

**“We just know who we are”: lesbian refugees
in the Canadian immigration system**

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Abstract

This paper explores the experiences of lesbian refugee claimants in the Canadian immigration system. Lesbian women attempting to escape violence and persecution face specific challenges in the asylum seeking process, from navigating the patchwork settlement sector to being asked to demonstrate their sexual orientation to a representative of the Canadian state. Through the use of in-depth interview with lesbian refugees, this paper documents lesbians' experiences with the refugee claim process from landing to post-hearing. In it, the author argues that while lesbian refugee claimants experience marginalization based on the intersection of several marginalized identities, they assert self-determination and resistance throughout the process. Claimants must interact with discourses of homonationalism, homonormativity, and authenticity, which serve as gatekeeping mechanisms for the settler state.

Dedication

To the women who so generously shared their time and thoughts with me: asante, thank you, weebale for your trust, vulnerability, and humour. It was a pleasure to learn from you. Thank you also to the service providers who supported me in this project, for your assistance and for your tireless efforts to make Toronto a more just and loving place to build a life.

This paper is dedicated to all the queer and trans refugees surviving and thriving in these colonial states and systems, and to all those who did not make it through. Your stories and your lives matter.

Chapter 1: Introduction

This paper explores the experiences of lesbian women who seek convention refugee status through the Canadian immigration system. Convention refugees are those who flee their country of origin due to persecution. In the case of lesbian refugees, this often means escaping widespread discrimination or violence in countries where state protection does not exist, or where violence is state-sanctioned. This paper will focus only on the experiences of lesbians who claim refugee status from inside Canada. This means women who announce their intentions to claim refugee status at the border, or those who enter the country by other means and later file a refugee claim. In most cases, women are not aware of what this process will entail before they enter Canada. Their primary concern is to find safety; bureaucratic issues and the demands of the state come later.

Convention refugee status is refugee status based on a well-founded fear of persecution because of their “race, nationality, religion, political opinion, or membership to a particular social group” (United Nations in Showler, 2006, p. 214). People claiming on the basis of persecution due to sexual orientation fall under the latter category of “particular social group” and are required to go through an extensive examination process to demonstrate their membership to this group. They must also show that they fear future persecution, or that persecution could reasonably occur if they were to return home. In this process, refugee claimants are required to create a personal narrative detailing their life history from earliest memories to the present day. The personal narrative and supplementary documentation are presented to an adjudicator who is a member of the Immigration and Refugee Board (IRB). The refugee process culminates in a hearing, where an IRB member questions the refugee claimant to determine the credibility and legitimacy of their claim.

This process can become problematic when board members attempt to employ North American understandings of sexual orientation, as well as cultural reactions to sexual diversity, in their decision-making processes. This can mean misunderstanding the context and therefore dismissing the stories of legitimate lesbian refugees. Board members employing homonormative Western understandings of sexual orientation and gender identity have dismissed many refugee claimants as inauthentic.

Thus, many lesbian refugees end up presenting their stories in a fashion which will be more easily understood by board members. Refugee claimants often end up simplifying their experiences and constructing themselves pragmatically to appear both legitimate and comprehensible to board members. Because their story is filtered through the ‘double vision’ of both themselves and of the board member, refugee claimants become alienated and distanced from their own intimate and formative experiences. In this sense, the refugee process can be understood as a regulatory process for lesbian refugee claimants.

The regulation of lesbian refugee claims can also be understood as part of Canada’s mythmaking project, reinforcing a homonationalist narrative. The state is invested in presenting Canada as a safe refuge for LGBTQ people, while constructing the countries from which LGBTQ people originate as “backwards” and “barbaric.” This construction does not recognize the racism and homophobia that lesbian refugees experience in Canada, nor the colonial nature of Canada as a settler state which continues to enact violence on Indigenous communities, as well as racialized people who came to this country by choice or by force. This study asks what ideas of Canada are at work, and how these ideas shape claims processes for lesbian refugees.

Research Question

The primary research question for this paper is, what are lesbian refugees' experiences of navigating the Canadian immigration system? This involves both a phenomenological and a discursive component, examining women's lived experiences and the narratives they engage with in the refugee claims process. This study focuses specifically on claimants' interactions with claims documentation and with IRB members; experiences of settlement services during the claims process; and claimants' engagement with and resistance of dominant discourses of authenticity, homonationalism, and homonormativity. It also asks how women comply with and push back against the process at different times.

Relevance

This study will be useful for social work from both policy and practice perspectives. Understanding how the refugee system works to regulate sexual identity can be helpful both in working with women to navigate the refugee system, and to work with women to create opportunities to reclaim the narratives from which they have been alienated. This research will also collect data from which social workers may draw for advocacy purposes. The issues identified through this research will illuminate the need for reform within the Canadian refugee system. This might be addressed through a wide range of interventions, from policy reform to intersectional LGBTQ education work with members of the IRB.

This topic is relevant to me personally because my background is in community organizing work with LGBTQ communities in Kenya. In this work, I knew of several East African activists who decided to claim asylum abroad due to safety concerns. Upon my return to Canada and the beginning of my MSW degree I had a practicum placement with an LGBTQ+ newcomers group, working with people who were currently in the refugee claims process. This

seemed to be natural continuation of my work in Kenya, and introduced me to the challenges of the Canadian refugee system. I found that women encountered particular barriers in the claims process, and that these challenges often went unnoticed in larger, male-dominated groups.

This research also arose from my own experience with the Canadian immigration system, specifically with family class sponsorship through which my partner joined me in Canada. This was a long, complicated, dehumanizing, and highly problematic process. After it was concluded, I participated in an academic study examining family class sponsorship and found that it was a cathartic experience. Participating in the study helped me to reflect on and close that chapter of my life. I designed this study in the hope that it would be a similarly satisfying experience for participants. As a queer person of colour who holds Canadian citizenship, I believe it is important to use my position to understand and to challenge what other queer POC are asked to undergo in order to re-settle in Canada.

Overview

In the next chapter, I describe the literature and theoretical framework which inform this research. I describe trends in the field of LGBTQ migration, and situate this study within that work. Chapter 3 describes the research design and implementation, including any issues that arose during the research process. In the subsequent three chapters, I present research findings and discussion. These have been divided into themes. Chapter 4 introduces the application and hearing process, as well as the research participants and their impressions of this process. Chapter 5 discusses participants' experiences of settlement services in the Greater Toronto Area, and the service gaps they have identified. Chapter 6 is a Foucauldian analysis of participants' use and resistance of discourses surrounding migration and sexuality. Finally, Chapter 7 concludes with recommendations for the IRB; for settlement agencies; and for future researchers.

Chapter 2: Literature Review and Theoretical Framework

Terminology

Throughout this paper, I use the term “lesbian” to refer to the women who participated in this project. I use this term because participants self-identified as lesbians and as gay women.

However, I acknowledge that the meaning of this term may vary widely depending on both cultural context and personal history. Generally, I use the term to refer to women whose sexual and romantic attraction is primarily or exclusively oriented to other women.

Throughout this paper, I also use the common acronym for lesbian, gay, bisexual, transgender, and queer (LGBTQ) to refer to the larger sexual and gender minority community. I use this term interchangeably with “queer and trans,” which are umbrella terms for people who identify outside of heterosexual and cisgender conventions. I use these terms pragmatically, remaining conscious of their limitations and alienating potential.

Core concepts

Post-structuralism and narrative practices.

This research is informed by post-structuralism. Post-structuralism analyzes how relationships of power are created, legitimized, and subverted through discourse. Discourse here can refer to anything with symbolic meaning, including speech, text, visual images, and body language. Post-structuralism posits that language and other forms of discourse do not simply describe the world as it is; they actively shape the world and the way that we relate to one another. Knowledge and power are understood to be deeply intertwined (Jørgenson & Phillips, 2002).

Narrative practices can be understood as post-structuralism in action. Narrative practices are particularly shaped by the work of philosopher Michel Foucault. Foucault argued that power

is more than a static position that some people occupy and others do not. According to Foucault, power is enacted in our daily lived experiences. Power is not simply concentrated in the hands of the elite, but is constantly at play in commonplace social interactions. We exert power over others and over ourselves. Power is sometimes used as a tool of control, but can also be used productively to push back against circumstances that we perceived to be oppressive or unjust. Narrative practices help us to identify instances of resistance and exceptions to dominant storylines (Combs & Freedman, 2012).

Power is also deeply intertwined with discourse. Besley (2002) argues that everyone stands in multiple positions in relation to discourses. Our lives are messy and complex, and our relationship to discourses shifts and evolves over time. As Besley explains, Foucault understands power to be about “positioning in relation to discourse. Subject positioning involves power relations in that it operates discursively, determining whether a person can speak, what is sayable and by whom and whether or whose accounts are listened to” (2002, p. 138). The more that stories circulate and repeat themselves, and the more these stories are repeated by people with power, the more influence they exert in people’s lives (Combs & Freedman, 2012). How we are constructed in the world thus determines whether anyone will listen to that story and how it will be taken up or dismissed in the wider culture. Those who are already positioned to have more influence in dominant discourse have more say over what stories are produced and retold (Ibid.). However, small acts of resistance are significant, and discourse can be used to push back against instruments and institutions of control. There is power in telling our own stories (Jørgenson & Phillips, 2002).

This research will particularly focus on lesbian claimants’ stories and interpretation of their experiences of the Canadian refugee system. The stories that women tell illuminate their

understanding of their position in relation to the state; their methods of engagement with state agents and processes; engagement with others who are in migration; and sense of self in their new surroundings. I will examine the Canadian refugee system, and particularly refugee documents and hearings as technologies of control. These are mechanisms by which control is exerted on a specific population, in this case lesbian refugees, and through which they work to regulate themselves.

This study is influenced by White's (2014) application of Foucauldian concepts to the construction of LGBTQ migrants to Canada. White (2014) describes how immigration documents and processes work to construct stories which are intelligible to IRB members. There are high stakes to refusing to regulate one's own identity through these technologies. Those who are refused refugee status and who fail to appeal successfully are forced to return to the country in which they experienced prosecution, with potentially life-threatening consequences (White, 2014).

White (2014) argues that LGBTQ refugee documentation relies on the excavation and demonstration of extremely personal experiences from across the lifespan throughout all aspects of the claim, which is not the case for other types of refuge claim. The content of LGBTQ refugee claims also differ from that of LGBTQ people seeking residency through family class sponsorship. Family class sponsorship, through which a Canadian citizen sponsors their partner for residency, depends on establishing intimacy, monogamy, and stability – in other words, a presentation of white homonormativity which is a simulacrum of the ideal heterosexual relationship. This is in stark contrast to LGBTQ refugees, whose narratives must revolve around the demonstration of a traumatized, highly racialized, and culturally deviant queer and trans identities (White, 2014). Thus, LGBTQ refugees are uniquely positioned in their interactions

with the Canadian state, both in the requirement of the examination of all aspects of the claimant's personal and sexual life, and in the reliance upon "hypervisibility of racialized and traumatized queerness" in the bid for state protection (White, 2014, p. 81).

Homonationalism.

The refugee process not only works to reinforce a dominant discourse of LGBTQ refugees, but also works to produce a particular story of Canada as a "safe" place for queer and trans refugees (Envisioning Global LGBT Human Rights, 2015). This discourse involves the reframing of previously excluded sexual and gender minorities as acceptable citizens to reinforce the state's moral superiority. This process, which queer theorist Jasbir Puar (2007) calls homonationalism, distinguishes Western states as progressive and modern in relation to "barbaric" non-Western states which are universally understood to be homophobic. Heightened security and the increased militarization of U.S. borders – as well as military occupations of other nation-states – are justified through the use of the rhetoric of the intolerant, monstrous, homophobic immigrant. Acceptance of homosexuality becomes associated with whiteness, democracy, and freedom in a process that Puar calls sexual exceptionalism (2007).

Homonationalism operates both in the construction of racialized LGBTQ refugees and the myth of the "tolerant" Canadian state (Gaucher & DeGagne, 2014; Murray, 2015; Murray, 2016b). In the context of LGBTQ migration, homonationalist narratives in the Canadian refugee system create a new relationship between sexuality and the nation state. Homosexuality is transformed from a marker of deviance and criminality, to a marker of victimhood in states with repressive laws, practices, and attitudes. The foreign queer and/or trans person is rescued and given the "gift" of residency in an "enlightened" democratic nation-state (Murray, 2015, p. 4).

Anthropologist David Murray has in recent years released numerous publications examining the impacts of the refugee system from various angles and at different stages of the process, from the production of personal narratives and documentation, to the use of “expert” reports and to the use of affect in refugee hearings (Murray, 2014b; Murray, 2014b; Murray, 2014c; Murray, 2014d; Murray, 2015; Murray, 2016a; Murray, 2016b). Drawing on Puar’s analysis, Murray argues that the mainstream narrative of LGBTQ migration is essentializing and “portrays mostly non-western, Global South nations as barbaric, uncivilized, undemocratic ‘other’ through their uniformly homo- and transphobic laws” (2014b, p. 14). This erases both the history of colonization through which these laws were established, and the complicated ways in which LGBTQ refugees maintain relationships, connections, and complex emotions towards their countries of origin. Razack (1998) describes this phenomenon as the state requiring refugee claimants to speak of their experiences as LGBTQ people at the expense of their realities as colonized people (in Murray, 2014b).

