



CLEO Connect
Training and tools for community workers

Supporting LGBTQI+ Refugee Claimants in Canada

Wednesday, June 11th from 12:30 p.m. to 2:00 p.m.

Speakers:

Tania Princz-Lebel: Staff Lawyer, Connecting Ottawa

Mego Nerses: Registered Psychotherapist, MN Psychotherapy

Nicoy Davis: Engagement Officer, Rainbow Railroad



Brought to you by:

CLEO



Land Acknowledgement

CLEO acknowledges that our office is located on the traditional territory of many nations, including the Mississaugas of the Credit, the Chippewa, the Haudenosaunee, and the Wendat. This land is now also home to many diverse First Nations, Inuit, and Métis peoples. Today this area of Tkaronto, also known as Toronto, is covered by Treaty 13 between the Mississaugas of the Credit and the British Crown.

We acknowledge the ongoing impacts of colonization, anti-Indigenous racism, white supremacy, and anti-Black racism on which this city and our legal system are built. We are all Treaty people and we commit to working in solidarity towards truth and reconciliation. We also remember those who were brought to this land involuntarily, particularly those who came as a result of the trans-Atlantic slave trade. So we also honour and pay respect to the ancestors of African origin and descent.



What can you expect today?

- 90 minutes (3 presenters and 2 Q and A periods).
- The webinar may contain legal information. As a reminder, this is not legal advice. The information is current as of today's date, June 11, 2025.
- Links to the recording, slides, and handout will be sent by email to all registrants within a few days.
- ASL interpretation is available today. Subtitles (closed captioning) have also been enabled.

Speaker Introduction



Mego Nerses, Registered Psychotherapist at MN Psychotherapy

Nicoy Davis, Engagement Officer, Volunteer Coordination &
Community Mobilization at Rainbow Railroad

Tania Princz-Lebel, Staff Lawyer – Public Legal Education and
Information at Connecting Ottawa

Supporting LGBTQI+ Refugee Claimants in Canada

June 11, 2025

Access to legal information & services for those with communication barriers



DISCLAIMER!

The information provided in this presentation is for informational purposes only and does not constitute legal advice. It is not intended replace a legal consultation with a registered lawyer or paralegal.



If you have any legal questions regarding a specific client's case, please contact us at info@connectingottawa.com.



1. The refugee definition
2. The refugee determination system
 - a. Initiating a claim
 - b. Eligibility assessment
 - c. Refugee claim determination
3. How are SOGIESC claims different?
 - a. Evidence
 - b. Hearing accommodations
 - c. Emphasis on Credibility
 - d. Avoiding stereotypes
 - e. Mistrust of authority figures
4. What is my role as a frontline worker?



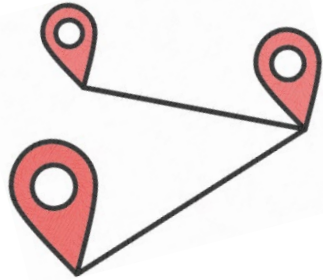


The Convention Refugee definition

A **Convention Refugee** is a person who is unable or unwilling to return to their home country due to a well-founded fear of persecution based on one of the following grounds: race, religion, nationality, political opinion, or membership in a particular group.



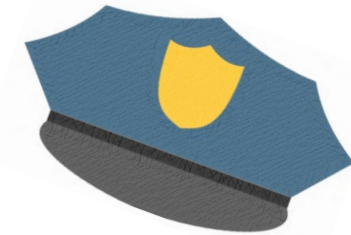
In Canada, people who face persecution because of their **sexual orientation, gender identity, gender expression, or sex characteristics (SOGIESC)** can apply for refugee protection as members of a “particular social group.”



Other refugee claim criteria

Does the claimant have an **Internal Flight Alternative (IFA)**?

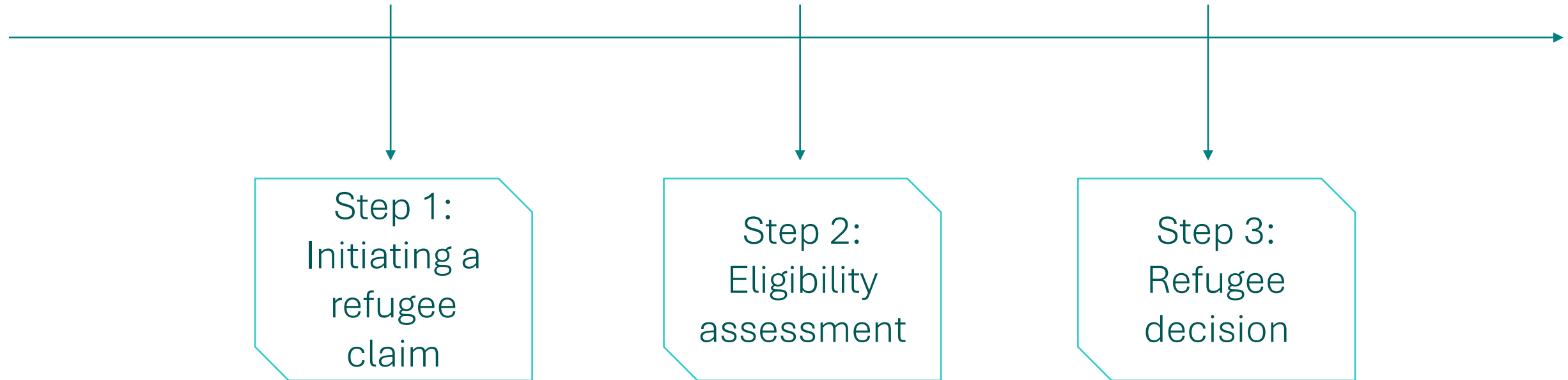
Does the claimant have access to **state protection**?



