

Speak Out!

Lesbian, Gay, Bisexual, Trans and Queer
Refugees in Canada:

Exploring Intersections of Sexual,
Gender and Cultural Diversity



“...speak out!

I think that is the most important thing in this life

to have a voice”

SOURCES OF SUPPORT



**Sexual and Gender Diversity :
Vulnerability
Resilience**



**Fonds de recherche
sur la société
et la culture**

Québec 

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THE TEAM

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- Advisory Group:
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- Community Partners
 - Canadian Council for Refugees
 - Coalition Multi-Mundo



IN PARTNERSHIP WITH...

Aboriginal Two-Spirit and LGBTQ Migration, Mobility and Health Research Project (2008-2010)

Winnipeg and Vancouver

- Investigators:
 - Janice Ristock (University of Manitoba)
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- Research Team:
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COMMUNITY-BASED RESEARCH PRINCIPLES

❖ **Community Consultations in Montreal and Toronto:**

- ✓ To provide guidance on the development of research parameters, process and potential benefits
- ✓ Over a period of 6 months
- ✓ To identify advisory committee members
- ✓ To build connections with community groups, refugees and refugee advocates

❖ **Guiding Principles: Ownership, Control, Access and Possession (OCAP).**

- ✓ Commitment to Producing and Sharing Meaningful Knowledge.



DEFINITIONS...

- **Sexual orientation/identity:** An enduring pattern of emotional, romantic, and/or sexual attractions to men, women, or both sexes. It refers to an individual's sense of personal and social identity based on those attractions, behaviors and membership in a community which shares them.
- **Gender identity:** An individual's subjective sense of self as male, female, or trans-identified.
- **Transgender:** An umbrella term encompassing the diversity of gender expression (includes drag queens/kings, bigenders, crossdressers, transgenderists, and **transsexuals**). Those who identify as transgender often find their gender identity to be in conflict with their anatomical gender.
- **Cisgender:** A person who identifies with the gender they were assigned at birth, or "non-transgendered".
- **Queer:** A fluid identity label incorporating ambiguity into definitions of gender identity and sexual orientation. A re-appropriation of a traditional "put-down" exploring new combinations of identities and pluralistic forms of sexual expression. The term queer is meant to gather resistance to all forms of heterosexist oppression.
- **Homophobia:** The irrational fear, hatred and intolerance of homosexuals.
- **Heterosexism:** The privileging of heterosexuality over all other sexual orientations and identities which is often subtle and invisible, but effectively works to create obstacles to achieving full equality.

DEFINITIONS...

- Who is a refugee?

As defined by the 1967 Geneva Convention Protocol, the term ‘refugee’ mainly refers to ‘convention refugees’; displaced persons who have received protection from another country based upon a fear of persecution or lack protection because of their race, religion, nationality, membership of a particular social group, or political opinion, is outside of the country of his/her nationality and is unable or unwilling to return to his/her country of origin.

- Our project definition

Within the context of this research project, our definition of “refugee” includes those at various points in the process of claiming refugee status in Canada (i.e. refugee claimants, status refugees, non-status individuals).



EVOLUTION OF CHANGES IN THE REFUGEE DETERMINATION SYSTEM IN CANADA

- The first person to be granted refugee status in Canada because of sexual orientation was in 1992 (Argentina). This was when there were 2 IRB adjudicators per case.
- Claims on the basis of sexual orientation have been permitted since 1994 when the Supreme Court of Canada broadened the definition of 'membership in a particular social group' to include 'homosexuals'
- Social Group
 - Groups defined by an innate or unchangeable characteristic
 - Groups whose members voluntarily associate for reasons so fundamental to their human dignity that they should not be forced to forsake the association
 - Groups associated by a former voluntary status, unalterable due to historical permanence



THE SOCIO-HISTORICAL CONTEXT.

GLOBAL

- In 2007, no less than 85 member states of the United Nations still criminalize consensual same sex acts among adults, although not all listed countries actively pursue persecution.
- The death penalty is still applied to consensual sexual acts between adults of the same sex in 7 countries.
- Culture and conceptualisations of sexuality and gender are never static ! They are shifting and changing based on internal and external forces within individuals, communities and nation states.
- We cannot understand nor explain present day expressions of homophobia/transphobia in, for example, Africa, Asia and South America, without acknowledging the influence of Western European colonization (economic exploitation, 'civilizing' missions, racism, christianity...).
- There are many countries where socially accepted expressions of sexual and gender diversity are different from western constructions.
- Values and belief systems vary significantly within so-called « homophobic » countries.
- Human rights activists within countries are fighting homophobia.



