



Queer Refugee Hearings Program Toolkit

Introduction

Thank you for using the Queer Refugee Hearings Program Toolkit. Claiming refugee protection can be a very stressful experience, and will require you to think about difficult and traumatic experiences in your life. Explaining the past experiences that have led you to seek protection in Canada is a necessary part of making a successful refugee claim. The purpose of the QRHP Toolkit is to help you with this potentially difficult task by learning about:

- (1) the refugee claim process in Canada based on sexual orientation, gender identity and expression, and/or sex characteristics (SOGIESC);
- (2) writing a complete and correct narrative about your life experiences;
- (3) evidence to collect that may best support your case; and
- (4) common misunderstandings about claiming refugee protection based on SOGIESC in Canada.

The QRHP Toolkit includes a questionnaire that aims to help you reflect on your life experiences related to your SOGIESC. This includes your understanding of your SOGIESC and how this may have changed over time, your relationship history, and why you left your country, among other subjects.

The QRHP Toolkit only covers refugee claims based on sexual orientation, gender identity and expression, and/or sex characteristics in Canada. It does not cover refugee claims based on other grounds or other legal applications, although **Section 3: The Questionnaire** may be helpful if you are doing a pre-removal risk assessment.

In addition, the QRHP Toolkit may not cover other potentially relevant issues to your case. Please see **Section 6: Resources** for more information on the full criteria for refugee protection.

What does “SOGIESC” mean?

You will see the term “SOGIESC” [pronounced “SO-GEE-ESK”] a lot in this toolkit! SOGIESC stands for sexual orientation, gender identity and expression, and/or sex characteristics. SOGIESC individuals include those:

- (1) whose sexual orientation may not be heterosexual;
- (2) whose gender identity may not be the same as their sex assigned at birth; and/or
- (3) whose physical sex characteristics, such as the appearance and shape of one’s genitals (having testicles and/or ovaries), hormones, and/or chromosomes are different than what society expects for males and females.

In Canada, you will often hear people use the phrase “LGBTQI+” or lesbian, gay, bisexual, transgender, queer, intersex, and others to describe SOGIESC people. However, the term “LGBTQI+” does not adequately represent all of the identities and experiences of SOGIESC individuals.

How to Use the QRHP Toolkit

The QRHP Toolkit is divided into six sections. **Sections 1 and 2** explain the refugee claim process and “credibility,” meaning whether decision-makers believe your story.

Section 3 is a questionnaire, where you navigate through a list of questions that may be useful in preparing your refugee claim. If you do not have a computer or phone to type your answers, you can write your answers on paper. If you do not have a lawyer, you can use your answers to the questionnaire to write your narrative. See “**Writing My Basis of Claim Narrative**” to learn how to use the questionnaire.

Section 4 provides guidelines on collecting evidence that may be useful to include in your refugee claim. You may use the “**My Evidence List**” to write down evidence to consider obtaining.

Section 5 is a list of frequently asked questions on claiming refugee protection based on sexual orientation, gender identity and expression, and/or sex characteristics. You will learn more

about common misunderstandings about the claim process and how to qualify as a refugee in Canada.

Section 6 has the contact information of various organizations that may be able to provide you with settlement support, counselling, mental health crisis support, and/or legal assistance.

Disclaimer

The Queer Refugee Hearings Program (QRHP) Toolkit is free to use. If you do not qualify for Legal Aid and want to hire a lawyer, you may be asked to pay your lawyer to prepare your refugee claim and represent you at your hearing, but you do not have to pay to use the QRHP Toolkit.

The QRHP Toolkit does not constitute legal advice. It provides legal information on the refugee claim process for individuals with different sexual orientations, gender identities and expressions, and/or sex characteristics in Canada. It is always important to hire a good lawyer to advise you on the strong and weak parts of your refugee claim, to review your questionnaire answers, to prepare and review your evidence and Basis of Claim, and to prepare you to answer questions at your eventual hearing, among other responsibilities. If you do not have a lawyer, go to the “Section 6: Resources” for information on finding one.

This toolkit includes resources from other organizations and agencies, including the Immigration and Refugee Board of Canada. However, the views expressed in the QRHP Toolkit do not necessarily reflect those of other agencies and organizations. While financially supported by The Law Foundation of Ontario and Women and Gender Equality Canada, Capital Rainbow Refuge is solely responsible for all content.

The latest version of the QRHP Toolkit was released on April 1, 2021. Information in the toolkit may have changed since then.

Section 1: Refugee Claim Process

To claim refugee protection, you must fill in the required forms from Immigration, Refugees, and Citizenship Canada (IRCC) and the Basis of Claim (BOC) from the Immigration and Refugee Board of Canada (IRB), all available on IRCC's website. See **Section 6: Resources** for the link. You can complete and submit these forms:

- (1) At an airport or land border, if you have not yet arrived in Canada; or
- (2) At certain IRCC offices if you are already in Canada.

The QRHP Toolkit focuses on the BOC. You can find link to the BOC in **Section 6: Resources**. In the BOC, you describe what happened to you in your home country, why you left, and what you fear in case of return, among other information. It is also suggested that you provide additional information related to your sexual orientation, gender identity and expression, and/or sex characteristics in your BOC. **Section 3: The Questionnaire** can be used to determine additional information to include.

Tip

If you made your refugee claim at a land border or airport, then you only have 15 days to submit your Basis of Claim. If the deadline is on a holiday, Saturday, or Sunday, then the deadline is moved to the next day the Immigration and Refugee Board is open. See "Guides on Refugee Claim Process and Criteria" in Section 6: Resources for more information.

After submitting your forms, an immigration officer will determine if you are **eligible** to make a refugee claim. Some reasons you may not be eligible to make a refugee claim are:

- (1) You have previously made a refugee claim in the United States, Canada, New Zealand, United Kingdom, or Australia;
- (2) You have done something that is considered a serious crime in Canada; or
- (3) You have been recognized as a refugee in another country, among other reasons.

If an immigration officer determines you are eligible to make a refugee claim, then your claim will be sent to the **Immigration and Refugee Board (IRB)**. This is a tribunal in Canada that handles various immigration and refugee files. One of its sections, the **Refugee Protection Division (RPD)**, will handle your claim. In most cases, you will have a hearing with the RPD.

Who will be at the Hearing?

Besides you, there will be:

- (1) Any individuals who are claiming refugee protection with you in Canada. This may include your spouse, partner, and/or children.
- (2) The **board member** – This is the person who decides if you qualify as a refugee.
- (3) Your **lawyer**, if you have hired one.
- (4) The **interpreter**, if you have requested one because you do not feel comfortable answering questions in English or French. The interpreter may be present at your hearing in person or over the phone.
- (5) **Minister's counsel**, who represents either Immigration, Refugees, and Citizenship Canada (IRCC) or Canada Border Services Agency (CBSA), two Federal government departments. The Minister's counsel will only be present at your hearing if they have provided you and the Refugee Protection Division with notice at least 10 days before your hearing date. The Minister's counsel may come to your hearing because they have questions about your credibility, identity, and/or alleged past acts that may exclude you from refugee protection.
- (6) Your **witnesses**, if any – These are people who you have asked to come to your hearing or be available on the phone to answer questions in support of your claim. They may be supportive friends, family members, or current or former partners, among other people.
- (7) Your **observers**, if any – These are people who you have asked to come with you to observe your hearing. You may ask observers to be present so you feel more comfortable during the hearing.

Refugee Protection Division hearings are confidential. This means that only you and those mentioned above will know about your refugee claim. The RPD will not share personal information in your claim with your family, friends, former and current partners, or people in your community, especially if it may put your life in danger. In some situations, the board member may request for a certain person to answer questions, such as a current partner. If you do not want this person to answer questions, it is important to tell the board member why.

What Happens at the Hearing?

The board member will introduce themselves and explain how the hearing will proceed. You will be asked to confirm that your Basis of Claim is complete, correct, and true, and that you swear to only tell the truth during the hearing. The board member will also confirm the evidence they have received from you and your lawyer, as well as Minister's counsel if they submitted anything.

If Minister's counsel is present at your hearing, then they will also ask you questions related to your life experiences and/or identity, depending on the reason why they have come to your hearing.

Next, the board member will ask you questions about your life in your country, why you left, and why you fear returning, among other questions. If you have a lawyer, they may also ask you questions. Once you have finished answering questions, then the board member and your lawyer will ask your witnesses, if any, to answer questions.

Tip

If you are asked a question that you do not understand, ask for the question to be asked in a different way. Similarly, if you are not sure of the answer to a question, say you are not sure rather than guessing. The hearing is your opportunity to tell your story! Always take your time to understand the questions you are asked and to share any information that you think is important.

The hearing may last a couple of hours, or even a whole day or multiple days. It is important always ask the board member if you can take a break if you are feeling tired or overwhelmed, you need to use the washroom or drink water, or another reason.

At the end of the hearing, the board member will ask you or your lawyer to provide submissions, meaning you or your lawyer will explain why you are a refugee. If present, Minister's counsel will also give their opinion regarding your credibility, identity, and/or reasons you should be excluded from refugee protection.

What is the Board Member Deciding?

To win your refugee claim based on your SOGIESC, you must demonstrate that you may risk persecution in your country, and that your country's government and police cannot or do not want to protect you, among other criteria. This toolkit focuses on a specific requirement, known as **credibility**, that is, whether the decision-maker believes what happened to you and that you are a SOGIESC individual.

The board member will refer to ***Chairperson's Guideline 9: IRB Proceedings Involving Sexual Orientation, Gender Identity and Expression*** (the SOGIE Guideline) in your case. The SOGIE Guideline is a tool to help board members in deciding your claim. It contains very useful information on the challenges you may experience in presenting your claim and what board members must consider in assessing your credibility. You can find a link to the SOGIE Guideline in **Section 6: Resources**. You may want to bring a copy of the SOGIE Guideline with you to your hearing.

The board member may tell you their decision immediately at the end of your hearing or by mailing you the decision. If you do not get a decision immediately at the end of your hearing, it does not necessarily mean the board member will reject your application. Some board members need to take more time to think about your answers during the hearing and your evidence before making their decision.

To learn more about the refugee claim process, see **Section 6: Resources** for helpful websites. The next section explains the concept of credibility and why the Board member may not believe what happened to you.

Section 2: Credibility

Board members must determine your **credibility**, meaning whether they believe you are telling the truth:

- (1) about your past experiences of harm in your country, if any; or
- (2) that you are a SOGIESC (sexual orientation, gender identity and expression, and/or sex characteristics) individual.

Board members must presume that everything you tell them will be true and be aware that it is very difficult for many people to talk about their life and SOGIESC. In most cases, if the board member does not tell you that they are concerned about your credibility, then they are believing you. However, board members may no longer presume that you are telling the truth for several different reasons below.

Inconsistent Answers

There are **inconsistencies** between important facts in your Basis of Claim (BOC), your answers to the board member's questions during the hearing, and/or evidence. Here are examples of what board members may think are inconsistencies:

- (1) During your hearing, you say that you were arrested on April 27, 2011, but the police report that you submitted to the Refugee Protection Division states that you were arrested on April 29, 2011.
- (2) You write in your BOC that you and your partner have been together for one and a half years. During the hearing, you say that you and your partner have been together for only six months.
- (3) You write in your BOC that you and your three friends were out together the night that you got arrested. During your hearing, you say you were only with one friend that night.
- (4) During your hearing, you say that after you and your partner were attacked, you went to the hospital. During your hearing, your partner says that after you were both attacked, you went home.

There may be acceptable reasons why you end up providing inconsistent answers. As one example, if you claimed refugee protection at a land border or the airport in Canada, then the immigration officer's interview notes may be inconsistent with your BOC because you felt that you had to hide your SOGIESC from the immigration officer.

Answers that Do Not Make Sense

Part of your story may seem **implausible**, meaning it does not match a board member's common sense and logic. Here are some examples of what board members may think are implausible:

- (1) You don't know your partner's hobbies or date of birth. A board member expects you to know this information because you say in your BOC and during your hearing that you have been in a serious relationship with your partner for seven years.
- (2) You say that people in your village threatened to attack you. However, you lived in your village for several more months after the threats. The board member thinks that if the villagers really threatened to attack you, then you would have left your village sooner.

Board members cannot use stereotypes to conclude your story is implausible. For example, board members cannot say that a man is not gay because he has been in opposite-gender relationships, or that some people cannot be SOGIESC if they risked telling others about it in their countries.

Vague Answers

The story in your BOC, or answers to questions in your hearing are **not detailed enough**. Here are some examples of what board members may think are vague:

- (1) You say that you recently met your current partner, but you cannot explain when and how you met in detail.
- (2) You say that you were attacked on April 1, 2019, but you cannot describe the attack or your injuries in detail.

There may be reasonable explanations for vague answers. For example, some individuals may feel stigma and embarrassment about their SOGIESC. They may also feel uncomfortable talking about really personal information like their same-gender relationships. It is important to explain in your BOC narrative or tell the board member at the RPD hearing that you are uncomfortable answering questions on certain topics.

Missing Information from Your Narrative

During your hearing, you say important information that was **missing** in your refugee claim forms, notably the BOC. Here are some examples of what board members may think are omissions, or missing information:

- (1) You applied for and were rejected refugee protection in the United States, but you did not mention this in your BOC or other forms.
- (2) You have been in a serious same-sex relationship for the past several months, but you did not include information about your partner in your updated BOC.
- (3) Your uncle threatened to kill you in your country, but you do not write about it in your BOC.

There may be reasonable explanations for not putting important information in a BOC. For example, some individuals feel too emotionally overwhelmed or traumatized to write about certain events in their BOC.

Avoiding Direct Answers or Waiting Too Long to Respond

The board member may have difficulty believing your answers to their questions if you do not directly answer questions, or you wait too long to answer. The board member must consider if it is because of trauma you have experienced, or you are very uncomfortable answering questions about your SOGIESC, among other reasons.

For more information on how board members consider credibility, you may wish to “Meet Gary” <<https://meetgary.ca/>>. See also **Section 6: Resources**.

Section 3: The Questionnaire

Disclaimer

It may become very emotionally difficult to go through this questionnaire. You may have gone through very stressful events in your life, which explain why you are claiming refugee protection. It is normal to feel sadness, anger, worry, or have shortness of breath while remembering or writing about those stressful events.

If you are experiencing these symptoms, feel suicidal, physically ill or in pain, or otherwise feel too uncomfortable going through the questionnaire, please stop using the QRHP Toolkit immediately and seek professional support from a mental health professional to create a supportive environment where you may be able to speak on your experiences of harm in your country. Go to Section 6: Resources page for information on organizations and individuals helping SOGIESC refugee claimants, including mental health crisis support.

You should also speak to your lawyer to prepare your claim, including your BOC, and prepare you to answer questions at your hearing and decide if you need procedural accommodations at your hearing such as frequent breaks, giving you a board member of a certain gender, and changing the order of questioning. If you do not have a lawyer, go to Section 6: Resources for information on getting one.

The questionnaire aims to help you think about questions that the board member may ask you at your hearing. You can also use this information to prepare your Basis of Claim (BOC) narrative. If you do not have a lawyer, you can use your answers to the questionnaire to write your narrative. See **“Writing My Basis of Claim Narrative”** to learn more.

If you have already submitted your BOC, you can consider making changes and additions to it to include your answers to the questionnaire. Plus, your answers to these questions may change as you get closer to your hearing date, so you might consider revisiting parts of this questionnaire and updating your BOC.

