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# **Standing Committee on Citizenship and Immigration**

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**EVIDENCE**

**Monday, May 15, 2017**

**Chair**

**Mr. Borys Wrzesnewskyj**



## Standing Committee on Citizenship and Immigration

Monday, May 15, 2017

• (1540)

[English]

**The Chair (Mr. Borys Wrzesnewskyj (Ettobicoke Centre, Lib.)):** Pursuant to Standing Order 108(2) and the motions adopted by the committee on October 4, 2016, the committee will resume its study on the 2011 pilot project for LGBTQ refugees.

**Mr. David Tilson (Dufferin—Caledon, CPC):** I have a point of order, Mr. Chair.

**The Chair:** Mr. Tilson.

**Mr. David Tilson:** The supplementary estimates (A) for 2017-18 were referred to the committee this past Thursday. When do you intend to call a meeting so we can question the minister on the expenditures of the department?

**The Chair:** Mr. Tilson, technically that is not a point of order. It's a matter for the committee to debate.

**Mr. David Tilson:** When do you intend to do that, Mr. Chair?

**The Chair:** We have some time scheduled for committee business later today, and that would be an appropriate time to raise the issue.

**Mr. David Tilson:** Thank you.

**The Chair:** We have before us today from the Rainbow Railroad, Mr. Kimahli Powell, the executive director. Welcome. We have from the Rainbow Resource Centre, Mr. Michael Tutthill, the executive director by video conference from Winnipeg. From LEGIT Vancouver we have Ms. Janet Altshool, who is a representative.

Our technicians have told us there are some technical challenges with the video conference from Vancouver, so perhaps we could begin with Ms. Altshool just in case for some reason we lose our connection.

Ms. Altshool, the floor is yours.

**Ms. Janet Altshool (Representative, LEGIT Vancouver):** Thank you very much.

Hello, my name is Janet Altshool. I'm a founding member of LEGIT, Canadian immigration for same-sex partners.

LEGIT was the first organization in Canada to focus on same-sex immigration. Over the past 25 years we've assisted thousands of people and helped to establish the immigration process for Canadians sponsoring their same-sex partners. Today, as you know, same-sex partners are included in the family class. LEGIT is proud of this work and of the leadership of the Canadian government in being one of the first countries in the world to recognize our relationships.

I am an immigrant to Canada. I applied on humanitarian and compassionate grounds based on my same-sex relationship with a Canadian who could not sponsor me because the law did not allow it at the time. I'm now a Canadian citizen, and my partner and I celebrated our 30th anniversary last summer.

When the Immigration and Refugee Protection Act was enacted in 2002, same-sex partners were finally recognized as part of the family class. With that recognition, we thought that the work of LEGIT was done, because applications from same-sex partners were a regular part of the Canadian immigration system. What we found instead was that LGBTQ people still needed a community-based organization to assure them that the government process was legitimate and that they were included within that process.

Even after 15 years there is still a need for an organization such as LEGIT to help people with their applications and to challenge the bureaucracy when it makes seemingly innocuous changes that have an enormous impact on LGBTQ people—for example, the new requirement that those not living together provide joint utility bills, or the not-updated operations manual that says only opposite-sex marriages will be recognized for trans people.

That is why LEGIT supports an ongoing rainbow refugee assistance program. For refugees, there is a tremendous need for a regular program supported by those who understand the unique challenges of the LGBTQ people in arriving and settling in Canada. As with same-sex immigration, Canada needs to play an ongoing leadership role in the protection of LGBTQ refugees facing persecution. Over the past several years, more people are reaching out to LEGIT to help them escape violent situations. Through our drop-ins, email, and social media channels, LEGIT receives pleas for help daily from people who are in the midst of, or have fled, homophobic or transphobic violence.

Let me share my inbox with you.

Abdul is a college graduate. He contacted me in January, desperately trying to find someone who could help him. As a gay man in Pakistan, he was scared, closeted, and in two months going to be forced into an arranged marriage. He had no money for the exit visa to leave Pakistan. He did not want to be forced to marry but feared his family would kill him if he explained he was gay.

Daisy, a woman from an African country with laws criminalizing homosexuality, is an athlete and a lesbian desperately wanting to live somewhere without the risk of being murdered. Her partner lives 1,000 miles away because they fear being found out if they lived closer.

