



Risks to LGBTQI+ people in initial and contingency accommodation December 2023

Introduction

Rainbow Migration is increasingly concerned about the safety of LGBTQI+ people in initial and contingency asylum accommodation. In recent months, we have seen a sharp increase in the number of people accessing our services because they have experienced homophobic, biphobic or transphobic harassment and verbal, physical and sexual abuse. This behaviour comes from other residents as well as accommodation provider or hotel staff.

Rainbow Migration is concerned that Home Office policies, contracts and procedures are inadequate and ineffective, and urges the Government to:

- end all forced bedroom sharing
- end the use of barges and ex-military sites for accommodating people.

Accommodation contracts and policy

The asylum accommodation and support contracts (AASC) cover initial and dispersal accommodation. The Home Office has said that the criteria in these contracts also apply to contingency accommodation.

The statement of requirements at schedule 2 of the AASC¹ states in that:

- People who have specific needs or at risk shall not share a room with other unrelated adults²
- An adult at risk or with specific needs may be LGBTI³

Rainbow Migration is pleased that since these contracts have started, there has been a significant decline in the number of our service users who have been forced to share bedrooms in dispersal accommodation. However, in contrast to this, forced bedroom sharing by LGBTQI+ people in initial and contingency accommodation has sharply increased since the policy of hotel maximisation (“operation maximise”) came into force.

¹ Available at https://data.parliament.uk/DepositedPapers/Files/DEP2018-1112/AASC_-_Schedule_2_-_Statement_of_Requirements.pdf

² Annex C, paragraph C.1.7.

³ Annex G, paragraphs G.1 to G.2.

In contradiction to AASC, there is no mention of the needs of LGBTQI+ people in the allocation of asylum accommodation policy (version 10.0)⁴. The policy states that people meeting certain criteria are not suitable for accommodating in ex-military sites, vessels or shared bedrooms. These criteria include victims of trafficking, disabled people, and survivors of torture and sexual assault. LGBTQI+ people are notably missing from this list. This is despite the Home Office's recognition that sexual orientation and gender identity can be a risk factor when it comes to safeguarding.⁵

Furthermore, in our experience the Home Office does not adequately assess vulnerability before allocating accommodation, which means little is done to prevent people being placed in accommodation where they are likely to be isolated, harassed or abused. Furthermore, the Home Office has delegated the responsibility of assessing suitability for room sharing to their contracted accommodation providers i.e. Clearspings Ready Homes, Serco and Mears Group. This is concerning as we have not seen evidence to suggest providers or contractors have the training to conduct often complex suitability assessments, and in practice we do not see that they are proactively assessing individuals to ascertain if a shared bedroom would be safe for them.

The onus is unfairly on each individual to prove that sharing a room, being in an isolated location or accommodated in a former military site or barge would not be suitable for them, when there is mounting evidence of the systemic harm to LGBTQI+ people in initial and contingency accommodation. We are disappointed that this approach has not changed despite being identified as cause for concern by the Independent Chief Inspector of Borders and Immigration in 2018.⁶

Initial and contingency accommodation

Harassment and abuse

Homophobic, biphobic and transphobic harassment is systemic in initial and contingency accommodation. LGBTQI+ people are belittled, humiliated and abused on a regular basis. Many people are scared to leave their rooms or go to eat if they have to do so in a communal eating area.

⁴ Available at

<https://assets.publishing.service.gov.uk/media/651e85ee7309a10014b0a882/Allocation+of+accommodation.pdf>

⁵ Available at <https://www.gov.uk/government/publications/customer-services-safeguarding-strategy/customer-services-safeguarding-strategy-accessible-version>

⁶ *An inspection of the Home Office's management of asylum accommodation provision: February – June 2018*. "The Home Office routed LGBTQI+ asylum seekers into asylum accommodation in the normal way, that is on a "no choice basis", and relied on the individual to inform the Provider if problems arose, for example homophobic bullying and violence by other service users in shared asylum accommodation...it was difficult to see how the system could take proper account of the needs of LGBTQI+ individuals."

A female couple living in a hotel were regularly harassed by male residents and verbally abused due to their style of dress.

Victims or perpetrators do not get automatically moved to alternative accommodation after a traumatic, abusive or violent incident.

A gay non-binary individual was constantly harassed in shared accommodation, including comments, threats and removal of their property by other residents. The other residents constantly antagonised them. The accommodation provider took no action.

The risks are even more heightened for trans individuals.

A trans woman was terrified as men had been following her back to her hotel room and trying to force their way in. Every day, she was verbally abused. When she used the lift in the hotel she was inappropriately touched by male residents.

A woman who recently came out as trans had more difficulties in the shared initial accommodation as a trans woman than when she presented as a gay man. She felt scared to express herself there and to wear the clothes and make-up she wanted to due to comments from residents.

Isolation

Rainbow Migration is concerned about the isolated locations of much initial and contingency accommodation. We have seen LGBTQI+ people being accommodated far away from important systems of support.

A gay man was placed in a hotel over 35 miles away from a specialist clinic which provides him with routine medical treatment and care for HIV.