In interviews with LGBTQ refugees, Murray found that many participants expressed “inaugural homonationalist” sentiments, meaning that the initial reaction to being in Canada was often one of elation about the sense of freedom and openness they experienced as queer and trans people who are used to living discreetly and constantly considering safety (2014b, p. 27). However, as LGBTQ refugees spent more time in Canada, more experienced incidents of homophobia, transphobia, and racial profiling. The exposure to both new and familiar forms of erasure and discrimination often led to more “ambivalent” homonationalist sentiments, where the initial cleaving to nationalist narratives around freedom was tempered by lived experience (Murray, 2014b, p. 29). Experiences were of course varied and complex, but this was one dominant trend that emerged over time.

Murray (2015, 2016a, 2016b) explores the role of documents in the production of homonormativity. He argues that documents which may be produced out of compassion and empathy on the part of the writer are nonetheless used to calculate and assess the nature and “truth” of identity and suffering, reinforcing the idea of Canada as a place of safety for the deserving refugee. Documentation of this sort can include letters of support, expert reports, and National Documentation Packages (NDPs). Letters are often written by friends, family members, or members of organizations with which LGBTQ refugees become involved either in their country of origin or in Canada. “Expert reports” are produced by scholars or other non-governmental personnel deemed to have some authority on a particular country, and focus on the social, cultural, and political conditions of refugee-producing nations. NDPs are compiled by the IRB and contain information determined to be relevant in refugee assessments (Murray, 2015). Murray argues that this documentation contributes to the bureaucratic regulation of sexuality and gender identity, which enables the framing of all refugees as potential frauds and the belief in rational accountability. This documentation carries the potential to be just as harmful as it is helpful to LGBTQ refugees (Ibid.).

Canada’s use of homonationalist rhetoric is also related to its status as a settler state. The establishment of a national Canadian identity and the regulation of borders occurs as a result of colonization. Forbear (2014) cautions scholars not to ignore the global reality and continued impacts of colonization in the analysis of migration. Indeed, a discussion of migration can only make sense in the context of a colonized world where the nation-state reigns supreme. It is only colonization that makes settlement possible and enables the state to determine who is a “desirable” migrant and who is not (Forbear, 2014). The existence of LGBTQ migrants is also due to the ongoing effects of legal, cultural and religious imperialism, and the imposition of rigid

gender and sexual roles in colonized nations. Forbear reminds us that the analysis of refugee settlement in this context “involves looking at whiteness and national mythologies of white settler colonialism in Canada” (Forbear, 2014, p. 50).

Review of LGBTQ refugee scholarship

The literature on LGBTQ refugees generally addresses two phases: migration, which involves the application and assessment process; and post-migration resettlement. Given the limited research on LGBTQ refugees’ experiences of the application and of the hearing itself, this research will focus on the migration phase. However, it is useful to have some sense of the research pertaining to settlement in order to understand the lasting impact of the system on those whose claims are successful.

LGBTQ refugee settlement.

The literature on LGBTQ refugee settlement in Canada functions to highlight the gaps in settlement systems and processes for queer and trans refugees. Lee and Brotman (2011), and Laing (2008) focus primarily on the heteronormativity of the settlement sector. Many of the services available for refugees even in a major city like Toronto are described as exclusionary (Mulé & Gates-Gasse, 2012; Munro et. al, 2013; Laing, 2008). The heteronormativity of the settlement sector is likely due in part to the large number of cisgender and heterosexual-identified migrants in comparison to trans and queer migrants. But it is also related to the narrative that refugees should be productive citizens, contributing to their new host country however they can. Heteronormativity centres the nuclear family, which is both the site of passing on cultural norms to offspring, and the site of production and care for current and future generations of workers (Wolf, 2009). The culture of heteronormativity which exists both within

and outside of the settlement sector leads to an increased sense of isolation and questions around the meaning of “home,” as explored by Murray (2013; 2014a; 2016b) and Harris (2012).

Envisioning Global LGBT Human Rights (2015) examines the question of whether Canada is truly a “safe” place for LGBTQ refugees. This was a participatory research project which included LGBTQ refugees and claimants; service providers; and representatives from the IRB. This study focused on both migration, and post-migration settlement. The *Envisioning* team identified multiple barriers to LGBTQ claimants attempting to settle in Canada, including the difficulty of navigating a complex legal process in a short time frame; inability to provide evidence to demonstrate LGBTQ identity; gaps in settlement services; and experiences of homophobia and racism in the settlement process (*Envisioning Global LGBT Human Rights*, 2015). I explore many of these same themes in this research, with an exclusive focus on lesbian claimants.

Showler (2006) does not address LGBTQ migrants specifically, but is one of the only other scholars to present an analysis of the refugee claims process from the perspective of the IRB. Showler is critical of the inconsistency of the system, particularly the quality of work of some IRB members and legal counsel (*Ibid.*).

Heller (2009) describes the impact of the lack of a significant body of research and information on LGBTQ refugees for social work practice, calling for social workers to become more active in research, education and advocacy with this population. Storytelling is identified by several authors as a particularly powerful method of working with LGBTQ refugees. Part of the reason for this is the way that the Canadian refugee process works to alienate LGBTQ refugees from their stories. Storytelling creates a powerful space for refugees to articulate their identity through their own frames of reference and to reclaim their own narratives (Miller, 2010).

Storytelling is also a useful tool for engaging in activism and confronting injustice both within and outside of Canada. This practice works to disrupt the discourses of refugees as passive and helpless in the face of personal and institutional persecution alike (Forbear, 2015). In this project, informal interviews were used as guided storytelling sessions. Participants were encouraged to share their experiences from their own perspective as a means of reclaiming this process and reasserting their own interpretation of themselves.

Refugee application and assessment.

Much of the literature on LGBTQ refugees in the Canadian immigration system focuses on the state's enforcement of normative understandings of sexuality and gender identity – as well as particular constructions of race and culture – through the immigration process. The widespread use of Western discourses that flatten the diversity of expression of gender and sexuality are a concern to many authors (Gaucher & DeGagne, 2014; Jordan, 2009; Jordan & Morrissey, 2013; Rehaag, 2008; Sajnani, 2014; White, 2014). Conceptualizations of gender and sexuality are assumed to have cross-cultural application when they do not, leading IRB members to assume that they understand more of claimants' stories than they actually do. Several authors have noted bisexual and transgender refugee claimants' particular difficulties in the application process. This demonstrates the rigidity of a system which is not designed to acknowledge the existence of ambiguity and non-normative sexualities and gender identities (Gaucher & DeGagne, 2014; Murray, 2016b; Rehaag, 2008; White, 2014).

Homonormativity in migration narratives.

Gaucher and DeGagne (2014) write that the ideas of an acceptable, normal, and healthy sexuality are employed as a yardstick against which the sexuality of LGBTQ refugees are measured. Although they do not include gender identity in their analysis, I believe that it would

apply to this area as well. The IRB understand sexuality and gender identity to be innate, static, and manifesting in a coherent identity which remains stable over time. This is a homonormative understanding of queer and trans identities in that it maps neatly onto conventional narratives of gender and sexual expression. Sexuality and gender identity are only deemed genuine if one's internal state is acted upon and if the person is "out" to some or all of their social circle (Gaucher and DeGagne, 2014). Research reveals that IRB members employ various tactics to verify claimants' sexual orientation or gender identity. Some rely on stereotypes to guide decisions. This includes an assessment of appearance and the claimant's familiarity with the local "gay scene," for instance names of local bars or clubs (Rehaag, 2008; Tremblay, 2015). The latter tactic may have shifted somewhat with the shortening of waiting times between the claim submission and the hearing. However, the reliance on homonormative understandings of sexuality and gender identity remains. Murray (2014c) calls the type of narrative that the IRB looks for "figuratively straight" in that it follows an essentialist, linear path of sexual identity development.

Gaucher and DeGagne (2014) examined a combination of published and unpublished decisions from the IRB, and found that 99 of 150 decisions relating to GSM claims received a negative verdict. This is similar to the grant rates of other types of refugee claims. However, bisexual claimants had much more difficulty obtaining status in comparison to gay and lesbian claimants. Rehaag (2008) found that in 2004, the grant rate for bisexuals was 25%, compared to 49% for other sexual minority claims in the same period. This reflects the IRB's bias against fluid identities, and reveals a failure on the part of the IRB to consider that bisexuals and other people who embody fluidity encounter specific forms of discrimination, which involve distinct risks (Rehaag, 2008).

Gaucher and DeGagne (2014) give several examples of refugee claims which were denied due to the failure of claimants to conform to these “figuratively straight” narratives. In one case, a gay Ethiopian man was denied because he was not out to his mother and other family members, despite the danger that telling them would pose both to him and potentially to them (Gaucher and DeGagne, 2014).

LGBTQ claimants are often asked about their engagement in sexual acts, as the IRB wants to see that claimants are “active” in order to demonstrate their sexuality. An issue highlighted by the literature is the problem inherent in making a refugee claim based on documentation of persecution when one has attempted to avoid persecution by living discreetly (Choi, 2010; Heller, 2009; Jordan & Morrissey, 2013, Tremblay, 2015). Expectations around the evidence expected by IRB members is sometimes unrealistic and invasive. Tremblay (2015) describes one instance in which a claim was denied on the basis of credibility. In this case, a photo provided by the claimant was not considered persuasive, as the IRB member objected to the fact that both women in the photo were “fully clothed and apparently in public” (TB2-00464, 2013 in Tremblay, 2014). Heller (2009) calls the issue of discretion a problem of ‘covering’ and ‘re-covering.’ Covering refers to the necessity of living under cover while re-covering involves both excavating evidence of one’s LGBTQ status and behaving in stereotypical ways to be recognized as such. Paradoxically, claims are sometimes denied because claimants are deemed to be non-credible when their testimony includes an instance of being physically affectionate with a same-sex identified lover in public or with the possibility of being caught. Some IRB members believe that being this indiscreet in a potentially dangerous environment is not credible (Ibid.). Thus LGBTQ claimants are caught between expectations which are seemingly impossible to fulfill: be out but not too out, be visible yet discreet. LaViolette (2004; 2010; 2013) furthers this

analysis through discussions of the legal issues associated with the reform of LGBTQ refugee policy, while Alessi, Kahn and Chatterji (2016) speak to the necessity of working from a trauma-informed approach.

Prioritizing gender analysis

Though this body of literature ostensibly pertains to queer and trans refugees, there is a lack of research specifically relating to gender identity. A few authors refer to the difficulty that transgender, genderqueer and other gender non-conforming people face in the refugee claims process, particularly in navigating bureaucratic forms and legal documentation (Rehaag, 2008; White, 2014). However, this analysis is not fully developed and apparently lacks substantive data from which to construct significant conclusions or recommendations. This may relate partly to the small number of transgender and gender non-conforming refugees making claims in Canada. However, it is also reflective of a larger trend of the erasure of trans people and identities in mainstream LGBTQ scholarship.

This body of literature also fails to address the unique challenges faced by LGBTQ women, which hinder women from making claims based on persecution due to sexual orientation or gender identity. In this literature review, Tremblay (2015) was the only author to discuss the specific problems that LGBTQ women face in the refugee system. Tremblay's (2015) argument for an intersectional gender analysis in claims assessment is built on an examination of LGBTQ women's claims which were denied over a period of six years. In this legal analysis, Tremblay asks whether IRB members' methods for deciding claims brought by LGBTQ women are reasonable. This analysis is modelled on previous work carried out by LaViolette (2007) and Millbank (2009), but it is the only one to examine cases of sexual minority women in particular.

Tremblay's (2015) discussion deals primarily with lesbians, referring only briefly to bisexual women. Transgender women are completely absent.

Tremblay (2015) identifies several problems in the refugee determination process, including a lack of country information relating specifically to sexual minority women. This often leads IRB members to conclude that no significant risk exists for LGBTQ women, even when this is not the case. The emphasis on legal progress documented in the country information often means that gaps between law and reality on the ground are not considered, to the detriment of claimants (Tremblay, 2015).

Tremblay (2015) also found that IRB members often felt that women's evidence of sexual orientation was insufficient. This was exacerbated by members' use of homonormative understandings of sexuality, meaning that women's claims were often denied when their appearance or behavior did not conform to IRB members' expectations. This was particularly the case when women had been married or had previous relationships with men (Tremblay, 2015). Failure to employ a feminist analysis also meant that IRB members frequently misread the motivations behind women's actions. For instance, members did not consider reasons why women may not approach police for assistance when they were in danger, or why they may not report assault or rape at the time of occurrence or ever (Ibid.).

Specific problems with the claims process pertain to cisgender women because of social pressures to marry and bear children. While cisgender men also experience pressure to organize their lives around heterosexual norms, this pressure is often greater on cisgender women. Transgender people of all gender expressions are largely excluded from the analysis. Murray (2014b, 2016b) does touch on the stories of one self-identified transsexual man, and one claimant

who identified as a “queen” prior to her arrival in Canada, and made her claim as a transgender person.

It is important to address the gender gap in the scholarship because the combination of homophobia and/or transphobia and misogyny makes queer and trans women vulnerable to specific gendered forms of violence, particularly in combination with class and race-based oppression. This includes “corrective rape,” domestic violence, and public sexual harassment and assault (Gunkel, 2010). Documentation on violence against transgender people shows that rates of violence and homicide are highest against racialized trans women (Egale, 2016). Due to these vulnerabilities, it is particularly crucial for queer and trans women to be able to access the refugee system if they feel that seeking asylum will be safer than remaining in their country of origin.

