

**The State of Knowledge about LGBTQI migrants living in Canada  
in relation to the global LGBTQI rights agenda**



## Acknowledgements



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### WEBSITE / GRAPHIC DESIGN

The website with findings from this report will be online starting in December 2017 at: <http://migrants-lgbtqi.ca>. Created by Grégory Brossat and Shane Bill.

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## Glossary

**LGBTQI:** lesbian, gay, bisexual, trans, queer and intersex. Although LGBTQI is used as the main term for this report, we acknowledge the limits of this term, as developed in the Global North, to attend to the realities of sexual and gender non-normative people around the globe.

**Queer:** Often used as an umbrella term to describe individuals who express non-normative sexualities and genders.

**Trans:** Often used as umbrella term to describe individuals who identify and/or expression their gender as different from the sex / gender they are assigned at birth.

**Cis:** Cisgender refers to individuals who understand their sex / gender assigned at birth and their identity as aligned. The term cis is used to identify people who are not trans and/or gender non conforming.

**Migrants:** individual or group of people who are living and working outside their country of origin – and who are particularly vulnerable to human rights abuses.

**Precarious status:** individuals whose immigration status are temporary, conditional and with limited access to citizenship. Precarious status includes visitors, international students, temporary foreign workers, refugee claimants and protected persons, along with those detained and undocumented.

**Global North:** geographical areas including the United States, Canada, Western Europe, some developed areas in Asia as well as Australia and New Zealand, which are not actually located in the Northern Hemisphere but share similar economic and cultural characteristics as other northern countries.

**Global South:** areas with less socio-economic wealth and political influence and includes Africa, Latin America, and developing Asia including the Middle East. It is recognised within this review that this is a debated and changing categorisation.

**Pre-migration:** The time period for a person prior to having migrated to Canada (or elsewhere).

**Post-migration:** The time period after a person has arrived in Canada (or elsewhere).

**IRB:** Immigration and Refugee Board.

**Refugee / refugee claimant / asylum seeker:** refugee claimants and asylum seekers are used in different geographic contexts but both describe a person who files a refugee claim after having left their country of origin. Refugee is technically someone who have gained refugee status. However, for this report, when the term refugee is used, its meant to include both refugee claimants and those with refugee status.

**SOGIE:** Sexual Orientation and/or Gender Identity and Expression.

## Key messages

- **Objective:** Critically assess the state of knowledge about lesbian, gay, bisexual, trans, queer and intersex (LGBTQI) migrants living in Canada and to scope the international literature in order to assess the range and quality of knowledge.
- **Scoping review methodology** used to rapidly assess a broad range of literature while at the same time identify key knowledge strengths and gaps. **A total of 241 publications** included in this scoping review, with 56 from Canada, 74 from the US, 50 from elsewhere in the Global North and 61 from the Global South.
- **LGBTQI people living in the Global South:** Homophobic and transphobic violence faced by LGBTQI people living in the Global South is always situated within particular geo-political and regional contexts that are shaped by neo-liberalism, gender inequalities, colonial legacies, nationalisms, armed conflict, police violence, corruption, religious extremism, etc.
- **LGBTQI migrants living in Canada:** Most focus on LGBTQI refugees. Since 2014 there has been a shift in focus from refugee to precarious status, newcomers and immigrants and exploring how LGBTQI migrants navigated community belonging and structural barriers.
- **LGBTQI migrants living in the US:** Exploration of well-being especially with respect to HIV risk and prevention. For LGBTQI migrants, chosen families break social isolation and fostered belonging. LGBTQI migrants also encounter multiple identity-based discriminations that block access to housing and health and social services, along with a fear, especially for those undocumented, of being profiled and detained by immigration officials.
- **LGBTQI migrants living elsewhere in the Global North:** Two areas of focus include SOGIE-based refugee claims and multiple discriminations by LGBTQI migrants, such as family / community rejection and barriers to access housing, employment, health and social services. Detention centres have a detrimental impact on the mental health of LGBTQI refugees and increases their exposure to homophobic and transphobic violence.
- **Key research methodologies and theories used:** Qualitative research methods used: semi-structured interviews, focus groups, mixed methods and refugee case decisions. Some applied intervention, community-based and/or participatory research methodologies. Theories applied include ecological systems theory, minority stress model, multicultural feminist framework, the social determinants of health and especially intersectionality.
- **Knowledge strengths and gaps:** Researcher use of critical and participatory research methodologies as well as intersectionality theory are knowledge strengths. The IRB has implemented SOGIE-based guidelines for decision makers. There remains little knowledge about the realities of LGBTQI immigrants and migrants with precarious status. Need to develop anti-racist, anti-heterosexist and anti-cissexist service delivery and specialized services for LGBTQI migrants. Service providers should engage in trauma-informed and anti-oppressive practice that attends to the intersectional realities of LGBTQI migrants. Policy makers involved in developing Canada's international role in LGBTQI human rights, should consider the complexities of LGBTQI realities in the Global South.

## Executive Summary

**Primary research question:** What is the state of knowledge about lesbian, gay, bisexual, trans, queer and intersex (LGBTQI) migrants living in Canada in relation to the global LGBTQI rights agenda?

**Central objectives:** The central aim of this project was to critically assess the state of knowledge about LGBTQI migrants living in Canada and to scope the international qualitative literature in order to assess the range and quality of knowledge about LGBTQI migrants. The research team decided to use the scoping review methodology (Arkey & O'Malley, 2005) to rapidly assess a broad range of literature while at the same time identify knowledge strengths and gaps. The scoping review approach allowed the research team to (1) examine the extent, range and nature of the qualitative literature about this topic, (2) map out key themes and tensions that emerge across research findings, (3) contrast and compare policy and practice implications for LGBTQ migrants living in Canada versus elsewhere in the Global North (4) identify knowledge strengths and gaps and key areas for future research and (5) assess the links between two often distinct bodies of literature: (A) LGBTQI people living in Global South and (B) LGBTQI migrants living in Canada and the Global North, especially those who are forced migrants.

This scoping review essentially included 4 bodies of literature: (1) LGBTQI people living in the Global South, (2) LGBTQI migrants living in Canada (3) LGBTQI people living in US (4) LGBTQI people living elsewhere in the Global North. Although conducting a scoping review with this type of range was ambitious, it has provided fruitful synthesis of data from across regions and geographies that are not usually analysed all together. Bringing together the Global South and Canadian literature provided key insights that inform reflections related to Canada's possible future role and contribution to the global LGBTQI human rights movement.

**The challenge of terminology:** For the purposes of this report, the research team has chosen to use the term 'LGBTQI' to describe sexual and gender minorities. The team recognizes the limits of using the term 'LGBTQI'. While conducting the scoping review, we noted a shift in terminology by some researchers from LGBTQI to *Sexually and Gender Non-Conforming* (SGN) (ORAM, 2013d) or *Non-Normative Sexualities and Genders* (NNSG) (CTDC, 2017). Using these terms were seen as alternative to the Western-based terminology. These terms encompass all sexual and gender minority refugees, including those who do not adhere to Western terms. These descriptions are insightful and the team recommends that individuals engage with any one of these terms in a thoughtful manner, depending on the particular site and context in which the term is being used.

**Results – outcomes of the research synthesis:** A total of **241 publications** were included in this scoping review, with 56 from Canada, 74 from the US, 50 from elsewhere in the Global North and 61 from the Global South. Below are the main findings from the 6 major sections : (1) LGBTQI people living in the Global South (2) LGBTQI migrants living in Canada (3) LGBTQI migrants living in the US (4) LGBTQI migrants living elsewhere in the Global North (5) key research methodologies used across sections 2, 3, 4 and (6) key theoretical frameworks used across sections 2, 3, 4.

**(1) LGBTQI people living in the Global South:** A central feature within this literature are the various ways in which LGBTQI people face family, community and state-sanctioned homophobic and transphobic violence. Some studies examined the ways in which the country's political climate, especially those with high levels of civil unrest, organized violence (militia), generalized violence (gangs), gendered violence (sexual assault, rape, etc.), and religious extremism shaped the ways in which LGBTQI people were exposed to homophobic and transphobic violence as well as poverty. These findings challenge the myth that all gay and lesbian citizens are affluent. LGBTQI people had challenges in securing employment, stable housing, and equitable access to education, health and social services. Even in countries with human rights protections that include sexual orientation and/or gender identity, LGBTQI people are vulnerable to violence with authorities not responding adequately or at all. The multiple identities that shape the lives of LGBTQI people were always situated within particular geo-political and regional contexts that, in turn, are shaped by global neo-liberal policies, colonial legacies, nationalisms, civil war, armed conflict, police violence, state corruption, religious extremism, etc. There was also an underrepresentation in this literature that focused on experiences of cis women and trans people, with an even further lack of intersex realities.

**(2) LGBTQI migrants living in Canada:** The majority of the Canadian literature about LGBTQI migrants included in this scoping review were focused on LGBTQI refugees and how the refugee claimant process assess SOGIE-based claims. From 2007 to 2010, the majority of publications about LGBTQI refugees continued to be from legal scholars whom applied case study methodology in order to assess the degree to which Canadian refugee law, sometimes in comparison to other Global North countries, accounted for sexual orientation based refugee claims. From 2011 onwards, there was a shift with scholarship focusing more on the social, political and economic dimensions of the refugee process. Since 2014, there was a wider variety of disciplines producing knowledge about LGBTQI refugees and a shift in focus from refugee to precarious status and/or newcomer or immigrant categories and focusing on how LGBTQI migrants navigated multiple community belonging (i.e. migrant and LGBTQI community) and structural barriers related to employment, housing, education, health and social services, political life. Some studies suggest that living with either temporary and/or undocumented status often results in increased stress and are based on laws and policies that restrict their abilities to have a political voice, access essential services and maintain gainful employment. A small number of publications focus on trans migrants, suggesting that those who engage in sex work face particular forms of structural violence from police and immigration authorities. Quebec is the only province where trans migrants are unable to change their gender marker and name until becoming a citizen.

**(3) LGBTQI migrants living in the US:** For some studies, refugee status was not explicitly reported within the category of 'immigrant', although refugees and undocumented people were included in the participant sample. One area situates the life conditions of being a LGBTQI migrant within the notion of well-being (i.e. physical, mental health, etc.), especially with respect to HIV risk and prevention for MSM Latinos and to a smaller degree trans Latina migrants. While trans Latina migrants experience structural barriers, they also developed strong support networks comprised of family and friends, especially peers. For many LGBTQI migrants, chosen families, especially within peer support groups, broke social isolation and fostered belonging. LGBTQI migrants also encounter multiple identity-based discriminations that blocked access to

housing and health and social services, along with a fear, especially for those undocumented, of being profiled and detained by immigration officials. LGBTQI undocumented people are at the forefront of migrant justice organizing in the US, by developing intersectional initiatives such as the ‘undocuqueer’ slogan.

**(4) LGBTQI migrants living elsewhere in the Global North:** Two areas of focus are (a) the decision-making process of refugee claims due to a person’s membership to a ‘particular social group’, based on (SOGIE) and (b) the multiple sources of discrimination experienced by asylum seekers and refugees currently living in Global North countries. LGBTQI refugees often report difficulties in maintaining relationships with their families and community due to fear of rejection, while many navigate difficult mental health impacts of multiple pre-migration trauma and post-migration barriers. Positive experiences were also reported by those who had managed to access a support group and specialized services for LGBTQI refugees. Studies, mostly from the UK, suggest that refugee detention centres have a detrimental impact on the mental health of LGBTQI refugees, and increases their exposure to homophobic and transphobic violence.

**(5) Key research methodologies used across sections (2, 3, 4):** Nearly all of the studies applied qualitative research methodologies, which most often included semi-structured interviews, focus groups or mixed methods with directly affected people and/or service providers and publicly accessible case decisions. However, the studies with migrant interviews tend to be smaller samples who were accessed through existing connections with key LGBTQI refugee serving organizations and thus may not reflect the experiences of those who are not connected to these organizations. A number of studies applied intervention research or community-based and/or participatory research methodologies, such as photovoice.

**(6) Key theoretical frameworks used across sections 2, 3, 4:** Theoretical frameworks for these studies drew from disciplines such as sociology, public health and social work. Some studies drew from Bronfenbrenner’s ecological systems theory, while psychology and health-based research use conceptual frameworks such as the minority stress model, the multicultural feminist framework and the social determinants of health. A growing number of literature apply a diverse range of critical theories from feminist, sexuality, Indigenous, migration, refugee and ethnic studies. A key theory favored by many Canadian and US scholars is intersectionality.

**Knowledge strengths and gaps:** Canadian scholar use of community-based and participatory research methodologies as well as intersectionality theory are knowledge strengths. The IRB has implemented SOGIE-based guidelines for decision makers to apply. An intersectional analysis was integrated into the guidelines. There is still a lack of knowledge produced about the realities of LGBTQI immigrants and migrants with precarious status. Even though Canada has SOGIE-based human rights legislation, there continues to be a gap between this legislation and access to safety and equity for LGBTQI migrants. Investing public funds at all levels of government would help to narrow this gap. Some policy recommendations include developing anti-racist, anti-heterosexist and cissexist service delivery (i.e. training etc.) and developing specialized services for LGBTQI migrants. Service providers should engage in trauma-informed and anti-oppressive practice that attends to the intersectional realities of LGBTQI migrants. Policy makers involved in developing Canada’s international role in LGBTQI human rights, should consider the complexities of LGBTQI realities in the Global South.



## Introduction – Context

The contemporary global landscape of diverse sexual and gender expressions and identities is marked by uneven levels of societal acceptance, active exclusion and violence against lesbian, gay, bisexual, trans, queer and intersex (LGBTQI) people. A yearly report published by the *International Lesbian, Gay, Bisexual, Trans and Intersex Association* (ILGA) suggests that 78 (out of 193) UN member states, most from the Global South, have laws which criminalize promoting or engaging in same-gender sexual activity, resulting in imprisonment and in some cases, the death penalty. The contemporary global context of migration suggests a continued increase in forced migrations, people who are forced out of their countries of origin due to factors such as war, dictatorship, persecution, development, environmental disaster and human trafficking. These social and economic conditions are inseparable from the homophobic and transphobic violence which often compel LGBTQI people from the Global South to migrate to the Global North, including Canada. The migrations of LGBTQI people are thus influenced by a multitude of factors, and often cannot be neatly categorized as ‘forced’ or ‘voluntary’.