THE NUMBERS IN CANADA

- 1991-2004: nearly 2,500 people from 75 different countries have sought asylum on the basis of sexual orientation
- It is not known how many people have been allowed to stay in Canada; the Immigration and Refugee Board does not track acceptance rates by case type.
- 1991-2007: there are 89 documents filed on the IRB website documenting claims
- In 2004, 1351 sexual orientation-based claims were decided at the IRB
 - 19% were female claimants
 - Positive decisions were 48-49% for lesbian and gay claimants (similar rate as all claimants)
 - Out of 100 bisexual refugee claimants in 2004, 25% were successful



OUR PROJECT

PROJECT OBJECTIVES

- Gather information about the experiences of lesbian, gay, bisexual, transgender/transsexual and queer (LGBTQ) refugees currently living in Toronto and Montreal in order to better understand how gender and sexually diverse refugees experience...
 - Migration
 - The refugee determination process
 - Integration and settlement services
 - Health and mental health
 - Identity and community



PROJECT OBJECTIVES

- Enhance understanding of issues and experiences
- Contribute to policy change/advocacy efforts at the national and local level
- Engage in networking
- Support efforts to develop Canadian research, policy and practice within the following organizations...
 - Mainstream refugee-serving
 - Ethno-cultural community-serving
 - Queer-serving



METHODOLOGY

○ **Location:**

- Montreal: 14 participants (individual interviews)
- Toronto: 14 participants (individual interviews)

○ **Criteria:**

- 18 years of age or older
- self-identify as LGBT
- Refugee status: At any point in the application/determination process

○ **Recruitment:**

- through posters at key organizations;
- through advisory team members;
- through word-of-mouth.
- All participants received an honorarium for participation.

○ **Interview Guide:**

- Timeline on migration and mobility pathway;
- Semi-structured questions on themes;
- Flexible to respect priorities and interests of participants;
- Followed ethical guidelines for conducting research;
- English, French and Spanish



DEMOGRAPHICS...

- We recognize real concerns regarding disclosure in appreciation of precarious status and/or life situation of refugee participants.
 - 22 Refugees
 - 5 Trans (MtF)
 - 8 Cisgender Women
 - 9 Cisgender Men
 - Age range 21-52 years
 - Income – 14/22 <\$15,000
 - Employment -11/22 unemployed
 - Areas of Origin- Latin America, Caribbean, Middle East, Asia, Africa
- 6 Refugee advocates/support workers
 - Active in movement 4-6 years on average
 - Many were immigrants or refugees themselves



MAJOR FINDINGS

- Arriving
- Surviving
- The Refugee Determination System
- Health and Mental Health
- Belonging
- Thriving



ARRIVING...

○ Migration Path

- Incarceration because of sexual orientation/gender identity
- Police entrapment/brutality because of sexual orientation/gender identity

○ At the Border (Canada-US Border/Airport)

- Pre/Post Safe Third Country Act
- Airport Harassment
- Detention

○ First Impressions

- Alone
- Same-sex couples



IN THEIR OWN WORDS...

“it was really really stressful and very depressing both for me and my partner...after they made the decision that we were gonna be detained, they didn't tell us exactly for how long...they put handcuffs on us and we felt like we were being convicted as criminals”

“it was an experience of feeling helpless because you cannot communicate with people. I was very nervous, had many fears of being in a country... where [I didn't] know anything... but with the will to fight for a peaceful life”



SURVIVING

○ Housing

- Shelter system
 - Transphobia/Homophobia
 - Trans-visibility/Couples
- Finding an apartment
 - Experiences of racism, and transphobia/homophobia
- Staying with distant family/friends/community
 - Reinforcing « hiding »
 - Positive Experiences
 - Accompaniment through first steps

○ Employment

- SIN number
- Canadian experience
- Intersecting Discrimination



IN THEIR OWN WORDS...