It is important to know that Board members may ask why you changed or added information to your BOC narrative. Your answers may affect the Board members decision on whether they believe your story. However, board members may wonder if you are telling the truth if you do not include important information from your BOC narrative. Contact your lawyer for advice on whether you should update your BOC narrative.

Some of the questions are about evidence you may want to collect. Use **“My Evidence List”** to track your list of evidence to collect. See **Section 4: Gathering Evidence** for more tips on evidence.

If you do not have a computer or phone to type your answers, you can write your answers on paper.

Tips

1. **Do not share your information with anyone you do not trust.** Your safety and privacy are extremely important. Make sure you are in an environment where you feel safe and comfortable enough to go through the questionnaire.
2. **Take your time going through the questionnaire.** Many questions may include topics that you have never thought much about or felt safe and comfortable enough to think about. Making a refugee claim is a stressful experience, so it is important to take the time to make sure each of your answers is detailed and correct.
3. **Do not exaggerate your answers.** Otherwise, board members may have doubts about your story. Stick with honest information that you can comfortably remember during your hearing.
4. **Do not guess the answers to any of the questions.** If you are unsure of the answer, write “I don’t know” and talk to your lawyer about it. Similarly, do not add details to your answers if you don’t think you can correctly remember them during your hearing. You will not have the questionnaire, your BOC, or other documents in front of you while you answer

questions. If you do not understand the question, write “I don’t understand” and ask your lawyer to explain the question to you.

5. **Follow the order of the questions.** You will see text *“in purple”* to instruct you to skip certain questions depending on your answers.
6. **There are no right or wrong answers.** Each individual’s understanding, definition, and experiences tied to their sexual orientation, gender identity and expression, and/or sex characteristics are unique to them. Your answers do not need to be based on how sexuality and gender are understood in Canada.

A. Defining your Sexual Orientation and Gender Identity

1. Which term(s) best describes your sexual orientation?

‘Sexual orientation’ refers to your physical, romantic and/or emotional attraction to, and/or intimate relations with, individuals of a different gender, the same gender, no gender, or more than one gender. Your understanding of your sexual orientation may change over time.

Some individuals may also define their sexual orientation based on insults or slurs. The board member will not use these terms in your case unless you feel most comfortable using them to describe your sexual orientation. If that is the case, you can write those terms next to “(an)other term(s).”

There may also be terms in your language or culture that don’t correctly translate to one of the options below. If that is the case and you use those terms to describe your sexual orientation, you can write them next to “(an)other term(s).”

Even after arriving in Canada, it is normal that some individuals are unsure how to define their sexual orientation. Select “I don’t know” below. If you figure it out or decide it is different after submitting your refugee claim, you may consider updating your BOC.

- ☐ Gay ☐ Lesbian ☐ Bisexual ☐ Queer
- ☐ Straight ☐ Homosexual ☐ Heterosexual
- ☐ Man who has sex with men (MSM)
- ☐ Woman who has sex with women (WSW)
- ☐ Asexual
- ☐ (An)other term(s) _____
- ☐ I don’t know

2. For you, what does it mean to have the sexual orientation you selected in the previous question?

For example, someone who is gay may be a man and is only attracted to other men, whereas a man who is attracted to men and women may consider himself bisexual. However, these sexual orientations may have different meanings to you based on your life experiences, language, culture, and other factors. Your description of your sexual orientation term does not need to match the board member's understanding of it.

Write answer here

3. Which term(s) best describe your gender identity?

Gender identity is your inner sense of understanding your gender. Your gender identity may be the same as, or different from, your sex at birth. For example, although you were born male, you may identify as a woman.

In Canada, gender identity does not usually refer to your identity in sexual relationships. For example, some individuals born male may only consider themselves as women in the context of sexual relationships, but otherwise identify as men.

Some individuals may define their gender identity based on insults or slurs. The board member will not use these terms in your case unless you feel most comfortable using them to describe your gender identity. If that is the case, you can write the terms next to "(an)other term(s)."

There may also be terms in your language or culture that don't correctly translate to one of the options below. If that is the case and you use those terms to describe your gender identity, you can write them next to "(an)other term(s)."

Even after arriving in Canada, it is normal that some individuals are unsure how to define their gender identity. Select "I don't know" below. If you figure it out or decide it is different after submitting your refugee claim, you may consider updating your BOC.

☐ Woman ☐ Man ☐ Man & Woman ☐ Transgender Woman ☐ Transgender Man

- ☐ Neither Man nor Woman ☐ Gender Diverse ☐ Third Gender
☐ Gender Non-Conforming
☐ (An)other term(s) _____ ☐ I don't know

4. For you, how do you define your gender identity as selected in the previous question?

For example, someone who is a transgender woman may be a woman who was born male. These gender identities may have different meanings to you based on your life experiences, language, culture, and other factors. Your description of your gender identity does not need to match the board member's understanding of it.

Write answer here

5. What are your gender pronouns?

Individuals may use different pronouns in different contexts. For this question, choose the pronouns that you want the board member, your lawyer, and other individuals in your hearing to use to identify you in questioning, in your lawyer's submissions, and in the board member's decision. Your pronouns do not need to be based on being born male or female. They may also not be based on your sexual orientation.

If you are not sure of your pronouns, or decide later to go by different pronouns after submitting your refugee claim, you may consider updating your BOC.

- ☐ She/Her ☐ He/Him ☐ They/Them ☐ Other pronouns _____
☐ I don't know ☐ I don't have a preference.

6. By what name would you like to be addressed?

This is the name that the board member, your lawyer, and other individuals in your hearing will use to identify you in questioning, and in your lawyer's submissions.

You may prefer to be addressed by your legal or birth name or another name such as an alias or a nickname. This may be a name that more closely matches your gender identity. The board member's decision will include your legal name, but the board member may reference your preferred name in their reasons.

If you're not sure of how you like to be addressed, or decide later to go by a different name, you may consider updating your BOC.

☐ My legal name ☐ Another name _____

If "my legal name," go to question 8.

If "another name," go to the next question.

7. How did you choose that name?

Write answer here

B. How other people perceive you in your country

8. Growing up, were you different in any way compared to other boys and girls in your country?

Not all, but some SOGIESC individuals realize that they are different from other people in their countries. By "different", this question is referring to differences in behaviors, appearances, tone of voice, mannerisms, and/or biological sex characteristics. This realization may happen at a young age, but not always, or ever. Some individuals may not be different from other people in their countries at a young age.

☐ Yes ☐ No

If yes, go to the next question.

If no, go to question 13.

9. As a child or teenager, what are examples of how you were different?

By “different”, this question is referring to differences in behaviors, appearances, tone of voice, mannerisms, and/or biological sex characteristics. This realization may happen at a young age, but not always, or ever. Other people may not have noticed you were different from them. However, you may have examples of ways you felt different from others.

Write answer here

10. As a child or teenager, were you treated differently compared to other people?

☐ Yes ☐ No

If yes, go to the next question.

If no, go to question 12.

11. How were you treated differently by other people?

Write answer here

12. As a child or teenager, how did you feel about feeling different from and/or being treated differently by other people?

Write answer here

13. As an adult, were you different in any way compared to other men and women in your country?

By “different”, this question is referring to differences in behaviors, appearances, mannerisms, and/or biological sex characteristics. Some individuals may not be different from other people in their countries.

☐ Yes ☐ No

If yes, go to the next question.

If no, go to question 16.

14. What are examples of how you were different?

By “different”, this question is referring to differences in behaviors, appearances, mannerisms, and/or biological sex characteristics. Some individuals may not be different from other people in their countries.

Write answer here

15. How did you feel about feeling different from and/or being treated differently by other people?

Write answer here

16. What was your relationship like with your friends and family growing up?

You may wish to go through each family member and friend and describe your relationship with them. You may have had a stronger relationship with some family members and friends compared to others.

Write answer here

17. Did those relationships change over time? If yes, how so?

Relationships with friends and family can be complicated and change in many ways over time. You may consider going through each relationship identified in the previous question and explaining how it changed.

Write answer here

18. As an adult, did you feel that your family and friends treated you differently than other people? If yes, how so?

Write answer here

C. Realizing and Understanding your SOGIESC

1. Sexual Orientation

19. Is your refugee claim based on your sexual orientation?

There may be more than one reason you are making a refugee claim. For example, you may also fear returning to your country because of your gender identity, nationality, race, religion, political opinion, HIV+ status, and/or other reasons. Speak to your lawyer for advice on making a refugee claim for multiple reasons. If your claim is based at least in part on your sexual orientation, tick "yes."

You may also choose "yes" if you risk danger in your country because you are not sexually attracted to any genders.

☐ Yes ☐ No

If yes, go to the next question.

If no, go to question 26.

20. When and how did you realize that you might be attracted to people of the same sex or who identifies as the same gender as you?

This realization may have happened before your first sexual experience with someone of the same sex or who identifies as the same gender as you.

Write answer here

21. How did you feel about realizing your attractions to people of the same sex or who identifies as the same gender as you?

Some individuals may accept their sexual orientation immediately, later in life, or never. Each person's sense of self-acceptance, or lack of self-acceptance, is normal and unique to them. Individuals react differently to realizing and understanding their same-sex attractions.

Write answer here

22. Has your understanding of your sexual orientation changed over time?

☐ Yes ☐ No

If no, go to question 24.

If yes, go to the next question.

23. How has it changed? What experiences have impacted your understanding of your sexual orientation?

Your understanding of your sexual orientation may change over time, for example, after meeting certain people, entering into relationships, experiencing harm, leaving your country, and arriving in Canada or another country.

Write answer here

24. Has your opinion about your sexual orientation changed over time?

☐ Yes ☐ No

If no, go to question 26.

If yes, go to the next question.

25. How has it changed? What experiences have impacted your opinion?

You may have developed a more positive or negative opinion about your sexual orientation at different points of your life.

Write answer here

2. Gender Identity and Expression

26. Is your refugee claim based on your gender identity and expression?

This question is not about your sexual orientation. It relates to each person's internal and individual understanding of their gender. It is their personal sense of being a woman, a man, both, neither, or being anywhere along the gender spectrum. A person's gender identity may be the same as, or different from, their birth-assigned sex. A person's understanding of their gender may change over time.

There may be more than one reason you are making a refugee claim. For example, you may also fear returning to your country because of your gender, sexual orientation, race, religion, political opinion, HIV+ status, and/or other grounds. Speak to your lawyer for advice on making a refugee claim for multiple reasons. If your claim is based at least in part on your gender identity and expression, choose “yes.”

☐ Yes ☐ No

If yes, go to the next question.

If no, go to question 32.

27. When and how did you realize that your gender identity may be different than your assigned sex at birth?

For example, when and how did you realize that you may be a woman even if you were born male?

Write answer here

28. How did you feel about realizing your gender identity?

People react differently to realizing and understanding their gender identities.

Write answer here

29. Has your understanding of your gender identity changed over time?

☐ Yes ☐ No

If yes, go to the next question.

If no, go to question 33.

30. How has it changed? What experiences have impacted your understanding of your gender identity?

Your understanding of your gender identity may have changed over time, for example, after meeting new people, entering into relationships, experiencing harm, leaving your country, or arriving in Canada or another country.

Write answer here

31. Has your opinion about your gender identity changed over time?

☐ Yes ☐ No

If no, go to question 33.

If yes, go to the next question.

32. How has it changed? What experiences have impacted your opinion?

You may have developed a more positive or negative opinion about your gender identity at different points of your life.

Write answer here

3. Sex Characteristics

33. Are you making a refugee claim based on your intersex difference?

Intersex refers to individuals whose physical sex characteristics, such as the appearance and shape of their genitals (having testicles and/or ovaries), hormones, and/or chromosomes do not totally match with what society expects for a “male” or “female.” These differences in physical sexual characteristics may become apparent at birth, may develop later (i.e. at puberty or in adulthood), or may remain unrecognized for their whole lives. Intersex is different than transgender identity.

There is no way to “look” intersex. Every person is different. There are over 40 medical terms for the different ways sex anatomy might develop.

Intersex individuals may be straight, gay, lesbian, bisexual, asexual, or another sexual orientation. They may identify as woman, man, both, neither, or another gender identity.

There may be more than one reason you are making a refugee claim. For example, you may also fear returning to your country because of your gender, gender identity, sexual orientation, race, religion, political opinion, HIV+ status, and/or other grounds. Speak to your lawyer for advice on making a refugee claim for multiple reasons. If your claim is based at least in part on your intersex difference, check “yes.”

☐ Yes ☐ No

If yes, go to the next question.

If no, go to question 41.

34. What word(s) do you use to identify yourself based on your intersex difference?

☐ Intersex

☐ (An)other term(s) _____

Some individuals may define their intersex difference based on insults or slurs. The board member will not use these terms in your case unless you feel most comfortable using them to describe your intersex difference. If that is the case, you can write the terms next to “(an)other term(s).”

There may also be terms in your language or culture that don’t correctly translate to “intersex”. If that is the case and you use those terms to describe your intersex difference, you can write them next to “(an)other term(s).”

35. When and how did you realize your intersex difference?

These differences in genitalia, hormones, internal anatomy, or chromosomes may become apparent at birth, may develop later (i.e. at puberty or in adulthood), or may remain unrecognized for much of your life.

Write answer here

36. How did you feel when you realized your intersex difference?

Many people have different reactions to learning and understanding that they are intersex.

Write answer here

37. Has your understanding of your intersex difference changed over time?

☐ Yes ☐ No

If yes, go to the next question.

If no, go to question 39.

38. How has it changed? What experiences have impacted your understanding of your intersex difference?

Your understanding of your intersex difference may have changed over time, for example, after meeting new people, entering into relationships, experiencing harm, leaving your country, or arriving in Canada or another country.

Write answer here

39. Has your opinion towards your intersex difference changed over time?

☐ Yes ☐ No

If yes, go to the next question.

If no, go to question 41.

40. How has your opinion changed? What experiences have impacted your opinion?

You may have developed a more positive or negative opinion towards your intersex difference at different points of your life.

Write answer here

D. How SOGIESC people are treated in your country

You may not have known or heard much about the treatment of SOGIESC people in your country. For the questions in this section, only write down what you know or have heard about regarding the treatment of SOGIESC people.

41. How are SOGIESC people treated generally in your country?

Treatment of SOGIESC people may be depend on the part of your country. If it does, you may wish to write on these differences.

Write answer here

42. How are SOGIESC people described in your country? What are examples of negative comments or stories about the treatment of SOGIESC people that you know?

You may have heard insults or slurs, or no language at all, to describe SOGIESC people.

Write answer here

43. Where did you hear negative comments or stories about the treatment of SOGIESC people?

You may have heard negative comments or stories about the treatment of SOGIESC people in your family, school, neighbourhood, religious institutions, media, and other places. Provide specific examples if you remember.

Write answer here

44. How did it make you feel to learn and hear stories about the treatment of SOGIESC people?

You may have reacted differently than others to hearing negative comments or stories about the treatment of SOGIESC people.

Write answer here

45. How does the government view and treat SOGIESC people in your country?

The government's attitudes may depend on the part of your country and the level of government. If you have examples of how you or another SOGIESC individual has experienced negative treatment by the government, provide details in your answer. This question is not only about the laws in your country.

Write answer here

46. How do the police view and treat SOGIESC people in your country?

The police's attitudes may change in different parts of your country. Give examples of how you or other SOGIESC people has experienced negative treatment by the police if you have any.

