

# The Experiences of Sexual Minority Refugees in Canada

WGS 430: Diasporic Sexualities

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## Introduction

In the last few decades there has been growing international discourse on the migration and movements of sexual minority refugees that flee persecution from their home countries, usually from the Global South and seek asylum and protection from countries in the Global North (244).<sup>1</sup> Sexual minority refugees seeking asylum and protection is based on the premise that they are being persecuted in their home countries due to their sexual orientation or gender identity. Surprisingly, in 1991 Canada became the first country to accept refugee asylum seekers based on their sexual orientation and gender identity (242).<sup>2</sup> Since then, the Canadian Refugee Regime, has processed thousands of refugee asylum claims based on gender identity and sexual orientation, and currently has been the primary place for sexual minority refugees and holds the highest acceptance rates for these types of claims (21).<sup>3</sup> While this may seem like reasons to celebrate Canada's merits of diversity and acceptance, some scholars argue that examining these processes, tell us more about exclusionary and discursive politics than it does about Canada's humanitarianism (245).<sup>4</sup>

This paper argues that sexual minority refugees seeking asylum in Canada experience and negotiate migration, the refugee determination process, and resettlement in multifaceted and intersectional ways. Canada uses homonationalism in complex and contradictory ways to regulate immigration and sexuality, within and outside its border controls, and discursively reproduces national heteronormativity. This works to not only organize and disorganize the lives and psyches of sexual minority refugees, but also sustains the violence against indigenous people within Canada's settle state. The experiences of sexual minority refugees in Canada reveal a

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<sup>1</sup> Lee and Brothman, 2011.

<sup>2</sup> Lee and Brothman, 2011.

<sup>3</sup> Murray, 2014.

<sup>4</sup> Lee and Brothman, 2011.

historical and present fractured continuities of discursive practices that sustain neo-imperial and neo-colonial processes, both within Canada and the international global context. These practices have shown to have real material consequences, such as simplifying a complex migration process, silencing diverse narratives of sexual minority refugees, and concealing various gender, race, class and sexual inequalities, violence's and exploitations of certain groups and individuals in Canada's settler-colonial state.

### Literature of Sexual Minority Refugees in Canada

In recent studies, researchers suggest that the number of sexual minority refugees seeking asylum in Canada, has increased dramatically over the last several years (23).<sup>5</sup> Scholars and experts suggest that the increasing rate of refugee claimants on the basis of sexual orientation and gender identity, is largely due to Canada's increasing reputation as a 'safe haven', within the current international refugee discourse (23). These trends lead many researchers interested in understanding how sexuality is constructed in multiple intersecting relations of nation-state and geopolitical powers, but also include race, gender, class, and ethnicity (23). These studies also aimed at understanding the ways in which sexuality undergirds the boundaries, formations, and organizations of nation-state identities, citizenships and nationalism, but also how sexuality intersects with migration and transnational processes of capitalism, neoliberalism, and neoimperialism (23).

Since then, a large body of queer migration studies have emerged exposing the overlapping powers and practices of nation-state regimes and how they construct and transform categories of gender and sexual identities (23). With this growing body of queer migration studies, a number of scholars have theorized that sexuality undergirds the ways in which nation-

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<sup>5</sup> Murray, 2014

states organize and constitute national identities, transnational and neo-liberal hierarchies, but also sustains and produces various forms of inequalities, exclusions, and marginalization's, within and outside the nation's borders (23). Despite, the fact that most of the available studies on queer refugees and migration processes focuses on the U.S context, increasing empirical attention has now been given to examining the role of sexuality in Canada's refugee process (24).<sup>6</sup>

Much has been uncovered since, about the experiences of sexual minority refugees seeking asylum in Canada, which help us through the diverse understandings of historical and sociocultural state practices and intersecting relationships between sexual desires and practices, and gendered, raced, and classed national identity formations (22).<sup>7</sup> According to Lee and Brothman (2011) sexual minority refugees seeking asylum in Canada experience multiple dimensions of intersectionality through the processes of migration, the refugee determination process, and resettlement (242).<sup>8</sup> Lee and Brotman (2011) found that the experiences of sexual minority refugees are shaped by not only Canada's refugee policies, but also through the tensions of providing protection to individual who are persecuted in other nations, on the one hand, and securing Canada's borders on the other (242).

Canada's refugee policies currently driven by trying to appear humanitarian, and a safe haven for sexual minority refugees (242). Yet, upon arriving, sexual minority refugees are socially, politically, and legally constructed in particular ways that has serious ramifications for them, but also the greater global queer populations trying to flee prosecution (245).<sup>9</sup> Lee and Brothman suggest that these relations of power reflect the continuous reproduction of national

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<sup>6</sup> Murray, 2014.

