

# Ceilings of Exclusion:

## The difficulties faced by the LGBTIQ+ community in Latin America and the Caribbean in obtaining housing and credit.

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The right to adequate housing is essential for human development and dignity. Yet, for the lesbian, gay, bisexual, trans, intersex, and queer+ community in Latin America and the Caribbean, this right is often out of reach, especially for those forced to migrate or be displaced. This article explores the systemic barriers that prevent this group from accessing social housing and bank credit. It highlights that housing exclusion results from social stigmas, institutional biases, and norms rooted in a heteronormative family model. The situation is even more critical for LGBTIQ+ migrants and refugees, who face multiple forms of discrimination based on their sexual orientation, gender identity, nationality, and migratory status. By analyzing the regional context, the article offers strategic recommendations for NGOs to create more inclusive housing solutions, with particular focus on displaced populations.

Keywords: Human rights, forced displacement, discrimination, equity, financial inclusion, LGBTIQ+, migration, public policies, violence, social housing.

### Introduction

Housing is much more than a roof over one's head; it is the space where security, identity, and family life are forged. The Universal Declaration of Human Rights (1948) guarantees the right to an adequate standard of living, including housing, without discrimination. Despite the widespread international agreement, the LGBTIQ+ community in Latin America and the Caribbean experiences significant housing precariousness.

The issue has multiple causes. Socioeconomic barriers exist on one side, while institutional and cultural barriers are present on the other. A key aspect of this exclusion is the disconnection between the realities of diverse families and the traditionally single-conception models of the financial sector and social housing programs, which have historically been designed around the nuclear, heterosexual family.

There are no consolidated or systematic statistics from the past five years that fully reveal the situation regarding rights violations in access to social housing for LGBTIQ+ people in Latin America and the Caribbean. Although numerous reports and qualitative research highlight discrimination and barriers to accessing decent housing, the lack of detailed data collection by states and regional bodies on social housing initiatives poses a major hurdle to assessing the issue and developing effective public policies.

Although specific statistics on social housing are scarce, studies on the housing market overall reveal the discrimination encountered by the LGBTIQ+ community. A report from the Inter-American Development Bank (IDB, n.d.) emphasizes that current quantitative data show notable inequalities.

A pilot study across four countries in the region revealed discriminatory practices in the rental housing market, particularly targeting transgender individuals (IDB, n.d.).

The findings showed that heterosexual couples with a transgender woman received 19% fewer responses to their rental applications, 27% fewer positive replies, and 23% fewer invitations to view the property than heterosexual couples.

This discrimination in the private rental market highlights potential barriers in social housing as well, where officials' biases or the absence of inclusive regulations can lead to the exclusion of LGBTIQ+ individuals.

Factors like the absence of legal recognition for diverse families, the need for documents that do not match gender identity, and explicit discrimination based on sexual orientation consistently obstruct access to adequate and safe housing.

This analysis is especially important when considering forced displacement and migration. Violence and systemic discrimination across many countries in the region are driving more LGBTIQ+ individuals to leave their homes in search of safety and better opportunities (UNHCR, 2021). Upon arriving in a new country, these individuals not only bring the trauma of persecution but also encounter new challenges: xenophobia, difficulties with migration regularization, and a lack of legal and social protection (OAS, 2022). This “compounded vulnerability” significantly affects their capacity to access safe, stable, and affordable housing options.

This paper seeks to explore these layers of exclusion more thoroughly. The human rights framework will be established, the cycle of vulnerability will be analyzed, institutional barriers will be examined, and the specific situation of the migrant and refugee population will be addressed. Finally, conclusions and recommendations will be provided to assist NGOs in shifting towards a model of substantive equity, focusing on creating not just houses but also truly inclusive and safe communities for everyone.

## The legal framework for the right to non-discrimination in housing within the inter-American system

The Inter-American Human Rights System has made significant progress in safeguarding the rights of LGBTIQ+ individuals. This protection is founded on Article 1.1 of the American Convention on Human Rights, which requires states to respect and guarantee rights without discrimination based on “any other social condition.” The Inter-American Court of Human Rights (IACHR) has consistently interpreted this clause to cover sexual orientation, gender identity, and gender expression as protected categories.