Write answer here

47. How are SOGIESC people treated when looking for and staying in a place to live?

If you have examples of you or other SOGIESC people experiencing discrimination in the housing context, provide details in your answer. Experiences of housing discrimination may be different in other parts of your country. They may also change depending on your SOGIESC. Experiences of housing discrimination may be greater based on additional factors such as your race, ethnicity, religion, faith or belief system, age, disability, health status (e.g. HIV+), social class and/or level of education.

Write answer here

48. How are SOGIESC people treated when looking for and keeping a job?

If you have examples of you or other SOGIESC people experiencing discrimination in the employment context, provide details in your answer. Experiences of employment discrimination may be different in other parts of your country. They may also depend on your SOGIESC. Experiences of employment discrimination may be greater based additional factors such as your race, ethnicity, religion, faith or belief system, age, disability, health status (e.g. being HIV+), social class and/or level of education.

Write answer here

49. How are SOGIESC people treated when visiting a doctor or getting medical care?

If you have examples of you or other SOGIESC people experiencing discrimination in the health care context, provide details in your answer. Experiences of health care discrimination may be different in other parts of your country. They may also depend on your SOGIESC. Experiences of health care discrimination may be greater based additional factors such as your race, ethnicity, religion, faith or belief system, age, disability, health status (e.g. HIV+), social class and/or level of education.

Write answer here

50. How are SOGIESC people treated at school?

If you have examples of you or other SOGIESC people experiencing discrimination in the education context, provide details in your answer. Experiences of education discrimination may be different in other parts of your country. They may also depend on your SOGIESC. Experiences of education discrimination may be more severe based additional factors such as your race, ethnicity, religion, faith or belief system, age, disability, health status (e.g. being HIV+), social class and/or level of education.

Write answer here

51. Are SOGIESC people able to connect with each other?

Not everyone knows how SOGIESC people are able to connect with each other because they are too afraid or uncomfortable to do so.

☐ Yes ☐ No ☐ I don't know.

If yes, go to the next question.

If no or I don't know, go to question 53.

52. How and where do SOGIESC people meet or connect with each other?

For example, SOGIESC people may meet or connect over the internet, by phone, and/or in person. Give detailed examples of what websites, social media sites, or phone applications SOGIESC people may use to connect with each other.

Write answer here

53. What are the risks for SOGIESC people in attempting to connect with or meet each other?

Provide examples of personal stories or stories that you have heard of SOGIESC people connecting with each other online, by phone, or in person.

Write answer here

E. Other people's knowledge of your SOGIESC in your country

54. Did you keep or try keeping your SOGIESC a secret from other people in your country?

☐ Yes ☐ No

If yes, go to the next question.

If no, go to question 56.

55. Who did you keep your SOGIESC a secret from in your country?

Write answer here

56. Did you tell your SOGIESC to anyone in your country?

You may have told people face to face, over text messages, or online. You may have told others about your SOGIESC without telling them other personal information like your real name. You can include those experiences here.

☐ Yes ☐ No

If yes, go to the next question.

If no, go to question 65.

57. Who did you tell your SOGIESC to in your country?

Person 1 _____

Person 2 _____

Person 3 _____

Answer the following questions for person 1.

58. When and how did you tell this person?

Be sure to provide as much detail as you can remember.

Write answer here

59. Why did you decide to disclose your SOGIESC to this person?

Write answer here

60. How did this person react?

Write answer here

61. Are you still or are you able to get in contact with this person?

☐ Yes ☐ No ☐ I don't know

If yes or I don't know, go to the next question.

If no, go to question 64.

62. Do you feel comfortable contacting them for a support letter or to be a witness at your hearing?

If you feel comfortable to reach out to this person, you may consider providing a support letter from them or to identify them as a witness for your hearing. See **Section 4: Gathering Evidence** for more information on support letters. Always speak with your lawyer for advice to decide if taking these steps will help your case.

☐ Yes ☐ No ☐ I don't know

*If yes, add this person's name to **My Evidence list** under "letters of support" and "witnesses" columns. Go to question 64.*

If no, go to the next question.

63. Why do you feel uncomfortable contacting this person?

Write answer here

64. Repeat questions 58-63 for each additional person you have told your SOGIESC to in your country. Otherwise, go to question 66.

Person 2 – Write answer here

Person 3 – Write answer here

65. Why did you not tell anyone your SOGIESC in your country?

Write answer here

66. Aside from these people, who else found out your SOGIESC in your country?

Person 1 _____

Person 2 _____

Person 3 _____

Answer the following questions for person 1.

67. When and how you did this person find out about your SOGIESC?

You may have told this person directly or they may have learned about it another way. If you told this person directly, explain why you decided to tell them.

Write answer here

68. How did this person react to learning about your SOGIESC?

Write answer here

69. Are you still or are you able to get in contact with this person?

☐ Yes ☐ No ☐ I don't know

If yes or I don't know, go to the next question.

If no, repeat questions 68-71 for each additional person you found out about your SOGIESC in your country. Otherwise, go to question 73.

Person 2 – Write answer here

Person 3 – Write answer here

70. Do you feel comfortable contacting this person for a support letter or to be a witness at your hearing?

If you feel comfortable to reach out to this person, you may consider providing a support letter from them or to identify them as a witness for your hearing. See **Section 4: Gathering Evidence** for more information on support letters and witnesses. Always speak with your lawyer for advice to decide if taking these steps will help your case.

☐ Yes ☐ No ☐ I don't know

*If yes, add this person's name to **My Evidence list** under "letters of support" and "witnesses" columns. Go to question 72.*

If no, go to the next question.

71. Why do you feel uncomfortable contacting this person?

Write answer here

72. Repeat questions 68 to 71 for each person who found out about our SOGIESC in your country. Otherwise, go to the next question.

Person 2 – Write answer here

Person 3 – Write answer here

F. Sexual, Romantic, and Emotional Relationships in your Country

1. Same-gender relationships

The word 'relationship' means different things to different people. Generally, this question is about any sexual, romantic, and/or emotional bonds that you developed with people of the same sex or who identifies as the same gender as you. These relationships may or may not have been serious to you. Not all SOGIESC people have had same-gender relationships in their countries.

It may be very uncomfortable thinking and writing about sexual and romantic relationships that you have had in your country and in Canada. That said, it is important to provide details that you remember on all of them. If you are having difficulty speaking about the details, tell your lawyer, if you have hired one, who will work with you to best determine how to present that information in your refugee claim.

Remember that your refugee claim is private, meaning the Refugee Protection Division will not share your information with anyone who is not a party in your claim. That said, having a current or former partner answer questions at your hearing by phone or in person may be very helpful in your claim.

73. Have you had any same-gender relationships in your country?

If your claim is based on your gender identity and expression and/or sex characteristics, you may still wish to include relationships that may lead to others perceiving you as a non-heterosexual individual. For example, if you are a trans woman who has been in relationships with men, you may be perceived as a gay man because of these relationships.

☐ Yes ☐ No

If yes, go to the next question.

If no, go to question 94.

74. What are the name(s) of your partner(s) from your country?

In this case, "partner" refers to the person with whom you were or are in a relationship no matter the length and seriousness of the relationship, including casual sexual encounters. You may have been or are in more than one relationship at the same time.

Person 1 _____

Person 2 _____

Person 3 _____

Person 4 _____

Person 5 _____

Answer the following questions for person 1.

75. When and how did you meet this person?

Write answer here

76. How much later after meeting this person did your relationship with them start?

Your relationship may have start at the same time you met this person or after meeting them.

Write answer here

77. How did your relationship with this person start?

Write answer here

78. Did you know or suspect that this person wanted to be in a relationship with you before it started?

☐ Yes ☐ No

If yes, go to the next question.

If no, go to question 80.

79. Why did you suspect that this person wanted to be in a relationship with you?

Write answer here

80. What do/did you like about this person? What attracted you to them?

Write answer here

81. How would you describe your relationship with this person?

The word 'relationship' means different things to different people. Generally, this question is about any sexual, romantic, and/or emotional bonds that you developed with this person. This relationship may be purely sexual, others may be sexual, emotional, and romantic to certain levels. This relationship may or may not have been serious to you.

If you describe this person using terms other than 'partner,' put the words you would use to refer to them in this answer.

Write answer here

82. Describe this person.

Physically, how does this person look? What is their personality like? Do you know personal details about this person like their birthday, family, living circumstances, work and education? Depending on the length and seriousness of your relationship with them and other factors such as culture, you may not know many details about this person.

Write answer here

83. How do/did you feel about being in a relationship with this person?

Write answer here

84. Did your relationship with this person change at any time?

☐ Yes ☐ No

If yes, go to the next question.

If no, go to question 86.

85. When and how did your relationship change?

For example, did you feel differently about your relationship at certain moments? Did your relationship become less or more serious at certain moments?

Write answer here

86. Are you still in a relationship with this person?

☐ Yes ☐ No

If yes, go to question 88.

If no, go to the next question.

87. When and how did your relationship with this person end?

Write answer here

88. Are you still or are you able to get in contact with this person?

☐ Yes ☐ No ☐ I don't know

If yes or I don't know, go to the next question.

If no, go to question 91.

89. Do you feel comfortable contacting this person for a support letter or to be a witness at your hearing?

If you feel comfortable reaching out to this person, you may consider providing a support letter from them or to identify them as a witness for your hearing. See **Section 4: Gathering Evidence** for more information on support letters and witnesses. Always speak with your lawyer for advice on whether taking these steps will help your case.

☐ Yes ☐ No ☐ I don't know

*If yes, add this person's name to **My Evidence list** under "letters of support" and "witnesses" columns. Go to question 91.*

If no, go to the next question.

90. Why do you feel uncomfortable contacting this person?

Write answer here

91. Do you have any proof of communication with this person?

☐ Yes ☐ No

Proof of communication can include text messages, Facebook and WhatsApp messages. You should not provide sexually explicit photos, videos, or other materials to the Refugee Protection Division. Non-sexually explicit communication between you and this person may be helpful in proving the existence of this person. The board member may ask you questions about the information in the messages.

*If yes or I don't know, add person's name under "relationship with" and put "proof of communication" under "type of evidence" all under "evidence of relationships in **My Evidence List**.*

If no, go to the next question.

92. Do you have any photos of you with this person?

☐ Yes ☐ No

You should not provide sexually explicit photos, videos, or other materials to the Refugee Protection Division. Non-sexually explicit photos of you with this person may be helpful in proving the existence of this person. The board member may ask you questions about where and when the photos were taken.

*If yes or I don't know, add person's name under "relationship with" and "photos" under "type of evidence" all under "evidence of relationships in **My Evidence List**.*

If no, go to the next question.

93. Repeat questions 75-92 for each person you listed in question 74. Once you have finished, go to the next question.

Person 2 – Write answer here

Person 3 – Write answer here

2. Opposite-gender relationships

The word ‘relationship’ means different things to different people. Generally, this question is about any sexual, romantic, and/or emotional bonds that you developed with people of the opposite sex or who identifies as the opposite gender as you. These relationships may or may not have been serious to you. Not all SOGIESC people have had opposite-gender relationships in their countries.

It may be very uncomfortable thinking and writing about sexual and romantic relationships that you have had in your country and in Canada. That said, it is important to provide details that you remember on all of them. If you are having difficulty speaking about the details, tell your lawyer, if you have hired one, who will work with you to best determine how to present that information in your refugee claim.

Remember that your refugee claim is private, meaning the Refugee Protection Division will not share your information with anyone who is not a party in your claim. That said, having a current or former partner answer questions at your hearing by phone or in person may be very helpful in your claim.

94. Have you had any opposite-gender relationships in your country?

☐ Yes ☐ No

If yes, go to the next question.

If no, go to question 121.

95. What are the name(s) of your partner(s) in your country?

In this case, “partner” refers to the person with whom you were or are in a relationship, no matter the length and seriousness of the relationship, including casual sexual encounters. You may have been or are in more than one relationship at the same time.

Person 1 _____

Person 2 _____

Person 3 _____

Person 4 _____

Person 5 _____

Answer the following questions for person 1.

96. When and how did you meet this person?

Write answer here

97. How much later after meeting this person did your relationship with them start?

Your relationship may have start at the same time you met this person or after meeting them.

Write answer here

98. How did your relationship with this person start?

Write answer here

99. What do/did you like about this person? What attracted you to them?

Write answer here

100. How would you describe your relationship with this person?

The word 'relationship' means different things to different people. Generally, this question is about any sexual, romantic, and/or emotional bonds that you developed with people of the opposite-sex or who identifies as the opposite gender as you. This relationship may be purely sexual, others may be sexual, emotional, and romantic to certain levels. This relationship may or may not have been serious to you.

If you describe this person using terms other than 'partner,' put the words you would use to refer to them in this answer.

Write answer here

101. Describe this person.

Physically, how does this person look? What is their personality like? Do you know personal details about this person like their birthday, family, living circumstances, work and education? Depending on the length and seriousness of your relationship with them and other factors such as culture, you may not know many details about this person.

Write answer here

102. How do/did you feel about being in a relationship with this person?

Write answer here

103. Did your relationship with this person change at any time?

☐ Yes ☐ No

If yes, go to the next question.

If no, go to question 105.

104. When and how did your relationship change?

For example, did you feel differently about your relationship at certain moments? Did your relationship become less or more serious at certain moments?

Write answer here

105. Is this person aware of your SOGIESC?

☐ Yes ☐ No ☐ I don't know

If yes, go to the next question.

If no or I don't know, go to question 109.

106. How did they learn about your SOGIESC?

Write answer here

107. How did they react?

Write answer here

108. How has them knowing your SOGIESC impacted your relationship with them?

After answering this question, go to question 113.

Write answer here

109. Do you think this person has ever suspected your SOGIESC?

☐ Yes ☐ No ☐ I don't know

If yes, go to the next question.

If no or I don't know, go to question 111.

110. Why do you think this person has suspected your SOGIESC?

Write answer here

111. Why did you not disclose your SOGIESC to this person?

Write answer here

112. How do you think they would have reacted?

Write answer here

113. Are you still in a relationship with this person?

☐ Yes ☐ No

If yes, go to question 115.

If no, go to the next question.

114. When and how did your relationship with this person end?

Write answer here

115. Are you still or are you able to get in contact with this person?

☐ Yes ☐ No ☐ I don't know

If yes or I don't know, go to the next question.

If no, go to question 118.

116. Do you feel comfortable contacting this person for a support letter or to be a witness at your hearing?

If you feel comfortable reaching out to this person, you may consider providing a support letter from them or to identify them as a witness for your hearing. See **Section 4: Gathering Evidence** for more information on support letters and witnesses. Always speak with your lawyer for advice on whether taking these steps will help your case.

☐ Yes ☐ No

If yes, add person's name under first columns "letters of support" and "witnesses" to My Evidence List. Go to question 118.

If no, go to the next question.

117. Why do you feel uncomfortable contacting this person?

Write answer here

118. Do you have any proof of communication with this person?

You should not provide sexually explicit photos, videos, or other materials to the Refugee Protection Division. Non-sexually explicit communication between you and this person may be helpful in proving the existence of this person. The board member may ask you questions about the information in the messages.

☐ Yes ☐ No ☐ I don't know

*If yes or I don't know, add person's name under "relationship with" and proof of communication under "type of evidence" all under "evidence of relationships in **My Evidence List**. Go to the next question.*

If no, go to the next question.

119. Do you have any photos of you with this person?

You should not provide sexually explicit photos, videos, or other materials to the Refugee Protection Division. Non-sexually explicit photos of you with this person may be helpful in proving the existence of this person. The board member may ask you questions about where and when the photos were taken.

