

At the borders of inclusion

There is a disconnect between Canada's queer-friendly image and reality. If the state is serious about supporting the LGBTQ+ community, it needs to improve its structural support for LGBTQ+ refugees once they are in the country.

The Canadian state's queer-friendly image is a recent phenomenon. It is a result of a major national branding effort over the last two decades. For instance, in 2008, the Harper administration adopted pro-LGBTQ+ rhetoric and policies using intergovernmental coalitions. The "Canada and the World" section of the Government of Canada website now highlights the many international offices that promote and protect LGBTQ+ human rights with other governments and organizations under the banner *LGBTQI Rights = Human Rights* (Canada and the World, 2022). In 2015, the Trudeau administration promised to keep LGBTQ+ rights at the centre of Canada's foreign policy (Charbonneau, 2017). In 2017, Trudeau delivered a historic apology on behalf of the Canadian state to the LGBTQ+ community, especially LGBTQ+ public servants. He acknowledged that "lives were destroyed and tragically lives were lost" (Global News, 2017, 3:53) owing to past government administrations' complicity in legitimizing inequality, hatred, violence, and shame toward the LGBTQ+ community.

QUEER-FRIENDLY MIGRATION POLICIES

One of the ways the Canadian government shows its support for the LGBTQ+ community is through its immigration and refugee policies. In 1969, Canada signed the *UN Refugee Convention of 1951* and the *1967 Protocol Related to the Status of Refugees*. However, it was not until the *Immigration Act* of 1976 that Canada recognized *refugee* migrants as a separate legal category from *immigration* migrants. In addition, it took until the early 1990s for Canada to join other states in including gender and sexual-ity persecution as legitimate reasons

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for seeking refugee asylum. Before this, homosexuality and sexual deviancy were considered markers of a "bad citizen" in Canada (Murray, 2015). Since the early 2000s, a Canadian permanent resident or citizen can now sponsor their same-sex partner under the same stipulations as a heterosexual partnership. Thus, not only Canada's refugee policies but also its immigration policies are adapting to the state's *progressive* inclusion of LGBTQ+ migrants.

More recently, the Immigration and Refugee Board of Canada (IRB) released guideline 9 in 2017 to assist in its arbitration of distinctive sexual orientation, gender identity, and gender expression cases. Guideline 9 includes sections considering the intersectionality of other possible "marginalization factors," providing guidance on "avoiding stereotyping and inappropriate assumptions," and understanding that extenuating circumstances may be involved in dictating what the claimant can divulge about their sexual orientation or gender identity or expression (IRB, 2021).

THE DISCONNECT

The recent rhetoric promoted in the media by the United Nations High Commissioner for Refugees (UNHCR) and the Canadian government calls Canada a "global leader in protecting those who need it most" (Immigration, Refugees and Citizenship Canada, 2021) and credits it as a world leader in refugee resettlement (Nyembwe, 2020). In Canadian news outlets, the Canadian state's status as a supporter of the LGBTQ+ community is often treated as an uncontroversial fact (Reid, 2017; Salerno, 2017; Zivo, 2021;

Canadian Press, 2022). However, critical migrant scholars and journalists have also questioned, in the context of Canada's LGBTQ+ refugee policies, whether the image matches the reality (Deif & Reid, 2017; Rehaag & Evans Cameron, 2020; Dossios, 2022).

The Canadian state implies that by letting in LGBTQ+ refugees, it is a "protector and supporter" of this population. However, even a cursory look at the asylum process complicates this picture. Dossios (2022) discusses the mental toll that the asylum-seeking process takes on LGBTQ+ refugee claimants by, at times, forcing them to relive their trauma. She writes that this strain on asylum seekers' mental health can arise from multiple sources, including document-gathering procedures and IRB adjudicators' line of questioning during hearings. In addition, this line of questioning can sometimes be inappropriately direct, considering the secrecy and suppression that some asylum seekers relied on to survive. One refugee claimant stated that she felt "very vulnerable and very naked" (Dossios, 2022).