A significant milestone was Advisory Opinion OC-24/17 (IACHR Court, 2017). This landmark document clearly affirms that states are required to acknowledge and safeguard all property rights stemming from a same-sex family relationship. This clearly covers access to subsidies, bank loans, insurance, and other social and economic benefits that are typically available only to heterosexual couples. The Court clearly stated that failing to recognize same-sex couples as families and denying them these rights directly breaches the right to equality and non-discrimination.

This legal framework imposes several obligations on the states in the region:

- **Regulatory adequacy:** States should revise their laws, regulations, and public policies—including those related to social housing and banking—to eliminate any explicit or implicit discrimination based on sexual orientation or gender identity. This involves replacing terms like “husband and wife” with words such as “spouses” or “cohabitants” and legally acknowledging homoparental families.
- **Duty to protect:** States are required not only to avoid discrimination themselves but also to safeguard individuals from discrimination by third parties, including private landlords or real estate agents. This involves establishing effective complaint systems and enforcement measures for discriminatory conduct.
- **Proactive policies:** Recognizing the historical challenges faced by the LGBTIQ+ community, states should implement affirmative action strategies to address structural inequalities. These could include establishing targeted housing quotas or programs for the most at-risk groups, like elderly trans adults.

Although this framework is clear, its real-world use in the region varies and is often inadequate, as discussed below.

## The cycle of exclusion: Poverty, violence, and housing precariousness

Limited access to housing should not be viewed as an isolated issue. It represents the end result of a cycle of exclusion that often starts during childhood and adolescence. For many LGBTIQ+ individuals, their initial encounter with violence and rejection happens within their family, often leading to being driven out of their home at a young age (IACHR, 2015). This early separation of the nuclear family leads to devastating and long-lasting effects.

- **Educational and employment exclusion:** LGBTIQ+ youth expelled from home or subjected to severe harassment often drop out of school. The UNESCO report *Violence in the School Space in Latin America and the Caribbean* (2019) highlights alarming absenteeism rates due to bullying: in Chile, 68% of students who experienced bullying related to their perceived or actual sexual orientation missed school in the past month; in Peru, the figure is 65%; Uruguay, 64%; Mexico, 62%; Colombia, 60%; and Argentina, 56%. A 2021 World Bank report emphasizes that discrimination within educational settings restricts this group's human capital development and future prospects. Without a formal education, opportunities in the labor market are limited to unstable, informal, and low-paying jobs.
- **The hypervulnerability of the trans population:** The trans community, especially trans women, experiences the most severe forms of this cycle. Discrimination based on gender identity is widespread across nearly all aspects of life. Research conducted by the Economic Commission for Latin America and the Caribbean (ECLAC) and REDLACTRANS revealed that trans women in the region have a life expectancy of approximately 35-41 years. This concerning statistic stems from violence, limited access to healthcare, and economic discrimination (REDLACTRANS, 2020). Many resort to sex work solely to survive, which increases their risk of violence and stigma, and entirely denies them access to formal housing.
- **Housing consequences:** This cycle of poverty and precariousness directly leads to

significant housing barriers.

- Inability to save: Job instability and low income hinder saving enough for a rental deposit, let alone a down payment on a house.
- Absence of formal requirements: Access to credit or rental agreements often needs proof of stable income, personal references, or a guarantor—requirements that many LGBTIQ+ individuals in informal settings are unable to fulfill.
- Direct discrimination: Even when they succeed in securing resources, tenants and real estate intermediaries often discriminate against them and refuse to rent properties due to prejudice related to their sexual orientation or gender identity (Human Rights Watch, 2018).

**This cycle leads to a state of “chronic homelessness” or ongoing housing precariousness, where individuals are compelled to reside in temporary shelters, overcrowded and unsafe dwellings, or informal settlements, thus continuing their marginalization.**

## Institutional barriers: The “family model” as a constraint

Institutional exclusion fundamentally stems from maintaining a traditional family model—heterosexual and nuclear—in how financial policies and products are designed.