New research directions

This study will further the work of scholars such as Murray (2016b), Tremblay (2015), and White (2016b) by attempting to address the gender gap in LGBTQ refugee literature. Tremblay’s (2014) ground breaking legal analysis demonstrates the importance of prioritizing a gender analysis in all areas of LGBTQ migration studies. By asking lesbian women about their experiences in seeking asylum, this research will explore how women’s gender and sexuality is policed and self-regulated in this system. The concept of homonationalism will be critically employed to examine the construction of the Canadian state as a savior of people who are constructed as sexual, gender, and racial minorities. Finally, feminist and Foucauldian analyses will be employed to uncover the ways in which lesbian women are speaking back, subverting, and navigating the dominant discourses imposed through the Canadian refugee system.

This research adds to the literature on LGBTQ migration by centering lesbian women's experiences and by identifying the barriers they encounter during the application and hearing process. In this work, I employ queer and feminist analysis to create the space for women to develop their own narratives of their experiences, and to develop a critique of their interactions with the state. In this analysis, women are positioned as agents who are successful in creating moments of self-determination in a system designed to question their credibility.

Chapter 3: Research Design

The overarching research question for this study is, how do lesbian women experience the Canadian refugee system? Specifically, this will involve two areas of study: first, lesbian refugees' interaction with the Canadian state through the immigration system and settlement sector, identifying structural and programmatic issues. Secondly, I explore lesbians' employment of discourse, focusing on sites of resistance and of pragmatic conformity. This will involve looking at the stories of lesbians who have gone through the refugee application and hearing process; a discussion of the ways that sexuality, gender identity, and race affect the delivery of settlement services; and a critical analysis of the use of authenticity, homonationalism, and homonormativity in the refugee determination process. This research will be written from a qualitative approach. Specifically, the research will employ a post-structural framework, drawing on feminist, queer, and critical race theories. This research privileges lesbian refugees' own interpretations of their experiences, as far as this is possible. For this reason, I make extensive use of direct quotes from participants.

Data collection

The research was carried out through a combination of literature review and in-depth interviews. For the literature review, data was gathered from academic literature and from grey literature such as non-governmental organization reports. The grey literature was used to inform the researcher's understanding of existing critiques of the state's approach to LGBTQ migration. The literature review provided background information and helped to illuminate the places where further research was warranted.

Participants

In-depth, semi-structured interviews were conducted with four cisgender women who identified as lesbians or gay women. Participants were in their 30s and 40s. All had gone through a refugee hearing in the past two years and are currently living in the Greater Toronto Area. Three of the women had a successful initial hearing. The fourth participant was not successful in her initial application, but her appeal was accepted during the research period. Two of the participants were from East Africa, and two were from the Caribbean. All of the participants were fluent in English. All were working professionals in their countries of origin. Each of these women had access to sufficient financial resources to enable them either to come to Canada on their own or to pay someone to help them leave their countries of origin.

Rationale

In-depth interviews were selected as a data collection method in order to center the lived experiences of lesbians who are refugees or refugee claimants. This method created space for lesbian refugees to tell their own stories in their own words, to reclaim personal narratives, and to speak directly to their interactions with the Canadian refugee system.

Merits and limitations

In-depth interviews with lesbian refugees were a useful method for this project as it enabled the researcher to examine the experience of the Canadian refugee system from the claimants' perspective. This is crucial, as participants are best positioned to speak to their own interactions with the IRB and settlement sector. Speaking directly to refugees and refugee claimants was useful in understanding personal and community strategies for navigating the system.

The interview method is limited in scope. Due to time limitations and the in-depth nature of interviews, this method lends itself to working with a few data sources in great depth. This

means that the findings cannot easily be generalized, but instead are used as illustrations of an overarching theme. This study is limited to examining the refugee system from the refugee perspective, and will not include the perspectives of people working within the system, for instance service providers in settlement agencies, members of the Immigration and Refugee Board, or policy-makers at provincial or federal levels.

Another major limitation of this study is the exclusive focus on cisgender lesbian women. Initially, this study was designed to encompass all sexual and gender minority women. This would have included transgender and genderqueer women, as well as bisexual and other sexually fluid women. Due to limitations in the time frame and in the recruitment process, I was not successful in recruiting a diverse sample of women. This study's exclusive focus on cisgender lesbian women thus contributes to the problem of transgender and bisexual erasure in LGBTQ research. This research cannot comment on the additional barriers that transgender and bisexual women face in the immigration system. This means that it does not touch on the problems particularly relating to the regulation of fluid identities and presentation.

This research is also specific to the experiences of African and Caribbean women with advanced English language skills, who were working professionals in their countries of origin. It does not involve a class-based analysis and is not designed to be generalized to all lesbian refugees.

Recruitment

Participants were recruited through email solicitation. Participants were selected for the study based on their self-identification as LGBTQ women and their willingness to discuss their experiences of the refugee application process. They were recruited through a flyer which was distributed via email to five agencies that serve LGBTQ newcomers in the GTA. These were:

The 519, Access Alliance Multicultural Health and Community Centre, Egale Canada Human Rights Trust, Supporting Our Youth (a program of Sherbourne Health Centre), and YouthLink. I requested that the flyer be distributed to LGBTQ women seeking services within these agencies. The coordinator of an LGBTQ+ newcomer program in which I had been placed as a practicum student the previous year sent the flyer directly to women with whom I had interacted, as I no longer had access to their contact information. I also distributed the flyer to personal contacts that I believed may know of LGBTQ women who had come to Canada as convention refugees.

All four respondents were women with whom I had previously worked during my practicum placement. The respondents had all attended an LGBTQ+ newcomers workshop which I had helped to run and occasionally facilitated during my placement in an LGBTQ newcomer-serving agency. During our meetings, it became apparent that the participants had responded to the research recruitment because they were already familiar with and felt some degree of comfort with me. Given the potentially sensitive and personal nature of the refugee application experience, it is not surprising that all the participants were women with whom I had established a prior working relationship. However, this also presented some ethical concerns which I explore below. Due to time constraints, I did not attempt to recruit more than the initial four respondents.

Informed consent

All participants were asked to give written informed consent before participating in the study. Participants were given an informed consent form, and were also given an oral synopsis of the purpose, methods, risks, and benefits involved in the study. A signed copy of the informed consent form was returned to the researcher, and one copy kept by the participant. The informed

consent form included the researcher's contact information, as well as contact information for the researcher's supervisor and the Social Work Graduate Office.

Interview process

Interviews lasted an average of 78 minutes. The shortest interview was 34 minutes long, while the longest interview lasted for 130 minutes. The interviews took place in a location which was identified by the participant as comfortable to them, either semi-public or private.

The interview questions were a mix of open and closed questions, focusing on the participants' experiences of the refugee application process and hearing; their development of a personal narrative; any advice, resources and support they may have received during the process; and their experiences of the hearing. The latter included questions about the timing and location of the hearing, who was present, interactions with the Immigration Board Member, and other relevant information about the hearing. Participants were given a \$20 gift certificate to a grocery store to acknowledge their contributions, and thank them for their time and participation.

Three and a half of the interviews were recorded and transcribed in full. The fourth interview was interrupted, as the interview location closed early due to a snow storm. I followed up with this participant by phone, and attempted to record the interview with the use of a recording application while also taking detailed notes. However, the recording application failed and did not record. Thus, the second half of the final interview was documented using the researcher's notes alone.

All the data collected through interviews was anonymized through the use of pseudonyms and by excluding any potential identifying information from transcripts. Participants had the option of choosing their own pseudonyms; those who did not were given pseudonyms by the researcher. The data will be securely stored for two years. Electronic audio files and other

electronic files associated with the study will be kept on a password protected laptop. Hard copies will be kept in a locked cabinet which will only be accessible to the researcher. After two years, all data will be destroyed. Hard copies of the data will be shredded, and electronic copies of data will be permanently deleted.

Ethical concerns

Given the subject matter and potentially vulnerable position of participants, the ethical concerns associated with this project were carefully considered. The ethical concerns are related to recruitment and to participants' potential emotional reactions to discussing their experiences with the refugee system.

In the recruitment process, care was taken to ensure that participants did not feel pressured to engage in the research. Since all the participants were recruited through a service provider from whom they receive or have received services, some may have felt the need to participate to maintain positive relationships with this service provider. Given the fact that I had previously worked with the participants, and had in some cases provided letters of support for their refugee applications, I was also mindful of the fact that participants may be taking part out of a sense of duty or reciprocity to me. To mitigate this risk, I stressed the voluntary nature of the research when discussing informed consent with participants before interviews began. This included explaining that participants could stop the interview at any time without penalty, and did not have to answer any questions if they did not wish to.

There was also some risk that participants might feel emotional distress as a result of discussing their experiences. I did not focus on refugees' experiences of persecution, which would involve more risk, but rather on their experiences of the application process itself. When discussing informed consent with participants, I was sure to explain that participants should only

share as much as they felt comfortable sharing, and that they may refuse questions, take a break, or stop the interview at any time. I also provided all participants with a list of LGBTQ newcomer-friendly mental health resources which they may use at any time in case of emotional distress. Participants were also provided with a copy of the informed consent form, which included contact information for the researcher and the researcher's supervisor. I encouraged participants to contact me at any time should they experience emotional distress because of their participation in this project.

Research analysis

All transcripts were coded and information sorted by theme and sub-theme. Data was then analysed using two approaches: phenomenology and Foucauldian discourse analysis.

The phenomenological approach was primarily employed for Chapters 4 and 5, which involve a description and assessment of participants' experiences with refugee documentation, IRB members, and the settlement sector. The phenomenological approach asks how people make sense of their own experience. This approach encourages researchers to pay attention to what matters to participants and to explore the meaning that participants assign to lived experience (Larkin & Thompson, 2012). This approach was helpful in the documentation of participants' experiences as I was interested to discover what was most significant and meaningful to the women, rather than focusing on what I identified as important.

Chapter 6 was developed primarily through the use of Foucauldian discourse analysis (FDA). FDA focuses on the analysis of meaning-making processes. It examines how relationships of power are created, sustained, and challenged through the circulation of pervasive stories that shape our understanding of the world (Carabine, 2001). Employing the process described by Carabine (2001), I worked to identify participants' interaction with and use of

LGBTQ refugee discourse in the hearing. This focused on lesbian claimants' construction and presentation of their stories, and moments where their understanding of self clashed with IRB members' construction of lesbian refugees. In this process, I also attempted to identify instances of subversion and spaces which lesbian claimants created through asserting autonomy and self-determination.

Chapter 4: Application and Hearing Experiences

Participants had enormously divergent experiences of the application and hearing depending on a number of factors including their mode of entry; the support or lack of support they had during the application process; and the IRB board member they encountered during the hearing. In this chapter, I will briefly introduce narratives tracing the four women's applications and hearings. I will then explore the role of IRB members, and discuss the shared experience of emotional distress that claimants experience during this process.

Application process

When they arrive in Canada, people who know that they can claim refugee status will often make a claim at the border. Those who are already in Canada, either because they did not know that they could file for a claim beforehand or because they entered for another reason, can make a claim at an immigration office. The initial interview focuses on personal identity and assessment of criminality and security risk. Claimants must also explain why they fear persecution. Those who are determined to be eligible are referred to the IRB for a refugee hearing. The majority of asylum seekers are eligible; some are deemed ineligible because of serious criminal histories or because they are suspected to be a security risk (Showler, 2006).

Claimants who are determined to be eligible are required to complete an application package, including the Basis of Claim (BOC) form. In the BOC, those making a claim on the basis of persecution based on sexual identity must create a life history describing the development of their sexual identity, which relates back to the UN definition's criteria of membership to a particular social group. They must describe each incident relating both to their sexual orientation and to persecution. All claimants have only 15 days from the date of claim to file their BOC; however, some begin to work on it earlier if they are aware of the timeline

beforehand. The timeline for the hearing varies depending on whether or not claimants come from a “Designated Country of Origin” (DCO), which was introduced in 2001’s Protecting Canada’s Immigrations Systems Act (Envisioning Global LGBT Human Rights, 2015). DCO countries are those that the Canadian government considers to be safe. However, even if laws exist to protect sexual minorities in DCO countries, there may be a significant discrepancy between legal frameworks and the actual experience of LGBTQ people in these countries. Progressive laws are not necessarily reflected in safety and acceptance in daily life (Ibid.). Hearings from non-DCO countries must take place within 60 days of the claim for Port of Entry (POE) claims, and within 45 days if claimed from within Canada. For claimants from DCO countries, the hearing must take place within 45 days for POE claims, and within 30 days from within Canada (Envisioning Global LGBT Rights, 2015).

Information contained within the BOC should be bolstered by as much documentation and evidence as possible, which may include letters from organizations, police reports, medical reports, or media documentation. It may also include photographs and personal correspondence. The majority of this documentation will have to be collected from the claimant’s country of origin, which for the majority of claimants is nearly impossible to do within the short time frame provided between the claim and the hearing (Envisioning Global LGBT Rights, 2015).

Participants’ stories

In this section, I will share a brief synopsis of each of the participants’ experiences from landing through the hearing, to give a sense of what this process looks like in practice.

Adams.