Since before the era of colonization, Canada has been a geography in which diverse sexual and gender expressions was accepted across many Indigenous communities. Since colonization up until the 1960s, same-gender sexuality and diverse gender expressions were targeted, criminalized and categorized as deviant. LGBTQI rights arose in conjunction with civil rights, feminist and Indigenous social movements, as partial decriminalization occurred in 1969. By 1977, Canada had removed same-gender sexuality (homosexuality) as an explicit criteria to refuse immigration and Quebec became the first provincial jurisdiction to recognize sexual orientation in its human rights code. Sexual orientation began to be integrated into provincial and national human rights legislation. In 1991, Canada began to include gay and lesbian immigrants as well as refugee claims based on sexual orientation. Although Quebec implicitly added anti-discrimination for trans people into its human rights code in 1998, it wasn’t until 2017 that the federal government officially passed human rights legislation to prohibit discrimination against trans people. Canada also recently implemented guidelines to improve refugee adjudication for claims based on sexual orientation and/or gender identity and expression.

It is from this global and national context which this knowledge synthesis project aims to critically assess the stage of knowledge about LGBTQI migrants in relation to Canada’s role within a global LGBTQI rights agenda. The term migrant includes those who arrive to Canada as permanent residents (i.e. refugees, economic class, family class, etc.) or with precarious status (visitors, temporary foreign workers, international students, refugee claimants, undocumented, etc.). For this project, a scoping review of the literature produced over the past decade has been conducted. By mapping out key themes and tensions that emerge within the selected literature, this scoping review reveals the extent, range and natures of the literature about this topic and also compares and contrasts various policies and practices about LGBTQI migrants across geographic, political and socio-economic contexts. In addition to reflecting upon Canada’s position within the global LGBTQI human rights movement, this scoping review aims to identify key knowledge gaps and areas for future research, policy and practice. This scoping review included literature about LGBTQI migrants living in Canada and elsewhere in the Global North as well as LGBTQI people living in the Global South.

## Implications

### Implications for policy-makers

- **Knowledge strength:** The evolution over the past decade of Canadian knowledge produced about LGBTQI refugees and how this scholarship has informed policy and practice change, in particular with the refugee determination system and the recent implementation of SOGIE-based guidelines.
- Canadian researchers' use of community-based and/or participatory research methodologies produced knowledge and cultivated grassroots and organizational capacity to address and inform legal and policy changes in Canada (related to LGBTQI refugees).
- Canada's recent implementation of SOGIE-based guidelines for IRB decision-makers can be adapted for other refugee determination systems across the Global North.
  
- There are gaps in the distribution of public funding and resources across geographic regions in Canada as well as inconsistencies between Canadian and provincial policies and practices.
- There needs to be closer collaboration between national and provincial policy-makers in order to address inconsistent policies (i.e. trans migrants in Canada are able to change their gender marker and name on legal documents at the federal level as permanent residents and in every province except for Quebec, where only citizens can make these changes).
- There continues to be a gap between the knowledge produced and public funding to increase programs, services and training in this area.
- There is also a need for increased collaboration between settlement, health, youth and LGBTQI specific services.
- Some policy recommendations include developing strategies to reduce heterosexist and cissexist service delivery that targets all migrants as well as developing specialized services and programs for LGBTQI migrants.
- Arts and media-based programs for LGBTQI migrants has also been suggested as well as increased access to sexual health education.
  
- There is a discrepancy between how LGBTQI realities in the Global South are articulated within the Canadian literature and the complex conditions that are presented in most of the Global South scholarship.
- Canadian policy makers, especially those involved in developing Canada's international role in LGBTQI human rights, must take into consideration the complexities presented in the literature about LGBTQI realities in the Global South.
- It is important to recognize that even in countries that have human rights protections for LGBTQI people, there continues to be a gap between improved legislation and the actual level of safety experienced by LGBTQI people.

## **Implications for service providers / community organizations**

- Social service providers should engage in trauma-informed and anti-oppressive practice that attends to the intersectional realities of LGBTQI migrants.
- Early stages of arrival are a crucial time period to ensure equitable access to health and social services for LGBTQI newcomers, as this is the time that they are most vulnerable.
- Should adapt mental health services in order to apply a trauma-informed approach and recognize the role of childhood trauma in how LGBTQI migrants navigate their realities post-migration.
- Need increased training for various service providers across sectors in order to promote increased awareness of the multiple barriers faced by LGBTQI migrants. This training includes anti-racism / anti-homophobia / anti-transphobia training for all staff members within organizations and institutions.
- Need to develop strategies on how to interact with hostile police and immigration authorities.

## **Implications for scholars / researchers (professors, graduate students, etc.)**

- Continue to develop and engage in community-based and/or participatory research, especially longer-term (3+ years) projects that will cultivate community capacity, especially with directly affected community members.
- Develop research that will evaluate shifting realities and needs of LGBTQI refugees with a focus on cis women, trans and intersex people.
- Develop research that will target non-refugee experiences, such as migrants living with precarious status and migrants that arrive to Canada as permanent residents.
- Develop research that will target LGBTQI migrants who are outside of the GTA and/or develop projects with multiple sites that include large and small cities where LGBTQI migrants reside.
- Develop research projects on an international scale (i.e. experiences of LGBTQI migrants in Canada, US and UK) and include non-English languages.
- Draw from the US research related to HIV research, in particular its participatory and intervention research with Latino/a communities.
- Address the issue of migrant / ethnic / racial categorization in order to figure out how to address the overlap between migrant experiences and the realities of racialized communities and racialized people who have been living in Canada for one and/or many generations.

## Approach – methodology

### Included literature

This scoping review included 4 bodies of literature: (1) LGBTQI people living in the Global South, (2) LGBTQI migrants living in Canada (3) LGBTQI people living in US (4) LGBTQI people living elsewhere in the Global North. Although conducting a scoping review with this range was ambitious, it has resulted in rich analysis across regions and geographies that are not usually analysed all together. In particular, bringing together the Global South and Canadian-specific literature has resulted in key insights that have informed the recommendations related to Canada's possible future role and contribution to the global LGBTQI human rights movement.

### Research team

The research team included the principal investigator (Edward Ou Jin Lee), two co-researchers (Trish Hafford-Letchfield, Annie Pullen Sansfaçon), one research coordinator (Olivia Kamgain), and two research assistants (Helen Gleeson, François Luu). Overall, research coordinator Olivia Kamgain was responsible for coordinating the project with the supervision of principal investigator Edward Lee.

### Summary of main stages of project

The first stage of this project was developing the scoping review protocol. The scoping review protocol included the following information: primary research question, aim and objectives, outputs, definitions for key terms, eligibility criteria, search strategy and data sources, data extraction, rigour, data synthesis plan.

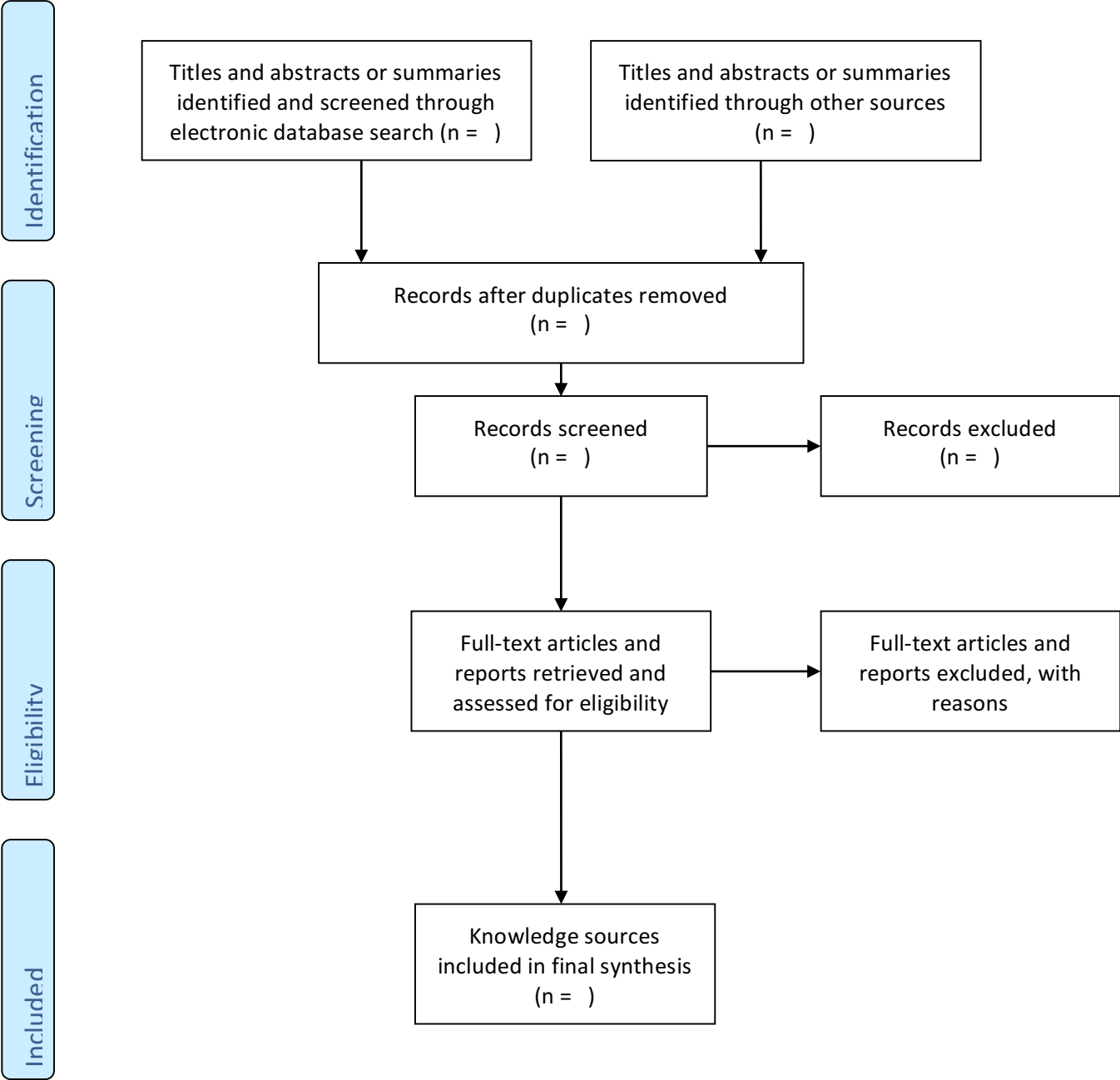
The second phase of the project included the collection of the literature through mainly academic database searches, previously completed literature reviews on the topic and the grey literature. The COVIDENCE software was used to manage and keep track of the included publications, up until the data extraction phase.

The third phase included filling out the data extraction forms for all included literature. The data to be extracted included: study title, authors, type of empirical knowledge source, country of origin, year of publication, objectives, theoretical framework, methodological approach, duration of study, recruitment strategy, participant sample, participant numbers, key inclusion or exclusion criteria, migrant status, participants' country of origin and other demographics (i.e. age, gender identity, sexual orientation, ethnicity, etc).

For the fourth phase, the data synthesis plan included identifying key themes within each section and then to compare and contrast across sections, and map out key research methodologies and theories used. Policy and practice recommendations across sections were also synthesized and knowledge strengths and gaps were identified. The fifth phase of this project is the implementation of the knowledge mobilization plan, which includes conference presentations and the launch of a website.

# Knowledge Synthesis Procedure

## PRISMA Flow Diagram of Selection Process completed during review



## Results – outcomes of the research synthesis

In this section of the report, the aim is to critically assess the publications that were included in this scoping review. As described in the methodology section, the research team decided to organize the literature into 6 major sections: (1) LGBTQI people living in the Global South (2) LGBTQI migrants living in Canada (3) LGBTQI migrants living in the US (4) LGBTQI migrants living elsewhere in the Global North (5) key research methodologies used across sections 2, 3, 4 and (6) key theoretical frameworks used across sections 2, 3, 4. The first section will also scope the LGBTQI migrant literature (sections 2,3,4) in order to assess the degree to which this literature accounts for pre-migration experiences and contexts. Subsequently, the main themes and tensions from the second, third and fourth sections will be presented. Sections five and six will synthesize the literature from sections 2, 3, and 4 in order to present key research methodologies and theoretical frameworks used. A total of **241 publications** were included in this scoping review, with 56 from Canada, 74 from the US, 50 from elsewhere in the Global North and 61 from the Global South.

### Data synthesis from the Global South literature

This scoping review located literature that describe the living conditions for LGBTQI people living in approximately 45 countries from Sub-Saharan and North Africa, the MENA region, the Caribbean, Central, East / South East Asia, Latin America. The majority of this literature can be organized into two distinct categories: (1) *qualitative research with participants* (interviews, etc.) found primarily in peer-review journals and various international human rights and migration organizations (grey literature) that focus on cross-cutting issues related to HIV, mobility, and everyday living conditions for LGBTQI people and (2) *ethnographic and text-based* (i.e. media, policy) research as well as theoretical papers found primarily in books and peer-review journals conducted by scholars across sexuality, women and gender, ethnic and cultural studies. The following section will highlight key themes that emerge within and across these categories, with a particular focus on issues of mobility as well as the social, economic and political conditions that shape the everyday lives LGBTQI people. A total of 61 publications were included in this section of the scoping review.

Some studies recommend a shift in terminology from LGBTQI to *Sexually and Gender Non-Conforming* (SGN) (ORAM, 2013d) or *Non-Normative Sexualities and Genders* (NNSG) (Abu-Assab, Nasser-Eddin & Greatrick, 2017). Using these terms were seen as an alternative to prevalent Western-based terminology. Some SGN or NNSG people were also either unaware of terms such as LGBTQI or actively avoid such self-identification. The use of SGN or NNSG thus attempt to encompass all sexual and gender minority people, including those who do not align with Western terms but practice sexual and gender non-conformity.

## *Qualitative research with participants*

As part of the first category, the majority of qualitative HIV research that also examined issues of mobility and general life conditions included in this section are about MSM living in Cambodia (Yi et al., 2015), China (Guo, Li, Song & Liu, 2012), Colombia (Zea et al., 2013), and India (Ramesh et al., 2014), with one study that focused on transwomen living in Puerto Rico (Padilla, Rodriguez-Madera, Varas-Dias & Ramos-Pibernus, 2016) and one study that combined MSM and transwomen living in Guatemala (Rhodes et al., 2014a, Rhodes et al., 2014b). Additional qualitative research includes a focus on the experiences of LGBT youth in Vietnam (Horton, 2014), sexual minorities in Korea (Yi & Phillips, 2015) and lesbians and transmen in Puerto Rico (Ramos-Pibernus et al., 2016).