### In the social housing sector

Many social housing programs in Latin America target “families”; however, the regulations frequently have a narrow definition of what constitutes a “family”. Until recently, most countries only allowed legally married (and thus heterosexual) couples to apply as a nuclear family. Although progress has been made in civil union and same-sex marriage laws, subtle barriers still exist (OAS, 2022):

significant, LGBTIQ+ individuals, who are overrepresented in informal jobs and peripheral urban zones, will consistently be categorized as “high risk.”

- **Bureaucracy and lack of knowledge:** Middle- and lower-level public officials might lack training on the new legal frameworks, leading them to unintentionally apply outdated regulations due to inertia or personal biases, which could obstruct applications from same-sex couples.
- **Requirements related to economic dependency:** Some programs give higher scores to families that have children. Although homoparental families exist, legal and logistical obstacles to adoption or assisted reproduction for same-sex couples make this arrangement less common statistically, which disadvantages them in scoring systems.
- **The invisibility of single individuals:** Programs often prioritize families over single individuals. This disproportionately affects LGBTIQ+ individuals who have been disowned by their families and lack partners, such as many elderly or young people.

### In the financial and banking industry

For most people, obtaining a mortgage credit is the only route to acquiring a housing unit. However, the banking system in the region remains highly conservative and functions in a way that disadvantages the LGBTIQ+ community.

- **Non-recognition of joint credits:** The primary obstacle is that many banks refuse to consider same-sex couples as a single credit applicant. Since they cannot combine their incomes, an individual's borrowing capacity is often not enough to qualify for a mortgage loan. Even in countries where marriage is legally equal, banks' organizational cultures might require time to adjust, and credit analysts may effectively enforce stricter criteria on these couples.
- **Discrimination based on gender identity:** Trans people encounter monumental challenges. If their identity documents do not align with their gender expression, a bank transaction can become a humiliating interrogation, often leading to denial of service. A lack of credit history, resulting from exclusion from employment, presents another almost insurmountable barrier.
- **Biased risk assessments:** Credit risk assessments can unintentionally discriminate. If factors like employment type—favoring formal over self-employment—or residential area—penalizing marginalized regions—are

## Legal progress and the persistent implementation gap

Latin America and the Caribbean is a region marked by contrasts. Countries like Argentina, Brazil, Colombia, Uruguay, Ecuador, and Costa Rica have legalized same-sex marriage, with Chile and Mexico (at the federal level) joining more recently. Argentina has a pioneering Gender Identity Law (Law 26.743) that permits individuals to update their name and sex on official documents without needing a medical diagnosis or surgical procedure.

These legal advances are essential and have paved the way. In principle, a same-sex couple married in Argentina or Colombia has the same right to request a joint mortgage loan as a heterosexual couple. A trans person whose gender identity is legally recognized should not encounter difficulties when identifying themselves at a bank; however, there is a significant gap between the law and practical reality.

- **Cultural resistance:** Laws cannot eradicate prejudice instantly. A credit analyst, municipal official, or real estate agent might still act on their personal discriminatory beliefs.
- **Lack of strategic litigation:** People affected by discrimination often choose not to report incidents due to fears of retaliation, lack of trust in the justice system, or unawareness of their rights. This fosters a cycle of impunity, enabling discriminatory practices to persist.
- **Regional heterogeneity:** The situation in the Caribbean raises significant concern. In several Caribbean nations, including Barbados, Guyana, Jamaica, Grenada, St. Vincent and the Grenadines, and Trinidad & Tobago, same-sex relationships remain criminalized, rendering discussions about housing rights or access to credit nearly impossible. In these situations, LGBTIQ+ individuals often hide and live under constant threat (UNDP & USAID, 2022).

Therefore, celebrating legal advances without critically analyzing the barriers to their implementation offers an incomplete and overly optimistic vision of the regional panorama.

## Double exclusion: Migration, refuge, and the quest for a safe home

A major and increasing issue in Latin America and the Caribbean is the forced displacement of LGBTIQ+ individuals escaping violence, persecution, and discrimination in their home countries. Gang violence in the Northern Triangle of Central America, the socio-political crisis in Nicaragua, the humanitarian emergency in Venezuela, and persistent discrimination in many Caribbean countries have driven people to flee, as their only survival option (UNHCR, 2023). This phenomenon introduces additional complexity and heightens vulnerability in housing access.