Adams fled Barbados, and came to Canada after initially settling in the U.S. Adams decided to come to Canada because she had family members in the States who were not aware of her sexual

orientation. She did not wish to come out as a lesbian to them, as she knew that this would damage their relationship. Instead, she chose to come to Canada to live openly without fear of family interference (Adams).

Adams was initially unsure whether she could claim refugee status on the grounds of persecution based on sexual orientation because Barbados is not as widely recognized to be homophobic as other Caribbean countries, particularly Jamaica. She found out that she could claim by attending an LGBTQ refugee support group where an immigration lawyer was speaking. Adams completed her refugee application mostly on her own, with the assistance of her lawyer (Adams).

A week before her hearing, Adams received a letter informing her that her hearing would be adjudicated by an IRB member in Montreal. It would take place via teleconference, a development which caused Adam significant anxiety. The hearing lasted approximately an hour, and Adams' claim was successful (Adams).

Gloria.

Gloria and her partner Sharon fled the Bahamas together. They found out that they could make a refugee claim in Canada from a friend, two weeks before leaving. Gloria and her partner made a joint claim at the border in the airport. The day they arrived, they spent approximately eight hours at the airport being interviewed separately by border officials. The interview included questions about their background, educational and work history, and information about family members. They were required to give specific dates for various life events, and were not aware that the information they gave in response to the initial questions were documented and recorded as part of their claim (Gloria).

Gloria and Sharon were given a date in the following week to return to the airport for an interview. They stayed in a hotel the first night, then moved to a shelter. During the airport interview, they were required to give an oral narrative of why they were seeking asylum. This story was typed up by a border official, then printed out and signed by the claimants. They were not given a copy. After claiming at the border, it took the couple about a month to find a lawyer, as they had arrived in December and many offices were closed for Christmas holidays. They struggled to complete the written application and gather evidence, and felt that they did not have adequate information about what was required (Gloria).

Gloria and Sharon had a joint hearing as a couple. They were not successful in their claim, as their adjudicator did not find it to be credible. They had 30 days to submit an appeal, during which they had to collect new evidence that they had not used in the initial claim. In the appeals process, claimants are not granted a second hearing, but must submit written documentation and evidence to an adjudicator in the IRB's Immigration Appeal Division. The couple were only able to access legal aid for five hours' worth of a lawyer's time, and spent \$5000 for the remaining legal fees (Gloria).

Gloria and Sharon submitted their appeal in November 2016. In February 2017, they were notified that their appeal was successful (Gloria).

Bella.

Bella fled Kenya and came to Canada on a visitor's visa. Initially, she thought that she may be able to return to Kenya once the situation settled down at home. However, after a few months, it became clear that it would not be safe for her to return. Bella was staying at a shelter, and shelter staff directed her towards a lawyer who got her started on the refugee claims process. Since Bella was still on a visitor's visa while preparing her application, she was not legally recognized as a

refugee claimant and had trouble accessing services designed for claimants. Bella completed her application over the course of about two months, largely alone (Bella).

Bella's hearing was the shortest of all the participants in this study. The hearing lasted about 15 minutes, after which the claim was accepted (Bella).

Rose.

Rose fled Uganda with the help of a person she described as an "agent," whom she paid to arrange for a visa and passage away from the country. She did not specifically choose to travel to Canada. As she explained, "When I was leaving my country, my point was fleeing abuse, persecution. Get away from my country, that is all that mattered" (Rose, p. 1).

Initially when she arrived in Canada, Rose was not aware that she could seek asylum, nor did she have any information about the refugee system. Rose's agent arranged for her to stay in a home with others who had also fled Uganda. She paid rent to the person who ran the home, also a Ugandan, and did not come out as a lesbian to others in the home as she feared further persecution. The people in the home were encouraged not to leave the house, and were told that it was not safe for them to walk on the streets. Rose eventually discovered that one of her housemates, Faith, was also a lesbian and the two developed a relationship (Rose).

After almost six months in the home, Rose happened to notice two women holding hands and kissing at the bus stop in front of the home. She went out to ask them whether they knew of any LGBTQ organizations in Toronto and they directed her to one. Rose went to the organization and found out that she could file a refugee claim. She was also directed to a shelter, to which she moved with Faith (Rose).

Shelter staff helped Rose contact a lawyer, who took some time to get back to her. While she was waiting, Rose met a man who offered to assist her and Faith through the application

process. He asked for payment in exchange for helping speed up the process of seeing a lawyer, helping her to access Ontario Works, assisting her to contact legal aid, and in writing her personal narrative for the claim. Rose was confused and overwhelmed by the process, and did not know which services were available free of charge from social services. She gave the man her remaining savings. She never saw him again after that, although she attempted to contact him many times (Rose).

Rose and Faith completed their applications with the assistance of their lawyer and workers at LGBTQ newcomer-serving agencies. They filed their claims together and had a joint hearing as a couple. The first day of their hearing lasted for three hours. They were scheduled for a second hearing date almost a month later. The second date, the hearing lasted for approximately two hours, after which their claim was accepted (Rose).

Interaction with IRB members

Participants' experiences varied widely depending on their knowledge of the refugee claims process; ability to access and navigate settlement services in the GTA; and ability to present evidence that would be deemed "credible" by the adjudicator. In the following chapters, I explore claimants' experiences of the settlement sector, and the discourse surrounding credible versus false claims. Here, I focus on the role and impact of the IRB member in determining claimants' credibility.

Background and mandate of IRB members.

Of the hearing process, a former IRB member wrote, "Most genuine claimants experience a profound sense of vulnerability [...]. The process is frightening because it does not make sense to them and because the stakes are so high. Their fear is magnified in the hearing room when questions are incomprehensible because of language, different cultural perspectives, or false

assumptions on the part of the questioner” (Showler, 2006, p. xvi). Because of the intensity surrounding the hearing, the IRB member has a crucial role to play not only in assessing the claimant’s credibility, but also creating an environment that will allow the claimant to demonstrate credibility. Who the IRB member is makes all the difference in the hearing.

The IRB members responsible for determining refugee claims are part of a department called the Refugee Protection Division (RPD). RPD are hired as public servants. According to the IRB website, members come from “different walks of life and many join the Board without legal training or related experience” (Immigration and Refugee Board of Canada, 2015). Members of the Immigration Appeal Division, to whom appeals go if a claim is not accepted, are appointed for fixed terms by the Governor in Council, a representative of the Governor-General of Canada (Ibid.). The appointment system has been criticized for being overly politicized, so that members are appointed due to connections rather than merit (Showler, 2006). All IRB members receive three weeks of in-class training, and LGBTQ claims are a module of this training (Murray, 2016b).

IRB members’ latitude and power in running hearings results in inconsistent experiences from claimants’ perspective. Hearings vary incredibly depending on members’ personal understanding of sexual orientation; style and approach; interpretation of immigration law; and ability to work with people who have survived traumatic experiences. Refugee claimants are not able to properly prepare for hearings because this ostensibly “neutral” process is neither truly neutral nor standardized. This increases the anxiety of claimants, who share information about their experiences with other claimants. What claimants learn from this knowledge exchange is that the result of their hearing depends not only on the strength of their evidence and testimony, but also on the biases, beliefs, and style of their adjudicator.

IRB members are not held fully accountable for their decisions. Even when decisions go for review or appeal, the names of Board members are rarely mentioned, which makes collecting data on rejections impossible. A small measure of accountability was eliminated in 2001, when the Immigration and Refugee Protection Act mandated that refugee claims be decided by a single member rather than two members. Before this, split decisions would automatically be decided in favour of the claimant and the two-person panel provided a small amount of peer oversight for IRB members (Showler, 2006).

Approachability.

Showler explains that claimants may encounter many impediments to proving their claim, including “most seriously, an inability to testify effectively due to [...] past traumas and current fears” (2006, p. 223). For refugee claimants who are anxious, afraid, and attempting to navigate an intimidating and foreign system which will result in a life-altering decision, the approachability of the IRB member made a difference in the claimants’ ability to share personal information with the adjudicator. Adams spoke about her relief at the welcome she received from the member adjudicating her claim:

I was actually really, really happy that I got this woman to be my [adjudicator]. I praised her to everybody. [...] Because she’s very nice, she’s very polite, and she puts you at ease. [...] And so many people I talked to talked badly about the [IRB members], and like I said there were a couple of people who had really bad experiences with their [adjudicators] as well. So I was like really shocked. (Adams, p. 29)

In Adams’ case, the IRB member’s ability to create a comfortable environment and willingness to accommodate the claimants’ anxiety helped put her at ease and allowed her to discuss the various aspects of her case with relative comfort. Gloria, on the other hand, was thrown off by

her adjudicator's abrupt and authoritative nature. Immediately after introducing herself, the IRB member stated that, "This is my court room [and] I have the final say to everything." (Gloria, p. 9). Gloria was immediately put on the defensive, which did not create the environment necessary for her and Sharon to share their stories of persecution with this stranger who would decide their fate.

Thoroughness.

The thoroughness of the questioning also varied widely between IRB members. Some IRB members asked claimants to give detailed explanations of their childhood and youth; relationships with family and with partners; sexual experiences; and a complete trauma history. Others, most notably Bella's adjudicator, asked very few questions and relied primarily on submitted evidence. While in Bella's case the paucity of questions was certainly due in part to the strength of her documentation, the discrepancy in procedure is still notable.

Rose's experience demonstrates that the thoroughness of questioning may vary even with the same IRB member on different days. Rose and Faith had a joint hearing, meaning that they attended the hearing and were questioned together by the same IRB member. However, the first session of the hearing was focused exclusively on Rose and her personal narrative. According to Rose, the typed version of her personal narrative was twelve pages long. After the initial three-hour session, the member had worked his way through only four pages of this narrative. Rose said, "Every detail, every single, single detail I had to re-explain" (Rose, p. 10). On the first day, this IRB member did not simply ask questions about incidents or facts that he felt were particularly relevant. He questioned her about every paragraph in her story, from the development of her sexual identity to detailed descriptions of violent incidents. This process was emotionally draining for Rose, particularly when the IRB member asked questions which she felt

were unnecessarily invasive such as pressing her for details about how she felt after having sex with a woman (Rose).

The second session of Rose's hearing, held nearly a month after the first, was a remarkably different experience. The IRB member finished questioning both Rose and her partner Faith in two hours. This contrasts with the first session in which he worked through only a third of Rose's narrative in three hours. Rose said,

When we went in for the second one [...] he didn't drain me, I should say. Because he would be like, oh, I'm so sorry that happened to you. Okay, I'll not go into detail. And I was like, why did you go into detail the first time, that was so selfish and mean of you. But then, he didn't. Even with [Faith], he didn't. Yeah, he didn't go too much into it like he did for me. (Rose, p. 12)

Rose's interaction with the IRB was markedly different on the two hearing dates. Faith was only subjected to cursory questioning, rather than the in-depth interrogation that Rose endured on the first day.

Gloria mentioned that the IRB member on her case went into such detail in her hearing that the member went so far as to question her partner's grammar in the documentation (Gloria).

The variation in the thoroughness of questioning by adjudicators demonstrates that the process is in no way standardized. This supports Murray's (2016b) findings that IRB members use both "objective" questioning, and what one member described as their "sixth sense" (p. 110). Showler argues that while gut feelings are not mentioned in formal decisions, they may be "often more persuasive" to IRB members than evidence (2006, p. 95). IRB members may use their discretion to decide how thoroughly to question a claimant. Some claimants are lucky to

encounter questions only relating to the most salient aspects of the personal narrative. Others must attempt to justify and explain their life choices and most personal experiences.

Informed questioning.

Based on their interactions in the hearings, some IRB members appeared to have more background information about members' countries and cultures of origin than others. Adams felt that her adjudicator had sufficient knowledge of the socioeconomic status of lesbians in Barbados. She was impressed that the adjudicator even had knowledge of current events, such as the fact that the leader of Barbados' opposition party is rumoured to be a lesbian (Adams). Because the IRB member demonstrated sufficient understanding of the cultural context, Adams felt confident that she could make an informed decision (Ibid.).

At the other extreme, Gloria felt that her adjudicator did not understand the context in which Gloria and Sharon were living, particularly having to hide their sexual orientation and choosing not to engage with the larger LGBTQ community for safety reasons. Reflecting on her experience, Gloria said,

I think those members, if they are Canadian or wherever they are from, they tend to believe what they know. I don't think they go and research. Okay, you have a case with somebody from the Bahamas. [...] Find out what's the lifestyle there. [...] You have to find out if somebody is so used to hiding stuff and coping. (Gloria, p. 6-7).

Gloria felt that her adjudicator judged her and Sharon based on her own understanding of how lesbians must live and behave, rather than informing herself about the situation in the Bahamas (Gloria).

Gender.

Finally, the gender of the IRB member may also affect lesbian refugees' experience of the hearing. This particularly applies to women who have survived gender-based violence perpetrated by men. Adams discussed her relief at having a female judge. She explained,

I appreciated having a female judge because I was really worried of getting a male judge and maybe him being a bit prejudiced or not understanding. [...] Like, I think where a man threatened to screw me to turn me straight would have been viewed differently by a man than by a woman. (Adams, p. 28)

Speaking about a female friend whose judge was male, Adams described her friend's experience as "traumatic" (p. 28). The woman had been sexually assaulted, and the hearing was repeatedly stopped for breaks because of the emotional difficulty of relating the narrative in a hearing, and particularly to a male judge (Ibid.).

