropriate

7.2.5 Professional development

In order to ensure that services are better able to meet the support needs of recently arrived SSASGD young people all staff—not only those involved in direct service provision—need inclusive practice training.

¹⁰⁷ Centre for Culture, Ethnicity and Health (2011) *CALD Communities, Sexually Transmissible Infections and Viral Hepatitis*. Melbourne, Australia: Centre for Culture, Ethnicity and Health.

This includes training on:

- The situation and challenges facing recently arrived SSASGD young people
- Legal and organisational obligations on staff to provide services that are culturally sensitive and LGBTI inclusive to all clients, including recently arrived SSASGD young people
- The use of inclusive and non-discriminatory language, from data collection to interactions with staff and clients; and
- Strategies for dealing with the issues specific to recently arrived SSASGD young people that are tailored to the situation and needs of individual clients.

The report recommends that training be mandated for all new employees and be part of professional development and promotion.

8. Recommendations

'[T]his is going to happen now' and 'now please do this, because we need to do that'. So you do it, they give you reasons and they navigate you through the whole process and I think it makes you feel really safe [emphasis added].

Filip

At the beginning it was difficult [talking about the violence because I'm gay]...I just told my psychologist everything. I told her all my life, she was [very responsive] that is why I love her, like, she just...she's with you in this situation [emphasis added].

Hamza

'Navigation' and 'being with you in this situation' are a powerful introduction to the recommendations arising from this study. 'Navigation' is a reminder of the distance that recently arrived SSASGD young people have travelled, both geographic and personal, and the ongoing pressures they face as they make their way in unfamiliar territories. 'Being with you in this situation' is a means of engaging with these young people that is respectful and supportive without appropriating their experiences or ignoring the complexities of their lives. It is one way of letting them know that they are not alone as they navigate their way between different and sometimes contradictory communities, values and practices. It is also one way in which policy, programs and services can let recently arrived SSASGD young people know that they are valued and that there are ways of being in Australia that do not force them to choose one part of who they are at the expense of another.

The following recommendations are aimed at improving the quality of support services provided to SSASGD young people who are recently arrived, refugees or asylum seekers. The recommendations reflect a commitment to the principles of justice, equity and

diversity enshrined in Australian and international human rights law. They are evidence-based, drawing on the findings of this report and other research that explores the experiences of recently arrived SSASGD young people and their access to migrant, youth and LGBTI support services. They are also based on the stories of our four interviewees and what aided and hindered their settlement in Australia.

The recommendations are divided into four levels that reflect the framework developed in this report: Legislative reform; Social policy; Capacity building; Research. While agencies can design and implement interventions at one or more of these levels, maximising the quality of support services provided to recently arrived SSASGD young people depends on a coordinated effort across all four.

8.1 Legislative reform

Australian and international research demonstrates that improving the health and wellbeing of minority populations depends not only on removing all forms of legalised discrimination but also on promoting a culture that values and affirms the differences we all share¹⁰⁸. Responsibility for addressing systemic discrimination and promoting diversity does not sit with individuals alone. Nor does responsibility for dealing with the tensions that arise between differing communities' values and practices. The *terms of cross-cultural engagement* are set by government in dialogue with community representatives and should enable individuals to associate with and move between communities without being caught in the crossfire of differing beliefs and practices. In Australia, sexual orientation and gender identity minorities do not enjoy full legal equality and this continues to fuel and legitimate violence and discrimination against LGBTI communities and individuals¹⁰⁹. Religious exemptions are a major barrier to providing support to recently arrived SSASGD young people. Religious exemptions give special status to beliefs and practices that may have contributed to these young people's

¹⁰⁸ Leonard et al. (2015), pp. 52-65; Leonard, W. and Metcalf, A. (2014) *Going Upstream: A framework for promoting the mental health of lesbian, gay, bisexual, transgender and intersex (LGBTI) people*. Produced on behalf of the MindOUT! LGBTI Mental Health and Suicide Prevention Project, National LGBTI Health Alliance; Bariola, E., Lyons, A. and Leonard, W. (2015) 'The mental health benefits of relationship formalization among lesbian and gay men in same sex relationships', *Australian and New Zealand Journal of Public Health* 39(6): 530-535.

¹⁰⁹ Australian Human Rights Commission (2015).

isolation and persecution in their country of origin. They continue to fuel hostilities in Australia toward these young people from some mainstream faith-based organisations and family and community representatives who hold beliefs that denigrate LGBTI people. At the same time, these exemptions can lead to the misperception that all faith-based service providers are unwelcoming to LGBTI people.