<sup>7</sup> Murray, 2014.

<sup>8</sup> Lee and Brothman, 2011.

<sup>9</sup> Lee and Brothman, 2011.

heteronormativity, border securitizations, and also connected to wider neo-imperial, and neo-colonial process (245). Lee and Brothman (2011) also suggest that homonationalism discourse, and the queer human rights discourse also play into Canada's refugee system, which reveal the complex and contradictory ways that Canada regulates immigration and sexuality (245). They suggest that these processes reveals a discursive centralized practice, which allows Canada to continuously reconstruct its nation-state, and its citizens.

Lee and Brothman suggest that this has produced serious tensions for sexual minority refugees, particularly, the ways in which they conceptualize their identity, belonging and refugeeness (250).<sup>10</sup> They argue that as sexual minority refugees navigate through Canada's refugee system their conceptualization of their identities, belongingness and refugeeness are discursively reconstructed (250). Moreover, Lee and Brothman (2011) argue that this leads sexual minority refugees to experience multiple retraumatization of the violences and persecutions they experience (250). Other scholars also suggest that sexual minority refugees experiences are deeply embedded in the border controlling mechanisms of Canada's settler nation-state (22).

<sup>11</sup>Murray (2014) argues that a particular narrative of sexual minority refugee experiences, and identities emerge as heteronormative, which produce the template of the "real" and "authentic" sexual minority refugee. At the other end of the spectrum, a template of "fake" and "fraudulent" sexual minority refugees is also produced, which delimit certain categories of sexual and gender identities, based on diverse underpinnings of race, gender, class, and ethnicity intersecting relations (22). These templates of "real/authentic" versus "fake/fraudulent" sexual minority refugees are employed in the refugee determination process, which creates what, David Murray (2014) calls a "double challenge" for refugees seeking asylum in Canada (22).

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<sup>10</sup> Lee and Brothman, 2011.

<sup>11</sup> Murray, 2014.

The double challenge that Murray (2014) suggests, is due to the fact that Canada's refugee determination process makes their decisions based on the credibility of the claimant's sexual orientation and gender identity on one hand, and the strength of their documents and evidence that prove the persecution they were experiencing upon fleeing their home countries, on the other (23).<sup>12</sup> Meaning that not only would refugees have to prove that their claimed sexual and gender identity is credible and real, but also prove, with documents that they were persecuted on the premise of their sexual orientation or gender identity category (23). Murray (2014) argues that the underpinnings of this double challenge that sexual minority refugees face within Canada's refugee process, is a result of how decision makers in these cases rely heavily on highly malleable categories and terms of gender and sexual identities, which are based on national heteronormative ideals. Studies on Canada's refugee determination process suggest that heteronormativity elucidates the bases in which the 'credibility' of sexual minority refugees are assessed (248).<sup>13</sup>

### Canada's Refugee Determination Process

Researchers suggest that decision makers rely on cultural folk knowledge rooted in heterosexist worldviews when assessing the credibility of sexual minority refugees (249).<sup>14</sup> This has resulted in inconsistencies and arbitrary decisions on the claims of sexual minority refugees (249). These inconsistencies result from how much, western conceptions of heterosexuality play into this decision process, which rely on immutable sexual and gender identity formations (249). According to Lee and Brotman (2011), heteronormativity favors a particular representation of queer identities, which negatively affects sexual minority refugees that are not represented in this

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<sup>12</sup> Murray, 2014.

<sup>13</sup> Lee and Brothman, 2011.

<sup>14</sup> Lee and Brothman, 2011.

category (249). For instance, their study found that bisexual refugee complaints, experience the least success in gaining status on these terms. This was because “ decision makers either did not believe in the claimant’s bisexuality, held negative views about bisexuality, or believed that a claimant’s bisexuality could remain invisible” (249). In another example, studies also found that gay and lesbian refugees whose appearances conform to heteronormative conceptions of masculinity and femininity, face difficulties in claims believed by decision-makers.

Murray (2014) also found that the second daunting challenge that refugees experience within the determination process, is the ways in which sexual minority refugees proof the prosecution or violence that lead them to flee their home countries (22).<sup>15</sup> Lee and Brothan (2011) suggest that sexual minority refugees oftentimes are forced to express racist and colonialist descriptions of their home countries in order to heighten their credibility to gains status of protection and citizenship (257).<sup>16</sup> Lee and Brothan (2011) called this practice a type of imperialist “shortcut” that construct Canada as a safe heaven, while constructing the other nations in which sexual minority refugees have fled as “homophobic” (257). This reinforces Canada’s image of a homonationalist country, which scholars suggest, is apart of the many ways that Canada controls its borders (28).<sup>17</sup>

According to Jenicek, Wong, and Lee (2009) sexual minority refugees are constructed through imperialist, racist, gendered, and heteronormative ways through the refugee determination process (636).<sup>18</sup> Thus, sexual minority refugees become what these scholars call a “mediating agent” to maintain Canada's image of progressive and civilized, while constructing other countries as backward and oppressive (636). Jenicek, Wong, and Lee (2009) outline the

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<sup>15</sup> Murray, 2014.