Emotional distress

All the women I spoke to described going through emotional and mental distress while assembling their claim documents and going through the hearing. In most cases, people who make refugee claims because of persecution based on sexual orientation submit their refugee claim shortly after having left the country in which they experienced persecution. Not only are they still dealing with the events that prompted them to leave their home country; they are also in the process of adapting to a new place. People who are making claims are also in the process of attempting to find shelter, applying for social assistance, and learning about the legal process with which they must engage. All of this is happening while they gather evidence for the hearing and create a personal narrative to present to the IRB. Refugee claimants are also grappling with leaving their home country behind, often leaving family members and dependents as well.

Each of the participants described the period between entry and the acceptance of the claim as incredibly difficult. One of the most challenging aspects of this period was filling out the Basis of Claim form (BOC), which is the document in which claimants must create the personal narrative justifying their reason for seeking asylum. Adams described the BOC form this way:

I had to remember like how far back I knew I was a lesbian, or when I came to that conclusion. The kinds of relationships I had. From the time you figure out [...] you're a lesbian until now that you're here in Canada, they want every single relationship, they want every single memory that you can have of when you were into women. [...] Then you had to remember every single incident and every single person that said something negative to you, or how they affected your life. How your family reacted to it, if you came out to your family. Why you didn't come out to your family. Yeah, so Basis of Claim was like telling your life story, but only from the aspect of your sexuality. (Adams, p. 5)

Participants spoke of the difficulty of recalling painful incidents from their past and reliving things they had tried to leave behind. These experiences had to be presented in a way that made sense to an outsider. They had to be clear and include specific dates and as much documentation as possible. And finally, they had to be examined by the IRB member, and details of various incidents questioned and checked for credibility. Adams explained that,

It is very traumatic in the sense that you relive a lot of things that you don't want to remember. [...] I realized that I'd buried a lot of stuff, the older I'd gotten. [...] And having to explain that to a judge, [...] it's not easy. (Adams, p. 19)

Adams called the hearing “one of the worst days of my life” (Adams, p. 22). She spoke about living with anxiety for six months prior to her hearing. During this period, she also experienced her first panic attack (Adams).

Like Adams, Bella spoke about the difficulty of completing the BOC. She described the challenge this way:

You get to relive the events that have led to you being where you are at that particular moment. It took me about two months to do my narrative and have it ready. And it was the hardest part of the whole process, putting it on paper. (Bella, p. 2)

Given the fact that the BOC includes so much of claimants’ intimate life history, this practice of putting every relationship and incident to paper will be the first time they will have considered so many difficult life experiences at one time.

Rose reflected on the pain of having to recount childhood traumas as an adult. She also spoke about the difference of living these incidents in a culture that encouraged her to be resilient, and having to dissect and dwell on them later when she was experiencing social isolation. She said,

Some of the things happened long time ago. And like you never imagined that they were painful, things that happened when you were a child. [...] And the way we are raised from back home, you can handle your stress [...] somehow you let it go and you move on. And now here you are, having to describe a series of traumatic events that happened a long time ago. And then I have to put them down in writing. (Rose, p. 8)

Rose struggled emotionally and physically at every stage of the process. She attributed this partly to the necessity of dredging up traumatic memories and having to recount them in a situation of

high stress, and partly to her insecure and uncertain status in Canada. As she filled out her BOC, Rose developed a fear of making an error because of her mental state. As she explained,

[It's] so hard to fill out like a normal person especially when you're not okay mentally, psychologically. You can make a mistake when you're filling them, when you're undergoing a lot of trauma. [...] It took me forever to write my story. It took me really so, so long because I'm writing something, then I cannot. I can't write it because I don't want to describe. (Rose, p. 7-8)

In the time leading up to her hearing, Rose's physical health also deteriorated because of stress, anxiety, and reliving trauma. She shared that,

When my court hearing was coming, I should say I was sick. Like for a month I didn't even eat food. I was just praying to God. [...] I was so worried and scared. (Rose, p. 10)

Rose and her partner Faith had almost a month between their first and second hearing dates. This time was particularly hard on Rose, as she believed that their claim would not be accepted. She said,

One time I even thought, why don't I just die [...] why do I have to go through with this? [...] You feel real pain in your heart. I never felt like that before. [...] Sharp pain in your heart. You're dying. It's too much. (Rose, p. 13)

Rose had access to a counsellor and support groups during this period, as described in Chapter 5. However, the combination of having to recount her trauma narrative, feeling disconnected from community, and the uncertainty of the future caused her much suffering (Rose).

Times of limbo and uncertainty were particularly difficult for Gloria and her partner Sharon as well. Unlike the other participants, they made their refugee claims at the border and were therefore more concerned about making mistakes in their claims. Gloria and Sharon were

both interviewed for several hours over the course of two separate occasions: first on the day they arrived in Canada after fleeing the Bahamas, and again a week later at the airport. After this, they were still required to complete the BOC and go through a hearing, and finally to make an appeal when their claim was rejected. This meant that all the information they presented had to be consistent at each occasion, including dates, locations, and other specific details. For instance, a claimant might be asked to recall the date they met a significant person in their life, or the date of an assault. They might be asked to recall details such as the name of the bar in which they had their first kiss with a woman, or might be asked to explain their motivations behind deciding whether to come out to specific people. Gloria was particularly concerned because the couple were not given a copy of the information they presented at the border, so they could not be sure that all the information was consistent. As she explained,

They asked you those questions and you didn't really follow the form. You spoke it and the person behind the desk was filling it out. So you didn't have nothing to carry home. Whatever date you told them is what they put in the system. So when you went to the lawyer and he had to follow the Basis of Claim, it was basically some of those same questions. And the problem is if you told the officer at the airport a date, you might not remember what you told them. (Gloria, p. 4-5)

This was particularly challenging on the day of their arrival. Gloria stated,

When you're going through an ordeal like [fleeing persecution], you're not thinking straight, you know. [...] And I don't think it's fair if they ask you a question like, they would ask you a year, what year you did so and so. And you can't remember what happened yesterday. (Gloria, p. 2)

Recalling specific dates and details of one's educational, work, and family history on demand is difficult for anyone, let alone someone who is under immense stress and is exhausted from travel, sleep deprivation, and the emotional impact of having just left their home. Gloria explained that the couple were in a kind of daze during their initial interview. When they left the airport after the initial eight-hour interview,

Reality hit. That we were now in a new place and we didn't know nothing. We didn't know where we was supposed to go, what was going to happen. How we were going to make it on \$500. You know. We didn't know nothing. So we was at the mercy of Canada. [...] So you know, it was real mind-reckoning. (Gloria, p. 3)

Gloria was the only woman I spoke to whose initial hearing had been postponed several times, and had also her initial claim denied. This meant that for more than a year, Gloria and Sharon were stuck in immigration limbo, not knowing whether they would be able to stay in the country. This had a detrimental effect on the couple's well-being.

I had two interviews with Gloria, one before her appeal was accepted, and one after. In the first interview, this is how she described the effect of the stress on the couple:

We started mentally [pause] it started to play with us. I started having dreams of being attacked by wolves, lions. I started having dreams of my parents trying to beat me as an adult. It was just on and on, nightmares of dreams. That was happening to me. For [Sharon], she can't sleep. She is so tortured. She cries, 'I want to sleep, I can't sleep.'

And then she is on sleeping pills and it is not working. (Gloria, p. 10)

While some mental health services are available for refugee claimants through the settlement sector, a major part of the stress they experience is related to the structure and demands of the immigration process itself. Ironically, high stress and trauma history can easily damage

claimants' credibility in the hearing, as these can cause memory issues and contribute to inconsistency in testimony (Envisioning Global LGBT Human Rights, 2015).

The fact that IRB members have so much discretion in determining the content and form of refugee hearings, and that they are rarely held fully accountable for their decisions, means that the refugee determination process cannot be described as objective or transparent. For lesbian refugees, factors such as gender and approachability can make a significant difference when claimants are being asked to describe the most intimate and painful details of their personal lives. Without a clear and consistent process, claimants are unable to adequately prepare for hearings. This increases the stress and anxiety around this process which inevitably has a life-altering outcome.

Chapter 5: Settlement Services and Gaps

In this chapter I discuss the services which participants found useful in the settlement sector, those which helped to guide and support them through the claims process. I will also highlight the gaps and problems identified by research participants.

Settlement services

The settlement sector is a patchwork of services which straddle several overlapping areas of service provision. Participants spoke of their experiences accessing services from shelters, lawyers, community health centres, and non-profit organizations focused on refugees, health, the LGBTQ community, and racialized women. Participants generally found it confusing to navigate the sector and find out who provides which services. However, all the participants shared that they had received useful assistance of some kind from at least one non-profit organization. These included the 519, Access Alliance Multicultural Health and Community Centre, Black CAP, the Canadian Centre for Victims of Torture, FCJ Refugee Centre, Metropolitan Community Church, the Red Cross, Sojourn House, and Women's Health in Women's Hands (Adams; Bella; Gloria; Rose).

The shelter system is the first point of contact and referral for many refugees. Bella, Gloria, and Rose were all housed in shelters at the beginning of their stay. Workers at shelters provided the women with a list of lawyers and informed them that their legal fees for the hearing would be covered by Ontario legal aid (Bella; Gloria; Rose). Only Adams, who did not stay at a shelter, was not aware of this and paid for her own lawyer (Adams). Shelters also provided the women with some degree of practical assistance. Gloria explained,

The shelter gave us tokens [for public transportation]. [...] The shelter helped with housing, to help you find housing. Food, food bank. How to get to the doctor and all of

those things. They directed you. If you needed to fax anything or anything like that, they assist you. (Gloria, p. 3-4)

Adams and Rose mentioned a program which gave claimants a tour of the hearing room as particularly helpful in preparing them for the hearing itself. Seeing the layout of the room and being walked through the process helped the claimants to mentally prepare and picture themselves successfully navigating the hearing. Having a clearer sense of what was coming took some of the pressure off the women as they were waiting (Adams; Rose).

All the claimants were able to access mental health services, specifically individual counselling from a number of organizations tailored either to LGBTQ people, newcomers, or racialized women (Adams; Bella; Gloria; Rose). Not all of the counselling experiences were positive, as I will discuss in a later section. However, all the women were eventually able to connect with mental health services which they identified as useful. Rose shared,

I got individual counselling or psychotherapy. So I'd go see the lady once or twice a week, and we would talk and talk and talk. Oh, she would keep me going. Up to today I see her quite often. Yeah, I love talking to her. (Rose, p. 9)

All the claimants were also eventually able to access physical health services from community health centres or other medically-focused non-profits (Adams; Bella; Gloria; Rose).

In addition to formal mental health supports, the women were also able to access informal support through groups tailored specifically to LGBTQ refugees and refugee claimants. Participants found out about these groups from a variety of sources: their lawyers, word of mouth referrals from community members, and from searches online (Adams; Bella; Gloria; Rose). Support groups at various agencies were useful in providing practical information for claimants, for instance by having immigration lawyers give presentations and answer questions about the

refugee claims process (Adams; Rose). The groups also created a space for refugee claimants to connect with others going through the same process, to commiserate and build community. As Bella explained,

These agencies and these groups, because they've dealt with refugees over and over, they were able to guide me and other refugee claimants on how best to prepare for the hearing. And at that time it gave us a place to gather. You know, you go to these agencies, you meet your fellow refugee claimants, you share stories. And sometimes you meet people who have already gone through the process. So at least they can tell you, I did this, I went through this. (Bella, p. 4)

Organizations that offer support groups generally also offer some degree of individual support from the workers who run the programs. Through individual workers, claimants are able to get advice about assembling their claims documentation, referrals to other services, and emotional support. Rose identified the combination of group and one-on-one support as particularly helpful to her. She said,

I used to go to different groups, and I used to interact with people. [...] I see people, I know I'm not alone. Then I would meet with the [program workers]. We would speak and then I'm fine. [...] And I loved being around people because each time I was alone I was like, I was so upset. But when I'm around people, something kept on telling me, you know, it's not only you. Many people are going through this." (Rose, p. 8-9)

Service gaps

While all participants identified the services they were able to access as useful to their eventual success in making a refugee claim, each participant also shared critiques of the settlement sector and shared stories of particular problems they encountered. I discuss some of these gaps by

examining three specific problem areas identified by participants: lack of clear procedural and legal information; times of transition; and experiences of oppression.

Procedural and legal information.

It was a major challenge for participants to gather accurate information about everything that they needed to do or could do to complete their claims. This included a lack of widely available and accessible referral system, which would help claimants determine which services are available to help them through the process.

Adams was the claimant who was likely undergoing the least culture shock and issues relating to adaptation. She had come to Canada after having lived in the U.S. and was more confident about living in North America. She had experience acquiring permanent residency in the States and was thus perhaps better equipped to understand and navigate a complex immigration system. While this did not necessarily make the refugee claims process emotionally or mentally easier on her, she was able to acquire most of the practical support she required and was fairly self-sufficient compared to the other claimants. However, she still missed the crucial information that her lawyer could have been covered through legal aid, likely because she did not find her lawyer through the assistance of shelter workers (Adams).

The other participants encountered challenges when it came to accessing social services and developing a clear understanding of the claims process. While only Gloria knew that she could make a refugee claim in Canada before arriving, neither she nor any of the other participants knew exactly what would be required of them to make the claim before leaving their country of origin. None had a clear idea of how to fulfill the expectations of the IRB (Adams; Bella; Gloria; Rose).