☐ Yes ☐ No ☐ I don't know

*If yes or I don't know, add person's name under "relationship with" and "photos" under "type of evidence" all under "evidence of relationships in **My Evidence List**.
If no, go to the next question.*

120. Repeat questions 96-119 for each person you listed in question 95. Once you have finished, go to the next question.

Person 2 – Write answer here

Person 3 – Write answer here

Person 4 – Write answer here

G. Experiences of Threats, Harm, and Discrimination in your Country

1. Your Experiences

Your past experiences of harm are also relevant to your claim for refugee protection. Therefore, it is important to explain what happened to you in your country, and why you decided to claim refugee protection in Canada.

It is understandable that you may not want to answer these questions in the QRHP Toolkit. You may have gone through very stressful events in life, which explains why you are claiming refugee protection. It is normal to feel sadness, anger, worry, or have shortness of breath while remembering or writing about those stressful events.

If you are experiencing these symptoms or otherwise feel too uncomfortable going through the questionnaire, please stop using the QRHP Toolkit immediately and seek professional support from a mental health professional to create a supportive environment where you may be able to speak on your experiences of harm in your country. Go to **Section 6: Resources** for information on organizations and individuals helping SOGIESC refugee claimants.

If you or a trusted person can inform your lawyer that something terrible has happened to you, and you are having difficulty speaking about the details, your lawyer will work with you to best determine how to present that information in your refugee claim. The Refugee Protection Division board member may be suspicious of your story if you do not include these experiences in your Basis of Claim.

You should also speak to your lawyer to strategize on how to help you answer questions and decide if you need procedural accommodations at your hearing such as frequent breaks, giving

you a board member of a certain gender, and changing the order of questioning. If you do not have a lawyer, go to **Section 6: Resources** page for information on getting one.

121. Have you experienced harm in your country?

“Experiences of harm” can include many different incidents. Some may have happened only once. Others may have happened repeatedly. You may have experienced harm at a young age, as an adult, and/or throughout other parts of your life. Experiences of harm may have been physical, sexual, and/or psychological. You may also not have experienced harm in your country.

Even if a lot has happened to you and you are concerned about overcomplicating your case, be sure to write down everything, as the board member may be suspicious of your story if you do not include these experiences in your BOC.

Experiences of harm can also include practices that may be considered normal or acceptable in your country. For example, if you are intersex and forcibly subject to a medical procedure, that would be an experience of harm. You may have been pressured or forced to see a doctor or psychologist to convince you that there is something wrong with your SOGIESC. If you were subject to ritual in your country because of your SOGIESC, you should describe that experience. Violence from, and non-consensual sex with a spouse or partner may seem common in your country, but it is an experience of harm you should explain in your BOC if it has happened to you.

You may need to revisit this section several times to make sure you have provided all relevant experiences of harm. Only provide details that you remember.

☐ Yes ☐ No

If yes, go to the next question.

If no, go to question 134.

122. Describe in detail an incident of harm that you experienced.

Be as detailed as possible, but only provide details that you will comfortably remember during your hearing. If you don’t remember the date of an experience of harm, write down an approximate. For example, “On or around January 10, 2018” or “In mid-February 2019.”

Include information on:

- (1) when the incident happened;
- (2) who was present (use specific names if possible);
- (3) what was said and by whom;
- (4) what was done to whom and by whom; and
- (5) how you felt during and after the incident.

Write answer here

123. Did you seek medical treatment for this incident?

☐ Yes ☐ No

If yes, go to the next question.

If no, go to question 128.

124. Where and when did you get medical treatment?

Write answer here

125. What treatment were you provided?

Write answer here

126. Do you have or are you able to get a medical report for this incident?

☐ Yes ☐ No ☐ I don't know

*If yes or I don't know, place description from question 122 under first column of "medical evidence" to **My Evidence List**. Go to question 129.*

If no, go to the next question.

127. Why can you not get a medical report for this incident?

After answering this question, go to question 129.

Write answer here

128. Why did you not get medical treatment for this incident?

Write answer here

129. Did you go to the police to report this incident?

☐ Yes ☐ No

If yes, go to question 131.

If no, go to the next question.

130. Why did you not go to the police?

After answering this question, go to question 134.

Some individuals may not report crimes to the police because they fear negative consequences from the police or others.

Write answer here

131. What happened when you went to the police?

Write answer here

132. Do you have or are you able to obtain a police report?

☐ Yes ☐ No ☐ I don't know

*If yes or I don't know, place description from question 122 under first column of "police report" to **My Evidence List**. Go to question 134.*

If no, go to the next question.

133. Why can you not get a police report for this incident?

Write answer here

134. Repeat questions 122 to 133 for each incident of harm. Once you have finished, go to the next question.

Incident of harm 2 – Write answer here

Incident of harm 3 – Write answer here

Incident of harm 4 – Write answer here

Incident of harm 5 – Write answer here

135. Did you experience threats of harm in your country?

If you have already described all of the threats you experienced in the previous questions, select “no.”

☐ Yes ☐ No

If yes, go to the next question.

If no, go to question 143.

136. Describe in detail a threat that you experienced.

Be as detailed as possible, but only provide details that you can comfortably remember. If you don't remember the date of a threat, write down an approximate. For example, “On or around January 10, 2018” or “In mid-February 2019.”

Include information on:

- (1) when the threat happened;
- (2) who was present (use specific names if possible);
- (3) what was said and by whom;
- (4) what was said and done by whom in response; and
- (5) how you felt during and after the threat.

Some threats may have happened during the experiences of harm that you described in the previous questions.

Write answer here

137. Did you report the threat to the police?

☐ Yes ☐ No

If yes, go to question 139.

If no, go to the next question.

138. Why did you not report the threat to the police?

After answering this question, go to question 142.

Some individuals may not report crimes to the police because they fear negative consequences from the police or others.

Write answer here

139. What happened when you reported the threat to the police?

Write answer here

140. Do you have or are you able to get a police report?

☐ Yes ☐ No ☐ I don't know

*If yes or I don't know, place description from question 136 to under firm column of "police reports" to **My Evidence List**. Go to question 142.*

If no, go to the next question.

141. Why can you not get a police report?

Write answer here

142. Repeat questions 124-141 for each threat of harm in your country. Once you have finished, go to the next question.

Threat of harm 2 – Write answer here

Threat of harm 3 – Write answer here

Threat of harm 4 – Write answer here

Threat of harm 5 – Write answer here

143. Did you experience discrimination in your country?

You may have experienced discrimination in the context of housing, health care, employment, social services and education because of your sexual orientation, gender identity and expression, and/or sex characteristics, or other reasons.

If you already described all of your experiences of discrimination in the previous questions, select “no.”

☐ Yes ☐ No

If yes, go to the next question.

If no, go to question 151.

144. Describe in detail an incident of discrimination that you experienced.

Be as detailed as possible, but only provide details that you can comfortably remember. If you don't remember the date of an incident, write down an approximate. For example, "On or around January 10, 2018" or "In mid-February 2019."

Include information on:

- (1) when the incident happened;
- (2) who was present (use specific names if possible);
- (3) what was said and by whom;
- (4) what was done to whom and by whom; and
- (5) how you felt during and after the incident.

Your answers to previous questions of the questionnaire may have already included experiences of discrimination.

Write answer here

145. Did you report this incident of discrimination to the police, another government body, or a court?

☐ Yes ☐ No

If yes, go to question 147.

If no, go to the next question.

146. Why did you not report this incident of discrimination to the police, another government body, or a court?

Some individuals may not report incidents of discrimination to the police because they fear negative consequences from the police or others.

After answering this question, go to question 150.

Write answer here

147. What happened when you reported this incident of discrimination?

Write answer here

148. Do you have or are you able to obtain proof that you reported the incident of discrimination?

For example, a police report, a government agency's report, or court documents

☐ Yes ☐ No ☐ I don't know.

*If yes or I don't know, place description from question 144 to first column under "police reports" in **My Evidence List**. Go to question 150.*

If no, go to the next question.

149. Why can you not obtain proof that you reported the incident of discrimination?

Write answer here

150. Repeat questions 144 to 149 for each incident of discrimination. Once you have finished, go to the next question.

Incident of discrimination 2 – Write answer here

Incident of discrimination 3 – Write answer here

Incident of discrimination 4 – Write answer here

Incident of discrimination 5 – Write answer here

2. Experiences of Other People Close to You

151. Has anyone experienced harm in your country because of your SOGIESC?

For example, if a family member or friend has experienced harm because others are aware of your SOGIESC, you would describe their experiences here.

☐ Yes ☐ No ☐ I don't know

If yes, go to the next question.

If no or I don't know, go to question 167.

152. Who has experienced harm because of your SOGIESC?

The RPD will not share your information, including the names of other people who experienced harm, to anyone who is not a party to the refugee claim process.

Person 1: _____

Person 2: _____

Person 3: _____

Person 4: _____

Answer the following questions for person 1.

153. Describe in detail an incident of harm that this person experienced.

Be as detailed as possible, but only provide details that you will comfortably remember during your hearing. If you don't remember the date of an experience of harm, write down an approximate. For example, "On or around January 10, 2018" or "In mid-February 2019."

Include information on:

- (1) when the incident happened;
- (2) who was present (use specific names if possible);
- (3) what was said and by whom;
- (4) what was done to whom and by whom; and
- (5) how you felt during and after the incident.

Write answer here

154. Did this person seek medical treatment for this incident?

☐ Yes ☐ No

If yes, go to the next question.

If no, go to question 159.

155. Where and when did this person get medical treatment?

Write answer here

156. What treatment was this person provided?

Write answer here

157. Does this person have or are they able to get a medical report for this incident?

☐ Yes ☐ No ☐ I don't know

*If yes or I don't know, place description from question 153 to first column under "medical evidence" in to **My Evidence List**. Go to question 160.*

If no, go to the next question.

158. Why can this person not get a medical report for this incident?

After answering this question, go to question 160.

Write answer here

159. Why did this person not get medical treatment for this incident?

Write answer here

160. Did this person go to the police to report this incident?

☐ Yes ☐ No

If yes, go to question 162.

If no, go to the next question.

161. Why did this person not go to the police?

After answering this question, go to question 165.

Some individuals may not report crimes to the police because they fear negative consequences from the police or others.

Write answer here

162. What happened when this person went to the police?

Write answer here

163. Does this person have or are they able to obtain a police report?

☐ Yes ☐ No ☐ I don't know

*If yes or I don't know, place description from question 153 to first column under "police reports" in **My Evidence List**. Go to question 165.*

If no, go to the next question.

164. Why can this person not obtain a police report?

Write answer here

165. Did this person experience other incidents of harm because of your SOGIESC?

☐ Yes ☐ No ☐ I don't know

If yes, repeat question 153-164.

If no or I don't know, go to the next question.

Person 1 other incident of harm 2 – Write answer here

Person 1 other incident of harm 3 – Write answer here

166. Repeat questions 153-165 for each person you have listed in question 152. Once you have finished, go to the next question.

Person 2 – Write answer here

Person 3 – Write answer here

Person 4 – Write answer here

Person 5 – Write answer here

167. Did anyone experience threats of harm in your country because of your SOGIESC?

--

If you already described other people's experiences of threats of harm in the previous questions, select "no."

☐ Yes ☐ No ☐ I don't know

If no or I don't know, go to question 177.

If yes, go to the next question.

168. Who has experienced threats of harm in your country because of your SOGIESC?

Person 1: _____

Person 2: _____

Person 3: _____

Person 4: _____

Answer the following questions for person 1.

169. Describe in detail a threat that this person experienced.

Be as detailed as possible, but only provide details that you can comfortably remember. If you don't remember the date of a threat, write down an approximate. For example, "On or around January 10, 2018" or "In mid-February 2019."

Include information on:

- (1) when the incident happened;
- (2) who was present (use specific names if possible);
- (3) what was said and by whom;
- (4) what was done to whom and by whom; and
- (5) how you felt during and after the threat.

Some threats may have happened during the experiences of harm that you described in the previous questions.

This person may have experienced threats after you left your country. Include them here.

Write answer here

170. Did this person report the threat to the police?

☐ Yes ☐ No ☐ I don't know

If yes, go to question 172.

If no, go to the next question.

If "I don't know", go to question 175.

171. Why did this person not report the threat to the police?

Some individuals may not report threats to the police because they fear negative consequences from the police or others.

After answering this question, go to question 175.

Write answer here

172. What happened when this person reported the threat to the police?

Write answer here

173. Does this person have or are they able to obtain a police report?

☐ Yes ☐ No ☐ I don't know

*If yes or I don't know, place description from question 169 to first column under "police reports" in **My Evidence List**. Go to question 175.*

If no, go to the next question.

174. Why can this person not obtain a police report?

Write answer here

175. Did this person experience other threats in your country?

☐ Yes ☐ No ☐ I don't know

*If yes, repeat questions 169-174. Once you have finished, go to the next question.
If no or I don't know, go to the next question.*

Person 1 threat 2 – Write answer here

Person 1 threat 3 – Write answer here

176. Repeat questions 169-175 for each person you have listed in question 153. Once you have finished, go to the next question.

Person 2 – Write answer here

Person 3 – Write answer here

Person 4 – Write answer here

Person 5 – Write answer here

177. Did anyone experience discrimination in your country because of your SOGIESC?

If you already described other people's experiences of discrimination in the previous questions, select "no."

☐ Yes ☐ No ☐ I don't know

If yes, go to the next question.

If no or I don't know, go to question 187.

178. Who has experienced discrimination in your country because of your SOGIESC?

Person 1: _____

Person 2: _____

Person 3: _____

Answer the following questions for person 1.

179. Describe in detail an incident of discrimination that this person experienced.

Be as detailed as possible, but only provide details that you can comfortably remember. If you don't remember the date of an incident, write down an approximate. For example, "On or around January 10, 2018" or "In mid-February 2019."

Include information on:

- (1) when the incident happened;
- (2) who was present (use specific names if possible);
- (3) what was said and by whom;
- (4) what was said and done by whom in response; and
- (5) how you felt during and after the incident.

Your answers to previous questions of the questionnaire may have already included experiences of discrimination.

Write answer here

180. Did this person report this incident of discrimination to the police, another government body, or court?

☐ Yes ☐ No ☐ I don't know

If yes, go to question 182.

If no, go to the next question.

181. Why did this person not report this incident of discrimination?

Some individuals may not report incidents of discrimination to the police because they fear negative consequences from the police or others.

Write answer here

After answering this question, go to question 186.

182. What happened when this person reported this incident of discrimination?

Write answer here

183. Does this person have or are they able to obtain proof that they reported the incident of discrimination?

☐ Yes ☐ No ☐ I don't know

*If yes or I don't know, If yes or I don't know, place description from question 179 to first column under "police reports" in **My Evidence List**. Go to question 185.*

If no, go to the next question.

184. Why can this person not obtain proof that they reported the incident of discrimination?

Write answer here

185. Did this person experience other incidents of discrimination in your country?

☐ Yes ☐ No ☐ I don't know

If yes, repeat questions 179-185.

If no or I don't know, go to the next question.

Person 1 incident of discrimination 2 – Write answer here

Person 1 incident of discrimination 3 – Write answer here

186. Repeat questions 179 to 185 for each person you have listed in question 178. Once you have finished go to the next question.