The report recommends that Government:

- Consider changes to the *Migration Act* and related legislation and policies, to minimise the risks specific to recently arrived SSASGD young people including:
 - Protections against resettling recently arrived SSASGD young people in countries where same sex attracted and gender diverse identities and practices are illegal or where the social environment is deeply hostile to LGBTI people¹¹⁰
 - Reforming assessment processes for protection claims by recently arrived SSASGD young people in line with best practice¹¹¹; and
 - Consideration of protections against recently arrived SSASGD young people being sent ‘home’ to undergo ‘reparative’ or ‘gay conversion’ therapies or being coerced into undertaking such ‘therapies’ in Australia¹¹².
- Grant LGBTI Australians full legal equality, including recognition of their familial and committed, intimate relationships
- Remove religious exemptions from Commonwealth, State and Territory laws prohibiting discrimination on the basis of sexual orientation and gender identity or, failing the removal of religious exemptions, require all service providers to commit to *not discriminating* on the basis of sexual orientation and gender identity and/or commit to actively affirming LGBTI people; and
- Strengthen the legal provisions against harassment and vilification directed at an individual or group on the basis of their sexual orientation, gender identity or intersex traits.

¹¹⁰Australian Human Rights Commission (2015) pp.79-80; Kaleidoscope Australian Human Rights Foundation (2015).

¹¹¹ See Kaleidoscope Australian Human Rights Foundations in collaboration with K&L Gate LLP (2015).

¹¹² Australian Human Rights Commission (2015), p.78.

8.2 Social policy

In Victoria there has been growing recognition of LGBTI people in key social policies¹¹³. This recognition, in conjunction with legislative reforms, authorises the development of programs and services that are aware of and able to meet the needs of sexual orientation and gender identity minorities. For recently arrived SSASGD young people, their inclusion in migrant, refugee, youth and multicultural policies is important in driving the development of evidence-based inclusive practice and services. It is also important that, wherever possible, recently arrived SSASGD young people are active participants and that their voices, experiences and needs inform the development of relevant social policies.

This report recommends that the government:

- Include sexual orientation and gender identity minorities in all diversity policies and policies that address the population effects of systemic discrimination
- Review policies across a range of sectors including the migrant, refugee, youth, multicultural and LGBTI sectors, to include recently arrived SSASGD young people where appropriate
- Assist non-government agencies that provide support services to migrants, refugees and asylum seekers to address the situation and needs of recently arrived SSASGD young people
- Provide opportunities to assist recently arrived SSASGD young people develop good relationships within their local communities and beyond¹¹⁴.

Many of the problems faced by recently arrived SSASGD young people are a consequence of differing communities' cultural and religious attitudes toward and treatment of LGBTI people.

¹¹³ For examples see Victorian Department of Health (2012) *Victorian Refugee Health and Wellbeing Strategy: Consultation Summary*. Melbourne: State Government of Victoria; Victorian Department of Health (2011) and Victorian Government (2016).

¹¹⁴ Beirens, H., Hughes, N., Hek, R. and Spicer, N. (2007) 'Preventing Social Exclusion of Refugee and Asylum Seeking Children: Building New Networks', *Social Policy and Society* 6 (2): 219-229.

This report recommends that Government:

- Facilitate discussions among representatives of faith-based organisations, multicultural bodies and LGBTI community organisations about the relationships between culture, religious faith and non-heteronormative sexual and gender identities; and
- Establish a body with representatives from faith-based organisations, multicultural bodies, LGBTI community and youth organisations tasked with improving the health and wellbeing of SSASGD young people, including those who are recently arrived, refugees or asylum seekers.

8.3 Capacity building

It is only when migrant and refugee services can demonstrate that all their practices, procedures and protocols are LGBT-inclusive, and when LGBT(I) service providers increase their cross-cultural awareness, that LGBT young people from any and all CALD backgrounds will find safe spaces in which they can begin the next stage of their journeys home¹¹⁵.

Our findings and those of similar studies overseas show that many recently arrived SSASGD young people have difficulty accessing a wide range of services. These include essential services such as housing, education and employment and support services in the migrant, multicultural, youth and LGBTI sectors. It is important to build the capacity of key services and service sectors to support the needs of recently arrived SSASGD young people. It is also important to coordinate service provision across these different sectors and provide referral pathways so that individuals can access the range of services they need.

This report recommends that essential services including education, employment and housing:

- Develop LGBTI and culturally inclusive practices

¹¹⁵ Noto, O. et al. (2014), p.34.

- Develop links and referral pathways with LGBTI, migrant, multicultural and youth agencies that have expertise in working with SSASGD young people; and
- Provide information to SSASGD young people and, where needed, face-to-face service provision, in languages other than English

The report recommends that migrant and multicultural support services increase their capacity to identify, work with and provide support to recently arrived SSASGD young people by:

- Developing information, resources and training on LGBTI issues generally and on the issues specific to recently arrived SSASGD young people
- Developing links, common resources, training and cross-referral pathways with LGBTI community organisations and, where, appropriate LGBTI-accredited counselling and support services
- Ensuring settlement workers and agencies overseas have the knowledge, capacity and resources to provide clients with information on the current legal and social status of LGBTI people in Australia and of Australia's obligations toward people seeking asylum on the basis of their minority sexual or gender identity; and
- Employing case managers to assist their recently arrived SSASGD young clients navigate the current service system and access the range of services they need.