Bella and Rose both stressed the difficulties of finding help and knowing which agencies in Toronto would be of use to them. In Rose's case, she had been isolated for the first several months of her stay in Canada. She spent most of her time in the home that had been arranged for her through the Ugandan agent before she arrived. While she had been encouraged not to leave the home, she did occasionally venture into public and was not able to acquire any information about helpful organizations on her forays out. She eventually found out about an LGBTQ-serving organization by asking two women who she saw being affectionate at a bus stop. Through this organization, she was able to connect with a shelter and find out about making a refugee claim. If she had not come across these women, she may have encountered legal difficulties as her visitor's visa would likely have expired without her having any knowledge of how to proceed further (Rose).

Bella struggled both to find and to access services. She said, "I did not know where to get help. There is no information, there is no referral system if I may say so. So it was a matter of trying to figure things out on my own" (Bella, p. 3). Bella also encountered barriers even in organizations that are set up to serve refugee claimants, ostensibly because she did not have a refugee claimant identification at the beginning of her stay in Canada.

The problem here appears to be two-fold. First, Bella did not know of and was not referred to the numerous organizations that provide medical and social support for claimants even without refugee documentation. However, the organization that she did attempt to access prior to filing for refugee status is mandated to provide services even to undocumented refugees, which presumably would include those who are here on a visitor's visa and are in the process of assembling documentation for a refugee claim. Yet she was still turned away (Bella). The problem thus lies both in the referral to and implementation of services for asylum seekers who

do not yet have refugee documentation. Bella was treated as a visitor rather than a refugee claimant even while she was in the process of putting together her documentation. She said,

This is the biggest challenge. At that particular time I am viewed as a visitor and [...] until I put in my Basis of Claim form, I have no access to some of those services. [...] So there was no support at all at all at all, before I handed in my Basis of Claim form. And for me I felt that that is when I needed support the most. (Bella, p. 2)

Bella was not successful in accessing either medical, practical, or emotional support when she needed it. She shared, “I remember I was very sick, the first few days when I was here, and I could not get any medical help because I did not have any coverage. I [was asked to] pay cash, which I did not have” (Bella, p. 2). She also felt that being able to access counselling services during the BOC writing process would have been extremely helpful, as this was a time when she was being asked to relive and create a narrative of her traumatic experiences (Bella).

Gloria found out about the organizations and support groups she could access from her lawyer. By the time she was able to connect with her lawyer, a month had already passed since her date of entry. This was valuable time in which she could have been collecting evidence to support her claim, had she been aware of what was needed (Gloria).

Even when participants were connected to services, they did not necessarily receive clear information about the claims process. For example, neither Gloria’s lawyer nor any of the agencies she was closely involved with had informed her that she and her partner could have submitted additional evidence to the IRB when their initial hearing was repeatedly postponed. She explained,

Our court hearing date was in February. It was cancelled from one date to the following two weeks. The following two weeks, our lawyer’s mom was sick. So it was postponed to

March. Then it was postponed again from March to October. During that time the lawyer never ever told us that we could have still gathered information and send it. We were so involved with so much organizations. We did so many things after that. So many other things happened in the Bahamas after that. But we were still not informed that we could have still put in stuff. [...] And then [in the hearing], the member would say, so you had from then til now, and you still couldn't have bring more proof? But we didn't know.

(Gloria, p. 7-8)

The fact that Gloria and Sharon did not submit additional evidence during the period in which their hearing was postponed appeared to have aroused suspicion in their adjudicator.

Adams and Bella both found that incorrect information was shared in agencies and in support group settings. While in Adams' experience the misinformation was disseminated primarily by other claimants, either out of ignorance or through generalizing personal experiences, Bella also encountered misinformation being spread by workers (Adams; Bella). For instance, Bella was advised by a worker that she should withdraw and spend all the money she received through Ontario Works, which is provincial social assistance. She was told that the government monitors the money they distribute, and if she "misused" or did not spend the money the government would cut her off. This information is not accurate. Bella stated, "I got that advice from a worker. And I found it to be very misleading" (Bella, p. 5). Reflecting on the difficulties she encountered in the settlement sector, Bella said, "There's so much information you can get from different people and agencies. And it's difficult to know, is it true, is it not true? So it's hard to tell. You just have to be smart" (Bella, p. 8). For refugee claimants who are balancing the challenges of housing, legal, medical, and mental health concerns, having to sift through information about a completely new system is an additional complication and stressor.

Transitions.

Several participants identified the times of transition – just after entry and just after having their claims accepted – as particularly challenging. These are times when people who have fled their countries experience a change in status, first from asylum seeker to state-recognized refugee claimant, and then from refugee claimant to permanent resident. These are also times when claimants can easily fall between the cracks if they do not have adequate information or support. In this section, I will focus on the transition from claimant to permanent resident.

Bella and Rose were both successful in their refugee claims in mid-2016. Unlike Adams who went through her hearing almost two years ago, and Gloria whose claim had just been accepted, both Bella and Rose had applied for permanent residency and had been in the process of establishing themselves for approximately 8 months when I spoke with them. Both women found this time to be unexpectedly difficult. It was a time of coming down from the stress of the claims process, and realizing that they would have to find ways of creating a new life. After the hectic period of collecting evidence, preparing for the hearing, and finding housing, both women were settling in and thinking about the children from whom they were separated when they fled. Speaking about the moment when her claim was accepted, Rose said,

It was a happy moment, I should say, very happy. And then after some time you think about it and you're like, now what next? You know, you're so happy and then you fall down and you're like [pause] you know, as if it means nothing. You know, me I have kids and I'm like, now my kids. Now I'm safe, now my kids. They worry [me] a lot.

(Rose, p. 14)

Bella's first concern was also for her daughter, and she felt that after her claim was accepted it was once again more difficult for her to access the support that she needed. For

instance, she was not sure how to fill out her permanent residency application with the goal of bringing her daughter to Canada. She explained,

After the hearing I went back to the shelter, and they helped me to fill the paper. But [...] I had no advice of what the best way would be to go about it. So when I'm applying for my PR, do I put my dependents at that time? Do I apply for my PR and once I get it, then I can invite my dependents? Up to now I don't know if I did the right thing, if I did the quickest thing. [...] And then it's expensive, you know the person you apply for your have to pay. And do you have that money? So the most important person for me at that time who needs to be with me is my daughter. (Bella, p. 10)

Bella speculated that agencies typically do not provide support for women who are attempting to bring their children to Canada because that often occurs after the claim has been accepted. The organizations she is familiar with are focused on helping people through the claims process specifically (Bella).

Both Bella and Rose also spoke at length about the emotional difficulty of transitioning from refugee claimant to permanent resident. Bella stated,

I kind of got depressed after that, because I was like, okay fine, it's over. Now what next. Because for a long time I've been preparing for this, it's been keeping me busy. [...] I had groups of people that we come together, we talk about things, we meet so that, you know, I'm prepared. [...] But now it was over. All of a sudden it was over. And I felt [pause] of course it was a good thing that it was over. [...] But then I felt kind of lonely and alone. [...] I've been accepted, there's this huge gap that's been left there now. All the people who have been supporting you to prepare. All of the things that have been

supportive until now, stop. Because now you have gotten what you wanted. Right?

(Bella, p. 7)

In addition to the loss of community, Rose identified the financial and social barriers she encounters as severe stressors. While Rose's partner has been able to find employment, Rose was not able to at the time we spoke because her educational qualifications and experience are not recognized in Canada. She said,

Honestly I'm failing to [pause] to feel that I belong here each day that passes. I'm failing to fit myself somewhere. Given the fact that after the court hearing process and everything, then you have to look for a job. And you cannot find a job in your career. It's going to take a lot of time. And you cannot find proper housing for yourself, I mean a place you would love to say, because you do not have the money to find one. [...] I don't know. But I find myself kind of upset. [pause] Depressed and most of the time thinking to myself, what can I do? And everything I try, somehow the system will suppress me. [...] I feel so lost. (Rose, p. 1)

While the support group that Rose had most frequently attended is open to all LGBTQ newcomers, not just refugee claimants, she and her partner no longer attended because they had moved to a suburban area to find affordable housing. Housing is a major problem both because of the lack of affordable rental units in the GTA, and because permanent residents without significant Canadian job experience or rental history often encounter housing discrimination based on race and/or immigration status. This means that those who are successful in finding housing are often pushed away from specialized social services, just as Rose and Faith have been. It is now more difficult for them to access LGBTQ newcomer-serving agencies and the support they need during this time of transition.

Experiences of racism, sexism, and homophobia.

All four women spoke about oppressive situations or incidents they encountered in the settlement sector. This is particularly troubling given the fact that lesbian refugees are a highly marginalized group who are vulnerable to oppression based on the intersections of gender, sexual orientation, immigration status, and often race. Experiences of oppression within the settlement sector erode trust and confidence in services and create additional barriers in the immigration process. For people who are escaping persecution, this may reinforce feelings of hopelessness and alienation. The women generally did not address these problems with the organizations in which they occurred due to the power imbalance they felt as service users (Adams; Bella; Gloria; Rose).

Adams shared two experiences in which she felt underserved or misunderstood by service providers. In the first incident, she was speaking to a white Canadian worker at an LGBTQ-serving agency. Adams said,

She didn't get it. She didn't understand the difference between black Caribbean people and black African people. [...] She thought we were all one community. [...] She was like, 'Why not? Y'all are all, not to be racist, but you're all black.' (Adams, p. 23)

This encounter demonstrates ignorance and disrespect on the part of the worker. Adams also encountered problems with a service provider in a refugee support group. She explained,

It was run by this gentleman and he was more into helping gay men than helping lesbian women. He really had no interest in knowing anything or meeting us or anything like that. (Adams, p. 26)

Gloria also spoke about the male-dominated nature of support groups, noting that the overrepresentation of men in groups made it difficult for women to feel safe and to participate

fully. She felt that this was compounded by the fact that groups are becoming larger, which discourages many people from sharing their stories (Gloria).

Bella and Rose both encountered problems from counsellors at the same organization. Bella stated, “I felt like [the counsellor] did not understand me and she did not understand where I was coming from. And she was very ignorant” (Bella, p. 8). When I asked Bella to clarify whether she felt that she was not understood in terms of sexuality or culture, she replied, “Both, yeah. She did not do any effort to try and understand where I’m coming from, what I’m going through. I just think she didn’t care” (Bella, p. 9).

Some time after she had stopped seeing this counsellor, Bella was invited to present as part of a panel discussion on mental health provision for LGBTQ refugees. She said,

The aim was, they wanted to hear it from the service recipients. And they wanted to know, what are the best practices [...] in terms of how we would want to receive this kind of service. And luckily, my counsellor was among the class. So I was like, I’m going to say [laughs] I’m going to say everything that I did not receive from her. So that was a very very good opportunity for us as service recipients to talk to the providers and tell them what is lacking. (Bella, p. 8)

Rose’s experience with a worker also deterred her from seeking services from this same organization. After completing intake and returning for a second appointment, Rose was put off by the worker’s discriminatory assumption that she was lying about her claim. Rose shared, “She said, ‘We know you people from Africa are always lying.’ That’s what she said. ‘Are always lying’” (Rose, p. 9). The worker then suggested that Rose write her own support letter on the worker’s behalf and have the worker sign it. Rose described her reaction this way:

I didn't even tell her anything. I just looked at her and I'm like, really, seriously? [...]

Which professional social worker would do that? (Rose, p. 9)

Rose returned to the agency once more for medical services, and never saw that worker again.

Reflecting on her reaction at the time, she said,

Then, by that time, I could not speak up for myself. [...] Those days I was so shy. I was just too, like, I couldn't speak up for myself. But now I've learned to speak up for myself.

[...] If I was like how I am today, I would challenge her. She would feel me. (Rose, p. 18)

Adams, Bella, and Rose all spoke about how difficult it was for them and other lesbian refugee claimants to trust anyone with their stories after having fled experiences of persecution (Adams; Bella; Rose). These incidents demonstrate that the settlement sector replicates racist, heterocentric and homonormative practices like those observed in the refugee system itself.

Lesbian refugee claimants cannot assume that any space will be fully safe or accommodating to them, even those ostensibly designed for them.

Racist, sexist, and homophobic attitudes and practices in the settlement sector hinders lesbian refugees' ability to seek services, be open with service providers, and find the stability they need to complete the claims process. These regressive and harmful attitudes are completely unacceptable and have no place in the settlement sector. Incidents such as those described by these four women must be taken seriously and addressed by providers working with LGBTQ refugees and other equity-seeking groups. Service providers must remain conscious of the fact that LGBTQ refugees' precarious status often make them reluctant to report discrimination by workers, and may have to explore unconventional ways of developing accountability.

Chapter 6: Power and Resistance

Due to their position at the intersection of various marginalized identities, lesbian refugees face multiple barriers in the settlement process in addition to making their claims. However, this does not mean that lesbian refugees are powerless. In the post-structural framework, power is not something that people either have or do not have; rather, we all exert power in our daily interactions. This power can be used to push back against oppressive institutions (Combs & Freedman, 2012). In this chapter, I will discuss lesbian refugees' power and resistance. I will do this by exploring the discourses that lesbian refugees interact with, and how they choose to conform to or defy these discourses in various situations. I will also highlight examples of resistance to hegemonic discourse.