If the claimant returned to their country of origin, **would they still be at risk?**



The Refugee Determination System



Stage 1: Initiating a Refugee claim



PORT OF ENTRY CLAIM

Initiate **refugee claim** at a Canadian Port of Entry (airport, seaport, land border crossing)

INLAND CLAIM

Enter Canada **without** initiating a refugee claim at a Port of Entry

Hire a lawyer. Claimants who qualify financially, can apply for a **Legal Aid Ontario** to cover legal costs

Prepare **refugee application** (IRCC portal, Basis of Claim form and narrative, copies of travel documents, Use of a Representative form etc.)

Submit refugee application within **45 days** of initiating claim

Submit refugee application to **initiate refugee claim**



What is the “eligibility assessment”

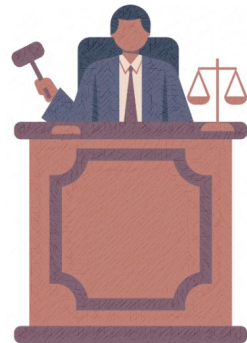
- The **Eligibility Assessment** decides if someone can (“is eligible”) to make a refugee claim in Canada – it does not decide the actual claim.
- Eligibility is usually assessed at an “**eligibility interview**”.
- If the person is found eligible, their claim will be sent to the **Refugee Protection Division (RPD)**. The RPD will either schedule a hearing or decide the claim through a file review.
- A person may be found **ineligible** if, for example, they’ve previously made a refugee claim, they have status in a safe third country, they have a criminal record etc.





1. Decision via Refugee Hearing

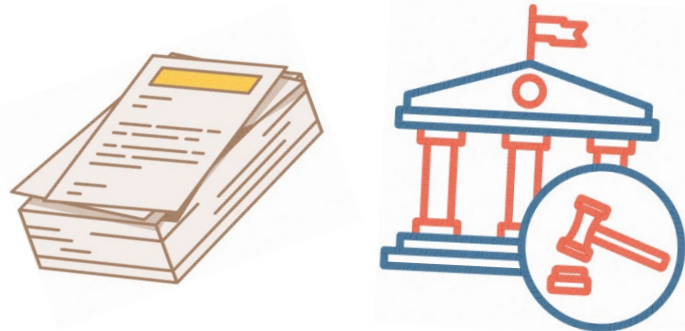
- Decision by a member of the Refugee Protection Division (often called a “Member” or a “**Board Member**”).
- Decision based on the claimant’s application, supporting evidence, and the claimant’s testimony during the hearing.





2. Decision via File Review

- Decision based on the claimant's application and supporting evidence – without a hearing.
- File review usually offered in clear and straightforward cases.
- If a claim is not decided positively, the case is not rejected. The claimant will instead have a hearing where a decision will be made on their refugee claim.





How are SOGIEC Claims Different from Other Refugee Claims?





Evidence

- There may be little to no evidence due to **private and nature of SOGIESC claims**.
- **Country conditions evidence** may be limited or non-existent in SOGIESC claims.
- All evidence should be **consistent** what the claimant says in their application and testimony. If it doesn't, it could raise doubts about the claim.
- All documents must be translated in **English or French**.





Evidence

- **Examples of supporting evidence** that may be available include:
 - Support letters from friends/family who knew about the claimant's identity
 - Proof of past relationships (for example, photos, text messages etc.)
 - Medical records (for example, if the persecution resulted in hospitalization)
 - Police records (for example, if they were arrested for their SOGIESC)
 - Evidence of participation in LGBTIQ2 activities in Canada (for example, support letters, photos at events, a dating app profile)
- *Note:* There is **no(!)** expectation for SOGIESC claimants to provide explicit photos or videos, or to share graphic details about their past.





Hearing accommodations

- Board Member/interpreter of a certain gender
- Reverse onus questioning (lawyer asks questions first, before the Board Member)
- Frequent breaks
- Priority scheduling
- Attendance of a support person (friend, therapist etc.)
- Permitting movement during a hearing
- Plain language questioning
- Pre-hearing conference with the Board Member of discuss trauma
- Flagging areas of questioning that may re-traumatize





Emphasis on credibility

- **Credibility** is often key in SOGIESC claims due to limited evidence.
- Board Members may expect stereotypical coming-out stories, ignoring the fluid and non-linear nature of SOGIESC.
- Trauma, shame, or internalized homophobia can lead to inconsistencies and credibility issues.
- Negative credibility findings can come from inconsistencies, vagueness, omissions, or implausibility.





Avoiding stereotypes

It is an error for Board Member to **rely on stereotypes**. For example:

- They have a feminized or masculinized appearances or mannerisms
- They never had relationships with people of the opposite sex, get married, or have children.
- They don't take part in cultural or religious practices.
- They always knew about their SOGIESC or were sexually active early in life.
- They can or should be able to explain exactly why they are attracted to certain people.
- They are involved in LGBTQI+ communities or organizations in Canada.
- Not knowing Western terms may be wrongly seen as a sign the claimant is not genuine.
- They are comfortable sharing their identity with others.