### The reasons behind migration: Beyond poverty

Unlike migration flows driven mainly by economic reasons, LGBTIQ+ individuals' migration is frequently a life-or-death matter. They are fleeing (OAS, 2022):

- **Extreme violence:** Death threats, “social cleansing” by armed groups, sexual violence as “punishment” or “corrective therapy,” and police brutality shielded by impunity.
- **Persecution by the state:** In countries where same-sex relationships are illegal, the law functions as a means of persecution.
- **Exclusion from family and community:** Family rejection and community violence, which serve as catalysts for exclusion, ultimately become the final reason for fleeing the country.

## Vulnerabilities during transit and in the host country

**The migration process involves numerous risks. LGBTIQ+ individuals are especially at risk of experiencing sexual violence, extortion, and abuse from traffickers, migration officials, and other migrants.**

Upon arrival in the destination country, barriers increase:

- **Obstacles to obtaining refugee status:** Although persecution due to sexual orientation or gender identity is a recognized reason for refugee status under the 1951 Convention, providing proof can be challenging and emotionally taxing. Applicants frequently encounter interviewers who are untrained, ask invasive questions, or doubt their testimonials.
- **Irregular immigration:** The complicated and lengthy procedures for obtaining refugee status or a residence permit often leave many individuals stuck in legal limbo for months or even years. Without proper documents, it's nearly impossible to secure a formal job, open a bank account, or sign a rental agreement.
- **Xenophobia and “LGBTIQ+phobia” combined:** In the host country, they experience “double discrimination.” They face discrimination due to being foreigners and because of their sexual orientation or gender identity. This restricts their support networks and keeps them within marginalized circles. A report from the International Organization for Migration (IOM) highlights that LGBTIQ+ migrants frequently avoid typical shelters due to fears of violence. They often choose to live on the streets or in highly overcrowded conditions instead of risking further abuse (IOM, 2021).

## Direct effects on housing and credit access

Having a migrant or refugee status nearly eliminates the chance of securing formal housing or credit.

- **Exclusion from social housing:** Most social housing initiatives are limited to citizens or permanent residents. An asylum seeker or someone with temporary protected status seldom qualifies for these benefits.
- **Inability to access credit:** Without a stable immigration status, a credit history in the host country, and formal employment, obtaining a mortgage is almost impossible. Banks classify this population as “maximum risk,” resulting in the automatic denial of their applications (OAS, 2022).
- **Exploitation within the informal rental sector:** Their only remaining choice is the informal rental market, where they face exploitation. Unscrupulous tenants charge high prices for unhealthy, overcrowded rooms, often without a contract, and can evict tenants at any time without notice.

For the displaced LGBTIQ+ community, access to housing turns into a life-or-death struggle, falling short of the human rights standards for adequacy, safety, and dignity.

## Conclusions

Access to housing for the LGBTIQ+ community in Latin America and the Caribbean is a complex issue that goes beyond just poverty. It vividly illustrates systemic exclusion, which becomes critically worse for those who are forced to migrate. Despite legal progress, obstacles continue to exist and increase where gender identity, sexual orientation, nationality, and migration status intersect.

The ongoing cycle of exclusion that results in economic precariousness is worsened by a financial and social housing system rooted in an outdated family model. For the LGBTIQ+ migrant and refugee population, these barriers are compounded by the legal obstacles to immigration regularization and the virulence of xenophobia, which creates a situation of almost absolute lack of protection.

The gap between the rights recognized on paper and the lived reality remains the main challenge.

**Closing this gap requires decisive action that goes beyond simple non-discrimination and actively seeks substantive equity, with a differentiated approach for the most vulnerable groups.**

Civil society organizations have a crucial role to play in this process.

## Recommendations for social housing NGOs

To better fulfill their mission and ensure inclusivity for all, social housing organizations must adopt a proactive, intersectional approach to LGBTIQ+ inclusion, with a particular focus on displaced populations.