Alongside a disconnect in empathy during the refugee asylum-claiming process in Canada, there is a disconnect in material resources that claimants can access, whether they are government-assisted refugees or privately sponsored refugees. For instance, with delays up to years between the time claimants land in Canada and the time they are granted status, refugees can be denied housing on the assumption that they do not have the means to pay rent (McDowell, 2021). Racialized refugees reportedly face increased discrimination in the housing market, and LGBTQ+ refugees, racialized or otherwise, face added risk of bias (McDowell, 2021).

In addition to these barriers, government financial support for refugees is inadequate and short-lived. Most government-assisted refugees are financed under the Resettlement Assistance Pro-

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gram (RAP) for one year or less (Government of Canada Help Centre, 2022). RAP rates are determined by provincial social assistance rates and the number of refugees in one household. The Ontario RAP rate since January 1, 2022 for a household of three (a couple and one child) is \$1,266 a month, which is significantly below the national minimum cost of living in Canada (Refugee Sponsorship Training Program, 2022). For instance, the minimum monthly living expense for a household of three in Ontario is estimated to be over \$4,000 (WOWA, 2022). In addition, funds to cover transportation costs to Canada and pre-selection processing costs (for immigration medical examinations, for example) are loaned rather than granted, and these loans accrue interest (Citizenship and Immigration Canada, 2015). Many resettled refugees, especially government-assisted refugees, end up with thousands of dollars of debt before they even set foot in Canada. In short, not only do LGBTQ+ refugees face unique obstacles, but these disadvantages are compounded by the more general barriers faced by refugees, for which the Canadian government provides only marginal support.

SARAH HEGAZY

The disconnect between the Canadian state's image as a protector and supporter of the LGBTQ+ community and the actual experience of some LGBTQ+ refugee claimants is starkly illustrated by the tragic death by suicide of Sarah Hegazy in June 2020. Sarah Hegazy was granted refugee asylum in Canada in 2018 with the help of Rainbow Railroad (an LGBTQ+ advocacy group that helps LGBTQ+ refugees gain asylum in Canada). She was granted asylum after her publicized arrest in 2017 in Cairo, when police identified her and dozens of others from a few viral photos and videos at a Mashrou' Leila concert—a well-known Lebanese band with an openly gay lead singer (Walsh, 2020). In one photo, Sarah can be seen smiling, proudly raising the rainbow flag.

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According to a Human Rights Watch (HRW) investigation reported in October 2020, this event reignited Egypt's anti-LGBTQ+ crackdowns, leading to a spike in arrests and state-orchestrated entrapments. Reports of state-sanctioned torture and abuse included sexual violence “under the guise of forced anal exams or virginity tests” (HRW, 2020). While Egypt does not have a law banning homosexuality, the state can make arrests based on vague legal language such as “debauchery” and “obstructing family values” to legally impose social and religious morality (HRW, 2020).

In a reflection piece Sarah wrote titled “A Year After the Rainbow Flag Controversy,” she detailed her torture by electrocution, sexual and physical assault, and the solitary confinement she endured in an Egyptian jail and prison (Hegazy, 2020). She also wrote about her disorientation and alienation in her new home in Canada. Between 2018 and 2020, during her time in Canada, Sarah attempted suicide twice. Her good friend Omar Ghoneim wrote an article that explicitly named the Canadian state as complicit in Sarah's death. Ghoneim (2020) wrote that Sarah had difficulty confiding in Canadian psychiatrists and was often left feeling misunderstood. He also noted that, partly owing to her mental health, she could not keep a job, which led to financial strain and dependence on government assistance that was “not enough to sustain a dignified life.” Ghoneim accurately points out that asylum is only a bare

minimum of protection. The material barriers facing refugees, exacerbated by a lack of support from host states, can quickly become a continuation of suffering by other means.

PROVIDING CARE

While the Canadian state provided asylum, Sarah needed to be provided with care, particularly financial and psychological aid. This story is familiar to refugee claimants in Canada and likely resonates with many LGBTQ+ refugees. At a minimum, in host countries, refugees hope to find freedom from the persecution they are fleeing. But what support is really being offered when refugees achieve this freedom only to be subjected to new types of marginalization? If Canada earnestly seeks to make its queer-friendly image a reality, it needs to go beyond asylum and ask what it truly means to protect and support. 🇨🇦

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