There are a growing number of international organizations that are conducting research about the conditions for LGBTQI people living in the Global South. These organizations include: *Amnesty International*, *Centre for Transnational Development and Collaboration*, *Global Action for Trans Equality*, *Human Rights Watch*, *Human Rights Awareness and Promotion Forum*, *International Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA)*, *Micro Rainbow International*, *Organization for Refuge, Asylum & Migration (ORAM)*, *OutRight Action International* (formerly known as the International Gay and Lesbian Human Rights Commission), *Transgender Europe* and the *United Nations Development Program*.

A central feature within this literature are the various ways in which LGBTQI people face family, community and state-sanctioned homophobic and transphobic violence. Every year, ILGA publishes a report that provides a global overview of sexual orientation-based laws related to criminalization, protection and recognition (Carroll & Mendos, 2017). *Transgender Europe (TG)* has published a legal and social mapping resource tracking legal gender recognition, anti-discrimination, asylum legislation, criminalization, trans-specific health care, best practices and community resources (2014). Since 2009, TG has been documenting the global number of yearly reported homicides of trans and gender-diverse people (TG, 2016). Between 2015 – 2016, nearly 300 trans and gender-diverse people were reported murdered, with the majority of those reported occurring in Brazil, Mexico and the US. The *Centre for Transnational Development and Collaboration* also published a report on the criminalization and country conditions for people practicing *Non-Normative Sexualities and Genders (NNSG)* living in the MENA region (Abu-Assab et al., 2017).

All of the studies recognized that LGBTQI people living in the Global South are, to varying degrees, vulnerable to homophobic and/or transphobic stigma, discrimination and violence. Homophobic and/or transphobic violence often occurred within the public and private spheres, including acts of omission (failing to help someone) and commission (demanding sexual favours and repression) that were experienced as violent practices (e.g. IGLHRC, 2014; ORAM, 2013d; OutRight Action International, 2016d). Although conditions differed between countries (due to culture, religion, legal systems, inherited colonial legacies, etc.) various texts argue that this violence is fueled by the (direct or indirect) criminalization of same-gender sexuality and gender non-conformity (Jones, 2013; OutRights Action International, 2016a,b; Tabengwa & Nicol, 2013) as well as public order, vagrancy and impersonation laws that are disproportionately applied to LGBTQI people (IGLHRC, 2014).

State controlled and supported media, government officials and religious leaders promoted harmful messages that foster violence against LGBTQI people, leading to rejection at family and community levels. Some reports found elevated risk of exposure to homophobic and/or transphobic violence against LGBTQI people in countries such as Iraq, Iran, Jordan, Syria and Uganda (Abu-Assab et al., 2017; Consortium, 2015; IGLHRC, 2014; Jjuuko, 2013; Madre & OWFI, 2014; OutRight Action International, 2016a, 2016b). These states often hire secret police to target LGBTQI people. In Uganda and Iran, the further criminalization of sexual and gender transgressions increased hostility towards LGBTQI people.

Some studies examined, in-depth, the ways in which the country's political climate, especially those with high levels of civil unrest, organized violence (militia), generalized violence (gangs), gendered violence (sexual assault, rape, etc.), and religious extremism inextricably shaped the ways in which LGBTQI people were exposed to homophobic and transphobic violence as well as poverty (e.g. Itaborahy, 2014; Madre & OWFI, 2014; ORAM, 2013a, b; OutRight Action International et al., 2016e; Roy, 2014; Zea et al., 2013). Even research team members' safety became at risk in some countries where the research project was curtailed due to unstable political conditions and extremist religious environments resulting in a backlash (IGHRC, 2014). A number of studies identifies police and/or military as key perpetrators of violence against LGBTQI people, especially trans people (ORAM, 2013a, b, c; OutRight Action International, 2016d; Zea et al., 2016).

In Colombia, six decades of civil unrest, armed conflict (between military, right wing paramilitary and left wing guerrilla groups), 'social cleansing' (i.e. of 'undesirable' groups), poverty and resulting internal displacements shape both HIV risk and exposure to homophobic and transphobic violence for MSM and trans people (Ritterbusch, 2016; Zea et al., 2013). Although all LGBTQI people living in Mexico are exposed to multiple forms of violence, one of the most vulnerable are LGBTQI refugees (who fled from India, Guatemala, Sri Lanka, Haiti, etc.) (ORAM, 2013a). Although the majority of LGBTQI refugees transit into Canada or the US and Mexican laws include LGBT-specific protection, both state and non-state actors enact violence against LGBTQI people, such as extortion from police, lack of state protection (due to corruption, bureaucracy, etc.), gang violence (i.e. kidnapping, rape, murder). Since the US-led occupation of Iraq, LGBTQI people are at high risk of death, due to the country's current unstable political climate of unchecked powers, the rise of militias, the Islamic state's territorial control blocking travel to safer parts of the country (i.e. Iraqi Kurdistan) (Abu-Assab et al., 2017; Madre & OWFI, 2014). In some countries, there was a close correlation between gender inequality, rigid gender norms and oppression of LGBTQI people, including a high occurrence of intimate partner violence, including physical and sexual violence perpetrated from someone they knew (Abu-Assab et al., 2017; Katjasunkana & Wieringa, 2016; IGHRC, 2014).

As part of the political climate of many countries in the Global South, there remains a significant amount of poverty shaped by forces such as neo-liberalism. Given the levels of poverty in many countries, many of the studies examined the ways in which poor and/or working class LGBTQI people living in the Global South navigated the economic inequalities that they had to endure (Chhoeurng, Kong & Power, 2016; Itaborahy, 2014; Leon, 2016; ORAM, 2013d). Often, public resources were not allocated to LGBTQI people living in poverty (Chhoeurng, Kong & Power,



2016; Itaborahy, 2014; Leon, 2016; ORAM, 2013d). In some ways, ‘hegemonic poverty discourses’ driven by states and other institutions such as global economic regulatory bodies reinforce heteronormative and cisnormative practices that exclude LGBTQI people and their families. Indeed, LGBTQI people often reported participants experiences of hopelessness and powerlessness, resulting in not being able to get out of living in poverty in conjunction with experiences of homophobic, transphobic and/or gendered discrimination and violence. These findings also challenge the myth that all gay and lesbian citizens are affluent, notably perpetuated in Latin America (Itaborahy, 2014).

These studies also highlighted the ways in which LGBTQI people living in the Global South are not able to secure employment or engaged in unregulated types of sex work (especially for trans people) (Chhoeurng, et al., 2016; Itaborahy, 2014; Katjasunkana & Wieringa, 2016; Nyanzi, 2013). LGBTQI people were also not able to complete their education due to experiences of ongoing discrimination, lack of family support or not having the means to do so. These studies suggest a lack of rights protection in the areas of employment, education, housing, health and social services, which include physical or mental health services, or refugee / women’s shelters (Consortium, 2015; Horton, 2014; IGLHRC, 2014; ORAM, 2013, 2013a, 2013b). State institutions, including medical, mental health and state-funded refugee / women’s shelter networks were mostly insensitive and not trained to assist LGBTQI victims of violence (IHGRC, 2014; ORAM, 2013a; Chhoeurng et al., 2016).

Another characteristic within this literature is the complexity of factors that shape either internal migration from a rural to urban setting (Guo et al., 2014), region to region (Ramesh et al., 2014), and internal displacement (Zea et al., 2013). Some literature address LGBTQI people who have migrated from neighboring countries into Kenya (Breen & Milo, 2013), Mexico (ORAM, 2013a), South Africa (ORAM,2013b), Uganda (Nyanzi, 2013; ORAM, 2013c) or Guatamala (Rhodes et al., 2014a, Rhodes et al., 2014b). Forced migrations were shaped by the ways in which LGBTQI people navigate stigma, discrimination and violence based on sexual orientation and/or gender identity / expression. However, these migrations were rarely only shaped by sexual orientation and/or gender identity, but were also shaped by either the desire for economic stability (Guo et al., 2014; Ramesh et al., 2014), or escaping militarized and state violence (ORAM 2013a,b,c; Zea et al., 2013). Unfortunately, migrating elsewhere did not necessarily result in improved safety, as the migration process, in and of itself, at times made people vulnerable to violence (Nyanzi, 2013; ORAM, 2013a).

A key resource identified in the literature were informal support networks as created by LGBTQI people themselves (Padilla et al., 2016; Rhodes et al., 2014). These informal support networks buffered LGBTQI people from social isolation and the various forms of violence. These informal networks were often peer-based, so community members (i.e. LGBTQI people, people living with HIV, sex workers, etc.) supporting each other in various ways to access services, etc. The use of digital technologies (i.e. cel phone, internet chat rooms, etc.) also increased the social networks of LGBTQI people (ORAM 2013d, 2013). Sometimes these informal networks are global in scale, such as trans women in Puerto Rico who connect to a transnational network in order to access trans-specific health care (i.e. body modification, hormones, etc.) (Padilla et al., 2016). Community workers in some African contexts have mobilized these networks to foster solidarity through collective dialogue and art-making to either build queer feminist spaces

(Okech, 2013) or to develop collective portraits with trans and intersex people (Le Roux, 2013).

Overall, there was an underrepresentation in this literature that focused on experiences of cis women and trans people, with an even further lack of intersex realities. Within the studies that included cis women, the overlap between gender and sexual-orientation based discrimination and violence both with the private (i.e. intimate partner violence, ‘family honor’ based violence, etc.) and public spheres was highlighted (IGLHRC, 2014, OutRight Action International, 2016a,b). In Iran, for example, legal barriers for lesbians include the criminalization of same-gender sexuality and all sexual acts outside traditional marriage (OutRight Action International, 2016a,b). These laws foster societal practices that place lesbians at risk of further forms of interpersonal and state violence. In their study about people practicing *Non-Normative Sexualities and Genders* (NNSG) in the MENA region, Abu-Assab et al., (2017) suggest that policing the gender binary is crucial to maintain a patriarchal social order. Some scholars suggest that research on women’s issues should include transmen, since they are often misread as cis women and are an invisible population (IGLHRC, 2014; Ramos-Pibernus et al., 2016). Interestingly, although there are studies that include MSM and transwomen, there are no studies that focus on the experiences of cis and trans women.

Studies suggest that trans women are disproportionately at risk of interpersonal and state violence, in particular at the hands of the police (Brasil, 2013; Itaborahy, 2014; OutRight Action International, 2016a,b). The intersection of poverty, sexual and gender identity / expression made Khwajasaras in Pakistan, transwomen in the Philippines, and Mak Nyahs in Malaysia from the lower economic strata even more vulnerable to arbitrary arrest and humiliation during detention and physical violence from police officers and religious affairs authorities (IGLHRC, 2014). Although gender identity is explicitly included in the human rights code in Chile, conservative legislators in conjunction with influential Catholic church leaders continue to pathologize and criminalize trans people (OutRight Action International, 2016c). Trans women were also more likely to engage in sex work and drug trafficking, resulting in additional forms of social exclusion and state surveillance (Itaborahy, 2014; Padilla et al., 2016; Ritterbusch, 2016). However, trans women are also very resourceful, as they are able to find ways to leave their country in order to seek asylum and/or access trans-specific health care (OutRight Action International, 2016c; Padilla et al., 2016). In India, transwomen, *Kothis*, and *Hijras* have taken up public space in various ways to push for legal recognition and socio-economic equality (Atluri, 2012; Chakrapani, 2010; Dutta, 2012; Dutta & Roy, 2014).

To conclude, this section highlights the ways in which LGBTQI people living in the Global South encounter complex layers of interpersonal and state violence based on intersecting identity markers that extended beyond sexual orientation and gender identity / expression to include other identity markers (i.e. race, ethnicity, economic status, indigenous status, religion, etc). Even in countries with human rights protections that include sexual orientation and/or gender identity, LGBTQI people, especially those who are poor, cis women, trans, HIV positive, disabled, etc., are vulnerable to discrimination and violence (Leon, 2016; Pieterse, 2015; Regmi & Teijlingen, 2015; Salley, 2013). The multiple identities that shape the lives of LGBTQI people were always situated within particular geo-political and regional contexts that, in turn, are shaped by global neo-liberal policies, colonial legacies, civil war, armed conflict, police violence, state corruption, religious extremism, etc.

## *Critical, theoretical and historical scholarship*

Although outside the scope of this review, it is important to highlight a body of critical scholarship since the 1990s that has explored, in site and context specific ways, the historical role of colonialism (especially related to British empire building) in the criminalization, control and erasure of diverse Indigenous sexual and gender expressions and practices across the Global South (Alexander, 1991, 1994, 2005; Aldrich, 2003; Cruz-Malavé & Manalansan, 2002; Gopinath, 2005; Manalansan, 1997, 2003; Murray, 2002; Patton & Sanchez-Eppler, 2000; Quiroga, 2000; Trexler, 1995). These scholars engage with critical social theories in order to historicize the ways in which constructions of sexuality and gender have changed over time either in various regions of the Global South or transnationally, either across regions. Alexander (2005) examines the criminalization of same-gender sexuality in Trinidad and Tobago (1986, 1991) and in the Bahamas (1991) whereby the ‘moral’ heterosexual monogamous marriage was reinforced as the central social institution, echoing previous British colonial laws and practices.

Within the scope of this review, there is a growing body of scholarship that engages in historical, policy and textual analysis while drawing from critical race, feminist (i.e. transnational feminist, post-colonial feminist, women of color feminist, transfeminist, etc.), queer (i.e. queer of color, queer diasporic) and trans theories (Awondo, 2010; Dutta & Roy, 2014; Ekine, 2013; Hoad, 2007; Lee, 2015; Leon, 2016; Massad, 2007; Pieterse, 2015; Sreenivas, 2014). These scholars examine the intersections between race, gender and sexuality in ways that interrogate Eurocentric and colonial frameworks.