### Research and diagnosis (seeing to transform)

- **Create quantitative data:** Collaborate with research centers and local LGBTIQ+ organizations to fund and conduct surveys and studies that assess the specific housing shortages faced by the LGBTIQ+ population in their respective countries. Measuring discrimination in the rental market and access to credit is essential. As the saying goes, "What cannot be measured cannot be managed."
- **Conduct participatory diagnostics:** Hold focus groups and interviews with members of the LGBTIQ+ community, ensuring diverse voices are represented, including trans, nonbinary, youth, older adults, Afro-descendant, and indigenous individuals. The goal is to understand their experiences, needs, and particular obstacles to housing.

### Political and social advocacy (changing the rules of the game)

- **Advocate for inclusive policy frameworks:** Leverage your influence and legitimacy to lobby governments for reforms in housing laws and policies that incorporate inclusive language, such as "spouses/cohabitants," and establish eligibility criteria that reflect the diversity of families.
- **Encourage education and raise awareness:** Implement public communication campaigns in collaboration with media outlets and opinion leaders to fight prejudice and stigmatization that contribute to housing discrimination. Showcase success stories of various families who have secured access to quality housing.
- **Advocacy efforts directed at the financial sector:** Engage with banking

associations and financial regulators to encourage the implementation of clear non-discrimination policies and the development of accessible credit options for same-sex couples and transgender individuals.

- **Support efforts to defend migrants and refugees:** Advocate to governments for faster requisition procedures for LGBTIQ+ individuals and establish migration regularization pathways that acknowledge their unique vulnerabilities. Promote emergency housing programs to specifically serve this population.

### Adaptation of programs and projects (building with inclusion)

- **Internal review of policies and procedures:** Review all communication materials, requisition forms, and internal procedures to find and remove any language or requirements that could be exclusionary. Make sure the organization's diversity and inclusion policy explicitly covers the LGBTIQ+ community.
- **Mandatory and continuous training:** Create and execute mandatory training for all staff and volunteers covering Sexual Orientation, Gender Identity and Expression (SOGI), human rights, and non-discrimination practices.
- **Housing solutions for the displaced population:**
  - Safe shelters and refuge houses: Create or support shelters and safe houses, in partnership with specialized organizations, that serve as safe, affirming spaces for LGBTIQ+ migrants and refugees.
  - Emergency rental subsidies: Create short-term rental subsidy programs to help this population move off the streets or out of shelters and into basic housing while they work to regularize their status.

**Inclusive housing pilot projects:** Create social housing projects that are inherently safe and welcoming for the LGBTIQ+ community, such as residences for elderly LGBTIQ+ individuals or transitional housing for youth facing eviction.

### Strategic alliances (joining forces)

- **Partnering with LGBTIQ+ organizations:** Build formal, long-term partnerships with local organizations that are already engaged with the community. These organizations have the knowledge, trust, and access to the population that housing NGOs sometimes lack.
- **Collaborating with UN agencies and migrant organizations:** Forge strategic partnerships with UNHCR and IOM, as well as grassroots groups that directly assist migrants and refugees. These collaborations aim to coordinate humanitarian efforts and prioritize housing as a key element of protection.
- **Establish multisectoral networks:** Foster the development of networks comprising the private sector (companies with diversity policies), local government, academia, and other NGOs to approach housing issues from a comprehensive viewpoint.