Mistrust of authority figures

- Many claimants hid their identity in their home country and continue to fear speaking about it in Canada.
- May worry officials in Canada have the same biases they faced back home.
- May have a fear of judgment or rejection by their own cultural or religious community in Canada.
- May be hesitant to seek help due to past negative experiences





How Can Frontline Workers Help?





How Frontline Workers can help SOGIESC refugee claimants:

- **You are a source of reliable legal information:** you can explain the refugee application process, what to expect in a hearing, what an eligibility interview is etc.
- **You can help your clients apply for Legal Aid Ontario:** you can find more information in Connecting Ottawa's Information Sheet on LAO and Community Legal Clinics here: <https://connectingottawa.com/about-us/connecting-ottawa-resources/>
- **You can help your clients find a lawyer:** You can find more information about finding and working with lawyer's in Connecting Ottawa's Information Sheets here: <https://connectingottawa.com/about-us/connecting-ottawa-resources/>





How Frontline Workers can help SOGIESC refugee claimants:

- **You can help your clients gather information and evidence** to support their refugee claim.
- **You can connect your clients with resources:** LGBTIQ2 support groups, medical care, mental health care, housing services, legal supports like Connecting Ottawa, community supports like the YMCA, community centers etc.
- **You can offer moral support** as they go through the refugee claim process and be a friendly, supportive presence as they navigate this major life transition.



Questions?





- Visit Connecting Ottawa's website:

<https://connectingottawa.com/>

- For more information about Connecting Ottawa or to request a consultation:

<https://connectingottawa.com/request-for-information-consultation/> or write to info@connectingottawa.com

- To subscribe to Connecting Ottawa's newsletter:

<https://connectingottawa.com/connecting-ottawa-communique/sign-up-for-communque>

Q & A

LGBTQI+ Refugee Claimants: Mental Health & Settlement Support

Mego Nerses MEd RP, CCC (HE/HIM)

Registered Psychotherapist

www.megonerses.com

www.mnrefugeewellness.ca



Content Warning



Trauma Discussion

Topics include
abuse, violence,
persecution



Self-Care Reminder

Take breaks when
needed



Emotional Safety

Feel free to step away anytime

Migration Journey: LGBTQ+ Refugees

Individual

Unique personal challenges

1

Allies/Perceived

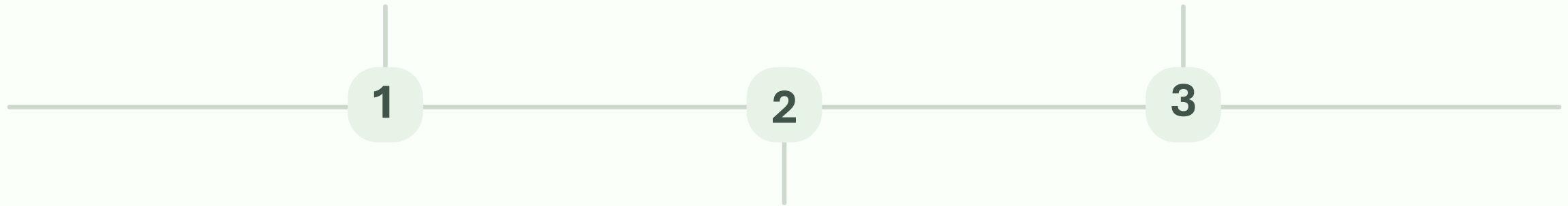
Family members and supporters

2

3

Couples/Trouples/Families

Relationship complications



Forced Migration Journey



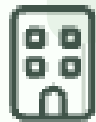
Pre-Migration

Systemic discrimination and persecution
Forced conversion attempts, cleansing rituals
Family rejection and abandonment



Escape Process

Risk of imprisonment or death
Sexual and physical violence
Exploitation and trafficking