Person 2 – Write answer here

Person 3 – Write answer here

Person 4 – Write answer here

Person 5 – Write answer here

H. Leaving Your Country and Claiming Refugee Protection in Canada

187. When did you decide to leave your country?

Write answer here

188. Why did you decide to leave your country?

Write answer here

189. When did you leave your country?

Date: _____

190. Had you travelled outside of your country before?

☐ Yes ☐ No

*If yes, go to the next question.
If no, go to question 193.*

191. When did you travel outside of your country before?

Date 1: _____

Date 2: _____

Date 3: _____

192. Why did you return to your country after each of those dates?

For example, you may have felt safe enough to return to your country because other people weren't aware of your SOGIESC.

Date 1: Write answer here

Date 2: Write answer here

Date 3: Write answer here

193. Why couldn't you leave your country at an earlier date?

Write answer here

194. Did you enter any other countries before arriving in Canada?

This includes any countries that you entered, even briefly at an airport.

☐ Yes ☐ No

If yes, go to the next question.

If no, go to question 199.

195. Which country or countries?

Country 1 _____

Country 2 _____

Country 3 _____

196. Did you claim refugee protection in any of the countries listed in the previous question?

Having claimed refugee protection may have an impact on your refugee claim in Canada, even if you did not receive a decision in those claims. Please contact your lawyer for advice on the impact of having made a refugee claim in another country.

It is important not to hide this information from your lawyer, as the Refugee Protection Division may learn about your claims for refugee protection in other countries after receiving a background check on you. Your lawyer can give you advice and prepare you to respond to the issue of previously claiming refugee protection in other countries.

Some individuals may not make a refugee claim in other countries because they are uncomfortable revealing their SOGIESC to others, or fear that they or their family members will experience negative consequences.

☐ Yes ☐ No

For countries where you check yes, go to the next question.

For countries where you check no, go to question 198.

197. What was the decision in your previous refugee claim?

It is important to share this decision and any documents you have related to your previous refugee claim(s), as they may have an impact on your current refugee claim in Canada.

☐ My claim was accepted. ☐ My claim was refused. ☐ I don't know.

198. Why didn't you claim refugee protection in the countries listed above?

Write answer here

199. When did you most recently arrive in Canada?

☐ I have not arrived yet

Date: _____

If you selected "I have not arrived yet," go to question 205.

200. Did you ever come to Canada before that date?

☐ Yes ☐ No

If yes, go to the next question.

If no, go to question 202.

201. Why did you not claim refugee protection during your previous stays in Canada?

Write answer here

202. When did you make your refugee claim in Canada?

Date: _____.

☐ I haven't submitted my refugee claim yet.

If you put a date, go to the next question.

If you haven't submitted your refugee claim yet, go to question 205.

203. Did you make your refugee claim at a Canadian airport or land border?

☐ Yes ☐ No

If yes, go to question 205.

If no, go to the next question.

204. Why did you not make a refugee claim sooner?

Not claiming refugee protection sooner may be due to your personal circumstances, including your age, gender, mental health, culture, and/or other factors. Some individuals may delay claiming refugee protection because they feel unsafe or uncomfortable in doing so.

Write answer here

I. Experiences of Threats and Harm After Leaving Your Country

This section asks about your experiences of threats and harms after leaving your country, including while living in Canada. While Canada has laws to protect you, you may not have always felt safe in Canada. This may especially be the case if someone who threatened or hurt you in your country has been able to threaten and harm you after you arrived in Canada.

Your claim before the Refugee Protection Division is confidential, meaning your information will not be shared with anyone who is not a part of the refugee claim process, even if they are in Canada. Your personal information in your refugee claim will not be given to foreign governments.

205. Have you experienced harm while you have been outside of your country, including in Canada?

“Experiences of harm” can include many different incidents. Some may have happened only once. Others may have happened repeatedly. You may have experienced harm at a young age, as an adult, and/or throughout other parts of your life. Experiences of harm may have been physical, sexual, verbal, psychological, and/or financial. You may also not have experienced harm in Canada.

Even if a lot has happened to you and you are concerned about overcomplicating your case, be sure to write down everything, as the Refugee Protection Division board member may be suspicious of your story if you do not include these experiences in your BOC.

You may need to revisit this section several times to make sure you have provided all relevant experiences of harm. Only provide details that you can remember.

☐ Yes ☐ No

If yes, go to the next question.

If no, go to question 219.

206. Describe in detail an incident of harm that you experienced while you have been outside of your country, including in Canada.

Be as detailed as possible, but only provide details that you will comfortably remember during your hearing. If you don’t remember the date of an experience of harm, write down an approximate. For example, “On or around January 10, 2018” or “In mid-February 2019.”

Include information on:

- (1) when the incident happened;
- (2) who was present (use specific names if possible);
- (3) what was said and by whom; and
- (4) what was done to whom and by whom
- (5) how you felt during and after the incident.

Write answer here

207. Did you seek medical treatment for this incident?

☐ Yes ☐ No

If yes, go to the next question.

If no, go to question 213.

208. Where and when did you get medical treatment?

Write answer here

209. What treatment were you provided?

Write answer here

210. Do you have or are you able to get a medical report for this incident?

☐ Yes ☐ No ☐ I don't know

*If yes or I don't know, place description from question 206 to first column under "medical evidence" in **My Evidence List**. Go to question 213.*

If no, go to the next question.

211. Why can you not get a medical report for this incident?

After answering this question, go to question 213.

Write answer here

212. Why did you not get medical treatment for this incident?

Write answer here

213. Did you go to the police to report this incident?

☐ Yes ☐ No

If yes, go to question 215.

If no, go to the next question.

214. Why did you not go to the police?

Some individuals may not report incidents of harm to the police because they fear negative consequences from the police or others.

After answering this question, go to question 218.

Write answer here

215. What happened when you went to the police?

Write answer here

216. Do you have or are you able to obtain a police report for this incident?

☐ Yes ☐ No ☐ I don't know

*If yes or I don't know, If yes or I don't know, place description from question 206 to first column under "police reports" in **My Evidence List**. Go to question 218.
If no, go to the next question.*

217. Why can you not obtain a police report for this incident?

Write answer here

218. Other than the incident above, have you experienced other incidents of harm?

☐ Yes ☐ No

*If yes, repeat questions 206 to 217 for each experience of harm.
If no, go to the next question.*

Incident of harm 2: Write answer here

Incident of harm 3: Write answer here

Incident of harm 4: Write answer here

219. Have you experienced threats of harm while you have been outside of your country, including in Canada?

☐ Yes ☐ No

If yes, go to the next question.

If no, go to question 228.

220. Describe a threat you experienced.

Be as detailed as possible, but only provide details that you can comfortably remember. If you don't remember the date of a threat, write down an approximate. For example, "On or around January 10, 2018" or "In mid-February 2019."

Include information on:

- (1) when the incident happened;
- (2) who was present (use specific names if possible);
- (3) what was said and by whom;
- (4) what was done to whom and by whom; and
- (5) how you felt during and after the threat.

Some threats may have happened during the experiences of harm that you described in the previous questions.

Write answer here

221. Did you go to the police to report the threat above?

☐ Yes ☐ No

If yes, go to question 223.

If no, go to the next question.

222. Why did you not go to the police?

Some individuals may not report threats to the police because they fear negative consequences from the police or others.

After answering this question, go to question 226.

Write answer here

223. What happened when you went to the police?

Write answer here

224. Do you have or are you able to obtain a police report for this threat?

☐ Yes ☐ No ☐ I don't know

*If yes or I don't know, If yes or I don't know, place description from question 220 to first column under "police reports" in **My Evidence List**. Go to question 226.*

If no, go to the next question.

225. Why can you not obtain a police report for this threat?

Write answer here

226. Have you experienced other threats while you have been outside of your country, including in Canada?

☐ Yes ☐ No

If yes, go to the next question.

If no, go to question 228.

227. Repeat questions 220-226 for each threat of harm in Canada.

Threat 2: Write answer here

Threat 3: Write answer here

Threat 4: Write answer here

J. Understanding and Expressing your SOGIESC in Canada

Everyone has different and unique experiences in Canada, which may or may not affect their understanding and expression of their sexual orientation, gender identity, and/or sex characteristics.

228. Before arriving in Canada, were you aware of the treatment of SOGIESC people in Canada?

You may not have been aware of how other SOGIESC people are treated in Canada before arriving in Canada.

☐ Yes ☐ No

*If yes, go to the next question.
If no, go to question 231.*

229. What was your understanding of the treatment of SOGIESC people in Canada?

Write answer here

230. How did you learn about the treatment of SOGIESC people in Canada?

Write answer here

231. What has life generally been like for you since arriving in Canada?

This question is generally about your life in Canada, for example, in finding a home, going to school, looking for employment and working, visiting a doctor, making friends, etc. You may have had positive and negative experiences after arriving in Canada.

Write answer here

232. What are examples of positive experiences, if any, in your life since arriving in Canada?

Write answer here

233. What are examples of negative experiences, if any, in your life since arriving in Canada?

While Canada has a strong reputation for protecting the rights of SOGIESC people, it is not a perfect country. SOGIESC refugees may experience racism, xenophobia, misogyny,

homophobia, and transphobia in Canada. Life may also be difficult in Canada in finding housing, employment, and friends, among other challenges. It is okay to express these negative experiences, as they may have impacted your understanding and expression of your SOGIESC in Canada.

Write answer here

234. Has your opinion of your SOGIESC changed since arriving in Canada?

☐ Yes ☐ No

If yes, go to the next question.

If no, go to question 236.

235. How has your opinion of your SOGIESC changed?

Write answer here

236. What do you hope for your future in Canada?

Your answer may include information regarding your future regarding housing, education, employment, and relationships. Each person's vision of their future may be unique to them. For example, some, but not all, transgender, gender diverse, or other gender non-conforming individuals may wish to access hormonal treatment and gender confirmation surgeries. Some, but not all SOGIESC people may wish to be in long-term relationships. Some refugee claimants may also not feel ready to think about their future until their refugee claims are done.

Write answer here

237. Do you think you are living the life you would like now?

☐ Yes ☐ No ☐ Not completely

If yes, go to question 239.

If no or not completely, go to the next question.

238. What barriers or challenges are preventing you from living the life you would like for yourself?

After answering this question, go to question 240.

Write answer here

239. Why do you believe you are living the life you would like for yourself?

Write answer here

K. Other people's knowledge about your SOGIESC in Canada

You may want to revisit this section as you get closer to your hearing date. If you have recently arrived in Canada, your answers to these questions may be limited.

240. Have you told anyone in Canada about your SOGIESC?

☐ Yes ☐ No

If yes, go to the next question.

If no, go to question 249.

You may or may not feel more comfortable being open about your SOGIESC in Canada than you were in your home country.

241. Who did you tell your SOGIESC to in Canada?

Person 1 _____

Person 2 _____

Person 3 _____

Answer the following questions for person 1.

242. When and how did you tell this person?

Be sure to provide as much detail as you can remember.

Write answer here

243. Why did you decide to disclose your SOGIESC to this person?

Write answer here

244. How did this person react?

Write answer here

245. Are you still or are you able to get in contact with this person?

☐ Yes ☐ No ☐ I don't know

If yes or I don't know, go to the next question.

If no, go to question 248.

246. Do you feel comfortable contacting them for a support letter or to be a witness at your hearing?

If you feel comfortable to reach out to this person, you may consider providing a support letter from them or to identify them as a witness for your hearing. See **Section 4: Gathering Evidence** for more information on support letters. Always speak with your lawyer for advice to decide if taking these steps will help your case.

☐ Yes ☐ No

*If yes, add this person's name to first columns "letters of support" and "witnesses" to **My Evidence list**. Go to question 248.*

If no, go to the next question.

247. Why do you feel uncomfortable contacting this person?

Write answer here

248. Repeat questions 242 to 247 for each additional person you have told your SOGIESC to in Canada here. Once you are done, go to question 250.

Person 2: Write answer here

Person 3: Write answer here

249. Why did you not tell anyone your SOGIESC in Canada?

Write answer here

250. Other than the people above, who is aware of your SOGIESC in Canada?

Person 1 _____

Person 2 _____

Person 3 _____

Answer the following questions for person 1.

251. When and how you did this person become aware of your SOGIESC?

You may have told this person directly or they may have learned about it another way. If you told this person directly, explain why you decided to tell them.

Write answer here

252. How did this person react to learning about your SOGIESC?

Write answer here

253. Are you still or are you able to get in contact with this person?

☐ Yes ☐ No ☐ I don't know

If yes or I don't know, go to the next question.

If no, go to question 256.

254. Do you feel comfortable contacting this person for a support letter or to be a witness at your hearing?

If you feel comfortable reaching out to this person, you may consider providing a support letter from them or to identify them as a witness for your hearing. See **Section 4: Gathering Evidence** for more information on support letters and witnesses. Always speak with your lawyer for advice to decide if taking these steps will help your case.

☐ Yes ☐ No

*If yes, add this person's name to first columns under "letters of support" and "witnesses" in **My Evidence List**. Go to question 256.*

If no, go to the next question.

255. Why do you feel uncomfortable contacting this person?

Write answer here

256. Repeat questions 251-255 for each person you listed in question 250. Once you have finished, go to question 258.

Person 2: Write answer here

Person 3: Write answer here

257. Why haven't you told anyone about your SOGIESC since arriving in Canada?

Write answer here

L. Sexual, Romantic, and Emotional Relationships in Canada

1. Same-gender relationships

The word 'relationship' means different things to different people. Generally, this question is about any sexual, romantic, and/or emotional bonds that you developed with people of the same sex or who identifies as the same gender as you. These relationships may or may not have been serious to you. You may have not had any same-gender relationships since arriving in Canada. SOGIESC people are not expected to have had same-gender relationships since coming to Canada.

It may be very uncomfortable thinking and writing about sexual and romantic relationships that you have had in your country and in Canada. That said, it is important to provide details on all of them that you remember. If you are having difficulty speaking about the details, tell your lawyer, who will work with you to best determine how to present that information in your refugee claim.

Remember that your refugee claim is private, meaning the Refugee Protection Division will not share your information with anyone who is not a party in your claim. That said, having a current or former partner answer questions at your hearing by phone or in person may be very helpful in your claim.

You may want to revisit this section as you get closer to your hearing date. If you have recently arrived in Canada, your answers to these questions may be limited.

258. Have you had any same-gender relationships in Canada?

If your claim is based on your gender identity and expression and/or sex characteristics, you may still wish to include relationships that may lead to others perceiving you as a non-heterosexual individual. For example, if you are a trans woman who has been in relationships with men, you may be perceived as a gay man because of these relationships.

☐ Yes ☐ No

If yes, go to the next question.

If no, go to question 279.

259. What are the name(s) of your partner(s) in Canada?

In this case, “partner” refers to the person with whom you were or are in a relationship, no matter the length and seriousness of the relationship, including casual sexual encounters. You may have been or are in more than one relationship at the same time.

Person 1 _____

Person 2 _____

Person 3 _____

Answer the following questions for person 1.

260. When and how did you meet this person?

Write answer here

261. How much later after meeting this person did your relationship with them start?

Your relationship may have start at the same time you met this person or after meeting them.

Write answer here

262. How did your relationship with this person start?

Write answer here

263. Did you know or suspect that this person wanted to be in a relationship with you?

☐ Yes ☐ No

If yes, go to the next question.

If no, go to question 265.