<sup>16</sup> Lee and Brothman, 2011.

<sup>17</sup> Murray, 2014.

<sup>18</sup> Jenicek, Wong, and Lee, 2009.

ways in which sexual minority refugee are constructed through essentialized ideas about race, gender, sexuality, religion, culture, for them to lay claim to, in order to be accepted for status and citizenship in Canada. Jenicek, Wong, and Lee (2009) called these practices dangerous shortcuts, which relates to what Lee and Brotman(2011) called an imperialist shortcut that maintains Canada's homonationalism agenda.

Canada constructing itself as "homonational" in relation to constructing other nations as "homophobic" is a discursive way in which it shapes its borders and conceals its present violences against certain racial, gender, classed groups, and also conceals its long history of violence against indigenous people. According to Fobear (2014) the heteronormative and cultural bias practices in Canada's refugee system, operates in ways that sustain the marginalization, victimization and penalization of particular racial, gendered, and classed individuals including sexual minority refugees. Moreover, Fobear (2014) suggests that these constructions work to silence the complex narratives of sexual minority refugees, but also it erases the many forms of hetersexist, and trans/homophic violences in Candada (337-339).<sup>19</sup> Fobear (2014) also expands on the daunting challenges that sexual minority refugee's experience, that these other scholars have also suggested. Which she argues, that in the process of proofing their presucation claims, sexual minority refugees are made to inferiorize and pathologies their ethnic, religious, or cultural communities so that they may fit into Canada's homonationalism fantasies of being a safe haven for oppressed minorities in homophobic countries. Fobear (2014) suggests that these processes works to not only silence the complexities of sexual minority refugees experiences, but also works to ignore how Canada contributes to the political, economic, and social violence against these marginalized communities overseas (337-339).<sup>20</sup>

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<sup>19</sup> Fobear,2014.

<sup>20</sup> Fobear, 2014.



## Conclusion:

This paper examined the experiences of sexual minority refugees in Canada, and how homonationalist and national heteronormative practices play into this process. According to Murray (2014) sexual minority refugees experience a daunting double challenge within the Canada's refugee determination process, where on the one hand they must prove that their sexual orientation or gender identity is "credible" and on the other hand, prove how they have been persecuted based on the social category they have identified themselves to be apart of. Murray (2014) argued that because Canada's refugee system relies heavily on highly malleable categories of sexual terms and identities that are constituted by hegemonic or normative identities, this system privileges the gendered, raced, and classed identity already defined by this system as real and authentic, and places sexual minority refugees in vulnerable positions. Murray (2014) suggests that this process shows the ways in which homonationalism operates in Canada, where by those sexual minority refugees considered "real/authentic" validate Canada's tolerance and acceptance of people, but also constructs its image as a safe haven for persecuted minorities.

These scholars relate to Puar (2013) famous conceptualization of homonationalism discourse and how this affects sexual minority refugees. Firstly, Puar (2013) suggests that homonationalism is a fundamental deep critique of queer human rights discourse and produces a binary narrative about progressive and modernity, that works to provide some groups access to citizenship, but excludes many other gendered, raced, and classed populations (338)<sup>21</sup> Moreover, Puar (2013) suggests that Canada entering into a homonationalism in queer human rights discourse, shows the many contradictory and complex ways, that sustain exclusionary politics, and how discursive and geopolitical maneuvers operates (339).<sup>22</sup> Puar (2013) suggests that this is

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<sup>21</sup> Puar, 2013.

<sup>22</sup> Puar, 2013.

no surprise since, studies on settler colonialism have shown that these countries have a long history of articulating its imperial and colonial violence through the protection of vulnerable populations, such as women and children, which now also includes sexual minority refugees (340).<sup>23</sup> As such sexual minority refugees seeking asylum in Canada are represent the many contradictory ways that Canada sustains its national heternormitivy ideals, which are reinforced through operatives of homonationalism. The consequences of Canada's exclusionary politics not only silences the diverse narratives of sexual minorities refugees, but also conceals Canada's present and historical violence's against it's indigenous people and other racialized and gendered, and classed minority groups.

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<sup>23</sup> Puar, 2013.

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