A central feature of this body of literature highlight how contemporary articulations of sexuality and gender in the Global South are historically shaped by colonialisms, nationalisms and global capitalism. These scholars explore how understandings of sexuality and gender have circulated and changed over time both in particular geographic sites and on a global scale. Gupta (2008) traces the ways in which the criminalization of sexual and gender transgressions through the colonial imposition of *Section 377* of the *Indian Penal Code* (IPC) (1860) and the *Act for the Registration of Criminal Tribes and Eunuchs* (ARCTE) (1897) in British India subsequently expanded across the British colonies. Indeed, the remnants of these colonial laws can be found in contemporary laws that criminalize same-gender sexuality and diverse gender expressions across former British and other European colonies (Awondo, 2010; Awondo, Geschiere & Ried, 2012; Blake & Dayle, 2013; Gupta, 2008; Ossome, 2013; Tabengwa & Nicol, 2013). During the transition from European colonial rule into nation-states, the colonial laws that criminalized sexual and gender transgressions remained and were reframed as essential to the traditional cultural values of ‘independent’ nation-states (Awondo, 2010; Awondo, Geschire & Ried, 2012; Blake & Dayle, 2013; El Menyawi, 2012; Lee, 2015). As a result, ‘homosexuality’ is often framed by state authorities as linked to corruption and/or an import from the ‘West’, even when countries like the US continue to attempt to missionize certain African countries (Awondo et al., 2012; Ekine, 2013; Kaoma, 2013; Hoad, 2007).

Another feature of this scholarship is a critique of the role of actors from the Global North in shaping LGBTQI rights in the Global South. The notion of the ‘*Gay International*’ (Massad, 2007) suggests that universalization of gay and lesbian identity that often underpin international

LGBTQI human rights discourse serve to obscure and erase Indigenous and local articulations of sexuality and gender as well as local LGBTQI activisms (Ekine, 2013; Mwikya, 2013). These scholars suggest that Western driven media attention as well as the pressure to impose economic sanctions by the Western governments (i.e. US, Britain, etc.) only further imposed the narrative of the ultra homophobic and backwards Global South and further marginalized LGBTQI people and activists (Massad, 2007; Mwikya, 2013).

### *Pre-migration experiences of LGBTQI migrants to the Global North*

Nearly all of the literature about LGBTQI people mostly from the Global South that migrate to the Global North address, in varying ways, the conditions that shape pre-migration realities. These studies highlight how the exposure to homophobic and/or transphobic violence, mostly from family / community members and/or state authorities, shaped the decision to migrate to the Global North. Palazzolo et al., (2016) suggests that trans women from Central America often migrated to the US after experiencing transphobic violence in both the private (intimate partner, family, etc.) and public (government agencies, etc.) spheres. In contrast, El-Hage & Lee (2017) highlight the active role of LGBTQI people in the Global South in the fight against various forms of sexist, homophobic and transphobic violence. Pre-migration experiences of homophobia and/or transphobia were also highlighted to explain how they shaped post-migration experience, in particular with LGBTQI refugee claimants. Many studies, for example, explore how pre-migration experience of (or fear of) homophobic and/or transphobic violence continue to impact LGBTQI migrants as they navigated the refugee claim process. Some consequences include mental health challenges, as well as fear and shame related to hiding or denying one's sexual orientation and/or gender identity (Jordan, 2009, 2010; Shidlo & Ahola, 2013).

Some studies provided a more complex portrait of the conditions that led LGBTQI people to migrate to the Global North (Acosta, 2008; Lee, 2015; Morales et al., 2013; Serrano, 2013; Roy, 2013; UKLGIG, 2013). This literature highlighted the ways in which factors such as political climate, civil unrest, generalized and gendered violence (i.e. corrective rape), religious persecution, educational barriers, and socio-economic status intersected with sexual and/or gender identity / expression to shape decisions to migrate (Bennett & Thomas, 2013; Cantu, 2009; Decena, 2009; Lee, 2015; Morales et al., 2013; Munro et al., 2013; Serrano, 2013; Roy, 2013). In contrast, some studies explore the ways in which trans women mobilize transnational networks, migrate (to US, Spain, Ecuador) and engage in sex work in order to access trans-specific health care and to support their families (Padilla et al., 2016; Silva & Ornat, 2015). Another key factor that shaped LGBTQI peoples' decision to migrate to Canada was their perception of Canada as a queer and/or trans friendly country, or at least, safer for LGBTQI people than their own country (El Hage et Lee, 2017; Jordan, 2009; Munro et al., 2013).

Although most of this literature focuses on the post-migration experience, some studies examine in more detail the pre-migration experience as well as the migration process (Avelar, 2015; Brown, 2012; Cantu, 2009; Decena, 2009; Lee, 2015). Some studies examine the ways in which LGBTQI migrants renegotiate their socio-economic status post-migration (Acosta, 2008; Decena, 2008; Fournier, Brabant, Dupéré & Chamberland, 2017). Acosta (2008) suggests that the social location of the participants (i.e. race, class) shifted from pre (Peru, Mexico, Chile,

Guatemala, etc.) to post migration (US), with some individuals having had race and class privilege in their country of origin to subsequently become racialized and less wealthy post-arrival to the US. One research project linked LGBTQI rights activism in former British colonies and LGBTQI refugee claimants in Canada (Nicol, Gates-Gasse & Mulé, 2014).

## **UNHCR International Guidelines for SOGIE-based refugee claims**

Prior to presenting a review of the Canadian literature, this section outlines the UNHCR International Guidelines for refugee claims based on *Sexual Orientation and/or Gender Identity and Expression* (SOGIE). As such, the literature included in this section is NOT part of the scoping review. However, the references included in this section can be found in the list of references that were included and the end of this report (but not included in the scoping review).

### *UNHCR International Guidelines and Principles*

The UN convention has been adopted by 147 states and sets out the definition of a refugee as a person with a “well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion, or membership of a particular social group” (Section 1A (2)). The UNHCR has provided guideline documents for receiving countries to promote consistency in making refugee claim decisions and to uphold international human rights for all groups (UNHCR, 2012). The Convention lists five grounds for granting asylum; race, religion, nationality, membership of a particular social group, and political opinion, although it is stated that these are not mutually exclusive groups. *Sexual Orientation and Gender Identity and Expression* (SOGIE) based refugee claims are considered under the ‘membership of a particular social group’, as interpreted from the following UNHCR’s definition:

*a group of persons who share a common characteristic other than their risk of being persecuted, or who are perceived as a group by society. The characteristic will often be one which is innate, unchangeable, or which is otherwise fundamental to identity, conscience or the exercise of one’s human rights* (Section 1A).

The guidelines also address the issue of credibility that have arisen in the literature for SOGIE-based refugee claims and gives detailed explanations for how claims should be interpreted. In order to be accepted to be in fear of persecution due to belonging to a ‘particular social group’, individuals must first be believed to belong to that group. The guidelines are clear that both state and non-state actors can be sources of persecution. Where a claim for asylum should be granted due to fear of persecution or violence from non-state actors it has to be shown that the state will not offer any protection to the individual, regardless of the laws of that country.

The UNHCR roundtable discussion (ORAM, 2010) highlighted the difficulty of establishing the failure of the state to offer adequate protection in these cases, a factor that is likely to be exacerbated by out of date country of origin information as highlighted in the research literature. Issues identified by the UNHCR roundtable (ORAM, 2010) also reflected the literature include:

reports of invasive interviewing for claims, use of stereotypes of sexual orientation and gender identity, difficulty in establishing credibility and lack of adequate protection for LGBTQI refugee claimants in detention.

The Yogyakarta Principles (adopted in 2007 by human rights experts, but not binding) situate the rights of LGBTQI refugee claims within international human rights laws and were developed in response to reports of individuals being denied asylum due to their sexual orientation or gender identity and expression (ORAM, 2010). These principles state:

*Everyone has the right to seek and enjoy in other countries asylum from persecution related to sexual orientation or gender identity. A State may not remove, expel or extradite a person to any State where that person may face a well-founded fear of torture, persecution, or any other form of cruel, inhuman or degrading treatment or punishment, on the basis of sexual orientation or gender identity*

## **Data synthesis of the Canadian literature**

### *Literature focused on LGBTQI refugees and the refugee claimant process*

The majority of the Canadian literature about LGBTQI migrants included in this scoping review were focused on LGBTQI refugees and how the refugee claimant process assess SOGIE-based claims. Indeed, out of 56 Canadian publications included in this section, 34 were focused solely on LGBTQI refugees. Most of these studies included a mix of cis men and women and an analysis of sexual orientation, with a smaller amount also including trans people and an analysis of gender identity and expression (Jordan, 2009; Lee & Brotman, 2011; Murray, 2015). Some of these studies also included service providers and community workers (Lee & Brotman, 2011) or focused solely on service provider perspectives (Kahn & Alessi, 2017). Most of these studies were completed either in Vancouver (Jordan, 2009), the Greater Toronto Area (GTA) (Nicol, Gasse-Gates, Mulé, 2014; Murray, 2015) or a combination of Toronto and Montreal (Lee & Brotman, 2011; Lee, 2015).

In tracing the historical evolution of the literature over the past decade, there has been a noticeable shift in the nature and type of knowledge produced about LGBTQI refugees. In order to accurately trace this evolution, it is important to note that scholarship about LGBTQI refugees in Canada initially surfaced in the 1990s, notably with the legal scholarship of Nicole LaViolette (LaViolette, 1997, 2003; LaViolette & Whitworth, 1994). LaViolette's scholarship about sexual orientation and later gender identity and expression based refugee claims are central to the knowledge produced in this area. Upon conducting a literature review of empirical literature published located between 1994 and 2011, Brotman & Lee (2011) located 22 Canadian empirical publications about LGBTQ refugees with 15 of these being published within law journals (p. 19). Some of these articles also engaged in a comparative analysis between Canada and other countries situated in the Global North such as the UK and Australia (e.g. McGhee, 2001; 2003; Millbank, 2002, 2009; Miller, 2005; Rehaag, 2009). In contrast, for their annotated bibliography

of publications from 1993 to 2014, Kapron & LaViolette (2014) located 49 mostly English texts that focused on LGBTQI refugees in Canada.

In returning to the date limits for this scoping review, from 2007 to 2010, the majority of publications about LGBTQI refugees continued to be from legal scholars whom applied case study methodology in order to assess the degree to which Canadian refugee law, sometimes in comparison to other Global North countries, accounted for sexual orientation based refugee claims (LaViolette, 2007, 2009, 2010; Millbank, 2009; Rehaag, 2008, 2009; Young, 2010). These scholars provided cogent critiques of the ways in which the Canadian refugee determination system applied refugee law for sexual orientation and gender identity based (SOGI) refugee claims. Instead of adhering to the legal definition of sexual orientation as an 'immutable personal characteristic', these scholars suggested that sexual orientation and gender identity needed to be understood as fluid and contextual (Rehaag, 2008) and contingent on the ways in which LGBTQI people are marginalized as a social group due to not conforming to societal gender norms (LaViolette, 2007).

LaViolette (2007) further argued that Canada should apply its already established gender-related guidelines for women refugee claimants on LGBTQI refugee claimants, especially with respect to gendered-related persecution operating within the private sphere (i.e. familial violence, etc.). In contrast, Rehaag (2008, 2009) analysed bisexual refugee claims and found that Immigration and Refugee Board (IRB) adjudicators held negative views about bisexuality, believed bisexual people could remain invisible or simply did not believe the person was bisexual. LaViolette (2009) also noted a shift in the reasons for why SOGIE based refugee claims were being refused, from disbelieving a person's SOGIE identity to (1) availability of state protection and/ or internal flight alternatives, (2) evaluating the harm faced by LGBT people as discrimination versus persecution and (3) a lack of country conditions documentation related to LGBTQI-specific human rights violations. Some scholars critiqued the ways in which the adjudication process was heavily shaped by stereotypical conceptions of gay and lesbian people (LaViolette, 2007) while other scholars critiqued dominant Western conceptions about sexual identity formation as linear and innate (Berg & Millbank, 2009; LaViolette, 2009; Rehaag, 2008). After the United Nations High Commissioner for Refugees (UNHCR) published a guidance note on SOGI-based refugee claims (UNHCR, 2008), LaViolette (2009) noted (a) that this should have been more authoritative in the form of a handbook and/or guidelines and (b) that even with this limitation, Canada needed to implement this guidance note as well as gender-based guidelines.

However, some knowledge was produced during this time that did not come from a legal perspective (Jenicek, Lee & Wong, 2009; Jordan, 2009, 2010). Although these scholars drew from the legal scholarship, the aims of these publications diverged significantly. Jordan (2009, 2010) applied critical ethnography to analyze the ways in which LGBTQI refugees not only navigated the refugee determination system but also broader Canadian society. In contrast, Jenicek et al., (2009) analyzed Canadian Anglophone media representations of LGBTQI refugees by engaging in critical discourse analysis. This scholarship expanded knowledge produced in this area by exploring social, spatial, psychological and representative dimensions.

From 2011 onwards, there would continue to be legal scholarship published about LGBTQI refugees (LaViolette, 2012, 2015). However, this time period would mark a shift with increased

knowledge produced by a growing number of scholars from multiple disciplines within the social sciences and the humanities. Some of these scholars would continue to focus some or all their analysis on how LGBTQI people navigated the refugee determination system (Ricard, 2011, 2014a,b). For example, Ricard (2014b) explored how gender non-conforming refugee claimant testimonies were read by IRB adjudicators.

The *Speak Out! LGBTQ refugee research project* explored the ways in which LGBTQI refugee claimants were, due to a heteronormative and cisnormative refugee process, compelled to systematically ‘out’ themselves to lawyers, social workers, doctors, nurses, bankers, etc (Lee & Brotman, 2011). Through critical analysis of Canadian refugee policies, social institutions and dominant discourses, Lee & Brotman (2011) reveal a central way in which refugee status and sexual orientation and/or gender identity interact and result in particular intersectional burdens on LGBTQI refugees, both within and outside of the refugee process. Some publications also began to emerge that critically analyzed changes to Canadian refugee law in 2012 (with the passing of Bill C-31), particularly the implications of these changes on LGBTQI refugees (Gamble, Mulé, Nicol, Waugh & Jordan, 2015; Lee & Brotman, 2013; Mulé & Gates-Gasse, 2012; Sanjani, 2014).

At the same time, another set of literature expanded the scope of their research to include social and political spheres outside of the refugee process (Lee & Brotman, 2011, 2013; Murray, 2013). These studies explored the ways in which LGBTQI refugees navigated housing, educational and employment barriers, access to health and social services (i.e. medical care, mental health) and family and/or community belonging.