264. What made you suspect this person wanted to be in a relationship with you?

Write answer here

265. What do/did you like about this person? What attracted you to them?

Write answer here

266. How would you describe your relationship with this person?

The word 'relationship' means different things to different people. Generally, this question is about any sexual, romantic, and/or emotional bonds that you developed with people of the same sex or who identify as the same gender as you. This relationship may be purely sexual,

others may be sexual, emotional, and romantic to certain levels. This relationship may or may not have been serious to you.

If you describe this person using terms other than 'partner,' put the words you would use to refer to them in this answer.

Write answer here

267. Describe this person.

Physically, how does this person look? What is their personality like? Do you know personal details about this person like their birthday, family, living circumstances, work and education? Depending on the length and seriousness of your relationship with them and other factors such as culture, you may not know many details about this person.

Write answer here

268. How do/did you feel about being in a relationship with this person?

Write answer here

269. Did your relationship with this person change at any time?

☐ Yes ☐ No

If yes, go to the next question.

If no, go to question 271.

270. When and how did your relationship change?

For example, did you feel differently about your relationship at certain moments? Did your relationship become less or more serious at certain moments?

Write answer here

271. Are you still in a relationship with this person?

☐ Yes ☐ No

If yes, go to question 273.

If no, go to the next question.

272. When and how did your relationship with this person end?

Write answer here

273. Are you still or are you able to get in contact with this person?

☐ Yes ☐ No ☐ I don't know

If yes or I don't know, go to the next question.

If no, go to question 276.

274. Do you feel comfortable contacting this person for a support letter or to be a witness at your hearing?

If you feel comfortable reaching out to this person, you may consider providing a support letter from them or to identify them as a witness for your hearing. See **Section 4: Gathering Evidence** for more information on support letters and witnesses. Always speak with your lawyer for advice on whether taking these steps will help your case.

☐ Yes ☐ No

*If yes, add this person's name to first columns under "letters of support" and "witnesses" in **My Evidence List**. Go to question 276.*

If no, go to the next question.

275. Why do you feel uncomfortable contacting this person?

Write answer here

276. Do you have any proof of communication with this person?

You should not provide sexually explicit photos, videos, or other materials to the Refugee Protection Division. Non-sexually explicit communication between you and this person may be helpful in proving the existence of this person. The board member may ask you questions about the information in the messages.

☐ Yes ☐ No ☐ I don't know

*If yes or I don't know, add this person's name under "relationship with" and add "proof of communication" under "type of evidence" under "Evidence of Relationships" in **My Evidence List**. Go to the next question.*

If no, go to the next question.

277. Do you have any photos of you with this person?

You should not provide sexually explicit photos, videos, or other materials to the Refugee Protection Division. Non-sexually explicit photos of you with this person may be helpful in proving the existence of this person. The board member may ask you questions about where and when the photos were taken.

☐ Yes ☐ No ☐ I don't know

*If yes or I don't know, add this person's name under "relationship with" and add "photos" under "type of evidence" under "Evidence of Relationships" in **My Evidence List**. Go to the next question.*

If no, go to the next question.

278. Repeat questions 260-277 for each person you listed in question 259. Once you have finished, go to the next question.

2. Opposite-gender relationships

The word 'relationship' means different things to different people. Generally, this question is about any sexual, romantic, and/or emotional bonds that you developed with people of the opposite sex or who identifies as the opposite gender as you. These relationships may or may not have been serious to you. Not all SOGIESC people have had opposite-gender relationships in their countries.

It may be very uncomfortable thinking and writing about sexual and romantic relationships that you have had in your country and in Canada. That said, it is important to provide details that you remember on all of them. If you are having difficulty speaking about the details, tell your lawyer, if you have hired one, who will work with you to best determine how to present that information in your refugee claim.

Remember that your refugee claim is private, meaning the Refugee Protection Division will not share your information with anyone who is not a party in your claim. That said, having a current or former partner answer questions at your hearing by phone or in person may be very helpful in your claim.

279. Have you had any opposite-gender relationships in Canada?

☐ Yes ☐ No

If yes, go to the next question.

If no, go to question 305.

280. What are the name(s) of your partner(s) in Canada?

--

In this case, “partner” refers to the person with whom you were or are in a relationship, no matter the length and seriousness of the relationship, , including casual sexual encounters. You may have been or are in more than one relationship at the same time.

Person 1 _____

Person 2 _____

Person 3 _____

Answer the following questions for person 1.

281. When and how did you meet this person?

Write answer here

282. How much later after meeting this person did your relationship with them start?

Your relationship may have start at the same time you met this person or after meeting them.

Write answer here

283. How did your relationship with this person start?

Write answer here

284. What do/did you like about this person? What attracted you to them?

Write answer here

285. How would you describe your relationship with this person?

The word 'relationship' means different things to different people. Generally, this question is about any sexual, romantic, and/or emotional bonds that you developed with people of the opposite sex or who identify as the opposite gender as you. This relationship may be purely sexual, others may be sexual, emotional, and romantic to certain levels. This relationship may or may not have been serious to you.

If you describe this person using terms other than 'partner,' put the words you would use to refer to them in this answer.

Write answer here

286. Describe this person.

Physically, how does this person look? What is their personality like? Do you know personal details about this person like their birthday, family, living circumstances, work and education? Depending on the length and seriousness of your relationship with them and other factors such as culture, you may not know many details about this person.

Write answer here

287. How do/did you feel about being in a relationship with this person?

Write answer here

288. Did your relationship with this person change at any time?

☐ Yes ☐ No

If yes, go to the next question.

If no, go to question 290.

289. When and how did your relationship change?

For example, did you feel differently about your relationship at certain moments? Did your relationship become less or more serious at certain moments?

Write answer here

290. Is this person aware of your SOGIESC?

☐ Yes ☐ No ☐ I don't know

If yes, go to the next question.

If no or I don't know, go to question 294.

291. How did they learn about your SOGIESC?

Write answer here

292. How did they react?

Write answer here

293. How has them knowing your SOGIESC impacted your relationship with them?

After answering this question, go to question 297.

Write answer here

294. Do you think this person has ever suspected your SOGIESC?

☐ Yes ☐ No ☐ I don't know

295. Why did you not disclose your SOGIESC to this person?

Write answer here

296. How do you think they would have reacted?

Write answer here

297. Are you still in a relationship with this person?

☐ Yes ☐ No

If yes, go to question 299.

If no, go to the next question.

298. When and how did your relationship with this person end?

Write answer here

299. Are you still or you able to get in contact with this person?

☐ Yes ☐ No ☐ I don't know

If yes or I don't know, go to the next question.

If no, go to question 272.

300. Do you feel comfortable contacting this person for a support letter or to be a witness at your hearing?

If you feel comfortable reaching out to this person, you may consider providing a support letter from them or to identify them as a witness for your hearing. See **Section 4: Gathering Evidence** for more information on support letter. Always speak with your lawyer for advice on whether taking these steps will help your case.

☐ Yes ☐ No

*If yes, add this person's name to first columns under "letters of support" and "witnesses" in **My Evidence List**. Go to question 304.*

If no, go to the next question.

301. Why do you feel uncomfortable contacting this person?

Write answer here

302. Do you have any proof of communication with this person?

You should not provide sexually explicit photos, videos, or other materials to the Refugee Protection Division. Non-sexually explicit communication between you and this person may be helpful in proving the existence of this person. The board member may ask you questions about the information in the messages.

☐ Yes ☐ No ☐ I don't know

*If yes or I don't know, add this person's name under "relationship with" and add "proof of communication" under "type of evidence" under "Evidence of Relationships" in **My Evidence List**. Go to the next question.*

If no, go to the next question.

303. Do you have any photos of you with this person?

You should not provide sexually explicit photos, videos, or other materials to the Refugee Protection Division. Non-sexually explicit photos of you with this person may be helpful in proving the existence of this person. The board member may ask you questions about where and when the photos were taken.

☐ Yes ☐ No ☐ I don't know

*If yes or I don't know, add this person's name under "relationship with" and add "photos" under "type of evidence" under "Evidence of Relationships" in **My Evidence List**. Go to the next question.*

If no, go to the next question.

304. Repeat questions 281-303 for each person you listed in question 280. Once you have finished, go to question 305.

Person 2: Write answer here

Person 3: Write answer here

M. Participation in LGBTQI+ Organizations, Programs, and Events in Canada

You may want to revisit this section as you get closer to your hearing date. If you have recently arrived in Canada, your answers to these questions may be limited.

305. Have you participated in any LGBTQI+ organizations or programs since coming to Canada?

LGBTQI+ organizations and programs may provide support and services for SOGIESC refugee claimants. See **Section 6: Resources** for information on LGBTQI+ organizations in Canada for more information. Organizations that welcome all individuals, including SOGIESC-diverse ones, may also be of interest to you.

You are not required to join any LGBTQI+ organizations to prove your SOGIESC. If you have participated, your reasons for joining, the timing of participation, experience in participating may be relevant to your claim. Merely participating in LGBTQI+ organizations may not prove your SOGIESC.

☐ Yes ☐ No

If yes, go to the next question.

If no, go to question 313.

306. Which organizations or programs have you participated in?

This may also include organizations that welcome all individuals, including SOGIESC ones.

LGBTQI+ organization/program # 1: _____

LGBTQI+ organization/program #2: _____

LGBTQI+ organization/program #3: _____

*Add each organization/program's name under first column of "Letters of Support" in **My Evidence List**.*

Answer the following questions for LGBTQI+ organization/program #1.

307. How did you learn about this organization/program?

Write answer here

308. How often have you attended this organization/program?

Write answer here

309. Describe your experience attending this organization/program.

How did you feel attending? What did you discuss? How has attending helped you understand or express your SOGIESC?

Write answer here

310. Do you still participate in this organization/program?

☐ Yes ☐ No

If yes, go to question 312.

If no, go to the next question.

311. When and why did you stop participating?

Write answer here

312. Repeat questions 307-311 for each organization/program you listed in question 306. Once you have finished, go to the next question.

LGBTIQ+ organization/program 2: Write answer here

LGBTIQ+ organization/program 3: Write answer here

313. Have you participated in a LGBTQI+ event in Canada?

Individuals may decide not to participate in LGBTQI+ events for different reasons. Participating in a LGBTQI+ event does not alone prove your SOGIESC. Your reasons for and experience in participating in a LGBTQI+ event may be relevant to your claim.

☐ Yes ☐ No

314. Which events?

.

LGBTQI+ event # 1 : _____

LGBTQI+ event #2 : _____

LGBTQI+ event #3 : _____

Put “photos” in first column and put event name under second column of “other evidence” in My Evidence List.

315. How did you learn about this event?

Write answer here

316. Describe your experience attending this event.

How did you feel attending? How has attending helped you understand or express your SOGIESC?

Write answer here

317. Repeat questions 315-316 for each event.

LGBTIQ+ event 2: Write answer here

LGBTIQ+ event 3: Write answer here

N. Fears of Return to your Country

318. What do you fear would happen to you if you returned to your country?

Individuals cannot be expected to hide their SOGIESC in order to avoid harm in their countries. In answering this question, ask yourself what might happen to you if others knew about your

SOGIESC. If you did not experience harm or threats in the past, you may still experience harm and threats if you return to your country.

Write answer here

319. Who do you fear in your country?

“Agents of harm” may include family, partners, community, religious institutions, police, government, and others. Some individuals may fear people who are unaware of the individuals’ SOGIESC. Add more agents of harm if relevant. Harm may be physical, sexual, and/or psychological.

Agent of Harm 1 _____

Agent of Harm 2 _____

Agent of Harm 3 _____

Agent of Harm 4 _____

Agent of Harm 5 _____

Answer the following questions for Agent of Harm 1.

320. What do you fear this agent of harm would do if you returned to your country?

Write answer here

321. Why do you believe this agent of harm would do this to you?

Write answer here

322. Repeat questions 320-321 for each agent of harm you listed in question 319. Once you have finished, go to the next question.

Agent of harm 2: Write answer here

Agent of harm 3: Write answer here

Agent of harm 4: Write answer here

Agent of harm 5: Write answer here

323. What problems would you experience in accessing employment in your country because of your SOGIESC?

Some individuals may risk persecution on a cumulative basis, including restricted access to employment, healthcare, and housing.

Write answer here

324. How would you financially support yourself, and family if relevant, if you returned to your country?

Write answer here

325. What problems would you experience in getting healthcare services in your country because of your SOGIESC?

Write answer here

326. What consequences might you experience without access to healthcare services?

For example, transgender individuals may wish to access hormonal treatment and gender confirmation surgeries, which may not be possible in their country. The health of people living with HIV may seriously worsen without medication.

Write answer here

327. Where might you live if you returned to your country?

Write answer here

328. What problems would you experience in finding a place to live in your country because of your SOGIESC?

Write answer here

329. Why would the police not want or cannot protect you in your country?

For example, the existence of laws criminalizing non-conforming sexual orientations, sexual behaviours, or gender identities or expressions and the enforcement of these laws by the state may be evidence that police would be unwilling or unable to protect you.

Write answer here

330. Could you safely live in another part of your country without having to hide your SOGIESC?

Individuals cannot be expected to hide their SOGIESC in order to avoid harm in their countries. In answering this question, ask yourself what might happen to you if others knew of your SOGIESC.

At your hearing, the board member may ask you about whether you can safely and reasonably live in specific locations in your country. Contact your lawyer for advice on which locations the board member may raise.

☐ Yes ☐ No

*If yes, go to the next question.
If no, go to question 334.*

331. Where in your country could you safely live?

Location 1 _____

Location 2 _____

Location 3 _____

☐ I could not safely live anywhere in my country.

If you put at least one location, go to the next question.

If you could not safely live anywhere in your country, go to question 334.

Answer the following questions for location 1.

332. What challenges would you experience living in this location?

Write answer here

333. Repeat question 332 for each location you listed in question 331. Once you have finished, go to question 335.

Location 2: Write answer here

Location 3: Write answer here

334. Why couldn't you safely live in any part of your country?

Write answer here

335. Are you still in contact with anyone in your country?

☐ Yes ☐ No

336. Who are you still in contact with?

Person 1: _____

Person 2: _____

Person 3: _____

Answer the following questions for person 1.

337. How often do you speak with this person?

Write answer here

338. What is this person's understanding of why you are in Canada?

Write answer here

339. Repeat questions 337 to 338 for each person you listed in question 336. Once you have finished, go to the next question.

Person 2: Write answer here

Person 3: Write answer here

340. Is there any other information that you would like to add that hasn't been included in the questionnaire?

Write answer here

Section 4: Gathering Evidence

Generally, a board member cannot reject your claim for a lack of evidence unless they doubt you are telling the truth. That is why it is so important to make sure your Basis of Claim (BOC) is complete and correct, as it is the most important piece of evidence in your claim. That said, it is always a good idea to collect evidence as part of your refugee claim if you can. Use **“My Evidence List”** to write down evidence you want to collect and your efforts to get that evidence.

This section of the QRHP Toolkit provides information on how evidence is considered and examples of evidence that may be useful in proving your story and SOGIESC. The QRHP Toolkit does not cover evidence to prove other criteria for refugee protection.

Understandably, there may be limited evidence that you can get, especially if you have kept your SOGIESC a secret from many people. Below are example pieces of evidence that may be relevant to you. Speak with your lawyer to decide if the evidence is relevant, and whether you should be collecting other evidence.

It is important to make sure the information in all of your evidence is consistent, including your BOC. For example, if your BOC states that you met your partner in 2012, but your partner’s letter states that you met in 2014, then the board member may be concerned about your credibility. You should speak with your lawyer to review evidence and determine whether it helps or harms your case.