A bisexual woman, who is also a survivor of sexual abuse, was moved between three cities in just one year, and in the process was separated from an LGBTQI+ support group that she had been finding hugely beneficial to her mental health.

These experiences lead to LGBTQI+ people seeking asylum feeling especially isolated, and becoming destabilised and vulnerable to harm.

A gay couple were living in a hotel in a remote area with no access to LGBTQI+ support. They were harassed every day by other residents, resulting in one of them trying to take his own life twice due to his living conditions. Rainbow Migration was able to eventually get them both relocated to a self-contained flat but this involved repeated attempts to escalate the issue to Migrant Help⁷, the accommodation provider and the Home Office, during which the Home Office and Migrant Help were unable to find the couple on their systems, and the accommodation provider's safeguarding team initially suggested the

⁷ Migrant Help provide the Advice, Issue Reporting and Eligibility (AIRE) service, under contract from the Home Office.

couple were not being harassed at all and that they simply “feared for their safety due to homosexuality being against their religion”. Rainbow Migration and Home Office safeguarding staff had to keep on top of the matter consistently to push the accommodation provider to move the couple to appropriate accommodation as soon as possible. It took roughly one month from the couple raising the issue to them being moved to self-contained accommodation.

Sadly, the timeframe of one month in the example above is actually relatively quick in comparison to other cases Rainbow Migration has intervened in, and a rare example of the Home Office holding their accommodation providers to account.

Forced bedroom sharing

In June 2023, the government announced a policy of “hotel maximisation” (also known as “operation maximise”)⁸. This policy expects all single adults seeking asylum who need help with accommodation can share a room with up to four people unless they are exempt under the allocation of accommodation policy (which as mentioned above does not take LGBTQI+ people into account). Rainbow Migration regularly supports LGBTQI+ individuals who are facing harassment, discrimination and violence, including sexual violence, within shared rooms.

One gay man was made to share a room with three straight men, who made homophobic comments and threats. He was afraid to shower and spent as much time as possible away from the hotel.

Rainbow Migration has received reports from LGBTQI+ people that if they refused to accept to share a room, they were locked out of their rooms.

A trans man who had been brutally beaten and raped in his home country was placed by the Home Office in dormitory accommodation. He woke up to find some of the men he was sharing the space with were stripping off his clothes. Hotel staff then blocked his room card and he was forced to sleep on the stairs, even though he had supplied evidence that he was at risk of further harassment and discrimination in a shared room.⁹ He has since been granted his own room.

Rainbow Migration has seen inconsistent practice among accommodation providers and between different hotels run by the same accommodation contract provider. We have seen cases of individuals being asked to disclose in public spaces why they are not suitable for room sharing, and of individuals being asked to provide evidence of their sexual orientation.

⁸ <https://www.independent.co.uk/news/uk/politics/asylum-seekers-hotels-home-office-b2351144.html>

⁹ <https://www.theguardian.com/uk-news/2023/dec/01/fears-mount-lgbtq-asylum-seekers-uk-ramp-up-hotel-room-sharing>

One lesbian woman wanted to ask the hotel to accommodate her with another lesbian if possible, to reduce the risk of being subjected to homophobic harassment. She was asked to disclose any preferences at the reception desk of the hotel where anyone could have overheard her. Therefore, she felt unable to make this request.

The Home Office has said that each hotel has a dedicated welfare officer who is responsible for the residents, and that residents can book an appointment to discuss welfare issues even if the officer is not onsite. In Rainbow Migration's experience, this is not offered or promoted within hotels, and nor is it common knowledge among hotel residents.

Inadequate procedures for raising issues and complaints

The fact that the Home Office has not exempted LGBTQI+ people from room-sharing or being accommodated on former military sites or barges means that people have to first be abused and then ask the Home Office or accommodation provider to be relocated somewhere safer.

Even then, there is no guarantee that they will receive an appropriate response. When someone raises a complaint or concern to the staff at the accommodation where they are placed, usually nothing is done. Complaints are often ignored or dismissed, and they rarely resolve even very serious problems quickly, even when Rainbow Migration staff escalate issues to accommodation provider safeguarding teams. The responsibility for removing an abusive housemate from shared accommodation, or relocating an LGBTQI+ person who has requested this, is often passed between the Home Office and the accommodation provider.

As such, there are regularly unacceptable delays in providing safe accommodation alternatives. Often, it is only when someone obtains a lawyer that they receive a positive outcome, even in cases of sexual assault. Having to take legal action, however, still requires the collation of evidence, placing an unfair burden on the victim.

A trans woman was sexually assaulted in her hotel. She was moved three times by the Home Office to different hotels and was sexually harassed in every single one. She was only moved to accommodation where she did not have to share when a lawyer took on her case.

If someone is placed in a shared hotel room and they experience discrimination, harassment or violence, the Home Office guidance is that they should contact Migrant Help or speak to the accommodation provider. However, there is very little publicly available guidance on exactly what the Home Office then expects or requires Migrant Help or accommodation providers to do in response.

A gay man was assaulted by another resident and the police were called. However, he was asked by hotel staff to forgive the man and he had to continue living in the same accommodation, resulting in him feeling extremely unsafe and subject to continued harassment.