Since 2014, there has been a significant increase in the production of knowledge by multiple scholars from a variety of disciplines that have further expanded the kinds of knowledge about LGBTQI refugees (Fobear, 2013, 2015, 2017; Murray, 2013, 2014,a,b, 2015; Lee, 2015; White, 2014). These studies have challenged the predominant ways in which LGBTQI refugees in Canada have been conceptualized. For example, Lee (2015) suggests that LGBTQI migrants with precarious status, including refugee claimants, often shift between migrant categories, revealing the volatility and non-linearity of precarious status (Lee, 2015). Lee (2015) thus argues for an analytical shift from refugee to precarious status in order to highlight the interconnections between various precarious status’. Finally, in past couple of years, a national organization which include a diverse set of Canadian civil society organizations and individual advocates called the *Dignity Initiative* has emerged, aiming to both guide Canada’s global role on human rights for LGBTI people as well as LGBTQI refugee rights in Canada (Aylward & Arps, 2016).

### *Literature focused on newcomers, immigrants and refugees*

Another set of publications that has emerged in the past decade explored the experiences of LGBTQI migrants by using the categories of “newcomer” and “immigrant”, although sometimes these terms are used interchangeably. Most of these studies focus on the experiences of people who arrive as permanent residents (i.e. family class, sponsored refugees, economic class). There is also a small set of literature that also includes a very small (usually 1 person) participant sample of 2<sup>nd</sup> generation immigrants (El-Hage & Lee, 2016; Gagné & Chamberland, 2008).



Many of these studies often included LGBTQI refugees (including those who are going through the refugee claim process). Although some studies had a population sample of only or mostly cis men (Avelar, 2015; Brown, 2015; Roy, 2013), others included either cis men and women (Chbat, 2011, O'Neill, 2010; O'Neill & Kia, 2012) and trans people (Logie et al., 2016; Yee, Marshall & Vo, 2014). Some of these studies also included service provider and community worker perspectives (O'Neill & Kia, 2012).

The central hubs for these studies were located in Vancouver (O'Neill & Kia, 2012), Toronto (Avelar, 2015; Brown, 2015; Serrano, 2013) and Montreal (Chbat, 2011; El-Hage & Lee, 2016; Roy, 2013). Although O'Neill & Kia's (2012) sample included only lesbian, gay and bisexual refugee claimants, they also had service provider perspectives related to more general issues related to newcomer settlement needs. Some of these studies used the general category of newcomer or immigrant with interviewed participants coming from a large diversity of regions and backgrounds (El-Hage & Lee, 2016; Munro et al., 2013; O'Neill & Kia, 2012; Yee et al., 2014; Roy, 2013), while others focused on migrants from a particular background, such as Afro-Caribbean (Brown, 2012; Logie et al., 2016), Latino / Latina (Serrano, 2013) and Lebanese (Chbat, 2011). Some studies also focused on newcomer and/or immigrant youth experiences (Munro et al., 2013; Yee et al., 2014).

Similar to LGBTQI refugee specific literature, there was a focus on various newcomer settlement issues, such as access to health and social services (i.e. medical care, mental health, etc.) educational, housing and employment barriers, issues with immigration and/or refugee specific services, and family and community belonging. A key theme found within most studies that was transversal across these issues explored the ways in which LGBTQI newcomers faced particular challenges in navigating the tension between personal affirmation and/or management of their sexual and gender identity versus external forces (via community members, service providers, general society, etc.) imposing certain ways of labeling and expressing of sexuality and/or gender (i.e. 'coming out'). These studies found that while some people wished to publicly affirm their sexual orientation and/or gender identity (El-Hage & Lee, 2016; Serrano, 2013), others either did not want to label themselves from a Western label (i.e. LGBTQI) (O'Neil & Kia, 2012) or they did not feel the need to publicly 'come out' as LGBTQI (Chbat, 2011; Roy, 2013).

These studies thus emphasis how some LGBTQI newcomers and immigrants negotiate the 'coming out' process differently from the standard linear model of sexual identity formation whereby being 'out' about one's sexual orientation to everyone is identified as the ideal. Instead, many LGBTQI migrants negotiate 'coming out' in a more subtle and tacit manner in order to maintain harmony within their intimate and familial relationships as well as ensure access to services, employment and housing (Chbat, 2011; Roy, 2013). Indeed, most studies describe ties to biological family and ethno-racial community members as complex, as they were a key part of LGBTQI migrants' social support network, but also the site of homophobia and/or transphobia. Since LGBTQI migrants are often tied to multiple communities, their sense of belonging to each community was often compromised by different forms of oppression, such as racism within LGBTQI communities and sexism and homophobia / transphobia within immigrant communities (O'Neill & Kia, 2012).

Another major theme that surfaced in the literature were the ways in which LGBTQI migrants faced multiple kinds of structural barriers (i.e. laws, service providers, etc) when accessing health and social services, education and/or immigration and/or refugee-specific services. Many studies found that LGBTQI migrants had to navigate post-migration experiences of racism and homophobia / transphobia at workplaces, health and social services, immigration and/or refugee-specific services, educational sites, etc. (Munro et al., 2013; Yee et al., 2014). Although studies suggest that the structural barriers experienced by LGBTQI migrants across health, social service and educational sites were similar to those faced by all migrants, factors such as immigration status, being racialized and language proficiency in conjunction with sexual orientation and/or gender identity resulted in new, deepened, and complex barriers (Munro et al., 2013; Serrano, 2013). Serrano (2013) extends this analysis by suggesting that for LGBTQI Latino/as who are HIV positive, barriers in the labor market faced by all immigrants are reinforced and deepened for LGBTQI migrants who are HIV. Some barriers were subtle, for example, O'Neill & Kia (2012) found that LGBTQI newcomers often lacked access to sexual health services and as a result, had reduced access to information about healthy and safer sexual health practices.

Upon analysis of media representations within Quebec gay men's magazines, Roy (2012, 2013) identified an underrepresentation and yet hyper-objectification of racialized bodies in comparison to white bodies. At the same time, some studies also suggest that LGBTQI migrants still felt more able to express their sexual orientation and/or gender identity than in their country of origin (Brown, 2012). Some studies also suggest the importance of LGBTQI migrant specific support groups and spaces as a way to build community and belonging (Logie et al., 2016). Indeed, Logie et al., (2016) found that a social support group for LGBTQI Afro-Caribbean people helped to reduce social isolation, facilitate knowledge sharing and challenge stigma (i.e. due to race, immigration, gender, sexuality, etc.) and promote dialogue and opportunities for education about sensitive topics such as sexual health. Some studies explored the particular experiences and barriers faced by trans migrants (Butler Burke, 2017; Bhanji, 2013; Logie et al., 2016; Munro et al., 2016; Ngo, Lee, Tourki, Benslimane & Agudelo, 2017). Bhanji (2012) explores the ways in which trans migrants navigate institutions and belonging.

### *Literature about precarious status and detention*

Although there is literature that includes the experiences of LGBTQI migrants with various types of precarious status (i.e. temporary worker, international student, visitor, refugee claimant, undocumented status, detention, etc.) (Butler Burke, 2017; Lee, 2015), international students (Corkum, 2015), undocumented (Jordan, 2009, 2010; Munro et al., 2013; Serrano, 2013) and detention (Butler-Burke, 2017; Lee & Brotman, 2011). All of these studies suggest that living with either temporary and/or undocumented status results in reduced access to health and social services, employment, housing, etc. For those people with temporary status who could obtain a *Social Insurance Number* (SIN), their SIN number begins with a number that is different from those who are permanent residents and/or citizens (Lee, 2015).

As a result, LGBTQI migrants with precarious status live with increased stress, often based on laws and policies that restrict their abilities to have a political voice, access essential services and maintain gainful employment. Lee (2015) suggests that LGBTQI migrants often shifted

precarious status upon arrival to Canada, first to transition from a temporary status (visitor, student, temporary worker) to file a refugee claim with some maintaining double status (i.e. as student and refugee claimant and over time, either gaining (permanent resident) or losing status (undocumented). Moreover, policies related to obtaining a temporary visa (student, visitor, temporary worker) applications do not take into consideration the kinds of homophobic and/or transphobic violence (or other kinds of violence) that LGBTQI people living in the Global South encounter and often serve to block LGBTQI people from entry into Canada (Lee, 2015).

For those who are undocumented, there is an increased level of stress that come with being criminalized and the possibility of being detained and deported (Butler Burke, 2017; Jordan, 2009, 2010; Lee & Brotman, 2011; Lee, 2015; Munro et al., 2013; Serrano, 2013). In Jordan's (2010) study, undocumented participants didn't realize that they could apply for refugee status, so some participants actually remained undocumented for nearly a decade. However, there are not yet any Canadian studies that focus solely on LGBTQI migrants who have experienced detention and/or are undocumented.

A small number of texts address the experiences of trans migrants with precarious status (Butler Burke, 2017; Jordan, 2009, 2010; Lee & Brotman, 2011; Lee, 2015; Ngo et al., 2017). Butler-Burke (2017) found that trans migrants who engage in sex work face particular forms of structural violence from the police and immigration authorities, resulting in time in jail and detention. Moreover, Ngo et al., (2017) suggests that trans migrants living in Quebec (the only province to have this law) are unable to change their gender marker and name until becoming a citizen, resulting in many years of disproportionate exposure to discrimination and violence.

## **Data synthesis of the US literature**

### *Literature focused on LGBTQI refugees and the refugee claimant process*

Out of a total of 74 publications included in this section, 24 focused on LGBTQI refugees (i.e. refugee claimants, resettled refugees, etc.) Amongst this literature, the majority provided a legal perspective (Benson, 2008; Braimah, 2014; Budd, 2008; Buxton, 2012; Carrillo, 2010; Choi, 2010; Marouf, 2008; Musalo & Rice, 2008; O'Dwyer, 2008; Oxford, 2013; Southam, 2011; Sridharan, 2008; Sussman, 2013). In a similar manner to Canadian refugee law, SOGIE-based refugee claims in the US are based on a person's membership to a particular social group (i.e. as a gay or lesbian person being persecuted). However, like the UK determination process (as will be explored further in section 4), decision makers have refused refugee claims by suggesting that gay and lesbian claimants can be covert and 'pass' as heterosexual in their country of origin (Epstein & Carrillo, 2014). Four articles focusing on legal issues faced by trans refugee claimants (Benson, 2008; De La Maza, 2013; Jenkins, 2009; Neilson, 2008). These scholars explore how trans refugee claimants navigate barriers in the refugee process, such as decision makers confusing sexual orientation with gender identity and gender identity not being clearly defined in law as a particular social group.

Moreover, a number of publications that provide information about the refugee process were found from various organizations including the *Heartland Alliance National Immigrant Justice Center* (HANIJC, 2009), *National Center for Lesbian Rights* (NCLR, 2013) and the *National Immigrant Justice Center* (NIJC, 2010). A training course provided by the US Citizenship and Immigration Services was also located (RAIO CTC, 2011). A key aspect of these documents includes the fact that refugee claimants are required by law to file their refugee claim within one year of entry into the US. In contrast, Fialho (2013) presents areas for policy improvement in relation to refugee claimants in detention, including the need for required LGBTQI training for detention staff, adequate health care, more open visitation spaces and stopping the transfer of LGBTQI claimants to detentions farther away.

Some studies explore LGBTQI refugee resettlement issues (Portman & Weyl, 2010; Rumbach, 2013) while others focus on practice with LGBTQI refugees (Heller, 2009; Higgins & Butler, 2012; Reading & Rubin, 2011). One study explores the barriers within US immigration law for LGBTQI refugees to sponsor their same-gender partner (Dunton, 2012). Some studies examine social, spatial and political dimensions of the refugee claimant process as well as other non-refugee specific aspects of the migrant experience (Epstein & Carillo, 2014; Morales, 2013; Palazzolo et al., 2016). Morales (2013) explores the challenges of LGBTQI people from Latin America to obtain a visa to enter the US and then the subsequent challenges in seeking SOGIE-based asylum as well as offering clinical approaches to counselling this population.

### *Literature focused on LGBTQI immigrants*

Interestingly, for some of this literature, refugee status is not explicitly reported with the category of 'immigrant', although refugees and undocumented people are included in the participant sample (Melendez et al., 2013; Morales, 2013; Padron, 2015; Rhodes et al., 2015; Rhodes & McCoy, 2015). Indeed, many of the participant samples of these studies included undocumented people, while refugees and those who claimed refugee status tended to be less explicit. One area of this literature situate the life conditions of being a LGBTQI migrant within the notion of well-being (i.e. physical, mental health, etc.). These life conditions are explored in order to assess how they determine the health vulnerabilities of LGBTQI migrants, and in particular HIV research with MSM Latino migrants (Gilbert & Rhodes, 2013; Reisen et al., 2011; Rhodes et al., 2010).

Within this body of literature, some studies focused on individual factors that shaped sexual behavior and HIV risk, such as condom use, sexual compulsivity, number of sex partners, drug and alcohol abuse, the frequency of HIV testing, engaging in public sex, etc. (Gilbert & Rhodes, 2013, 2014; Reisen et al., 2011; Rhodes et al., 2010, 2011; Rhodes & McCoy, 2015). Some of these studies also identified various barriers to health care including lack of knowledge about how to access available services (i.e. HIV testing), lack of health insurance, fear of differential treatment, experiences of discrimination, being reported to the government and fear of deportation if found to be HIV-positive.

Other studies focused on social factors that shape HIV risk, such as stress related to being an immigrant and sexual minority, poverty, undocumented status, and being non-Mexican within a predominantly Mexican Latino/a community (Gilbert et al., 2016). Gilbert et al., (2016) also

highlighted various coping strategies of MSM Latino migrants, such as accessing a support network, seeking distractions and changing life conditions. In contrast, Melendez et al., (2013) evaluated an HIV prevention program and the degree to which this program addressed the needs of MSM Latino migrants. Some studies focus specifically on mental health issues faced by sexual and gender minority Latino/as either examining the association between social stressors (i.e. ethnic discrimination) and alcohol use (Gilbert, 2013; Gilbert et al., 2014).

A smaller number of studies focused on HIV risk factors and/or vulnerability for Latina transwomen migrants (Palazzolo, 2016; Rhodes et al., 2015). These studies identified various social factors that shaped HIV vulnerability, such as having undocumented status. This was a major barrier for trans Latina migrants to stable housing, employment and access to health and social services. In other words, having legal status was a protective factor and reduced HIV risk. Rhodes et al. (2015) found that trans Latina migrants experienced daily experiences of racist and transphobic discrimination (i.e. in community, worksites, health and social services, etc.) and struggled with unsafe hormone use and coping strategies. However, both Rhodes et al., (2015) and Palazzolo (2016) suggest that trans Latina migrants also develop strong support networks comprised of friends, family and especially fellow trans Latina migrants as well as navigate difficult situations by drawing from their life experiences.