Finally, make you sure that you submit your evidence to the Refugee Protection Division (and the Minister’s counsel, if they have sent you a letter saying they will be a part of your claim) at least 10 days before your hearing. You can submit the evidence closer to, on the day of, or after your hearing, but you must convince the board member that the evidence could not have been submitted earlier, among other criteria. If you do not have a lawyer, see “Guides on Refugee Claim Process and Criteria” in **Section 6: Resources** for information on how to give your evidence to the Refugee Protection Division.

Letters of Support

You may wish to include letters of support from current and former partners, supportive friends and family members, and LGBTQI+ organizations/programs.

Letters from supportive friends and family members may explain:

- (1) when and how they met you;

(2) how they learned of your SOGIESC; and

(3) what information they personally know about your circumstances in your country and/or in Canada, among other information.

Letters of support from LGBTQI+ organizations, as well as organizations whose services aren't limited to SOGIESC people, may state:

(1) that you have participated in programming specific to SOGIESC people;

(2) how long and often you have participated; and

(3) if possible, how the letter author has viewed the impact of the organization's services on your understanding and expression of your SOGIESC.

For letters of support from same-gender partners, you may consider using the sections on same-gender relationships (questions 73 to 93, and 258 to 278) in **Section 3: The Questionnaire** above as a guide on information to include.

Letters should only contain details that the authors personally know. For example, if a supportive friend personally witnessed you being harmed or threatened, then they should include details on that experience in their letters. Tell them that your hearing is confidential, so your evidence will not be shared with anyone who is not involved in your refugee claim. Their personal information in your refugee claim will not be available online or given to foreign governments.

The Refugee Protection Division does not require that letters are affidavits, and it may be dangerous to ask for letter writers to get affidavits with information on your SOGIESC. That said, support letters should be signed, dated, have the author's contact information, and include their piece of identification.

You may consider telling the authors that the board member may contact them during the hearing. During the RPD hearing, if the board member asks to speak with the letter writers and they are unavailable or feel unsafe or uncomfortable answering their phone at the time of RPD hearing, then you may consider asking the board member to arrange a time that would be convenient to the letter writer.

Witnesses

Witnesses may answer questions either by phone or in person at your hearing. At least 10 days before the hearing, you must inform the Refugee Protection Division of:

- (1) the witnesses' names;
- (2) their contact information;
- (3) their relationship to you;
- (4) the topics on which they will answer questions;
- (5) if they will answer questions in person or by phone;
- (6) if they require an interpreter; and
- (7) how much time they need to answer questions.

There are advantages to including witnesses at your hearing in addition to or instead of support letters from them. Witnesses may be valuable because the board member can directly ask them questions and compare their answers to yours. They may also be able to provide details in their answers that they may not have thought of including in a support letter. If you are in a serious same-gender relationship, especially with someone in Canada, the board member may likely expect your partner attend the hearing to answer questions depending on your or their circumstances.

However, not all witnesses are good at answering questions. They may also be unable to use their cell phones at certain times of the day. If you have a lawyer, you should speak with them to determine who may be good witnesses at your hearing.

Your witness by phone may feel unsafe speaking out loud about your or their SOGIESC. It is important to discuss if safety precautions can be taken, for example:

- (1) answering questions at a certain time during the hearing when the witness is in a private place; and
- (2) coming up with a "safety sentence" which the witness can say if they no longer feel safe answering questions.

Talk to your lawyer and potential witness to see if a safety plan can be developed. Inform the Refugee Protection Division of this safety plan if your witness is willing to answer questions by phone. If they are considering answering questions in person, tell them that the hearing is confidential.

Evidence of Relationships

The word ‘relationship’ means different things to different people. Generally, this question is about any sexual, romantic, and/or emotional bonds that you developed with people. These relationships may or may not have been serious to you.

If your claim is based on your gender identity and expression and/or sex characteristics, you may still wish to include proof of relationships that may lead to others perceiving you as a non-heterosexual individual. For example, if you are a trans woman who has been in relationships with men, you may have been perceived as a gay man because of these relationships.

If you have had same-gender relationships, in addition to including current and former same-gender partners as witnesses or support letter writers, you may also wish to include:

- (1) Photos (not sexually explicit) of you and your partner;
- (2) Proof of communication like screenshots of text messages; and/or
- (3) Letters from supportive friends and family who personally know of your partner.

Letters from opposite-gender partners may also be useful, especially if they accept your SOGIESC. Refugee Protection Division hearings are private, so it will not share personal information in your claim with your family, friends, former and current partners, or people in your community, especially if it may put your life in danger.

Mental Health Report

If you will have difficulty answering certain questions at your hearing, or having to talk about certain topics will cause symptoms of trauma, it may be a good idea to submit a report from a mental health professional. Their report can explain how you might react to certain questions and suggest accommodations at your hearing, such as having your lawyer ask you questions first, or having the board member be a certain gender. Finally, their report may explain the impact of returning to your country on your mental health. A mental health professional cannot share their opinion on whether you qualify as a refugee.

Admitting you have experienced trauma can be very difficult. That trauma may be the reason you are asking for refugee protection. The idea of getting support from a mental health professional may feel unfamiliar or stigmatizing to you, but they are there to help you manage your mental health, including for your eventual hearing. As a refugee claimant, the cost of appointments may be covered under the Interim Federal Health Program. See **Section 6: Resources** for organizations that can help you find a mental health professional.

Medical Evidence

Medical reports are useful if you have experienced physical abuse and violence in your country. Medical reports would include hospital records and letters from medical professionals who treated you at the time you reported your injuries to them.

Make sure the information in medical and your Basis of Claim are consistent. If the medical professional was not fully aware of the details of the incidents - for example, that you were harmed because of your SOGIESC - then you may want to explain in your Basis of Claim why that information is not included in the medical report.

If you have visible bodily injuries such as scars and burn marks but do not have medical reports from the time these happened, you might consider submitting a report from a medical professional in Canada stating these visible injuries are consistent with your story of how you were harmed.

Police Reports

If you went to the police, you may consider providing police reports to the Refugee Protection Division. Make sure the information in police reports and your Basis of Claim are consistent. For example, if the police were not fully aware of the details of the incidents - for example, that you were harmed because of your SOGIESC - then you may want to explain in your Basis of Claim why that information is not included in the police report.

Section 5: Frequently Asked Questions

Tip

You may have questions that are not answered in this section. See the “Guides on Refugee Claim Process and Criteria” in Section 6: Resources for more useful information and ask your questions to your lawyer if you have one.

A. On Procedure

1. Can I update my Basis of Claim narrative?

Yes, the Refugee Protection Division rules state that you can submit an updated BOC at least 10 days before your hearing date. You must underline the changes and additions to your BOC, sign and date each updated page, and sign a declaration confirming the updated BOC is true, complete, and correct.

It is important to know that Board members may ask why you changed or added information to your BOC narrative. Your answers may affect the Board members decision on whether they believe your story. However, board members may wonder if you are telling the truth if you do not include important information from your BOC narrative. Contact your lawyer for advice on whether you should update your BOC narrative.

2. Can I provide additional evidence on the day of my hearing?

Yes, but only if the board member believes that the evidence is important to your case and that you could not have submitted it sooner. Otherwise, you are supposed to submit evidence at least 10 days before your hearing.

3. Can I provide additional evidence after my hearing?

Yes, but only if the board member believes that the evidence is important to your case and that you could not have submitted it sooner. Otherwise, you are supposed to submit evidence at least 10 days before your hearing.

4. Can I claim refugee protection for more than one reason?

Yes, your claim may be based on sexual orientation, gender identity and expression, sex characteristics, race, religion, nationality, political opinion, HIV+ status, and other reasons. Speak with your lawyer to learn more about the other grounds and how best to present your claim to the Refugee Protection Division.

5. If my spouse, partner, children, and/or other family arrive in Canada after me, can they claim refugee protection with me?

Yes, but if you have not yet had your hearing, then you can ask the Refugee Protection Division to have the hearing of your spouse, partner, children, and/or family member take place at the same time as yours with the same board member.

6. Can I change my lawyer before my hearing?

As a client, you are allowed to tell your current lawyer that you no longer want them to represent you. However, if a legal aid certificate is paying for your lawyer's services, there may be limited circumstances where you can get a new legal aid certificate for a different lawyer. Otherwise, you can hire a new lawyer, but they may charge you money. For further information about legal aid certificates, contact the legal aid authority in your province. See **Section 6: Resources** for their contact information.

If you change lawyers, then either you or your new lawyer needs to complete and send the "Counsel Contact Information" form to the Refugee Protection Division.

7. I don't think my lawyer is properly representing or has properly represented me in my refugee claim. What can I do?

If you are unhappy with your lawyer's work on your case, you may wish to talk about these issues with them to see if they can be fixed. Otherwise, you have the right to tell your lawyer that you no longer want them to represent you. See the previous question on steps to take to hire a new lawyer.

If you have been refused refugee protection, you do not need to hire the same lawyer for other legal applications like an appeal.

In some legal applications like an appeal, you may be able to argue that your lawyer for your refugee claim did not adequately represent you. This is often a complicated and challenging allegation to make. You should speak with your new lawyer about arguing that your lawyer for your refugee claim inadequately represented you.

B. On Credibility

8. I made my refugee claim at a land border or the airport. During my interview, I did not tell the immigration officer all of my experiences in my country because of my

SOGIESC. I may have even lied because I did not even mention my SOGIESC at all. Can I be refused refugee protection?

It depends on the information in the immigration officer's interview notes, your Basis of Claim (BOC), and your reasons why the information between them may be different. The board member may question you about why information in the immigration officer's notes may not be the same as your BOC narrative, which may create credibility concerns. However, board members must understand that it may be difficult for someone to talk about their SOGIESC with immigration officers during an interview at a land border or airport.

9. Can I be refused refugee protection if I don't come from a country experiencing war?

No, you may be a refugee even if you do not come from a country where many people experience war, violence, and other hardships. In your refugee claim, you need to prove that you may face persecution because of your sexual orientation, gender identity and expression, sex characteristics, and/or other reasons, and that your country cannot or does not want to protect you, among other criteria.

10. Can I be refused refugee protection if I am a lesbian but married to a man with children?

No, the board member cannot refuse your claim just because you are married with children. That said, like all claimants, you would need to prove you are telling the truth about your sexual orientation through your answers during the hearing, Basis of Claim (BOC), and other supporting documentation in your case.

11. Can I be refused refugee protection because I am HIV+ or I have other health or mental health conditions?

No, you cannot be refused refugee protection simply because you are HIV+ or have other health or mental health conditions. It can be very difficult to talk about being HIV+, but you should tell your lawyer and explain any risks you would experience as an HIV+ individual in your BOC. Please check out **Section 6: Resources** for organizations that may provide you emotional and community support.

12. Can I be refused refugee protection if I do not currently have a same-gender partner?

No, claimants cannot be refused if they aren't or haven't been in same-gender relationships since arriving in Canada.

13. Can I be refused refugee protection if I am religious?

No, individuals may have different opinions on how their religion views their SOGIESC or may accept their SOGIESC despite their religion's views. Other individuals may feel stigma and

shame about their SOGIESC because of their religion's views on SOGIESC people. There are no universal experiences on how individuals' religious beliefs and SOGIESC intersect.

14. Do I need to participate in LGBTQI+ organizations, programs, and events in order to win my case?

No, LGBTQI+ organizations and programs may provide support and services for SOGIESC refugee claimants. See **Section 6: Resources** for information on LGBTQI+ organizations in Canada for more information. Organizations that welcome all individuals, including SOGIESC ones, may also be of interest to you. That said, you are not expected to join any LGBTQI+ organizations or programs to prove your SOGIESC. If you have participated, your reasons for joining, the timing of participation, experience in participating may be relevant to your claim. Merely participating in LGBTQI+ organizations may not alone prove your SOGIESC.

15. Will the board member get upset if I talk about bad experiences of living in Canada?

No, while Canada has a strong reputation for protecting the rights and safety of SOGIESC people, it is not a perfect country. SOGIESC refugees may experience racism, xenophobia, misogyny, homophobia, and transphobia in Canada. Life may also be difficult in Canada in finding housing, employment, and friends, among other challenges. It is okay to talk about these bad experiences, as they may have impacted your understanding and expression of your SOGIESC in Canada.

16. Do I need to memorize my Basis of Claim narrative?

No, you do not need to memorize your Basis of Claim (BOC) narrative or other information, but it should contain information that you can comfortably recall during your hearing. Your answers during the hearing should be consistent with the information in your file, particularly your BOC narrative. Your answers at the hearing should not be a word-for-word repetition of your BOC narrative. Before your RPD hearing, it is important to review your BOC to remind yourself of the details in it.

17. Do I need to bring photos or videos of me having sex to my hearing?

No, board members cannot expect claimants to bring sexually explicit photos, videos, and other materials to prove they are SOGIESC individuals.

18. Being a SOGIESC person is a crime in my country. Can I be rejected for refugee protection because of that?

No, you cannot be rejected for refugee protection for this reason, even if you were arrested, put in jail, or faced other punishment because of your SOGIESC. However, if you did something that is considered a serious crime in Canada, then you might be refused refugee protection.

C. On Respect and Confidentiality

19. I am worried someone will find out I am making a refugee claim based on SOGIESC, especially if I mention their names in my Basis of Claim narrative. What can I do to make sure no one finds out?

Refugee Protection Division hearings are confidential. This means that only you, any other people claiming protection with you, witnesses, and anyone else involved in your claim and at your hearing, as well as certain departments of the Government of Canada, will know about your refugee claim. The board member, interpreter, and your lawyer will not share personal information in your file and answers during the hearing will not share with your family, friends, former and current partners, or people in your community.

In some situations, the board member may ask if a certain person can attend the hearing to answer questions, such as a current partner. If you do not want this person to answer questions or they cannot or do not want to answer questions, it is important to tell the board member why.

20. My spouse or partner is uncomfortable with my sexuality. Do they have to be present while I answer questions?

It depends. If your spouse or partner is making a refugee claim with you, then they and you have the right to be in the hearing room and hear each other's answers during the hearing. In some circumstances, your spouse or partner may agree to be outside of the hearing room during your testimony. If you do not feel comfortable jointly claiming refugee protection with your spouse or partner, you may consider asking the Refugee Protection Division to separate your claims. Speak with your lawyer to determine the best option to make sure you feel most comfortable answering questions at your hearing.

21. What if I feel uncomfortable with the interpreter in the room or on the phone during the hearing?

The Refugee Protection Division proceedings are confidential, meaning all parties, including the interpreter, cannot share your information with other people. Interpreters must also be respectful to everyone in the hearing. That said, if you require an interpreter but feel uncomfortable with certain interpreters, speak to your lawyer about it to request procedural accommodations, for example, that the interpreter is a man or a woman, or the interpretation is done over the phone. During the hearing, if you feel the interpreter is not being respectful or you are otherwise feeling uncomfortable, tell your lawyer or the board member. You may have good reasons to request a new hearing with a different interpreter.

22. What if I feel uncomfortable with the board member during the hearing?

Board members must remain sensitive and respectful towards you during the hearing. While board members may raise concerns about your credibility, their conduct, tone, demeanour, and language must always be appropriate. If you are concerned that the board member is acting unprofessionally, tell your lawyer, who may suggest that you state your concerns during the hearing. If you do not have a lawyer, you may consider informing the board member directly why you think their conduct is unprofessional. You may have good reasons to request a new hearing with a different board member.