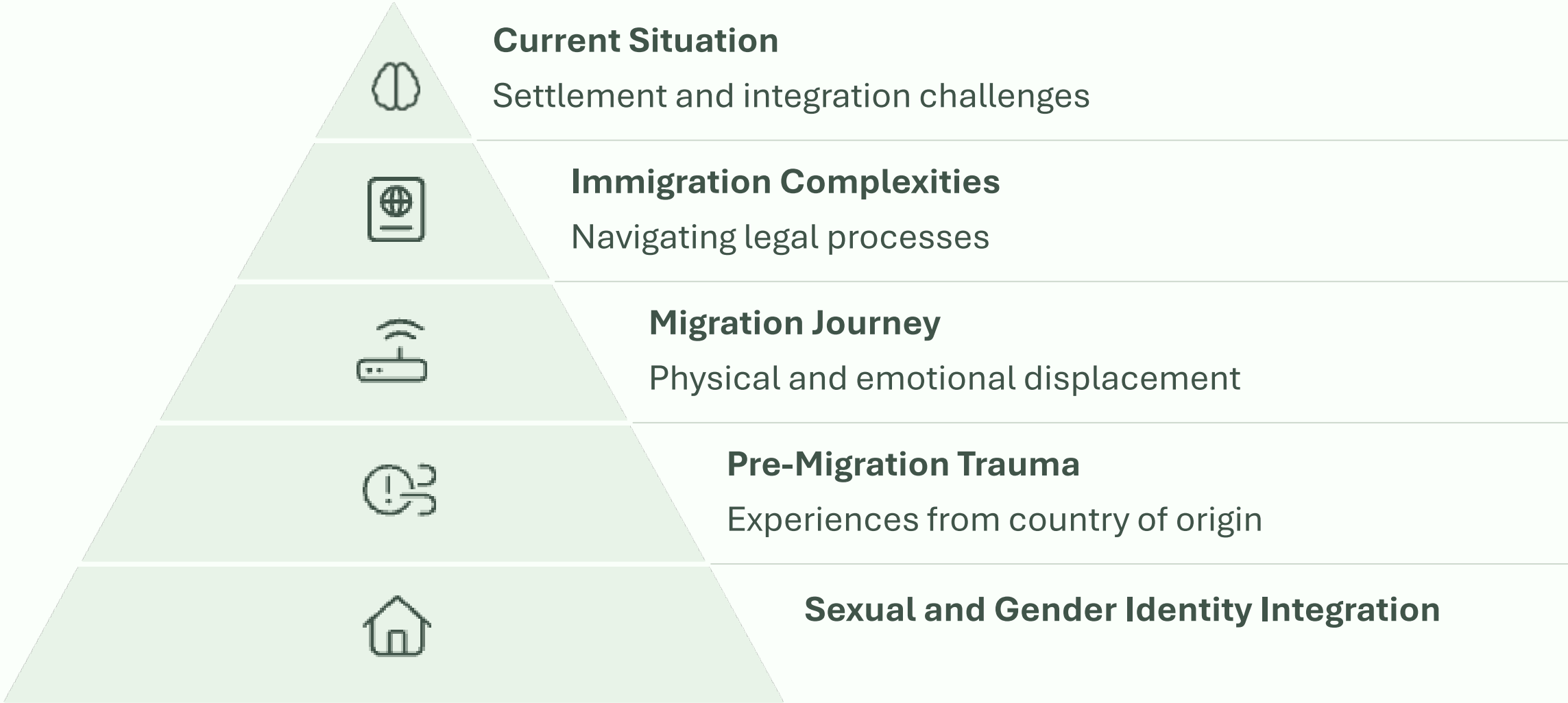


Post-Migration

Displacement trauma
Systemic barriers
Isolation



Mental Health Wellbeing?



Mental Health

Coming Out/ Trauma

Self-doubt, withdrawal, emotional numbness

Religious and Cultural Guilt

Intrusive thoughts, panic attacks, tension

Liminal Identity

Identity confusion, feeling "stuck"

Loss of Belonging

Chronic loneliness, disconnection

Multiple Oppressions (Triple Jeopardy)

homophobia, transphobia, racism, refugee-phobia

Loss, Grief & Trauma

Loss and Grief

- Multiple losses
- Rejection and abandonment
- Ambiguous loss

Trauma Responses

- Memory gaps and dissociation
- Psychosomatic symptoms
- Nightmares and flashbacks
- Existential crisis

Trans Refugee Health Challenges



Systemic Barriers

LGBTQ+ refugee claimants face complex structural obstacles throughout their settlement process.

- Documentation challenges when identity documents don't match lived gender
- Limited access to LGBTQ+-affirming healthcare and mental health services
- Housing discrimination and increased risk of homelessness
- Employment barriers due to credential recognition and identity-based discrimination
- Legal systems that require "proving" sexual orientation or gender identity

These interconnected barriers compound existing trauma and create significant obstacles to successful integration and wellbeing.



Settlement Workers as Co-navigators

Settlement workers play a crucial role in supporting LGBTQ+ refugee claimants through complex systems and transitions.

As co-navigators, they bridge service gaps, advocate for appropriate resources, and help create safer pathways to settlement and integration.

- Connecting clients with LGBTQI+ refugee affirming services
- Supporting trauma-informed, dignity-first approaches to care
- Facilitating access to specialized mental health resources