“it’s really frustrating because somehow you’re still the same person, but the system is forcing you to become another person, to become this dumb person who is not able to access very simple things”

“one time I went to look for an apartment...I called them from a telephone booth and from my accent I don’t think he knew I was black and the landlord told me that the apartment was available. When I saw him, he said ‘It’s taken’. I said ‘I just called and you said it was available’ and he replied ‘Oh, that was an error’ ”



SURVIVING

- Trans Barriers (due to trans-visibility)

- Job Discrimination
- Sex Work

- In their own words...

- “I asked myself “why haven’t I found a job yet?”... I haven’t found a job because I’m transsexual. So I had false ideas. I thought here I wouldn’t be discriminated against, but it was the contrary... I look like a woman but... my ID has a man’s name”



THE REFUGEE DETERMINATION PROCESS

- ... Lawyer/Legal Aide
- IRB Hearing
- Waiting
- Re-traumatization
- Trans refugees - name



TRANS REFUGEE BARRIERS

- Inability to change legal name
- Inability to change sex designation
- Trans-visibility



THE REFUGEE DETERMINATION PROCESS CONT'D

○ Prove it?!

- Proving sexual orientation and/or gender identity
- Proving persecution because of sexual orientation and/or gender identity
- Highly subjective interpretation of 'belonging'.
- Involvement in Canadian LGBTQ organisations helps.
- Conflict between hiding to avoid persecution and documenting 'lifestyle' (and how this plays out upon arrival to Canada).
- Often, LGBTQ refugee claimants don't know they can apply for refugee status based on sexual orientation until months after they arrive.
- There is no mandatory training for IRB adjudicators related to sexual orientation/identity or gender identity.



IN THEIR OWN WORDS...

“you have to prove... that you are gay... we were pretty offended because, how do you have to prove it? I think that was the hardest part”

“It’s not a very good feeling, somebody scrutinizes your life and makes a decision...you have to prove certain things that are really obvious, you think”

“I felt sadness... but I was in a state where I couldn’t react... she [the legal aide representative] is Canadian, if I said a word they would have made things worse for me”



HEALTH AND MENTAL HEALTH

- Effects of Refugee Process (Housing, Employment, ...)
- Experiences of Racism, Transphobia and Homophobia
- Social Isolation
- Depression and Anxiety
- Suicide
- Strategies for Survival



IN THEIR OWN WORDS...

“first of all I lost my family. Second of all, I lost my country...
third of all, I [am] away [from] all my friends... it’s all
removed, cancelled from my life...fourth of all, I’m here,
with no job, unknown future”

“waiting for the answer is like having your life in someone
else’s hands, the opportunity to have a peaceful life as a
lesbian and this time, as a gay family... it is like waiting for
a freedom sentence”

“I have seen clients that are medicated for depression and
clients that are plainly in depressed states and will talk
about issues they’re dealing with and how that’s making
them feel and how they’re kind of trapped in their situation
because they can’t go back home and what they thought
Canada would be like... it’s not at all what they expected”



BELONGING

- LGBTQ Community
- Cultural Community
- LGBTQ Ethno-cultural Community



BELONGING: LGBTQ COMMUNITY

- Experiences of Racism
 - Within community organisations
 - Within social spaces



LGBTQ COMMUNITY - TRANS

- Trans (male-to-female)
 - Transphobia widespread in multiple contexts

In their own words...

“I remember this one [gay guy] told me ‘oh, it’s bad enough that you’re gay. You’re pushing it too, you’re taking it to a next level, becoming something that you’re not, becoming a woman”



LGBTQ COMMUNITY – CISGENDER WOMEN

- Invisibility
 - Community organisations/social spaces

In their own words...

“I definitely noticed that the great majority of people who seek services are male-oriented people, both in the group settings and one-on-one sessions... I’m noticing groups that are for the LGBTQ community in general, for newcomers, women will come in and not come back if they are not very outspoken”



INTERSECTING DISCRIMINATION

In their own words...