23. I am only familiar with insults or slurs to describe my SOGIESC. Will the Board member use those words to describe me and people like me?

The board member will not use these terms in your case unless you feel most comfortable using them to describe your SOGIESC.

24. My same-gender partner outside Canada wants to answer questions at my hearing but does not feel safe doing so. What can I do?

Witnesses' safety is a very important consideration. Your witness by phone may feel unsafe speaking out loud about you or their SOGIESC. It is important to discuss if safety precautions can be taken, for example:

- (1) answering questions at a certain time during the hearing when the witness is in a private setting; and
- (2) coming up with a "safe phrase" which the witness can say if they no longer feel safe answering questions.

Talk to your lawyer and potential witness to see if a feasible safety plan can be developed. Inform the Refugee Protection Division of this safety plan if your witness is willing to answer questions by phone.

Section 6: Resources

1. Refugee Claim Forms and Tools

Immigration, Refugees, and Citizenship Canada - Refugee Claim Forms

<<https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/claim-protection-inside-canada/apply.html>>

Immigration and Refugee Board of Canada – Basis of Claim

<https://irb-cisr.gc.ca/en/forms/Documents/RpdSpr0201_e.pdf>

Immigration and Refugee Board of Canada – Chairperson’s Guideline 9: IRB Proceedings Involving Sexual Orientation, Gender Identity and Expression (the SOGIE Guideline)
<<https://irb-cisr.gc.ca/en/legal-policy/policies/Pages/GuideDir09.aspx>>

2. Guides on Refugee Claim Process and Criteria

Ready for My Refugee Hearing’s Refugee Claim
<<https://refugeeclaim.ca/>>

Immigration and Refugee Board of Canada’s Claimant’s Guide
<<https://irb-cisr.gc.ca/en/refugee-claims/Pages/ClaDemGuide.aspx>>

The University of Ottawa Refugee Assistance Project
<<https://refugee.cleo.on.ca/en/uorap>>

Meet Gary
<<https://meetgary.ca/>>

Community Legal Education of Ontario – The Refugee Claim Process
<<https://refugee.cleo.on.ca/en/refugee-claim-flowchart>>

3. Organizations Supporting SOGIESC Refugee Claimants

A. Ontario

1. Province-wide

Legal Aid Ontario (legal)
Website: <<https://www.legalaid.on.ca/>>
Tel: 416-979-1446 (in Toronto)/ 1-800-668-8258 (outside Toronto)

Good2Talk (mental health crisis support)
Website: <good2talk.ca/Ontario>
Tel: 866-925-5454
Text: GOODTOTALKON to 686868

Trans Lifeline (mental health crisis support)
Website: <translifeline.org>
Tel: 1-877-330 – 6366

LGBTQ2+ Youth Line (mental health crisis support)
Website: <www.youthline.ca>
Tel: 1(800) 268 – 9688

Text: (647) 694 – 4275

2. Toronto

The 519 Community Centre (support groups, counselling, settlement, legal)

Website: <www.519.org>

E-mail: <Info@The519.org>

Tel: 416-392-6874

Africans in Partnership against AIDS (APAA) (health)

Website: <www.apaa.ca>

E-mail: outreachcoordinator@apaa.ca

Tel: 416-924-5256

'Among Friends' LGBTQ Refugee Peer Support Group (support group)

Website: <www.the519.org/programs/among-friends-lgbtq-refugee-support-group>

Tel: 416-392-6874

Black Coalition for AIDS Prevention (settlement, counselling, support groups)

Website: <<http://www.blackcap.ca/>>

E-mail : <info@black-cap.com>

Tel: 416-977-9955

Canadian Centre for Victims of Torture (settlement, counselling)

Website: <www.ccvvt.org>

Tel: 416-363-1066

The Centre for Spanish Speaking Peoples (settlement, legal)

Website: <<http://www.spanishservices.org/en/>>

E-mail : <info@spanishservices.org>

Tel : 416-533-8545

Le Centre francophone du Grand Toronto (settlement, legal, counselling)

Website : <<http://centrefranco.org/fr/>>

E-mail : <infoSNA@centrefranco.org>

Tel : 416-922-2672

COSTI Immigrant Services (settlement)

Website: <<http://www.costi.org/index.php>>

E-mail : <info@costi.org>

Tel: 416-658-1600

Distress Centres of Greater Toronto (mental health crisis support)

Website: <<https://www.dcoft.com/our-organization>>

Tel: 416-408-4357

Text: 45645

El-Tawhid Juma Circle Mosque (faith/religion)

Website: <www.jumacircle.com>

E-mail : <info@jumacircle.com>

HIV & AIDS Legal Clinic Ontario (legal)

Website: <<https://www.halco.org/>>

E-mail : <talklaw@halco.org>

Tel : 416-340-7790

FCJ Refugee Centre (legal, settlement)

Website: <<https://www.fcjrefugeecentre.org/>>

E-mail : <info@fcjrefugeecentre.org>

Tel : 416-469-9754

FrancoQueer (settlement, support groups)

Website : <<https://www.francoqueer.ca/immigration>>

E-mail : <info@francoqueer.ca>

Tel : 647-709-2600

OCASI Positive Spaces Initiative (settlement)

Website: <www.positivespaces.ca>

E-mail: <PSI@ocasi.org>

Tel: 416-322-4950 x265 or x252

Latino Group HOLA / El Grupo Latino HOLA (support group)

Website: <www.the519.org/programs/latino-group-hola>

Tel: 416-392-6874

LGBTQ+ Refugee Programs, Metropolitan Community Church of Toronto (faith/religion, settlement)

E-mail : <refugeepeersupport@mcctoronto.com>

Tel: 416-406-6228 ext 125

North York Women's Centre (support group)

Website: <www.nywc.org>

Tel: 416-781-0479

Rainbow Connect, St. Stephen's Community House (faith/religion)

Website: < <https://www.sschto.ca/Adults/Settlement-Services/Rainbow-Connect>>

E-mail: <kranjith@sschto.ca>

Tel : 416-829-7820

Rainbow Railroad (referrals)

Website: <www.rainbowrailroad.org>

E-mail : <info@rainbowrailroad.org>

Romero House (settlement)

Website: <www.romerohouse.org>

E-mail : <info@romerohouse.org>

Tel: 416-763-1303

Sherbourne Health (counselling, health, support groups)

Website: <<https://sherbourne.on.ca/>>

E-mail : <info@sherbourne.on.ca>

Tel: 416-324-4100

The United Church of Canada, Refugee Program (faith/religion, settlement)

Website: <<https://www.united-church.ca/>>

E-mail : <info@united-church.ca>

Tel: 416- 231-7680

Trans Partner Network (support group)

Website: <www.transpartnernetwork.com>

E-mail: <info@transpartnernetwork.com>

3. Ottawa

AIDS Committee of Ottawa (settlement, support groups)

Website: <<http://aco-cso.ca/>>

E-mail : <info@aco-cso.ca>

Tel: 613-238-5014

Capital Rainbow Refuge (settlement, legal)

Website: <<https://www.capitalrainbow.ca>>

E-mail : <capitalrainbowrefuge@outlook.com>

Centretown Community Health Centre (health, support groups, counselling)

Website: <<https://www.centretownchc.org/>>

E-mail : <info@centretownchc.org>

Tel: 613-233-4443

Distress Centre Ottawa (mental health crisis support)

Website: < <https://www.dcottawa.on.ca/24-7-crisis-line/>>

Tel: 613-722-6914

Jewish Family Services (health, counselling)

Website: <<https://www.jfsottawa.com/>>

E-mail : <info@jfsottawa.ca>

Tel: 613-722-2225

Kind Space (support groups)

Website: <<https://kindspace.ca/>>

E-mail: <carling@kindspace.ca>

Tel: 613-902-7537

Ottawa Community Immigrant Services Organization (settlement, counselling)

Website: <<https://ociso.org/>>

Tel: 613-725-0202

MAX Ottawa (support groups)

Website: <<https://maxottawa.ca>>

E-mail: <info@maxottawa.ca>

Tel: 613-701-6555

MN Psychotherapy Services (counselling, support groups)

Website: <<https://www.megonerses.com>>

E-mail : <mnpsychotherapy@gmail.com>

Tel: 613-266-6203

Sexual Assault and Support Centre (support groups, counselling)

Website: <<https://sascottawa.com/>>

E-mail: <info@sascottawa.com>

Tel: 613-234-2266

B. Quebec

1. Province-wide

Québec Legal Aid – Immigration Law Office (legal)

Website: <baj.immigration@ccjm.qc.ca>

Tel : 514-849-3671

2. Montreal

Action GLBTQI Immigrants et Refuge (AGIR) (support group)

Website : <www.agirmontreal.org>

E-mail: <info@agirmontreal.org>

Programme régional d'accueil et d'intégration des demandeurs d'asile (PRAIDA) (health)

Website : < www.ciussswestcentral.ca/programs-and-services/lifestyle-habits-and-prevention/asylum-seekers-praida>

Tel : 514-484-7878 ext 5

C. Nova Scotia

1. Province-wide

Mental Health Mobile Crisis Team (mental health crisis support)

Website: <<https://mha.nshealth.ca/en>>

Tel: <1-888-429-8167>

2. Halifax

Atlantic Region Association of Immigrant Servicing Agencies (settlement)

Website: <www.araisa.ca>

E-mail: <info@araisa.ca>

Tel : 902-431-3203

Halifax Refugee Clinic (legal)

Website: <halifaxrefugeeclinic.org>

E-mail: <halifaxrefugeeclinic@gmail.com>

Tel: 902-422-6736

Immigrant Services Association of Nova Scotia (settlement)

Website: <www.isans.ca>

E-mail : <info@isans.ca>

Tel : 902-423-3607

Rainbow Refugee Association of Nova Scotia (settlement)

Website: <www.rainbowrefugees.com>

E-mail: <rainbowrefugee.ns@gmail.com>

D. Manitoba

1. Province-wide

Manitoba Interfaith Immigration Council (settlement)

Website: < <https://miic.ca/>>

Phone: 204-977-1000

Legal Aid Manitoba (legal)

Website: < <https://www.legalaid.mb.ca/>>

Phone: 204-985-8500 Toll Free: 1-800-261-2960

2. Winnipeg

Rainbow Resource Centre (support groups, counselling)

Website : <www.rainbowresourcecentre.org/support/newcomers>

E-mail : <info@rainbowresourcecentre.org>

E. New Brunswick

1. Fredericton

Multicultural Association of Fredericton (settlement)

Website: <www.mcaf.nb.ca/en/>

E-mail : <mcaf@mcaf.nb.ca>

Tel : 506-454-8292

2. Saint John

YMCA of Greater Saint John (settlement)

Website: <<http://saintjohnny.ymca.ca>>

E-mail : <newcomerconnections@saintjohnny.ca>

Tel : 506-634-4860

F. British Columbia

1. Province-wide

Crisis Centre BC (mental health crisis support)

Website: <<https://crisiscentre.bc.ca/get-help/>>

Tel: 1-800-784-2433

Legal Aid BC (legal)

Website: <www.legalaid.bc.ca/legal_aid/land_immigration>

Tel: 1-866-577-2525 (**604-408-2172 Greater Vancouver**)

2. Vancouver

AMSSA - Affiliation of Multicultural Societies and Service Agencies (referrals)

Website: <www.amssa.org>

E-mail: <amssa@amssa.org>

Tel: 604-718-2780

BWSS - Battered Women's Support Services (counselling, support groups)

Website: <<https://www.bwss.org/>>

E-mail: <intake@bwss.org>

Tel: 604-687-1868 (Business Phone); 1-855-687-1868 (Toll Free)

SOS – Settlement Orientation Services (settlement)

Immigrant Services Society of BC

Website: <www.issbc.org/our-services/sos-settlement-orientation-services>

E-mail : <sos@issbc.org>

Tel: 604-255-1881

I Belong Program - MOSAIC (settlement, counselling, support groups)

Website: <<http://www.mosaicbc.org/ibelong>>

E-mail : <ibelong@mosaicbc.org>

Tel: 604-254-9626

Qmunity (support groups)

Website: <www.qmunity.ca>

E-mail : <reception@qmunity.ca>

Tel: 604-684-5307 ext. 100

Rainbow Refugee Society (settlement)

Website: <www.rainbowrefugee.com/>

E-mail: <info@rainbowrefugee.ca>

Salaam (Faith/Religion)

Website: <www.salaamcanada.info>

E-mail : <salaamqueercanada@gmail.com>

VAST - Vancouver Association for the Survivors of Torture (counselling, support groups)

Website: <www.vast-vancouver.ca>

E-mail : <referrals@vast-vancouver.ca>

Tel: 604-255-1881

3. Surrey

DIVERSEcity (Together Now Program) (settlement)

Website: <www.dcrs.ca>

E-mail: <togethernow@dcrs.ca>

Tel : 604-547-2004

Fraser Health Crisis Line (mental health crisis support)

Website: <<https://www.options.bc.ca/program/fraser-health-crisis-line>>

Tel: 604-951-8855

G. Alberta

1. Province-wide

Legal Aid Alberta (legal)

Website: <www.legalaid.ab.ca>

Tel: 866-845-3425

2. Edmonton

Distress Line Edmonton (mental health crisis support)

Website : <<https://edmonton.cmha.ca/programs-services/distress-line/>>

Tel: 780-482-4357

Mennonite Centre for Newcomers (settlement)

Website: <www.emcn.ab.ca>

E-mail : <info@emcn.ab.ca>

Tel : 780-462-6924

Pride Centre of Edmonton (support groups)

Website: <www.pridecentreofedmonton.ca>

E-mail : <hello@pridecentreofedmonton.ca>

Tel: 780-488-3234

3. Calgary

Alberta Association of Immigrant Serving Agencies (settlement)

Website: <www.aaisa.ca>

E-mail: <communications@aaisa.ca>

Tel: 403-273-2962

Calgary Legal Guidance (legal)

Website: <www.clg.ab.ca>

Tel: 403-234-9266

Centre for Newcomers (settlement, support groups)

Website: <www.centrefornewcomers.ca>

E-mail: <info@centrefornewcomers.ca>

Tel: 403-569-3325

Centre for Sexuality (health)

Website: <www.centreforsexuality.ca>

E-mail: <info@centreforsexuality.ca>

Tel : 403-283-5580

Distress Centre Calgary (mental health crisis support)

Website: <<https://www.distresscentre.com/>>

Tel: 403-266-4357

MOSAIC Refugee Health Centre (health)

Website: <www.mosaicpcn.ca/Programs/Pages/Refugee-Health-Services.aspx>

Tel: 403-569-7251

4. Red Deer

Red Deer Local Immigration Partnership (settlement)

Website: <www.rdlip.ca>

E-mail: <ezgi.sarioglu@rdlip.ca>

H. Saskatchewan

1. Regina

Mobile Crisis Regina (mental health crisis support)

Tel: 306-525-5333

Regina Open Doors Society (settlement)

Website: <www.rods.sk.ca>

E-mail : <recept@rods.sk.ca>

Tel : 306-352-3500

2. Saskatoon

Outsaskatoon (counselling, support groups)

Website: <www.outsaskatoon.ca>

E-mail : <hello@outsaskatoon.ca>

Tel: 306-665-1224

Saskatoon Crisis Intervention Service (mental health crisis support)

Website: <<https://saskatooncrisis.ca/>>

Tel: 306-933-6200