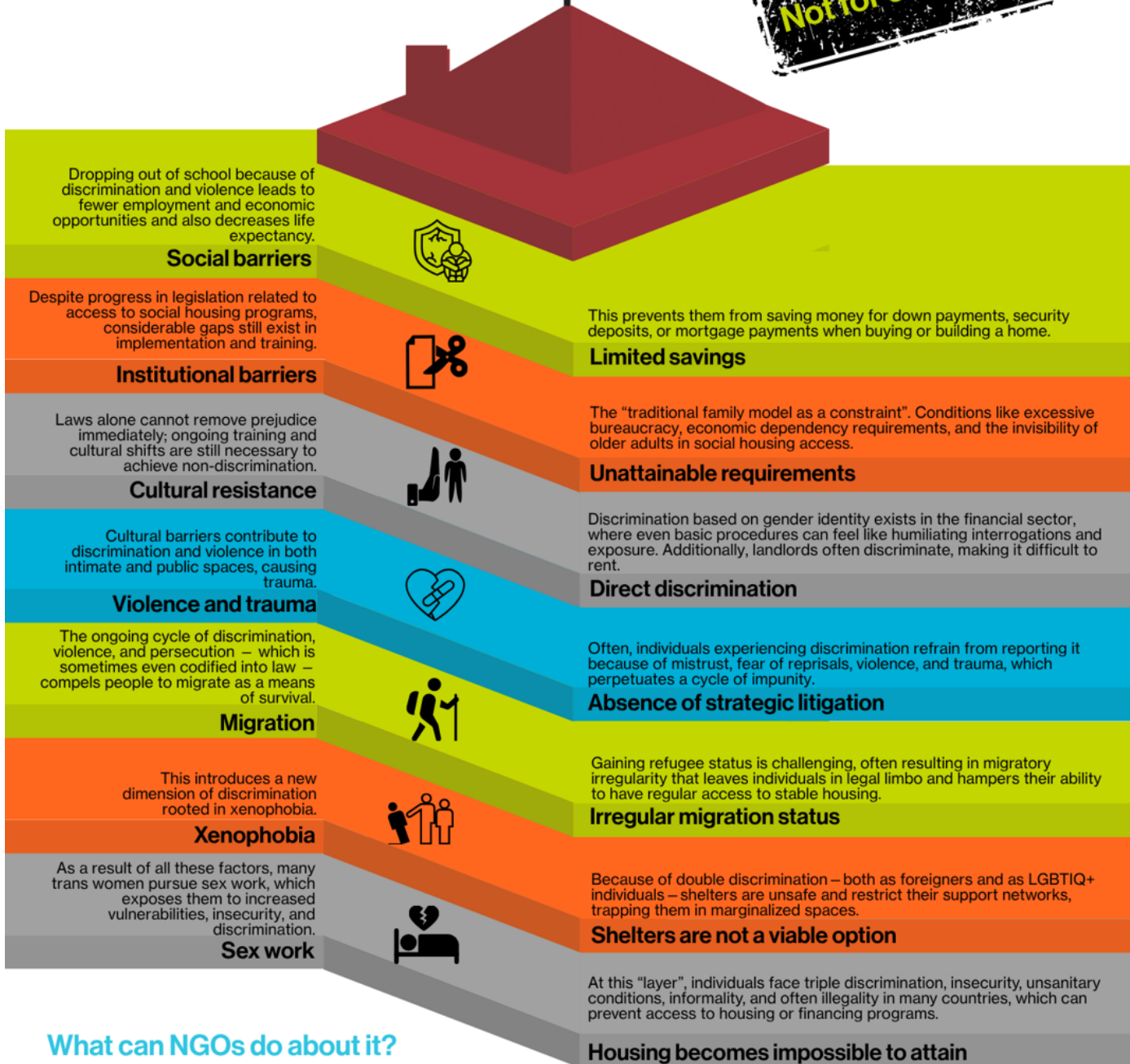
The task is monumental, but by following these recommendations, NGOs can become not just providers of housing but also champions of community, equity, and social justice, making the right to a decent home accessible to everyone, regardless of who they love, who they are, or their background

# Ceilings of Exclusion

Overview of challenges encountered by the LGBTQ+ community in securing housing

LGBTIQ+ individuals face multiple, overlapping barriers that prevent them from obtaining decent housing. Below is a summary of these issues:

**Housing is a human right**  
*Not for everyone*



## What can NGOs do about it?

### Research and diagnosis

This involves producing disaggregated quantitative data and conducting participatory assessments.

### Political and social advocacy

Advocating for inclusive regulatory frameworks, promoting education and social awareness, influencing the financial sector, and championing the protection of migrants and refugees.

### Adaptation of programs and projects

Carrying out regular internal audits of policies and processes, providing ongoing mandatory staff training, advocating for housing solutions for displaced populations, and developing inclusive housing pilot programs.

### Strategic alliances

Partnering with LGBTIQ+ organizations, UN agencies, migrant and refugee groups, and multisectoral institutions involving the private sector, governments, civil society, and academia.

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