Another gay man was attacked by another resident in his hotel. Despite reporting it to the police and making repeated requests to be relocated, he had to continue living with the perpetrator.

A different gay man contacted Rainbow Migration as a member of the hotel staff had disclosed his sexual orientation to other staff members and then other residents discovered his sexual orientation. He contacted Migrant Help to ask for remedy. Some time later, the accommodation provider responded directly to the individual to say they had investigated and there was no evidence of any wrongdoing by their staff.

If someone is not satisfied with how the accommodation provider has responded to a concern they have raised, they can ask Migrant Help to escalate it to the Home Office but responses from the Home Office can take up to 20 days during which time the person remains at risk of or subjected to harassment and abuse.

Staff in accommodation sites can also be the perpetrators of homophobic, biphobic and transphobic abuse. This makes it even more difficult for LGBTQI+ people seeking asylum to approach them for help or support.

A gay man told us that the security at his hotel were acting strangely towards him and another gay man in the hotel. The security guard would not let them visit each other's rooms, even though the service user said that others in the hotel had not been stopped from going to each other's rooms.

A trans individual who complained about harassment to the hotel manager was told "what do you expect if you choose to dress in that way".

The result is that people sometimes remain in the same abusive environment for the duration of their asylum claim, which can take months or years.

Women and Equalities Committee inquiry

In June 2023, the Women and Equalities Committee inquiry into equality and the UK asylum process¹⁰ found that:

“Accommodation of asylum seekers with a range of vulnerabilities arising from protected characteristics, including single women, mothers, children and LGBT people, in crowded hotel and other contingency accommodation, including the recently acquired accommodation barges, is unacceptable from both safeguarding and equalities perspectives”.

They further recommended that:

¹⁰ Report available at

<https://committees.parliament.uk/publications/40580/documents/198406/default/>

“While the practice of accommodating asylum seekers in hotels and other forms of contingency accommodation persists, there must be effective policies and practices in place to protect vulnerable adults and children from harm...

The Home Office must publish a robust safeguarding policy in relation to the use of hotels and other facilities as contingency accommodation. This should include a requirement for a needs-based risk assessment to be carried out before any women, families, children, or LGBT people at risk of hate crime are housed in hotels and other types of contingency accommodation alongside single men.”

In the Government’s response to the report¹¹, they stated:

“Where a Service User is identified as vulnerable or at risk (which may include LGBT Service Users), the Provider is obligated to specify how the Accommodation Proposed is [sic] meets their specific needs... Service Users who the department or the Provider have identified as having specific needs or being at risk...are not to share sleeping quarters with other unrelated adults.

When we receive new information about a supported asylum seeker, either at the point of application or when their circumstances change, we will assess whether this information indicates that they should be treated as vulnerable. If a vulnerable status is supported, we will identify accommodation which is suitable for their ongoing needs whilst they are in receipt of support. Asylum seekers are assessed against our Allocation of Accommodation Suitability Criteria before being accommodated at sites including ex-Ministry of Defence sites and barges, and room sharing across the wider accommodation estate.

Rainbow Migration is concerned that this is not happening in practice. Neither the Home Office nor accommodation providers are adequately recognising that LGBTQI+ people are vulnerable or at risk of harm in shared rooms, barges or ex military sites, nor providing suitable accommodation as soon as they become aware of this fact. It rests on charities and lawyers to advocate for individuals to be accommodated safely.

Recommendations

1. The Home Office should update its allocation of asylum accommodation policy (version 10.0)¹² to recognise that accommodation on barges, former military sites, isolated locations, crowded hotels or shared bedrooms between strangers is not suitable for LGBTQI+ people.
2. Where the Home Office is aware that an individual is LGBTQI+, they should instruct accommodation providers and other relevant contractors not to accommodate them on a barge, former military site, isolated location or in a

¹¹ Available at <https://committees.parliament.uk/publications/41470/documents/204265/default/>

¹² Available at <https://assets.publishing.service.gov.uk/media/651e85ee7309a10014b0a882/Allocation+of+accommodation.pdf>

shared bedroom with unrelated adults¹³. This can be done without divulging the reason for this instruction to the accommodation provider or contractor.

3. The Home Office should ensure that appropriate confidential risk assessments that consider the characteristics and needs of each individual are carried out before anybody is forced to share a room or moved to a former military site or barge.
4. The safeguarding and room sharing assessment frameworks used by accommodation providers should be published.
5. The Home Office should provide clear guidance for Migrant Help, accommodation providers or contractors, and staff working on accommodation sites on responding to allegations and instances of harassment, which does not require production of objective evidence by the victim. This guidance should follow principles outlined in the domestic abuse policy, contain timescales for response times and be made public,.
6. All staff working in initial and contingency accommodation should receive training on the importance of confidentiality and data protection in relation to disclosures by individuals of their sexual orientation or gender identity.

¹³ This is mandated by the schedule of requirements for AASC at Annex G, paragraph G.4 "Where the Authority is aware of a Service User who may have specific needs or be at risk, the Authority shall notify the Provider and provide instructions on any specific Accommodation or support requirements the Provider is to provide to meet the needs of the Service User."