LGBTQ+ Refugees: Transformative Strengths and Courageous Adaptability

Thank You for Your Commitment

Q & A

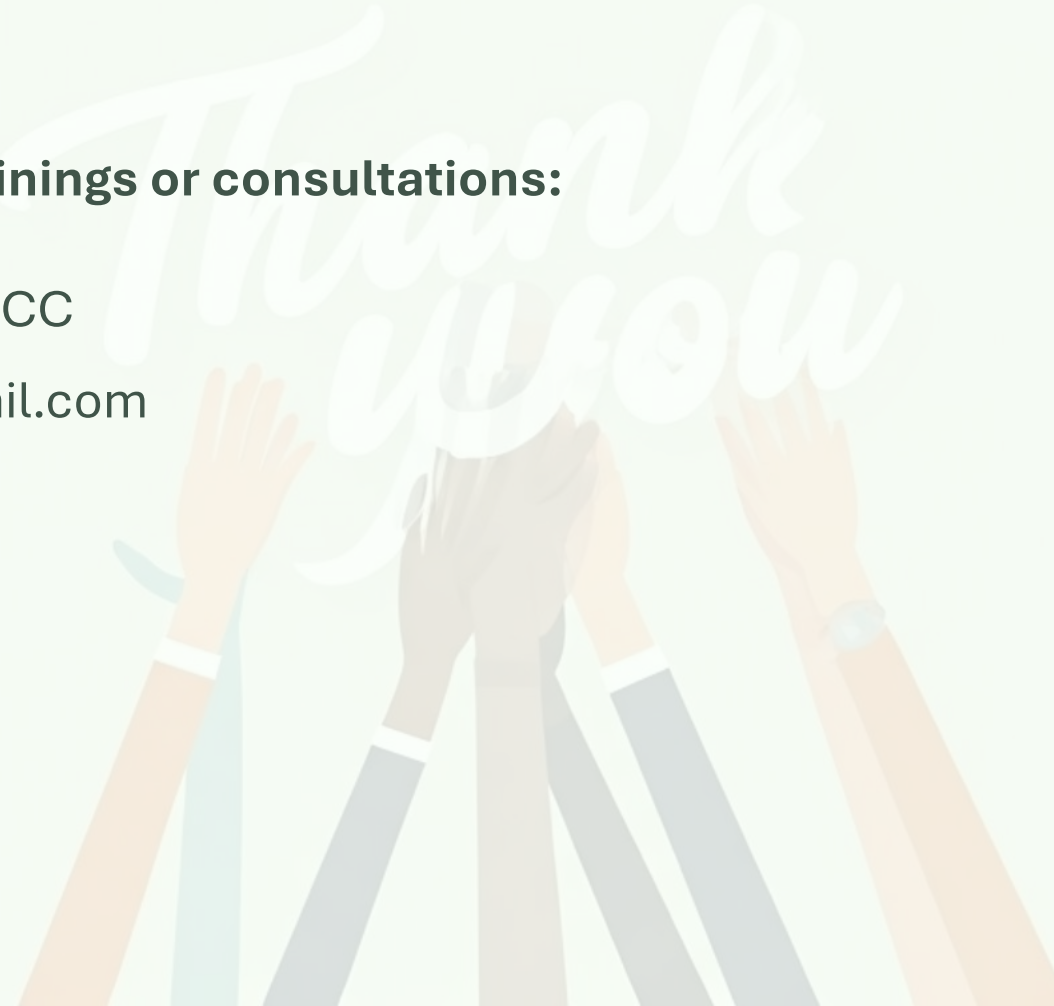
Reach out to me for trainings or consultations:

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mnpsychotherapy@gmail.com

613.266.6203

www.megonerses.com





RAINBOW
RAILROAD

Community Support Teams

*Leveraging the power of LGBTQI+ volunteers and our allies
to support forcibly displaced LGBTQI+ people in Canada*



Spring 2025

Module 1

About Rainbow Railroad & Queer Forced Displacement



Humanitarian protection statuses & pathways

Forcibly displaced people includes anyone who has been forced to flee their home out of fear for their safety. Some terms and statuses you may encounter include:

- Internally displaced: an individual who has been displaced within their home country
- Stateless person: someone who is not recognized as a citizen of any country
- Humanitarian and Compassionate Considerations: individuals who are granted temporary entrance to the Canada due to an emergency and humanitarian concern (recent examples include displaced Syrians, Ukrainians and evacuated Afghans).
- Special Immigration Measures Program: some individuals qualify for permanent residence because of their associations with Canadian missions abroad (such as Afghanistan) and threats to their personal safety because of that association.



What We Do

Rainbow Railroad is a global not-for-profit organization that helps at-risk LGBTQI+ people across the globe get to safety.



Understanding the Global Landscape

120+ Million Forcibly Displaced People (UNHCR, June '24)

1 in 69

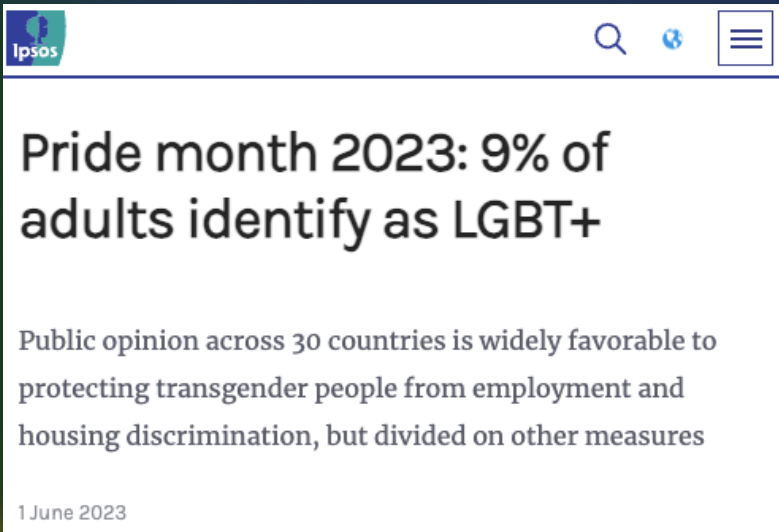
This equates to more than 1 in every 69 people on Earth.

12 years

The number of displaced people has increased every year for 12 years.

Understanding the Global Landscape - LGBTQI+

If approximately 9% of all forcibly displaced persons are LGBTQI+...