Another set of publications in this area did not have HIV risk and prevention as a central aspect of their research (Acosta, 2008; Cantu 2009; Cerezo, Morales, Quintero & Rothman, 2014; Chavez, 2010, 2011; del Aguila; Decena, 2008; Morales, 2013; Morales, Corbin-Gutierrez & Wang, 2013; Nakamura & Kassan, 2013; Le Ngo, 2011; Ngo & Kwon, 2015; Thing, 2013; Tiven & Neilson, 2009). Fournier et al., (2017) located 16 US studies (and 8 Canadian studies) that included gay and lesbian immigrants in the US and identified the following key themes: complex negotiation of ‘coming out’ as gay or lesbian, experiences of homophobia and racism, renegotiation of socio-economic status post-migration, health difficulties, challenges in affiliation to racial-ethnic and LGBTQI communities. Decena (2008) suggests that cis gay Dominican immigrant men negotiate ‘coming out’ to their family and community by being tacit about their sexual orientation, thus having their identity known, but not entirely publicly acknowledged. According to Acosta (2008), Latin American lesbian migrants have to navigate both sexism and being out or not about their sexual orientation with their biological family and ethno-racial communities in order to preserve ties. Instead, chosen families, especially within LGBTQI support groups and/or fellow lesbian migrants, allowed participants to create ‘borderland spaces’ that broke social isolation and fostered community belonging, even if these spaces were complicated and not always egalitarian. In contrast, one study focused on practice with LGBTQI immigrants (Tiven & Neilson, 2009).

Upon conducting a needs assessment, Chavez (2011) identified barriers for LGBTQI immigrants and refugees living in Arizona with respect to housing and access to health and social services. More specifically, multiple discrimination based on migrant status and sexual and/or gender identity shaped access to housing and health and social services, along with a fear, especially of LGBTQI undocumented people, of being profiled and detained by immigration officials. In addition, this study found a lack of comprehension on the part of service providers on cultural needs of LGBTQI immigrants and refugees.

### *Literature about precarious status, undocumented status and detention*

As mentioned previously, a significant portion of the literature focused on LGBTQI immigrants and refugees included those who were undocumented. In addition, there is a growing set of publications, especially in the past 5 years, that has been published that focus solely on LGBTQI undocumented people (Cisneros, 2015; Manalansan, 2014). An emerging set of literature focuses on the experiences of LGBTQI undocumented people who have been involved in advocating for immigration reform and the regularization of undocumented people in the US (Cisneros, 2015; Cruz, 2008; Padron, K; Manalansan, 2014; Rivera-Silber, 2013; Terriquez, 2015). These scholars suggest that LGBTQI undocumented people have been at the forefront of migrant justice organizing in the US, by developing initiatives and slogans, such as the ‘undocuqueer’ slogan, that resonate with their intersectional identities as undocumented and LGBTQI.

At the same time, Cisneros (2015) argues that LGBTQI undocumented people are in a constant state of vulnerability due to their undocumented status which results in denied access to public resources and institutions (i.e. social services, hospitals, LGBTQI-specific services, etc.) as well as general housing and employment. Being LGBTQI engendered further complexities in how individuals navigated these barriers. Due to not being able to access legal papers, they were not able to access LGBTQI social spaces. Some studies focus on LGBTQI international students living in the US (Oba & Pope, 2013; Pope et al., 2007). For example, Oba & Pope (2013) articulate the four main challenges facing LGBTQI international students include navigating: intimate relationships, health outcomes, sexual identity and whether or not to return home.

### **Data synthesis of elsewhere in the Global North literature (especially the UK)**

#### *Literature focused on LGBTQI refugees and the refugee claimant process*

Out of 50 publications included in this section, most focus on LGBTQI refugees and/or refugee claimants, with eight publications including refugee claimants only (Bachmann, 2016; Bennett & Thomas, 2013; Berg & Millbank, 2013; Connely, 2013; Cowen, et al., 2011; Hojem, 2009; Jansen & Spijkerboer, 2011; UKLGIG, 2013), three on refugees only (Grungras, Levitan & Slotek, 2009; Micro Rainbow International, 2013; Raj, 2011, 2013), two publications including both (BeLonG To, 2013; Millbank, 2009a). There appears to be an increase in publications about this topic in the past five years (since 2013). Most participant samples across studies included people who migrated from a range of origins that include African, Caribbean and Middle Eastern countries, with some studies including to a lesser degree those from Eastern Europe (Jansen & Spijkerboer, 2011). Although the majority of the literature is based in the UK (Bachmann, 2016; Bennett & Thomas, 2013; Connely, 2013; Cowen, et al., 2011; Micro Rainbow International, 2013; Raj, 2013; UKLGIG, 2013), additional publications were found located in the Republic of Ireland (BeLonG To, 2013), Scandinavia (Hojem, 2009), Netherlands (Jansen & Spijkerboer, 2011), Turkey (Grungras, Levitan & Slotek, 2009) and Australia (Berg & Millbank, 2013; Millbank, 2009b). There are also theoretical and/or legal case study based articles about SOGIE-

based refugee claims (Anker & Sabi, 2012; Arnold, 2013; Bach, 2013; Battjes, 2013; Buxton, 2012; Dawson & Gerber, 2017; Dawson, 2016; Frank, 2010; Gilbert & Tobin, 2007; Hathaway & Pobjoy, 2012; Goodman, 2012; Gray & McDowall, 2013; Millbank, 2009a,b, 2012; O’Leary, 2008; Schutzer, 2012; Seuffert, 2015; Tobin, 2012; Volker, 2013; Wessels, 2011, 2012, 2013).

There were 5 studies located that included trans and intersex people (BeLonG To, 2013; Grungras, et al., 2009; Jansen & Spijkerboer, 2011; Raj, 2013; Silva & Ornat, 2015), although a few researchers reported difficulties in recruiting participants who self-identified as trans and/or intersex (Connely, 2013; Micro Rainbow International, 2013). Although some trans and intersex people may also identify as lesbian, gay or bisexual, some publications suggest that trans and intersex refugees have particular experiences and needs that differ from those who are LGB (e.g. Berg & Millbank, 2013). Consequently, there is a lack of evidence available on the experiences and needs of specific sexual and gender identity groups within the wider group of refugees (Cowen, et al., 2011, Berg & Millbank, 2013). Two areas of focus are highlighted in this literature, the decision making process of refugee claims due to a person’s membership to a ‘particular social group’, in this case, based on sexual orientation and/or gender identity and expression (SOGIE) (Bachmann, 2016; Bennett & Thomas, 2013; Berg & Millbank, 2013; Connely, 2013; Hojem, 2009; Jansen & Spijkerboer, 2011; Millbank, 2009; Raj, 2013; UKLGIG, 2013) and the multiple sources of discrimination experienced by asylum seekers and refugees currently living in Global North countries (BeLonG To, 2013; Cowen, et al., 2011; Grungras, et al., 2009; Micro Rainbow International, 2013; Silva & Ornat, 2015).

Overall, the use of ‘particular social group’ as a category to process SOGIE-based refugee claims appears to be inconsistent across countries and between decision makers, often rendering invisible the particularities of individual claimant experiences (Berg & Millbank, 2013; Shidlo & Ahola, 2013; UKLGIG, 2013). Based on the literature, the primary factors in which refugee claims are decided upon include (1) the credibility of the claimant (2) Western stereotypes about sexuality and (3) country of origin information. In a review of over 1,000 SOGIE-based refugee claim decisions, lack of credibility often related to not ‘looking’ like an LGBTIQI person, and thus one’s sexual and/or gender identity and resulting fear of persecution being disbelieved (Millbank, 2009), a finding that was replicated in a report on UK specific decisions (UKLGIG, 2013). For example, one study described how lesbian refugee claimants in the UK reported feeling pressure to dress and look more ‘butch’ (masculine) to be believed as lesbian (Bennett & Thomas, 2013). Although most EU member states do not record statistical data on the numbers of LGBTIQI refugee claims that are processed, the issue of credibility seems to be a key factor in other European countries (Jansen & Spijkerboer, 2011). Moreover, Berg & Millbank (2013) found that refugee claims by trans people were often categorized as based on sexual orientation, possibly leading to the erasure of the central place of gender identity and expression in a trans refugee claim along with the misuse of country of origin information.

The need to provide evidence of sexual and/or gender identity was reported as a shock to refugee claimants who had anticipated that their personal story would be sufficient evidence (Connely, 2013). Claimants, across European receiving countries, were often subject to explicit questioning about their sexual behavior, by immigration officers and/or refugee decision makers, which were often difficult and embarrassing to answer (e.g. Bennett & Thomas, 2013; Berg & Millbank, 2013; Cowen, et al., 2011; Hojem, 2009; Jansen & Spijkerboer, 2011; UKLGIG, 2013). Many

people felt uncomfortable disclosure their sexual and/or gender identity due to their past history of violence in their country of origin. As a way to ‘prove’ one’s sexual orientation, some claimants would present photographs or video recordings of their sexual activity with someone from the same gender (Raj, 2013).

In some cases, negative decisions were made because the claimant’s testimony did not conform to dominant Western narratives, gender norms and/or stereotypes related to sexuality, such as being married and/or having children as evidence of heterosexual (Bennett & Thomas, 2013; Raj, 2013; Shidlo & Ahola, 2013). In other cases, refugee claims were denied because the decision maker believed that the claimant could be ‘discreet’ about their sexual orientation upon returning to their country of origin. Many decisions also appear to be made based on outdated or incorrect country of origin information (Bennett & Thomas, 2013; Berg & Millbank, 2013; Cowen, et al., 2011; Jansen & Spijkerboer, 2011; UKLGIG, 2013). The refugee process was often described by claimants as disempowering, confusing and frustrating with a negative impact on self-identity and wellbeing (Bennett & Thomas, 2013).

The second major theme in this section include the multiple forms of discrimination and social isolation faced by LGBTQI refugees due to their refugee status and/or sexual / gender identity. For example, lack of access to employment is a key factor for why many LGBTQI refugees live in poverty (Micro Rainbow International, 2013). In Scandinavia, support groups and NGOs are located only within larger urban areas while refugee claimants are initially sent by the government to more rural locations, making accessing support difficult and increasing social isolation (Hojem, 2009). Although Ireland provides young refugee claimants state-funded accommodation, those who were LGBTQI often had to live in shared living arrangements, being forced to decide whether or not to ‘come out’, putting them at risk of dealing with homophobic and/or transphobic reactions from roommates (BeLonG To, 2013). In the UK, Bennett and Thomas (2013) found that lesbian refugee claimants were often forced to leave refugee support groups due to homophobic reactions by fellow refugees, further deepening social isolation.

LGBTQI refugees often reported difficulties in maintaining relationships with their biological families due to having experienced violence from family members which led to their migration to Europe and/or deciding not to ‘come out’, due to the fear of rejection (e.g. BeLonG To, 2013; Shidlo & Ahola, 2013). Some participants were rejected by family members and/or fellow immigrant community members after deciding to ‘come out’ who suggested that they were bringing shame to their family, community and/or religion (BeLonG To, 2013; Micro Rainbow International, 2013). The mental health impacts of multiple pre-migration trauma and post-migration barriers, along with the lack of family and ethno-racial community support may often be ignored (Shidlo & Ahola, 2013). Despite these barriers (i.e. employment), some studies suggest that, generally speaking, LGBTQI refugees tend to report higher satisfaction living in Europe versus their country of origin (i.e. due to having more freedom to express oneself) (Jansen & Spijkerboer, 2011; Micro Rainbow International, 2013). Positive experiences were also reported by those who had managed to access a support group and specialized services for LGBTQI refugees.

Although not officially part of the EU, a small number of publications were found about LGBTQI people from the Global South who migrant to Turkey and subsequently seek refugee



status via the UNHCR (Abdi, 2011; Cragolini, 2013; Grungras et al., 2009). Non-European asylum seekers coming to Turkey are assessed by the UNHCR and, if approved, are transferred to a third country such as the US, Australia or Canada. Although the UNHRC recognizes LGBTQI refugees, Turkish authorities were found to close LGBTQI refugee support groups (due to corrupting ‘moral family values’) and did little to follow-up on reported homophobic and/or transphobic assaults (Grungras et al., 2009). Indeed, there were 10 murders of LGBTQI individuals reported in Turkey from 2008 to 2009. LGBTQI refugees in Turkey were vulnerable to poverty, lack of employment, lack of access to mental and physical health care and limited opportunities to express themselves as refugees and LGBTQI people.

### *Literature focused on newcomers, immigrants and refugees*

There are very few articles from the Global North that explore the experiences of LGBTQI often categorized as newcomers and/or immigrants. There are a couple of studies that examine the migrations of cis gay men from Cameroon to France (Awondo, 2011; Eboko et Awondo, 2013) and one report that assesses the needs of LGBTQI youth who are refugees and/or of newly arrived backgrounds (Noto, Leonard & Mitchell, 2014). Eboko & Awondo (2013) situate the migration of cis gay men from Cameroon to France within a historical colonial relationship between France and Cameroon that shaped contemporary political, cultural and economic ties between the two countries. In contrast, Noto et al, (2014) suggest that LGBTQI youth newcomers experience a significant amount of social isolation, as there is a major lack programs and services that address their particular needs. As part of their list of recommendations, Noto et al., (2014) suggest providing training for service providers to better serve the youth as well as support programs for youth to be able to connect with each other.

### *Literature about precarious status and detention*

Within the literature that focus on LGBTQI refugees, some studies explored the experiences of LGBTQI people in refugee detention centres (Bachmann, 2016; Cowen et al., 2011; Jansen & Spijkerboer, 2011; Raj, 2013). One publication has examined the use and impact of detention, notably from a legal perspective, on LGBTQI migrants living across the Global North (Tabak & Levitan, 2014). All of these studies suggest that living in detention has a detrimental impact on the mental health of LGBTQI refugees, and increases their exposure to homophobic and transphobic violence at the hand of detention staff and fellow detainees. In many instances, LGBTQI people in detention centres are placed in solitary confinement for their own protection (Raj, 2013). In the UK, it was found that detention staff were unlikely to protect trans detainees from harm and healthcare staff were insufficiently trained (Bachmann, 2016). Individuals from certain countries (i.e. Ghana, Nigeria, etc.) who file refugee claims are routed into the ‘fast track’ system, resulting in their detention until a final decision is made on their refugee claim (Bachmann, 2016; Cowen, et al., 2011). A fast track claim takes between 10 and 14 days to process and the individual has no right to appeal a decision (Cowen, et al., 2011).