LGBTQ refugee discourse

The women I spoke to were interacting with three major discourses: authenticity, homonationalism, and homonormativity. These discourses involve commonly-circulated stories that overshadow nuance and diversity within the community. Sometimes participants would align themselves with these discourses, either because they resonated or pragmatically in order to help their case progress smoothly. I will explore instances of both here.

Authenticity.

The refugee determination process rests on the assumption that “authenticity” can be determined during the hearing. IRB members are meant to weed out “fake” refugees through questioning and examination of documents. Showler discusses this process from the perspective of an IRB member, describing the “great difficulty and sometimes impossibility of deciding IRB claims accurately” (2006, p. 210). Because of this, many IRB members rely at least partially on intuition and gut feelings (Showler, 2006). One of the ways that a refugee is determined to be authentic

and credible is through the use of affect during the hearing. In an interview with Murray (2016b), one IRB member stated that “accessing emotion is critical” during the hearing (p. 110). It is assumed that IRB members are able to determine whether or not an emotional display is real. People who are deemed to be “hard to read” or who do not display what the IRB member imagines to be appropriate affect for the situation may arouse suspicion (Murray, 2016b, p. 111). This discourse is based on the assumption that there is a universal or true way to express emotion which cuts across culture and life experience.

Gloria and Adams both made reference to authenticity and affect when discussing their hearings. Gloria felt that her lack of “appropriate” affect – neglecting to acknowledge emotion during a difficult moment – harmed her case. She felt that the adjudicator did not understand the reasons for her emotional reticence at that time. Gloria said,

For the Caribbean, we have this thing where we coped. There was no place you could go and say, oh I’m so stressful I need counselling. If you say you stressed, or you say you’re having problems, they put you in a hospital. [...] So back in the Caribbean, you coped. You keep your mouth quiet. You do what you have to do. At the trial, the member asked, do you want a break? No, you don’t want a break. You want this finished with. But because you said you don’t need a break, they feel like you’re not stressed, you’re okay. Why you came here? And I think that’s so unfair. You have to find out if somebody is used to hiding stuff and coping, whatever they go through in life they can cope. That doesn’t mean it’s comfortable, coping. (Gloria, p. 6-7)

Gloria felt that she and her partner were punished for failing to demonstrate what the IRB member would deem an appropriate emotional reaction.

Adams spoke about her use of affect in the trial and how it convinced the IRB member of her authenticity. She said,

[The IRB member] said I came off as too genuine for it to be fake. I wasn't over-dramatic. [...] I showed enough emotion but not too much emotion. [...] And it wasn't even something that I was trying to do, it was just what it was. (Adams, p. 3)

Adams felt that her adjudicator was responsive to her claim in part because Adams demonstrated an emotional reaction which was both appropriate and authentic. Indeed, she felt that this was key in all refugee claims, as being overly emotional may elicit suspicion of fakery. When discussing advice that she gives to other refugee claimants, Adams stated,

Don't cry for something where you don't really feel emotional. Because they're going to know you're faking it. [...] Always make sure it is a genuine thing you're doing. [...]

Don't go in there and shout loudly. [...] Don't go in there flamboyant. (Adams, p. 33, 36)

Adams encouraged claimants to be aware of the discourse surrounding how a credible and authentic LGBTQ refugee behaves, and to conform to it in order to increase their chances of having their claims accepted. This means assessing and emulating North American standards of "authentic" affect.

In his exploration of IRB decision-making processes, Showler (2006) discusses the reliance of affect particularly in cases dealing with claims based on persecution due to sexual orientation. Due to the difficulty of demonstrating sexual orientation, IRB members sometimes attempt to "read" claimants through the use of their own conceptions of appropriate emotional demonstration (Showler, 2006). This may be harmful to claimants' cases and certainly does not conform to the popular conception of an objective refugee determination system.

Homonationalism.

In order to impress to the IRB member that they are indeed credible, some LGBTQ refugees also engage with homonationalist discourses. Through homonationalist discourse, Canada is constructed as a morally superior and modern nation, in contrast to non-Western nations which are constructed as universally homophobic and backwards (Gaucher & DeGagne, 2014; Murray, 2015; Puar, 2007). In the hearings, this discourse emerged in questions around lifestyles in Canada versus country of origin, and claimants' current relationship to their country of origin. As Adams explained,

Also part of the hearing is, are you willing to be open. Are you willing to live openly in Canada, you know. And obviously you would have to say, you have to say yes. Because what's the sense of being here, you know. And that's very very important to them is like, are you willing to be open, are you able to tell your friends here? (Adams, p. 8)

The assumption of the IRB is that a "good" life for any LGBTQ person is to live openly and to share information about their personal life with others. This relates to homonormativity, which I will discuss in the next section.

Adams also spoke about the expectation that LGBTQ refugees should reconfigure their relationship to their countries of origin to the degree that they should no longer consider returning home to be a viable option. She said,

It is the one question they ask everybody, do you plan on going home. It is a question that unfortunately messes many people up. Which is what I've told everybody, always say no. It doesn't matter what you plan in your head, always answer no. Because there's no leeway. There's no, 'If things change at home, yes, I'm going to go.' Because they're going to say you're denied. (Adams, p. 31-32)

While Adams herself genuinely did not plan to return to her country of origin, many other refugees have complicated relationships with the idea of home. The expectation of the IRB is that lesbian refugees will express complete allegiance to Canada because of Canada's social environment in relation to sexual orientation. This is not to dismiss the very real excitement, joy, and sense of freedom that many refugees experience because of their ability to live publicly as lesbians in Canada, at least at particular times and in certain places. This may indeed be the first time that some claimants have experienced a sense of personal safety in that regard.

The problem with this discourse is that it erases the deep ties that lesbian refugees often maintain to their countries of origin, and contradictory feelings around leaving. It demands that claimants completely reject their past and their country of origin in order to pass through the IRB's gates. This is an aggressive form of nationalism which is deeply embedded in the immigration process. Homonationalist discourse also minimizes both new and old problems that many lesbian refugees encounter in Canada, particularly experiences of sexism, homophobia, racism, and discrimination based on immigration status. All of this may affect access to services, sense of belonging, and housing and employment prospects.

Homonormativity.

Much of the literature on LGBTQ migration focuses on the use of homonormativity in the refugee claims process (Gaucher & DeGagne, 2014; Murray, 2014c; Murray, 2016b; Rehaag, 2008; Tremblay, 2014). This was a theme that emerged in this research as well. Homonormative narratives are those which employ a conventional Western conception of sexuality to determine whether lesbian refugee claimants from primarily non-Western countries are "authentic" in their claims. This means that sexual identity should be presented as unambiguous and stable throughout time. It should follow a familiar narrative of self-discovery; "coming out" to

important people in the claimant's life; and connecting with LGBTQ community (Gaucher and DeGagne, 2014). Claimants are expected both to have grown up in universally oppressively homophobic environments – according to homonationalist discourse – and also to have come out to those closest to them – according to homonormative discourse.

The women I spoke with talked about being questioned about coming out to family members, and feeling that adjudicators may not have a clear understanding of why they decided to disclose their sexual orientation or not. In reference to her adjudicator's questions, Adams said,

She was like, 'How do you not tell your sisters?' I said, 'Because she's my sister. And I know my sister. My sister loves me, but there are comments that she's made about gay people that she –' [pause] My sisters are the closest family I have. And I can't risk telling them who I am and then it be severed, because then I won't have anyone. (Adams, p. 10)

In regards to her decision not to come out to her father, Adams shared,

And [the IRB member] asked me too, like why would I not tell my dad. I was like, 'My dad is a military man through and through.' And she was like, 'I don't understand what that means.' I said, [...] you follow orders. Being gay goes against everything the military teaches. [...] They drill it into you. Gay people don't belong in the military. That will get you killed. And then to tell him that his daughter is gay? [...] It never even occurred to me to tell my father. (Adams, p. 3)

Adams chose not to disclose her sexual orientation to those close to her in order to maintain important relationships with family members. In homonormative discourse, come out to family is a key step in self-acceptance and self-determination. However, this idea is predicated upon the assumption that one's sexual identity is the central marker of identity and allegiance. This is

often not the case for people who experience marginalization in several areas of their lives. Many lesbians and other queer women do not disclose their sexual orientation to those closest to them, either to preserve relationships, for safety reasons, or simply because they do not consider it relevant. Allegiance to family, culture, religion, or other ties may well be more highly cherished than the idea of being open about sexual identity. Choosing to disclose sexual orientation is a complex and multi-faceted decision which should not be oversimplified or assumed to be the only legitimate way of living as a lesbian.

Gloria and her partner Sharon found it difficult to provide their adjudicator with any evidence that they were lesbians given the fact that they were out to very few people in the Bahamas. This problem is what Heller (2009) refers to as the issue of ‘covering’ and ‘re-covering.’ That is, having to live discreetly in one’s country of origin, and later having to create some evidence of one’s LGBTQ status. This is particularly problematic since most claimants are not aware of the sort of evidence they will be required to present before they leave their home countries, which is where the bulk of such evidence would be collected if it exists at all. The IRB member’s failure to understand the context in which they were living was a source of great frustration for Gloria and Sharon. Gloria explained,

If your story is [...] that nobody knew you were gay or lesbian, only an incident happened and you had to flee, then [...] what proof are you going to get, that you were gay? [...] I did not confess. It was suggested that I was. But you can’t openly get mad and say, yes I’m this. You’re looking to be [...] hurt. So how could I get proof from back home and I was living the closet life? (Gloria, p. 5)

Gloria’s adjudicator appeared to be working with a specific conception of what constitutes an “authentic” lesbian, which included knowledge of and membership in local LGBTQ groups in

one's country of origin. While Gloria and Sharon were active in Canadian groups, they did not join any groups in the Bahamas for safety reasons. This was a problem in their hearing. Gloria said,

[The IRB member] was saying, 'You don't know of any LGBT grouping? You don't know who is head [of the organization]? You don't know if they have meetings?' And she called one person's name, 'Do you know her?' And I'm like, 'No.' And it's like, so you're not LGBTQ, if you don't know this person. [...] We were living a closet life, so we didn't go and search. We just know who we are. [...] I never know about rainbow flag. [...] We just know that hey, we were in love with one another, and our lifestyle was not accepted. (Gloria, p. 6)

The questions posed by Gloria's adjudicator implied that one must have knowledge of and belong to formal LGBTQ groups in one's country of origin to be a "genuine" lesbian. This is tied to the assumption that one's sexual orientation must be publicly acknowledged to be real. This is certainly not the case for all LGBTQ people in any environment, but particularly for those who must remain conscious of safety concerns. While Gloria and Sharon had developed a supportive social community for themselves, this was not considered legitimate as it was more difficult to document and verify. Gloria explained,

You had like little private parties at your house or at a friend's house or whatever. But we worked, we did what we had to do. So we didn't go on the road hugging up and kissing one another. People thought that we were just roommates. And that's how we kept it. It was none of their business. (Gloria, p. 6)

The only group that we was a part of was a chat group. And we, a friend of mine [and I], we created it. Empowering Women. It's about eight of us in the group. [...]

These persons I get to know, and I only know their first name. [...] But [the IRB member] asked me for their last name. I don't know their last name. It's a chat group.

(Gloria, p. 8)

Claimants spoke about the difficulty of responding to questions which were either impossible to demonstrate or unnecessarily invasive. Gloria talked about the difficulty of demonstrating an internal experience:

She asked the question, 'How do I know you're a lesbian?' [...] And I went blank. What do you mean, how do you know I'm a lesbian? It's like, how do you know you're a girl?

(Gloria, p. 6)

Rose's adjudicator attempted to determine her sexual orientation by asking her intrusive questions about her sexual experiences. She explained,

They asked weird questions. [...] 'When was the first time you had sex?' I'm like, huh? But then I answered that question, because I remember. And then he's like, 'How did you feel?' I'm like, what the hell? [...] And then I said, 'Good.' And then he goes, 'Just good?' So I look at him with these eyes, and then he goes, 'Tell me, because I wasn't there. Tell me.' (Rose, p. 11)

While Rose responded to the question, she felt that it was inappropriate for the IRB member to ask, particularly as she had been taught that it was taboo to talk about sex (Rose). This line of questioning is particularly disturbing given the lack of oversight and accountability of IRB members. Asking a lesbian claimant how she felt during a sexual experience is exploitative given her position and inability to deflect or challenge the line of questioning without jeopardizing her safety. It is both invasive and ineffective as a means of determining sexual orientation.

Resistance

Refugee claims documentation and the hearing are sites of regulation and control in which ideas of sexual orientation, culture, and affect are employed to create an intelligible narrative for state agents. Lesbian refugees are meant to seek state protection by relaying straightforward trauma narratives, appealing to Canadian sensibilities as a “safe” place for LGBTQ people (White, 2014). The women I spoke with both engaged in this process and resisted it in various ways. Even if they were not explicitly understood as or named resistance, the women created opportunities for themselves to assert autonomy and self-determination in a system which is based on external judgment and regulation. Here, I will discuss three forms of resistance described by the participants: information refusal; affect regulation; and community building and knowledge sharing.

Information refusal.