...that would amount to around 10.8 million forcibly displaced LGBTQI+ people.





most

least

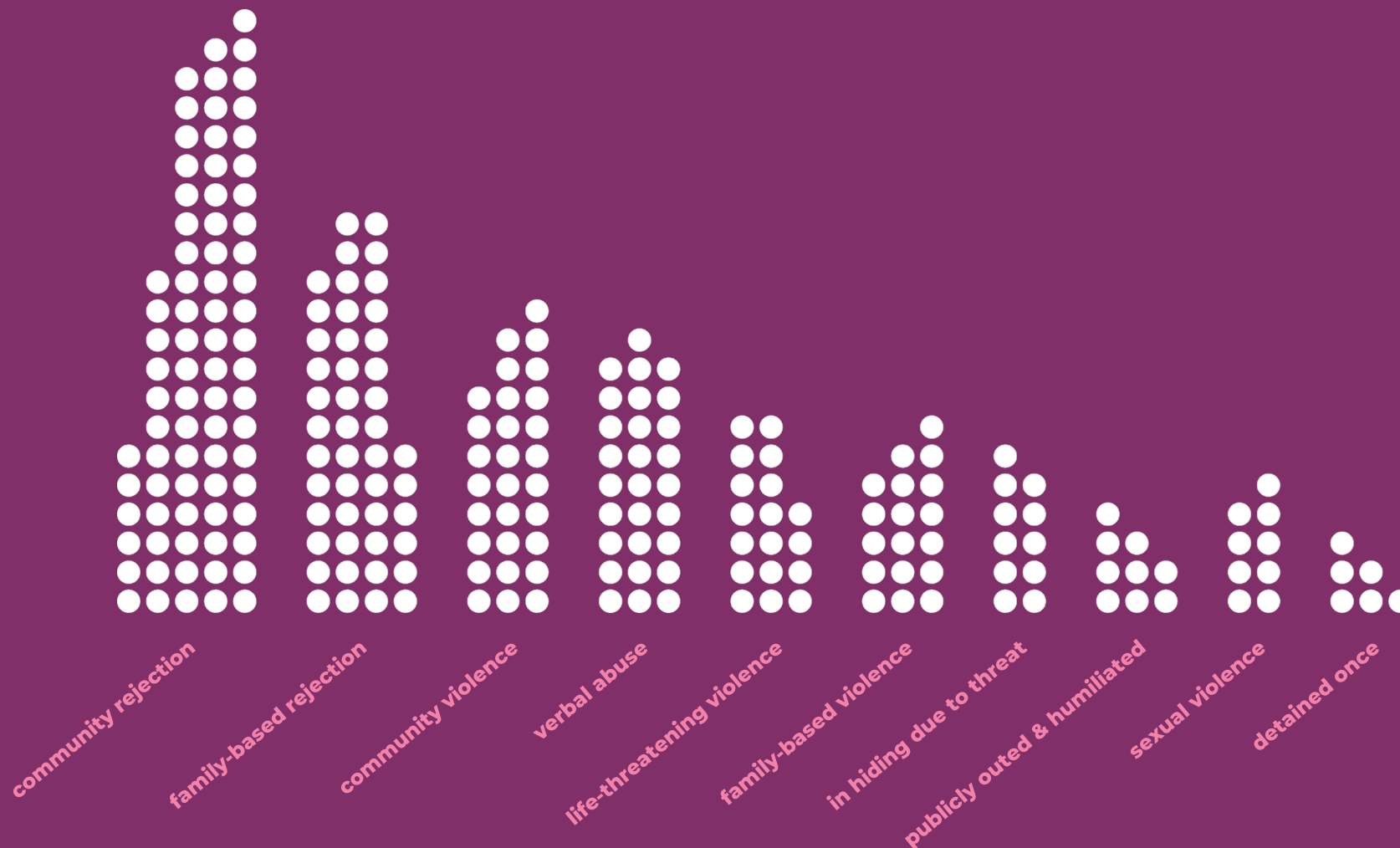
OUR DATA

**WHERE WE'VE
RECEIVED THE
MOST REQUESTS**

OUR DATA

CONCERNS REPORTED

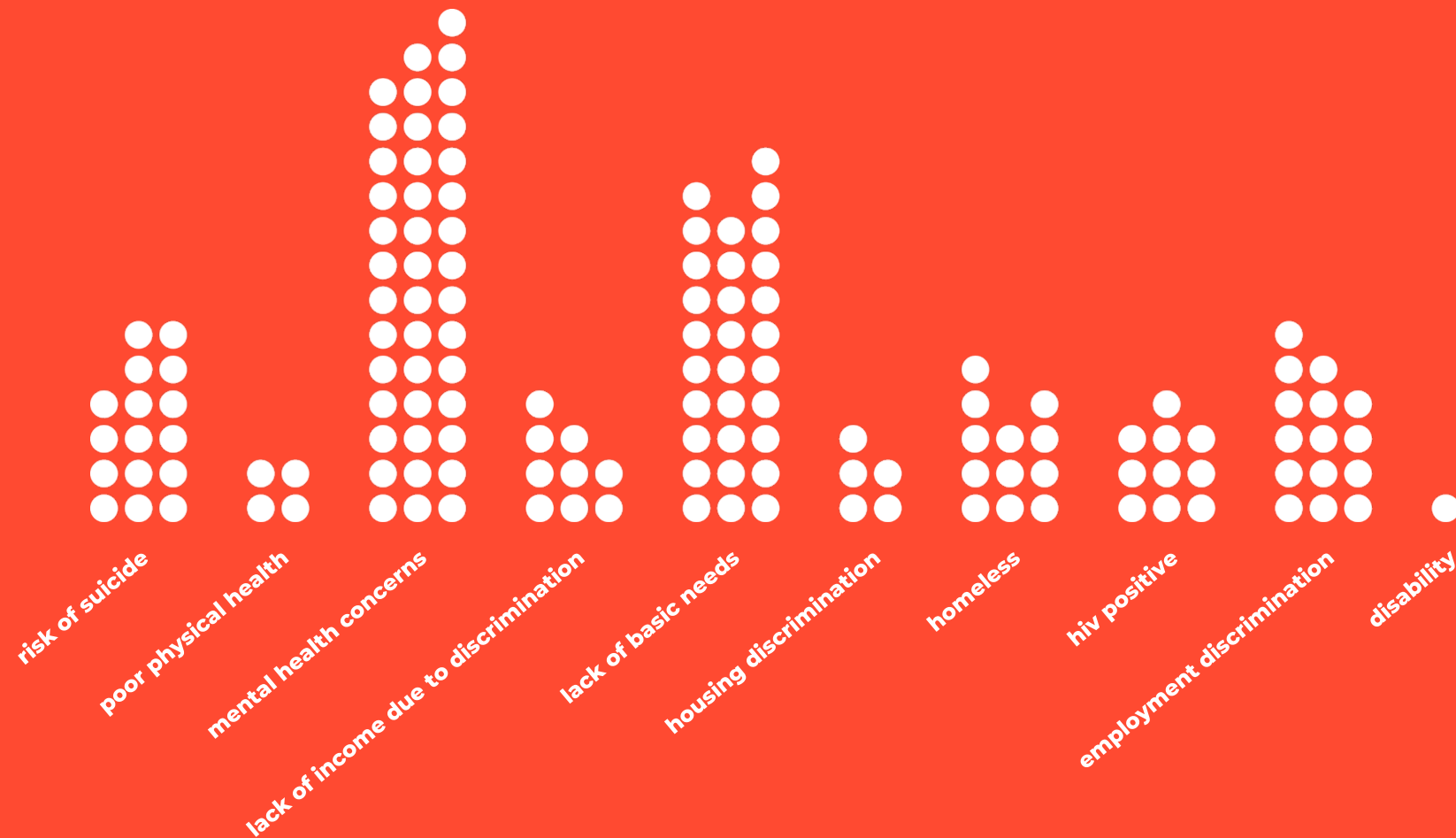
● 1 DOT = 21 PEOPLE



OUR DATA

HEALTH CONCERNS REPORTED

● 1 DOT = 6 PEOPLE



Growing Need

THE FOLLOWING DATA REFER TO INDIVIDUALS REACHING OUT TO RAINBOW RAILROAD FOR SUPPORT:

INCREASING REQUESTS FOR HELP



Since 2021, Rainbow Railroad's requests for help have increased by 80%. We measure the total number of individuals requesting help, though there can be up to ten individuals associated with one request.