“I wasn’t able to say that I’m a refugee or I’m gay... because I don’t want to lose my friends... so I just wanted to, to keep it a secret. But... I need to talk with somebody. I cannot stand it anymore. Always in my home, always speaking to myself”

“some people take it and think, well, this is part of the... everyday climate that happens. Some people don’t even know that they’re experiencing racism... sometimes trans people who are of colour or different ethnic backgrounds, we don’t know when it’s transphobia and when it’s racism”



BELONGING... CULTURAL COMMUNITIES

- Experiences of transphobia and homophobia

In their own words...

“you arrive here and you are a part of your community. I spent time with them, but I never spoke about my sexuality. It was like I was having a double life. I would go to the Village, have fun, and at the same time, I would silently return to my community... I have some friends, once they realized I was gay, they stopped talking to me”



BELONGING... CULTURAL COMMUNITIES

- Important Ties
 - Allies in Community
 - Sense of Cultural Identity

In their own words...

“I have Mexican friends... and they are just beautiful persons. But other than that, I haven’t actually got in touch a lot with Latin-American communities. I’m scared of them... if I’m allowed to say”

“in spite of what happened to me, I’m still [from my country] and I’m proud of being [from my country]... this is where I had all my memories... this is where I have my family... I cannot forget about this”



BELONGING...

LGBTQ ETHNO-CULTURAL (RACIALIZED) COMMUNITIES

○ Safe Space and Empowerment

In their own words...

“[this organisation] is the best. I met all my friends there... we talk about everything. I see them outside of [the group]. They’re kind of like my distraction when I’m depressed. We hang out... I don’t look at it as a support group, I just look at them as they are my friends”

“in order to elevate my self-esteem, I became involved with groups like [this organisation] to meet other Africans like me. That helped me a lot. Because you can say to yourself ‘I’m not the only one, there’s others like me!’ This allowed me to be happy and feel normal”

“because you can express yourself and find out what other people are going through and talk about what you were going through...it gives you a sense of hope and knowing that you’re not...the only one who may be here and going through stuff and being a refugee claimant and trying to find a job”

THRIVING


- Resilience
- Strength
- Ability to find community, solidarity and friendship
- Making a place for oneself
- Gaining perspective
- Faith and spirituality



IN THEIR OWN WORDS...

“I just look at it and say I’ve been through worse. I’m just gonna ease myself until better comes, because I know it is coming... I’m gonna make it happen because I’m a survivor. I don’t fall down and stay there. I rise. And I’ll keep on rising until I reach the sky, because it’s my limit. And I know that’s very impossible, but the sky’s my limit”

“sometimes I feel like my mother comes and says ‘come on. Come on. Don’t give up...go go go’. Because sometimes I feel totally down, like giving up, throw in the towel. You know what I mean? And angels from I don’t know where, they come and give me the strength to keep on going”



RECOMMENDATIONS...

- Improvement of training for adjudicators and implementation of guidelines for refugee claims based on sexual or gender identity
- Reduction in the overall waiting times to obtain a work permit upon arrival
- Establishment of the Refugee Appeal Division (RAD) already in the Immigration and Refugee Protection Act (IRPA)
- Re-examination of the evaluative criteria for determining detention of refugee claimants
- Provision of Social Insurance numbers that do not identify refugee claimants as non-permanent residents through the use of the number “9”
- Establishment of the right of refugees to change their legal name and to do so in a timely manner



RECOMMENDATIONS...

- Permission for trans refugees to obtain hormone therapy
- Creation of specific training for service providers within the areas of legal aide, settlement services, health care and mental health counseling in order to better meet the particular needs of LGBTQ refugees
- Development and implementation of organizational policies and procedures which will reduce discriminatory practices, particularly related to racism and trans/homophobia
- Provision of accompaniment services for LGBTQ refugees upon arrival to Canada
- Continuation and increase in funding for agencies currently serving LGBTQ refugees in Toronto and Montreal
- Ensure the meaningful inclusion and participation of LGBTQ refugees within decision-making structures across communities (mainstream, ethno-cultural, LGBTQ)



«We all need to survive, to celebrate. We all have to try and find a sacred place where we can live and express ourselves... make this a better place for everyone... no matter who we are, we are in the same boat »



THANK YOU!



A special thanks to...

Participants

Advisory group

Research team

community members



McGill

For more information or to receive a copy of our executive summary
and/or community zine (in English/French):

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Speak Out!