The report recommends that LGBTI organisations and in particular those that target SSASGD young people work with migrant and multicultural support services to develop:

- Culturally inclusive practices and models of service delivery, where possible; and
- Resources and cross-referral pathways for recently arrived SSASGD young people who need increased support to address cultural, religious, familial or community of origin issues.

A number of respondents in this study and in *Nothing for them* (2014) identified the need for a single organisation or place where those who work with recently arrived SSASGD young people can find out what information, resources and services are available for their clients. This report recommends that Government:

- Gather information on the range of migrant, multicultural, youth and LGBTI support services available to recently arrived SSASGD young people

- Develop and publicise referral networks for recently arrived SSASGD young people among the range of services currently available
- Identify gaps in current support services and develop links between support and essential services for this group of young people; and
- Provide funding and resources to establish a safe house for recently arrived SSASGD young people who are subject to homophobic or transphobic violence or fear of violence¹¹⁶.

8.4 Research

This project raises complex issues concerning the forces that shape recently arrived SSASGD young people's migration and settlement experiences in Australia. These include the tensions that arise for these young people as they move between communities that hold different and sometimes contradictory attitudes toward LGBTI people as well as the capacity of support services to adequately address and respond to their specific needs. Clearly, understanding the lived experiences of recently arrived SSASGD young people is vital to the ongoing development of inclusive policy and support services.

This reports recommends further research on:

- The health and wellbeing of SSASGD young people who are part of communities that hold religious and cultural beliefs that are hostile to sexual orientation and gender identity minorities
- The lived experiences of recently arrived SSASGD young people with a focus on new recruitment strategies to increase the number of participants overall and those who identify as female and same sex attracted, and as sex and gender diverse; and
- Recently arrived SSASGD young people's service-seeking behaviours

¹¹⁶ Violence experienced by recently arrived SSASGD young people may come from the Australian community including service providers, from family or members of community of origin or from other recently arrived migrants. A safe house for LGBT refugees was recently established in Berlin in response to the growing number of incidents of violence against them. See news.yahoo.com/berlin-open-lgbt-refugee-center-194130876.html

Appendix A

Top five final protection visa grants to irregular maritime arrivals based on their country of citizenship (including 'Stateless') and maximum punishments applicable at law for consensual same sex relationships, 2009-10*.

SOURCE CITIZENSHIP	PROTECTION VISAS (TOTAL #)	SEXUAL RELATIONS (B/W MEN)	SEXUAL RELATIONS (B/W WOMEN)	MAXIMUM PUNISHMENT AT LAW
Afghanistan	1 425	Illegal	Illegal	Punishment under Sharia law is death. However, since the end of Taliban rule no known death sentences have been imposed.
Sri Lanka	315	Illegal	Illegal	Maximum of 20 years gaol and a fine.
'Stateless'	170	N/A	N/A	N/A
Iraq	134	Illegal	Illegal	Following the US invasion of Iraq the death penalty is no longer applicable for consenting same sex relations. Nonetheless, religious Sharia judges and courts are still condemning those found guilty of consenting same sex relations to death ¹¹⁷ .
Iran	64	Illegal	Illegal	Death sentence applicable upon the first offence for men, and on the third offence for women.

*A significant number of protection visas are also granted to irregular maritime arrivals from Syria. Here, homosexual relations are defined as 'carnal relations against the order of nature' (1949 Penal Code) and subject to up to three years jail. But with the advent the civil war in 2011 and the rise of ISIS there are reports of increasing numbers of gay men being put to death in ISIS held territories.

¹¹⁷ There are reports of Daesh-dominated Iraqi provinces seeking out and killing gay men. Carroll, A. and Itaborahy, P. (2015).

Appendix B

Top five offshore visa grants to offshore applicants based on their country of birth as well as maximum punishments applicable at law for consensual same sex relationships.

BIRTH COUNTRY	PROTECTION VISAS (TOTAL)	SEXUAL RELATIONS (B/W MEN)	SEXUAL RELATIONS (B/W WOMEN)	MAXIMUM PUNISHMENT AT LAW
Burma (Myanmar)	1 959	Illegal	Illegal	Transportation or a maximum 10 year gaol sentence as well as a fine.
Iraq	1 688	Illegal	Illegal	Following the US invasion of Iraq the death penalty is no longer applicable for consenting same sex relations. Nonetheless, religious Sharia judges and courts are still condemning those found guilty of consenting same sex relations to death.
Bhutan	1 144	Illegal	Illegal	Maximum gaol term of one year with a minimum of 12 months.
Afghanistan	951	Illegal	Illegal	Punishment under Sharia law is death, however since the end of Taliban rule no known death sentences have been imposed.
Democratic Republic of Congo (DRO)	584	Legal	Legal	Consensual same sex relationships were never illegal in the DRO. Belgian colonial laws did not prohibit same sex relationships as they were decriminalized in Belgium in 1794 ¹¹⁸ . Despite this, homosexuality remains taboo.

¹¹⁸ Carroll, A. and Itaborahy, P. (2015).

Appendix C

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