REGIONS OF REQUEST

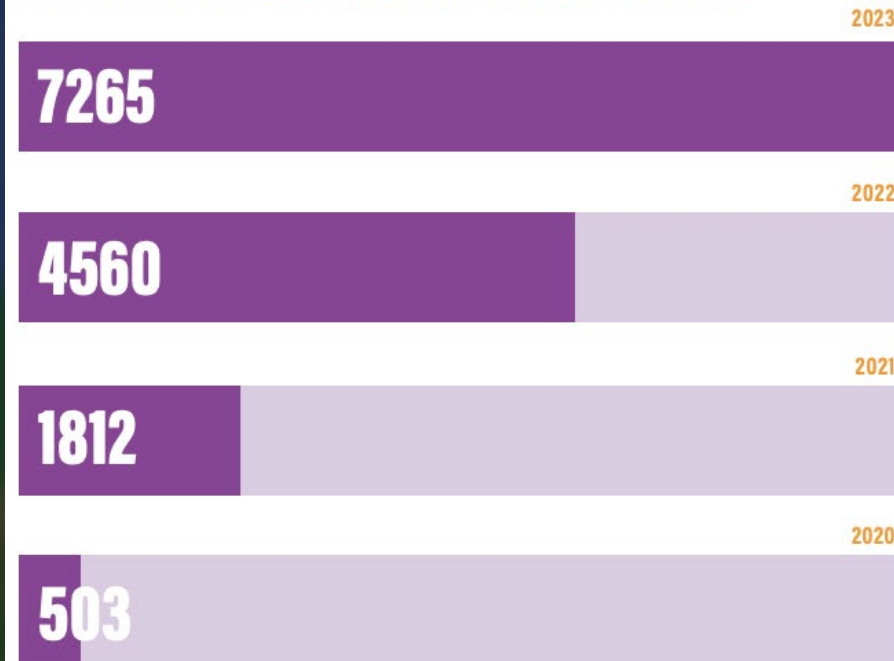
1. South-Central Asia (5445)
2. Sub-Saharan Africa (3711)
3. Middle East and North Africa (2796)
4. North America (1986)
5. Eastern Europe (500)
6. Caribbean (347)
7. Latin America (280)
8. Western Europe (196)
9. Oceania and Pacific Islands (16)

There were 75 individuals from whom we did not receive data regarding their Region of Request.

Growing Impact

THE FOLLOWING DATA REFERS TO INDIVIDUALS SUPPORTED BY RAINBOW RAILROAD:

INCREASE IN SUPPORTED INDIVIDUALS



Between 2020 and 2023, the number of individuals supported by Rainbow Railroad increased by 1,344%.