Refugee claims forms are designed to elicit specific information which the IRB has determined to be integral to the process of verifying credibility. Several of the women spoke about deciding not to include information, even if it may have helped their claims. Adams, for instance, chose not to include specific dates in her documentation and did not respond to repeated requests for dates, as she often did not remember specific dates and did not personally that believe was important (Adams). Rose refused to include some of her history because she found it too painful to recall every incident of homophobia and violence she had survived over the years. She said,

Even when I wrote my story, some things I chose not to speak about. I said no. I’m not writing about this [...] because I don’t want to talk about them. Writing that story is the thing that I believe is hard for every refugee claimant. [...] Having to go through from when you were a child, having to build up a story [...] up to today. It was so hard, so

horrible. My lawyer was like, remember everything and write it down because it will be helpful. [...] I said okay, but I never did that. (Rose, p. 8)

Rose's refusal to include particular information was both a way for her to protect herself during this process, and to keep some of her experience for herself alone. It was a way for her to demonstrate that her entire life is not up for others' consumption, and that she would maintain some measure of control about when to speak and when to remain silent.

Affect regulation.

Another way for claimants to retain some autonomy and control in the hearing was affect regulation. Adams had explained the expectation that claimants show an "appropriate" amount of emotion, an observation which the literature supports (Murray, 2014d; White, 2014). In her hearing, Gloria defied this expectation by refusing to appear distressed for the adjudicator's approval when in her own life she was highly skilled at concealing distress (Gloria). Adams also talked about refusing to cry in her hearing, even though she was aware that it might have helped her claim. She said,

[The IRB member] had a final question where I had to talk about something really really difficult. I stumbled. Not that I forgot the story but I was getting emotional, I hate crying. I really hate it and I really did not want to cry in front of [the IRB member]. [...] And I paused, she was like we can take a break and come back. [...] I was able to collect myself. And I came back in and I told her what I had to tell her. [...] She was like, 'You could have cried.' I was like, 'Yeah, I don't cry. I don't care.' I said to her, 'Honestly, I do not cry and I'm not going to cry in front of you. I don't need pity. I'm just telling you about myself and my experiences.' (Adams, p. 16)

In that moment, Adams not only refused to cry, she was able to speak to why she chose not to. Even in a moment where Adams was able to exercise little power and control, she was still able to create a space for self-determination through this small act of resistance.

In a space where refugee claimants are expected to present their narratives as pitiful, both Gloria and Adams refused to fulfil these expectations. They were determined to hold on to their own expectations of affect and perceptions of self. When trapped by powerful discourses and expectations about the position and emotions of women refugees, this was a daring demonstration of power and of refugee claimants centering themselves.

Community building and knowledge sharing.

All the women spoke about the importance of connecting with other claimants and refugees, sharing their knowledge, and learning from others. This included both emotional support, and practical information such as tips for filling out the BOC or identifying lawyers that have experience working with lesbian refugees (Adams, Bella, Gloria, Rose). At a time when refugee claimants rely heavily on the settlement sector for support, community building and information sharing with other claimants is a way of affirming that their knowledge and solidarity still has value.

Gloria's experience having her claim denied inspired her to pursue a career in settlement. She said,

Because of all that has happened to me now, my career path has changed. I'm definitely doing immigration [...] maybe settlement officer or something to assist persons. You know, so they can know what to expect. Because nobody's telling them. So everything that happened to me negative is what I want to get into. (Gloria, p. 11)

Gloria's goal is to ensure that her lived experience as a lesbian refugee is of benefit to others in the community. This once again affirms her knowledge and community building skills as important, whether she uses them informally in community or formally within the settlement sector.

Gloria also spoke about her desire to create more transparency and accountability in the refugee determination system by tracking IRB members' negative decisions with regard to LGBTQ claimants. Documenting these patterns, as Gloria plans to do, will support advocacy and demands for accountability in the process. This is particularly powerful when coming from people who have lived experience with the system.

Chapter 7: Recommendations and Conclusion

This study demonstrates that gaps and problematic practices exist both within the settlement sector and in the IRB's interactions with lesbian refugee claimants. In this final chapter, I will make recommendations to these two bodies based on the findings shared in this paper. I will also make recommendations for future research in the field of LGBTQ migration studies.

Recommendations for the IRB

The IRB does appear to have made improvements in its assessment of LGBTQ refugees including trainings with agencies and consultants. As Showler (2006) points out, many IRB members treat their work with the gravity and care it requires. However, much still remains to be desired. Like *Envisioning Global LGBT Human Rights* (2015), I argue that the focus of claimants applications and hearing should be on claimants' experiences of persecution and potential for future persecution rather than claimants' sexual orientation or gender identity. Putting the onus on claimants to provide evidence for an internal experience means the use of homonormative discourse, which is harmful and results in incorrect decisions.

If IRB members do continue to assess sexual orientation and gender identity, they must do so in a fashion that respects claimants' dignity and recognizes that they may not have documented evidence to support their stated identity. IRB members must be sensitive to diversity within LGBTQ communities, and to the practice of living discreetly. In addition to this, IRB members should be aware of the effects of trauma on LGBTQ refugees, and how this may impact affect and ability to present a coherent narrative. Finally, IRB members must be held accountable for their decisions in a system that allows for greater transparency.

Recommendations for settlement sector

In the settlement sector, more coordination between LGBTQ newcomer-serving agencies would be welcome, which should include newcomer-serving shelters. As shelters are often a first point of contact for newcomers, referrals to appropriate agencies and supports should come from here. Agencies working with LGBTQ newcomers should also consider more outreach and advertising if possible, to connect with people like Rose and Bella who may be isolated and unaware of the services available to them. Programming should include opportunities for smaller group interaction, bearing in mind that different segments of LGBTQ communities may have specific needs. For women, it would be beneficial to intentionally create spaces which centre women's stories and needs.

Finally, LGBTQ serving agencies must work to fully practice and live the anti-oppressive practices that so many already have in place. The fact that all participants shared experiences of sexism, racism, and homophobia demonstrate that these issues are pervasive in the settlement sector. Intersectional analysis must be employed in the development of all programming. Service users should be involved at all levels of programming development and implementation to ensure that services are appropriate, and should receive financial compensation for this labour.

Ideally, resources should be increased for the settlement sector to expand service for LGBTQ newcomer mental health, as well as post-hearing support.

Recommendations for future research

This study of lesbian refugees in the Canadian immigration system was a very small-scale research project. Larger-scale research should be carried out with LGBTQ women refugees in order to verify results.

Studies focusing on transgender and gender non-conforming refugees' experiences would be ground-breaking and would help to further understanding of the construction of gender in Canada's refugee system. Studies focusing on gender- and sexually-fluid refugees would serve to problematize the construction of gender and sexuality as stable, coherent, and innate.

Conclusion

Lesbian refugee claimants are required to undergo a high-stakes performance during the application and hearing process which appeals to the sensibilities and understandings of the IRB members representing the state. Claimants must collect evidence to support their claims in a short time frame, while often still reeling from having recently left their homes. They often struggle to understand and navigate a system which is confusing, chaotic and messy, at one of the most stressful times of their lives. This culminates in the hearing itself, which varies hugely depending on which IRB members happens to be assigned to the claimant's file. Throughout and after this process, lesbian refugee claimants' mental health often suffers. This is particularly the case for those who get stuck in procedural hiccups and whose decisions are delayed.

Lesbian claimants are interacting with the state in a process built on colonial ideas of border policing to protect the nation-state. This interaction is mediated through discourses of authenticity, homonationalism, and homonormativity, all of which claimants employ and refuse at different points in their claim. These discourses operate as a kind of gatekeeping mechanism with which claimants must contend before being considered honest and acceptable.

The women I spoke to all experienced serious challenges throughout this process, yet all were successful in asserting some degree of autonomy. All subverted the discourse of the helpless refugee by calling on a sense of self, faith, and community.

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Appendix A: Informed Consent Form

Study name: Telling Our Stories: queer and trans women in the Canadian refugee system

Researcher: Kaitlin (Kat) Dearham
Masters Candidate
Graduate Program in Social Work
Email address: kdearham@yorku.ca

Purpose of the research: The purpose of the research is to understand lesbian, bisexual, transgender and queer (LBTQ) women's experiences in the Canadian refugee system. This will involve looking at the lived experiences of LBTQ women who have gone through the refugee application process; how sexuality and gender are presented through immigration documents and the refugee hearing; and how the refugee process is used to reinforce Canadian identity and state values.

This research will be conducted through literature review and interviews with LBTQ women who have gone through the refugee application process as Convention refugees in Canada. The research will be used to write a research paper to fulfill the requirements of a Master of Social Work degree. It may also be used to create publications for academic journals or for use in community settings.

What you will be asked to do in this research: For this research, you will be asked to participate in an in-depth, semi-structured interview. The interview will last approximately one hour, and will focus on your experiences in the refugee application process as an LBTQ woman. All interviews will be audio recorded and transcribed in full.

You will receive a \$20 gift certificate to a grocery store to thank you for your time and acknowledge your contribution.

Risks and discomforts: The risk to participants is minimal. There is some risk that participants who are recruited through LGBTQ refugee serving agencies may feel pressured to participate. Participation in this research is completely voluntary and you may stop the interview at any time.

There is some risk that you may feel emotional distress as a result of discussing your experiences. You should share only as much as you feel comfortable sharing, and may take a break or stop the interview at any time without consequence. I will also provide all participants with a list of LGBTQ newcomer-friendly mental health resources which you may use at any time in case of emotional distress.

Benefits of the research and benefits to you: This research will contribute to understanding of how the Canadian refugee system reinforces particular ideas and norms of sexuality and gender identity. It will illuminate LBTQ women's experiences in the refugee application process and describe the impact of this process on their lives. This may help people working in service provision or policy to better address the needs of LBTQ women refugee claimants and refugees.

You may find it to be a healing or cathartic experience to speak about your experiences in the Canadian refugee system, particularly if you have not had a chance to reflect on or process this experience before. This research will provide you with an opportunity to reclaim your own story by telling it in your own words. Given that there are not many spaces for LGBTQ women to discuss their experiences openly, this will be an opportunity for you to 'speak back' to the refugee process in a way that centres your own understanding.

Voluntary participation: Your participation in the study is completely voluntary and you may choose to stop participating at any time. Your decision not to volunteer will not influence the relationship you may have with the researchers or study staff or the nature of your relationship with York University either now, or in the future.

Withdrawal from the study: You can stop participating in the study at any time, for any reason, if you so decide. Your decision to stop participating, or to refuse to answer particular questions, will not affect your relationship with the researchers, York University, or any other group associated with this project. In the event you withdraw from the study, all associated data collected will be immediately destroyed wherever possible.

If you decide to stop participating, you will still be eligible to receive the promised gift certificate for agreeing to be in the project.

Confidentiality: Data will be kept confidential, which means that your name and other identifying information will not be linked to the information collected in this interview. You have the option to choose a pseudonym, which is a name that will be used to identify you in this project and any associated publications. If you do not wish to choose your own pseudonym, the researcher will create one for you.

The information the researcher gathers through this interview will be securely stored for two years and will only be accessible to the researcher. Electronic audio files and other electronic files associated with the study will be kept on a password protected laptop. Hard copies will be kept in a locked cabinet. After two years, all of the data will be destroyed. Hard copies of data will be shredded, and electronic copies of data will be permanently deleted. Confidentiality will be provided to the fullest extent possible by law.

Questions about the research?

If you have any questions or concerns about the research, please contact:

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This research has been reviewed and approved by the Human Participants Review Sub-Committee, York University's Ethics Review Board and conforms to the standards of the Canadian Tri-Council Research Ethics guidelines. If you have any questions about this process, or about your rights as a participant in the study, you may contact the Senior Manager and Policy Advisor for the Office of Research Ethics, 5th Floor, York Research Tower, York University, telephone 416-736-5914 or e-mail ore@yorku.ca

Legal rights and signatures:

I, _____, consent to participate in Telling Our Stories: queer and trans women in the Canadian refugee system, conducted by Kaitlin (Kat) Dearham. I have understood the nature of this project and wish to participate. I am not waiving any of my legal rights by signing this form. My signature below indicates my consent.

Signature: _____ Date: _____
Participant

Signature: _____ Date: _____
Principal Investigator

Additional Consent:

I consent to have this interview audio recorded.

Signature: _____ Date: _____

Appendix B: Interview Guide

1. How long have you been in Canada and how are you feeling in terms of settlement?
2. When you came to Canada, did you know that you could claim asylum because of the persecution you experienced as a result of being an LGBTQ woman? If not, how did you find out?
3. Looking over the Basis of Claim form, what was the process of filling out this form and creating the personal narrative like for you?
4. How was the story you wrote in your BOC different from the story you would tell a friend?
5. Did you get any advice on creating the personal narrative or on the hearing from your lawyer, immigration agencies, or people who had gone through the process before? If so, what was their advice?
6. How did you prepare for your hearing?
7. Walk me through the process of the hearing itself:
 - How were you feeling that day?
 - What time of day did you go?
 - What did the room look like?
 - Who was present?
 - What was your interaction with the Immigration and Refugee Board Member like?
 - How did you feel when it was over?
8. What did you think about the specific questions you were asked in the hearing, especially around demonstrating your sexual orientation/gender identity?
9. How do you think that your gender played a part in the whole application and hearing process?
10. What got you through this process in terms of the support or resources you had to draw on?
11. What other support do you wish you had during this process?
12. What advice would you give to an LGBTQ woman who is going through the claims process now?
13. Is there anything else you would like to share about the process of making a refugee claim in Canada as an LGBTQ woman?