Two publications described their sample population as ‘forced migrants’ (Shidlo & Ahola, 2013) or ‘illegal migrants’ (Silva & Ornat, 2015) but did not clarify further about these participants.

LGBTQI undocumented people are particularly vulnerable to poverty and lack of employment, but may still view their lives as better than in their countries of origin due to feeling that they were now living in relative safety and freedom (Micro Rainbow International, 2013). Brazilian trans undocumented migrants engaging in sex work in Spain experienced physical abuse (Silva & Ornat, 2015). However, the economic benefits of this work were seen to outweigh the potential dangers.

### *Key research methodologies used across sections*

Nearly all of the studies applied qualitative research methodologies, which most often included semi-structured interviews and/or focus groups with directly affected people and/or service providers as well as publicly accessible case decisions. However, the studies with migrant interviews tend to be smaller samples who were accessed through existing connections with key LGBTQI refugee serving organizations and thus may not reflect the experiences of those who are not connected to these organizations. Some US studies used a mixed-methods research approach that included interviews and/or focus groups and surveys (Gilbert et al., 2014; Irving et al., 2016; Melendez, 2012; Melendez et al., 2013; Reisen et al., 2011, 2014; Rhodes et al., 2015; Rhodes & McCoy, 2015).

Some studies also applied community-based and/or participatory research methodologies (Cerezo et al., 2014; Lee & Brotman, 2011; Lee & Miller, 2014; Miller, 2010; Nicol, Gasse-Gates, Mulé, 2014; Padilla et al., 2013; Rhodes et al., 2015). One study applied the Participatory Action Research (PAR) methodology of photovoice in their project with trans Latina migrants (Rhodes et al., 2015). Through the photovoice methodology, participants are able to individually and collectively define and reflect upon their experiences, needs and priorities through taking and sharing photos within a series of workshops that subsequently become translated into collective themes and policy and practice recommendations (Rhodes et al., 2015). In contrast, Melendez et al., (2013) engaged in intervention research in order to pilot and evaluate an HIV prevention program focused on how Latino MSM navigate issues such as sexual orientation, family acceptance, stigma and HIV prevention. One study from Ireland also included data collected from professionals and refugees which reported on a needs analysis for staff working with young LGBTQI refugee claimants (BeLonG To, 2013).

Many studies applied thematic data analysis (Avelar, 2015; Brown, 2012; Lee & Brotman, 2011; Munro et al., 2013; O'Neill & Kia, 2012). A significant number of studies also applied, in various ways, critical ethnography (Butler-Burke, 2017; Chbat, 2011; Jordan, 2009, 2010; Lee, 2015; Roy, 2013) that included interviews, and policy (Jordan, 2009; Lee, 2015) and/or media texts (Roy, 2013). The *Speak Out! LGBTQ refugee project* applied a community-based research methodology (Brotman & Lee, 2011), which brought together an advisory committee with LGBTQI refugees, service providers, community workers and advocates from Vancouver, Toronto and Montreal. Soon after, the *Envisioning Global LGBT Human Rights project*, an international initiative led by Canadian researchers, applied a *Participatory Action Research* (PAR) methodology with 70 academic and community actors from the Caribbean, India, Africa, the USA, Canada, Europe, and the Asia-Pacific (Nicol, Gasse-Gates, Mulé, 2014).

### *Key theoretical frameworks used across sections*

The various theoretical frameworks applied for these studies draw from disciplines such as sociology, public health and social work. Some studies drew from, in various ways, Bronfenbrenner's ecological systems theory in order to situate the intrapersonal (biological, psychological), interpersonal and community factors that shape the health of MSM Latino immigrant men (Gilbert & Rhodes, 2014; Morales et al., 2013). Another set of literature, mostly psychology and health-based research, have applied conceptual frameworks such as the minority stress model (Logie et al., 2016), the multicultural feminist framework (Nakamura & Kassin, 2013) and the social determinants of health (Munro et al., 2013).

A growing number of literature have applied a diverse range of critical theories from cultural, feminist, sexuality, indigenous, migration, refugee and ethnic studies (e.g. Acosta, 2008, 2010; Adam & Rengel, 2015; Bhanji, 2012; Cantu, 2009; Decena, 2008; Puar, 2007; Lee & Brotman, 2011; Luibheid, 2008a,b, 2014; Pieterse, 2015; Roy, 2013; Thing, 2010; Trevenen & Degagné, 2015). Indeed, drawing from the scholarship of Luiheid (2008), Lee & Brotman (2011) suggest their study is situated within the interdisciplinary field of *queer migration studies*. A key theoretical framework that has been favored by many Canadian and US scholars is intersectionality (Chbat, 2011; Cerezo et al., 2014; Chavez, 2010, 2013; Lee & Brotman, 2011; Munro et al., 2013; Roy, 2013; Serrano, 2013; Thing, 2010). Intersectionality theory has helped scholars to unpack the multiple categories of race, immigration status, class, ability, sexuality and gender identity that shape LGBTQI migrant lives.

However, each scholar has applied intersectionality in different ways. Lee & Brotman (2011) draws mostly from the ways in which Kimberlé Crenshaw (1991) has developed intersectionality while Roy (2013) applies Patricia Hill-Collins' framework (2000). These differing ways that intersectionality is applied shifts the analysis and results for each study. For example, in a study about gay Mexican immigrant men living in the US, Thing (2010) suggests applying a transnational intersectionality framework in order to conceptualize the hybridity and interaction between multiple social forces.

Another set of literature applied one or a combination of intersectionality theory, queer theory (Cisneros, 2015; Leon, 2016), minority-stress model (Gilbert, 2013) and Anzaldua's borderlands theory (Acosta, 2008, 2010). Borderlands theory developed by Gloria Anzaldua (1987) situates women of color and migrant realities as straddling complex and at times contradictory borders (i.e. Mexico-US), cultures (i.e. Indigenous – settler), and identities (i.e. woman, person of color, migrant, etc.). Two studies apply theorizing related to sexual citizenship in their research about Hijras in India (Atluri, 2012) and cis gay latino migrant men in Canada (Adam & Rangel, 2015).

More recently, some scholars have extended Jasbir Puar's (2007) notion of homonationalism to examine how it operates in the Quebec context (Murray, 2014a,b, 2015; White, 2014). Homonationalism can be described as the ways in which some queer and trans bodies and identities are folded into white supremacist, patriarchal and nationalist politics that justify the surveillance, criminalization and deportation of (cis and trans) communities of colour (Puar, 2007). These scholars suggest that discourses promoted by some state actors, the media,

community members and LGBTQI refugees themselves reveal a partial and/or ambivalent affirming of homonationalist discourses. Fobear (2013) goes further to apply a settler colonial analytic to the migration of LGBTQI refugees to highlight how LGBTQI refugees may, over time, be complicit with the on-going colonization of Indigenous Peoples in Canada.

In contrast, very few publications from elsewhere in the Global North explicitly state a theoretical framework, but most take the approach of looking at the intersections between race, class, gender and sexuality and how combinations of discrimination and disadvantage impact on refugees (e.g. see Berg & Millbank, 2013; Silva & Ornat, 2015).

## State of knowledge

This section aims to assess the overall state of knowledge regarding LGBTQI migrants living in Canada in relation to Canadian-specific scholarship as well as literature of LGBTQI people living in the Global South and LGBTQI migrants living elsewhere in the Global North. This section begins with exploring the ways in which Canadian-specific scholarship and advocacy about LGBTQI migrants has informed various policy and practice shifts in Canada over the past decade. The strength of knowledge produced about LGBTQI refugees, for example, has made a significant contribution to improvements in Canadian refugee policy with respect to the refugee determination system and SOGIE-based claims. There remains a significant gap between the knowledge produced about LGBTQI newcomers / immigrants and publicly funded policies, programs and practices for this population. This section concludes with some reflections on the relevance of the knowledge produced about LGBTQI realities in the Global South on Canadian policy-making and service provision, at both the international and national levels.

The subsequent section aims to assess the knowledge produced elsewhere in the Global North (i.e. US, Europe, etc.) in order to identify key policy and practice implications. This includes some reflections on the relevance of the knowledge produced about LGBTQI realities elsewhere in the Global North on Canadian policy-making and service provision. Although knowledge gaps will be integrated throughout, this section will conclude by reflecting up the identified knowledge gaps, future directions for researchers and limits of the scoping review.

### **Knowledge informing Canadian refugee policy and practice**

In this section, the evolution over the past decade of Canadian knowledge produced about LGBTQI refugees is traced in order to explore the ways in which scholarship and informed policy and practice change, in particular with the refugee determination system and the recent implementation of SOGIE-based guidelines. This is clearly a major strength of scholarship about LGBTQI migrants living in Canada.

Overall, the main drivers of Canadian research about LGBTQI refugees from 2007 – 2010 were legal scholars such as Nicole La Violette (2007, 2009) and Sean Rehaag (2008, 2009) as well as critical scholars Sharalyn Jordan (2008, 2009) and Jenicek et al., (2009). From 2011 onwards, two key research teams, the *Envisioning Global LGBT Human Rights* (Nicol, Gasse-Gates & Mulé, 2014) and the *Speak Out! LGBTQ refugee research project* (Brotman, & Lee, 2011), along with the *Dignity Initiative* (Ayward & Arps, 2017) emerged to produce knowledge in this area, as well as engage in policy advocacy.

A central characteristic of the knowledge produced from all of these scholars and research teams are the policy and institutional level critiques presented as well as a cumulative set of policy and practice recommendations (to explore further in subsequent section) that although divergent in some aspects, are also fairly consistent with each other. This has, for example, resulted in improved training for IRB adjudicators. Since 2014, there has been a significant increase in scholars from across disciplines (i.e. anthropology, sociology, feminist and sexuality studies, psychology, social work, etc.) who have published in this area. Nearly all of this scholarship has

continued to not only result in policy and practice recommendations, but has also presented provocative critiques of Canada's possible investments in broader colonial, neoliberal and homonational practices (Fobear, 2015, 2016; Murray, 2014, 2016; White, 2014).

The social change oriented nature of Canadian knowledge produced in this area, along with on-the-ground advocacy by community organizations and advocates, many of whom were associated with various key scholars and research projects, certainly informed legal and policy changes in Canada. Before the passing of refugee reform Bill C-31 in 2012, a number of Canadian researchers, community workers and LGBTQI refugees themselves engaged in policy advocacy in order to push for changes to Bill C-31 before it was passed, resulting in some changes being made to the law (Lee & Brotman, 2013). In addition, a coalition of actors have challenged other aspects of the refugee reform such as the lack of appeal for individuals from 'designated countries of origin' ('safe countries') (CCR, 2015). Researchers, practitioners and community organizations are still advocating for changes to Canadian refugee law in order to better serve not only LGBTQI refugees, but all refugees.

More recently, the IRB developed and has implemented sexual orientation and gender identity and expression (SOGIE) based guidelines (IRB, 2017). These guidelines were certainly developed due to recommendations from scholars as well as community organizations and advocates. Indeed, these guidelines explicitly note the scholarship of the late Nicole LaViolette in the development of the guidelines. Another key inclusion into the guidelines is an intersectional analysis, which has been a key theoretical lens used in this area of research. Since these guidelines have been recently implemented, researchers, practitioners and community organizations should closely evaluate the degree to which these guidelines are able to be implemented, especially considering other structural factors that may diminish its effectiveness (i.e. access to lawyer through legal aide, access to LGBTQI competent lawyers, not enough time to prepare for hearing, etc.).

With respect to other knowledge gaps, there is still a lack of knowledge produced about the realities of LGBTQI migrants with precarious status, that may include refugee claimant status, but also visitors, temporary workers, international students, undocumented status and detention practices. The SOGIE-based guidelines developed by Canada is an example of innovative, research-based and democratic policy-making. However, to what degree is this policy useful when most LGBTQI people, particularly those from the Global South, who could really benefit from these guidelines can not access Canada's in-land refugee claim process due to Canada's *Temporary Resident Visa* (TRV) restrictions as well as its Safe Third Country Agreement with the US? There could also be additional knowledge produced about the experiences of LGBTQI undocumented people and those living in detention. Canadian scholars and policy makers can be further informed by US and European-based literature about undocumented status and detention.

### **Knowledge informing LGBTQI newcomer settlement policies and practices**

Most of the non-legal literature addressed various newcomer settlement issues such as access to health, social services and immigration and/or refugee specific services, educational, housing and employment barriers, and family / community belonging. Overall, this literature suggests that

services are inadequate in their capacity to ensure equitable access to LGBTQI migrants. In contrast with shifts in Canadian refugee law, it is more difficult to ascertain the degree to which this research has informed policy and practice changes. This is partly due to the fact that most of these services are delivered through a wide variety of funding programs at the federal, provincial and/or municipal level. With the increase in the number of scholars and research projects focused on this area, there will most likely continue to be an increase in policy and practice shifts at all levels, in particular in the cities and regions surrounding Vancouver, Toronto and Montreal.

Some policy recommendations have included developing strategies to reduce heterosexist and cissexist service delivery that targets all migrants as well as developing specialized services and programs for LGBTQI migrants (Lee & Brotman, 2011; Logie et al., 2016; Munro et al., 2013). There is also a need for increased collaboration between settlement, health, youth and LGBTQI specific services (O'Neill & Kia, 2012). Arts and media-based programs for LGBTQI migrants has also been suggested (Fobear, 2016; Lee & Miller, 2014; Lee & Brotman, 2013; Miller, 2010), as well as increased access to sexual health education (Avelar, 2015; Serrano, 2013). There continues to be a gap between the knowledge produced and public funding to increase programs, services and training in this area.