GENDER IDENTITY

1. Cis-Male (54%)
2. Cis-Female (11%)
3. Transgender Male (9%)
4. Transgender Female (9%)
5. Gender non-confirming (6%)
6. Gender Fluid (5%)
7. Agender (3%)
8. Intergender (2%)
9. Aliagender (<1%)
10. Other (<1%)

SEXUAL ORIENTATION

1. Gay (49%)
2. Bisexual (20%)
3. Lesbian (12%)
4. Queer (7%)
5. Straight/Heterosexual (6%)
6. Pansexual (5%)
7. Asexual (1%)
8. Other (<1%)

How Rainbow Railroad Helps

Emergency Travel Support



Cash Assistance

Support includes cash to fund accommodation, medical care, access to essential medicines and self-relocation to another region of the country.



Partnership Development

Direct capacity building and livelihood support to human rights defenders, organizations and collectives in countries where people are displaced.



Crisis Response

Monitoring and responding to mass detentions and/or arrests of LGBTQI+ persons, as well as geopolitical crises that impact LGBTQI+ persons.



Information Services and Referrals

Providing essential non-monetary resources and counsel to LGBTQI+ people facing violence and persecution, including mental health supports.



Government Resettlement Pathways

Arranging for the private sponsorship of refugees globally, as well as pursuing other complementary pathways to safety.



Expanding Impact

COMMUNITIES OF CARE

An ecosystem of post-arrival support services for LGBTQI+ migrants



Thank You!



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Kendra Frith (she/her)
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Leora Mosman (she/her)
Engagement Officer
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Module 2

Community Support Teams (CSTs)

Community Support Teams: Overview

Community Support Teams (CSTs) of 3+ volunteers will provide 6 months of housing, financial support, and community integration services to LGBTQI+ asylum seekers, with funding, technical assistance, and oversight from Rainbow Railroad.



Asylum vs. Refugee Process: Overview

	<u>Asylum Seekers</u>	<u>Refugees</u>
Substance of claim	a person outside of their country of nationality who is unable or unwilling to return to the country of nationality because of persecution or a well-founded fear of persecution on account of [...] membership in a particular social group [.]	
Where to initiate case	Within the CA, with the CA government	Outside of CA, typically w/ U.N.H.C.R.
Timeline of case	Several years once case initiated; Note: Defensive vs. Affirmative cases	Several years pre-travel; permanent legal status upon arrival; PR upon Arrival

CST Program Offerings to Clients

Housing - 6 months

- With CST;
- In volunteer housing; and/or
- In Airbnb.org stay(s)

Financial Support - 6 months

- \$200 weekly cash assistance

Community Integration Services



Community Integration Services - FETCH

F - Financial & Material Assistance

- weekly \$; food/clothing banks

E - Education &/or Employment

- English; GED; job prep; volunteering

T - Transportation Navigation

- Public transit; bike lanes

C - Culture & Community

- City ID, LGBTQ Center, shared lang.

H - Housing & Health Support

- Free/budget furnishings, FQHCs



[Never]

stop *trying to make fetch happen*

Source: slate.com

What Rainbow Railroad Provides

Material Assistance

- Direct lump-sum transfer to CST
- FunRaise platform access & support
- Housing coordination (w/ CST or other host)

Technical Assistance

- Help preparing & submitting CST application
- Coordinated match w/ client
- On-call support during program period

Finishing the Program - What Happens Next?

<u>Client Status</u>	<u>Resolution</u>
Independence Achieved	Graduation from Program
Limited Support Still Needed	Graduation from Program; application to supplemental Community of Care programs (e.g. housing and livelihood assistance)
Significant Support Still Needed	On case-by-case basis, may be recommended for an additional support period: A. Existing CST may opt to renew support period for any amount of time (not required or expected; no additional application required)

Thank You!



Nicoy Davis (They/He)

Engagement Officer

ndavis@rainbowrailroad.org



CLEO Resources

Steps to Justice & Guided Pathways

- stepstojustice.ca
- stepstojustice.ca/guided-pathways-home/

CLEO Connect recorded webinars

- cleoconnect.ca/webinars



Community and legal resources

[Find your community legal clinic](#) or call 1-800-668-8258

Legal Aid Ontario: [How do I apply for Legal Aid?](#)

[Visit Pro Bono Ontario](#) or call 1-855-255-7256

[Ontario Legal Information Centre](#) offers appointments with a lawyer, in English or French.



- [Getting benefits and services for refugees](#)
- [Getting legal help in refugee law, especially:](#)
- [Where can I get legal advice and help with my refugee claim](#)
- [How do I apply for a legal aid certificate](#)
- [Appeals and judicial review for refugee claimants](#)
- [Guided Pathway for applying for an open work permit](#)



Resources

- [There's a crisis in my home country. Does Canada have a temporary immigration program to help me?](#)
- [Helping clients apply for ID webinar](#)
- [Pride and protest: Strategies to protect and advance 2SLGBTQIA+ rights in Ontario webinar](#)
- [Pride and protest resource handout](#)



Resources

- [Family law issues for LGBTQ families webinar](#)
- [Supporting young people with no or precarious immigration status](#)
- [Making gender and name changes on identity documents: A legal resource for Two-Spirit, Nonbinary and Trans communities](#)



Thank you for joining us!

Subscribe to [CLEO Connect](#) for updates on new legal information and upcoming webinars.

QUESTIONS or COMMENTS?

Contact info@cleoconnect.ca