In addition, there are gaps in the distribution of public funding and resources within and across geographic regions in Canada as well as inconsistencies between Canadian and provincial policies and practices. Interestingly, Quebec has recently announced a new 5 year action plan to combat homophobia and transphobia. However, there is very little in this plan focused on LGBTQI migrants. A possible strategy to address this gap would be an inter-departmental initiative between the Justice minister (who is directing the action plan) and the Minister of Immigration, Diversity and Inclusion. On a national scale, most of the publicly funded LGBTQI migrant-specific services and programming are located in the Greater Toronto Area (GTA), with smaller funded projects in Vancouver and Montreal. Essentially, there is a need for additional resources for areas that are outside of the GTA. There was, however, a recent conference held in September 2017 in Calgary for the Prairie and North West Territories hosted by the Centre for Newcomers and sponsored by *Immigration, Refugee & Citizenship Canada* that focused on improving programs and services for LGBTQI newcomers. Continued collaborations between researchers, practitioners, NGOs and policy-makers could assist in ensuring funding is allocated to adequately fill these gaps. There should also be closer collaboration between national and provincial policy-makers to address inconsistent policies. For example, trans migrants in Canada are able to change their gender marker and name on legal documents at the federal level as permanent residents and in every province except for Quebec, where only citizens can make these changes. This policy discrepancy exposes trans migrants living in Quebec to further marginalization and violence. Federal and provincial dialogue on this matter may help ensure equitable legal recognition for trans migrants living anywhere in Canada.

With respect to practice implications, it has been suggested that social service providers should engage in anti-oppressive practice (Lee & Brotman, 2013) that attends to the intersectional realities of LGBTQI migrants (Lee & Brotman, 2013; Munro et al., 2013; O'Neill & Kia, 2012; Yee et al., 2014). Yee et al., (2014) also suggests that service providers should also consider the ways in which hybridity and neo-colonialism impact how LGBTQI migrants interact with service providers. As Jordan (2009) suggests, every possible point of contact with LGBTQI

migrants needs to be attuned to their realities, survival tactics and social conditions. However, Serrano (2013) suggests that the early stages of arrival is the most important time to ensure equitable access to health and social services for LGBTQI newcomers, as this is the time that they are most vulnerable. Alessi et al., (2015) have also suggested adapting mental health services in order to apply a trauma-informed approach and recognize the role of childhood trauma in how LGBTQI migrants navigate their realities post-migration. An essential pathway to achieve these objectives also include increased training for various service providers across sectors in order to promote increased awareness of the multiple barriers faced by LGBTQI migrants (Lee & Brotman, 2013). This training includes anti-racism / anti-homophobia / anti-transphobia training for all staff members within organizations and institutions.

### *Relevance of knowledge about LGBTQI realities in Global South on Canadian policy making*

Generally speaking, there is a discrepancy between how LGBTQI realities in the Global South are articulated within Canadian-specific literature and the complex conditions that are presented in most of the Global South scholarship. A significant amount of the Canadian literature tends to focus on pre-migration experiences of homophobia and/or transphobia as driving LGBTQI migration to Canada while the Global South literature identifies a complex set of historical, political, social, economic and transnational conditions that shape LGBTQI migrations and in particular, forced migrations. One possible reason for this is that much of the Canadian literature has been from a legal perspective and has focused on LGBTQI refugee claimant realities and in particular those who file SOGIE-based refugee claims. SOGIE-based refugee claims inevitably emphasize persecution focused on one's sexual orientation and/or gender identity / expressions. Another possible reason may be due to the challenges that poor / working class LGBTQI people living in the Global South have in accessing visas (or crossing the US border) to enter Canada and potentially file refugee claims. Regardless of the reasons, it is important for Canadian policy makers, especially those involved in developing Canada's international role in LGBTQI human rights, to take into consideration the complexities presented in the literature about LGBTQI realities in the Global South. In addition, it is important to recognize that even in countries that have human rights protections for LGBTQI people, there continues to be a gap between improved legislation and the actual level of safety experienced by LGBTQI people. A crucial pathway to narrowing this gap is to allocate public funding and resources (i.e. programs / services, specialized services, awareness-raising campaigns, etc.) to this area.

Consulting with projects and initiatives such as *Envisioning Global LGBT Human Rights* (Nicol, Gasse-Gates, Mulé, 2014), *Dignity Initiative* (Aylward & Arps, 2017) and *EGALE Canada* can assist Canadian policy makers to translate the knowledge produced into the international sphere. A recent report published by the *Centre for Transnational Development and Collaboration* (CTDC) titled *Conceptualising Sexualities in the MENA Region: Undoing LGBTQI Categories*, suggests reconsidering strategies that require increased visibility of LGBTQI rights and support local initiatives that are coalition-based and address multiple issues concerning women, sex workers and people who practice non-normative sexualities and genders. If visibility occurs, preventative measures should be taken to ensure the safety of individuals who would experience public backlash. These recommendations are especially relevant for Canadian policy-makers as Canada has recently designated a Special Advisor to the Prime Minister on LGBT2 issues and it begins its role as co-chair, with Chile, of the international *Equal Rights Coalition*.



## **Relevance of knowledge in Global North on Canadian policy making**

A rigorous comparison of various countries' refugee claim processes is outside the scope of this review. However, there are general similarities and contrasts between Canadian refugee policy and practice recommendations and those elsewhere in the Global North. One fairly consistent recommendation was to implement required training on SOGIE-based claims for refugee authorities and decision-makers as well as improved access to legal representation (BeLong To, 2013; Bennett & Thomas, 2013; Cowen et al., 2011; Micro Rainbow International, 2013; Raj, 2013; UKLGIG, 2013). Some recommendations unique to the UK included (1) providing a discreet interview space for refugee claimants to feel more comfortable to share intimate stories they made not have spoken of before (Bennett & Thomas, 2013; Raj, 2013), (2) ensuring interviewees and decision makers are fully trained senior administrators (Millbank, 2009), (3) making refugee decisions publicly available (Raj, 2013; UKLGIG, 2013) and (4) granting status to LGBTQI refugee claimants from countries where same-gender sexuality and gender transgressions are criminalized (Jansen & Spijkerboer, 2011).

Moreover, Canada's recent implementation of SOGIE-based guidelines for IRB decision-makers could be adapted for other refugee determination systems across the Global North. Indeed, any group of scholars, policy-makers, service providers, community advocates and directly affected people may use these guidelines to push for improvements to their respective system. However, individuals elsewhere in the Global North should also be aware of how to combined efforts within the realms of research, education, consultation and advocacy have informed various changes to Canadian refugee policy, either to push back against regressive laws (i.e. Bill C-31) or to participate in policy making (i.e. SOGIE-based guidelines).

Within the realm of detention, researchers across countries, including Canada, noted the negative impact of detention and fast tracking processing on LGBTQI refugee claimants (Bachmann, 2016; Butler Burke, 2017; Cisneros, 2015; Lee & Brotman, 2011; Raj, 2013; Seif, 2014; UKLGIG, 2013). These scholars argue that detention either is not necessary or should only be used as a last resort, not only for LGBTQI people, but all refugee claimants. In the US, some scholars also advocate for changes to US law in relation to detention and undocumented status by arguing for the regularization of undocumented people (Cisneros, 2015; Terriquez, 2015; Seif, 2014). Scholars have also called for improved access for LGBTQI refugees to adequate employment, housing, income support, etc. (Cowen, et al., 2011). Possible measures to address employment and housing barriers include changing legislation to better attend to the particular needs of LGBTQI refugees (Grungras, et al., 2009; Micro Rainbow International, 2013).

Similar to the Canadian literature, scholars also call for improved collaboration and integration of services (i.e. immigrant, LGBTQI, general health care, NGOs, etc.) in order to foster holistic and integrative services (Bennett & Thomas, 2013; Cowen, et al., 2011; Raj, 2013). Chavez (2011) suggest the creation of an LGBTQI migrant taskforce led by directly affected people in order to ensure that LGBTQI migrants, their families and allies themselves can communicate their needs and priorities to service providers and policy-makers. This taskforce could also highlight programs and services that have insight into how to best deliver services to LGBTQI migrants and facilitate training. Scholars who have published related to accompanying and supporting LGBTQI immigrants and refugees have either advocated for anti-oppressive practice (Heller,

2009) or resources to develop more support and therapy groups with LGBTQI migrants (Higgins & Butler, 2012; Reading & Rubni, 2011; Tiven & Neilson, 2009).

Based on US studies that focus on the Latino/a population, it is clear that this community is disproportionately affected by HIV. Many of the studies identify clear policy and practice recommendations in order to improve services, programming and life conditions for LGBTQI Latino/a migrants living in the US. Some of these studies identify the need for improved programs and services for this population that address cultural and structural factors (Melendez et al., 2013), are culturally competent and/or appropriate such as ensuring access to Spanish speaking people (Chavez, 2011), applying HIV and substance abuse prevention strategies (Gilbert, 2013; Irving et al., 2016; Rhodes et al., 2010) and foster informal social networks (Rhodes et al., 2010). Increase training for service providers (health care, lawyers, etc.) and community workers related to mental health, cultural issues, LGBTQI issues (Chavez, 2011). Knowledge strengths include participatory and intervention research methodologies that US scholars have applied in their research, notably in public health, about LGBTQI migrants.

### **Knowledge gaps and moving forward**

This section has presented the knowledge strengths and gaps related to LGBTQI migrant realities, based on the outcomes of our completed scoping review. Based on our assessment of this knowledge, there are clear implications for policy makers, practitioners, NGOs, researchers, etc (see pages 10 – 11 of this report). The outcome of this scoping review also offers multiple pathways for researchers to not only advance knowledge in this area but also apply innovative community-based, participatory and intervention research methodologies so as to also contribute to on-the-ground community mobilizing. The knowledge gaps also point to the possible benefits of developing cross-regional and/or international research projects so that researchers and other actors involved in the research process may learn from each other and develop strategies across borders to improve the living conditions for LGBTQI migrants. A limitation of this scoping review was the exclusion of the experiences of LGBTQI migrants whose country of origin was from Eastern Europe. Given the context of LGBTQI rights in Russia, for example, this is an important area of research and policy development.

A final challenge is the issue of migrant / ethnic / racial categorization in research. Since there is overlap between the experiences of a first generation racialized migrant and 2<sup>nd</sup> (or 3<sup>rd</sup> or more) generation racialized person, it becomes difficult to develop research projects that is based on migrant status versus ethnic / racial identity. Although a number of articles focused on the Latino/a population was included in this scoping review, very few studies focused on African-American / Black and Asian populations were included, even though some of these studies did include LGBTQI migrants. This is due to the proportion of population samples with migrants in these studies. There is no easy answer to this dilemma, but it is a challenge that researchers will need to continue to grapple with in the future.

## Additional resources

### Canada

Envisioning Global LGBT Human Rights Project

<http://envisioninglgbt.blogspot.ca>

Chairperson's guideline 9: Proceedings before the IRB involving SOGIE

<http://www.irb-cisr.gc.ca/Eng/BoaCom/references/pol/GuiDir/Pages/GuideDir09.aspx>

Dignity Initiative

<http://www.dignityinitiative.ca/research-projects-2/policy-report/>

### International

Global Action for Trans Equality

<https://transactivists.org>

Centre for Transnational Development and Collaboration (CTDC)

<http://ctdc.org/publication/conceptualising-sexualities-mena-region-undoing-lgbtqi-categories/>

Micro Rainbow International

[https://www.micro-rainbow.org/wp-content/uploads/MR\\_REPORT\\_UK\\_digital-final-for-the-web-Reduced.pdf](https://www.micro-rainbow.org/wp-content/uploads/MR_REPORT_UK_digital-final-for-the-web-Reduced.pdf)

OutRight Action International

<https://www.outrightinternational.org>

ORAM (Organization for Refuge, Asylum and Migration)

<http://oramrefugee.org/orampublications/>

ORAM

Rainbow Bridges: A Community Guide to Rebuilding the Lives of LGBTI Refugees and Asylees

<http://www.oraminternational.org/images/stories/PDFs/oram-rainbow-bridges-2012-web.pdf>

Organisation Intersex International

<https://oiiinternational.com>

Transgender Europe

<http://transrespect.org/en/>

## Conclusion

The central aim of this project was to critically assess the state of knowledge about LGBTQI migrants living in Canada and to scope the international qualitative literature in order to assess the range and quality of knowledge about LGBTQI migrants. The research team used the scoping review methodology (Arkey & O'Malley, 2005) to rapidly assess a broad range of literature while at the same time identify key knowledge strengths and gaps. **A total of 241 publications** included in this scoping review, with 56 from Canada, 74 from the US, 50 from elsewhere in the Global North and 61 from the Global South.

Through the scoping review approach, the research team (1) examined the extent, range and nature of the qualitative literature about this topic, (2) mapped out key themes and tensions that emerge across research findings, (3) compared policy and practice implications for LGBTQI migrants living in Canada versus elsewhere in the Global North (4) identified knowledge strengths and gaps and key areas for future research and (5) assesses the links between two often distinct bodies of literature: (A) LGBTQI people living in Global South and (B) LGBTQI migrants living in Canada and the Global North, especially those who are forced migrants.

This scoping review essentially included 4 bodies of literature: (1) LGBTQI people living in the Global South, (2) LGBTQI migrants living in Canada (3) LGBTQI people living in US (4) LGBTQI people living elsewhere in the Global North. Although conducting a scoping review with this type of range was ambitious, it has provided fruitful synthesis of data from across regions and geographies that are not usually analysed all together. Bringing together the Global South and Canadian literature provided key insights related to Canada's possible future role and contribution to the global LGBTQI human rights movement. The research team hopes that this report may assist policy makers involved in developing Canada's international role in LGBTQI human rights to consider the complexities of LGBTQI realities in the Global South.

With respect to knowledge strengths and gaps, a clear strength was the degree to which Canadian researcher engaged in community-based and participatory research methodologies. The use of intersectionality theory and other critical social theories by Canadian scholars was also identified as a knowledge strength. Recently, the IRB implemented SOGIE-based guidelines for decision makers. Although the implementation of these guidelines serves as an excellent example of how policy can be informed by research and a democratic consultative process with various stakeholders including community organizations, coalitions and directly affected people, there is still many knowledge and policy gaps especially with respect to LGBTQI immigrants and migrants with precarious status.

This knowledge synthesis project will serve multiple purposes for the research team. It has helped the principal investigator to critical reflect upon their short and long term research plan with respect to research about LGBTQI migrants. It has assisted the co-researchers to become more familiar with the literature about this topic and to further their research agendas. Finally, this project has assisted both undergraduate and graduate students to develop core research skills related to conducting a scoping review and also different types of data analysis and report writing. The research team looks forward to the next steps!

## References

### TOTAL PUBLICATIONS INCLUDED IN SCOPING REVIEW: 241

Canada – 56, US - 74, Global North – 50, Global South - 61

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