Wilson contacted me recently, saying, "I am in Uganda in Africa and am facing difficult times in here due to my status as a gay and I would like to flee my country to safeguard my life." When I explained that I knew very little about refugee procedures and that he should contact the rainbow refugee program instead, he replied, "Oh, my God, I'm running for my life hopelessly."

Lastly, Lucinda is transgendered and from Lebanon. She boarded a rusty ship with a number of Syrians fleeing for their lives. The ship sank and she lost all her documents and ended up in Greece. She rapidly found that the Greeks don't care for transgendered women any more than they do in Lebanon. She's periodically beaten and evicted from one apartment after another, once the landlord realizes she is transgendered.

• (1545)

I searched for and gave her the address for the UNHCR in Athens. She went to register and was told that she is not allowed to register with them. This is a very small sample of the messages I find waiting for me every day. People are fearing for their lives and desperate to survive, and they often are not finding help through the UNHCR.

Without Rainbow Refugees, we would not be able to respond with appropriate information and referral. What will happen if the RRAP ends in March? I'm not confident that typical sponsorship agreement holders and settlement organizations understand that LGBTQ refugees are fleeing persecution differently from other refugees. They are often without the support of family or cohorts, and often that is who they are fleeing from.

We need the experience of Rainbow Refugees to help with proactive planning that aids resettlement of LGBTQ refugees and assists with crisis situations, such as the targeting of gays in Chechnya and Kenya.

I hope you grasp the importance of their work, the importance of this program that is literally saving the lives of the last group of people that it is acceptable to vilify worldwide.

Thank you to the committee members for listening.

**The Chair:** Thank you, Ms. Altshool.

Mr. Powell, for seven minutes, please.

**Mr. Kimahli Powell (Executive Director, Rainbow Railroad):** Thank you.

Hello, everyone. My name is Kimahli Powell, and I am the executive director of Rainbow Railroad.

Founded in 2006, Rainbow Railroad is a Canadian charity based in Toronto with a mandate to help LGBTQ2I individuals get to safety. We respond to urgent requests from all over the world from individuals who experience or have been threatened with physical or sexual violence due to their sexual orientation or gender identity.

Just today, the International Lesbian and Gay Association released a 12th edition of its crucial report, "State-Sponsored Homophobia: A world survey of sexual orientation laws". According to the report, 72 countries still have anti-homosexual laws. In fact, there are eight countries where same-sex intimacy is punishable by death.

I'm sure you might have heard some of these statistics before. However, it is crucial in these discussions to remember that the criminalization of same-sex behaviour results in a hostile environment for many LGBTQ2I people internationally. They are rejected by their families, evicted from their homes, and targeted by the police. The result is a reality where gay men are fired from their jobs and forced into sex work. Additionally, many face housing discrimination and are homeless, living in cemeteries or in storm gutters.

Just recently, in Jamaica, I witnessed first-hand the scars of a young homeless man suffering from his second acid attack before we brought him to safety.

It is a reality where lesbians experience violent corrective rape and other forms of sexual violence. It is a reality where people who are HIV-positive cannot get access to essential health care for fear of being outed and exposed to further persecution.

That's where we come in. Since our founding, Rainbow Railroad has funded travel for nearly 300 individuals and has sharply, unfortunately, had to increase the number of individuals we have been able to assist from 29 in 2015, to 81 people last year, and 60 people this year alone.

Rainbow Railroad has also stepped up to help evacuate persons who fled Chechnya to Russia, whose lives are still at risk, and who wish to flee the country. We do this by providing pre-travel support, airfare, and short-term post-travel support to help individuals travel to a safer location. However, as we help more people, the need increases. Last year we received 700 requests from individuals, and since news went out that we were helping the situation in Chechnya, we received 100 requests in the past month alone.

While we have been steadily increasing the number of people we have been able to bring to safety, the majority of these individuals reside in the Caribbean, where there is greater access to local contacts and local options for people who need our help. However, for many individuals around the world, there is limited access to the community supports, which are crucial to our doing this work, as well as access to visas.

Until the Canadian government is prepared to facilitate issuing emergency temporary resident permits to LGBTQ2I persons at risk who Rainbow Railroad endorses, we have to diversify our options for individuals who request our help. That is why the rainbow refugee assistance program is so important. In 2015 Rainbow Railroad launched a pilot project to privately sponsor five Syrian refugees with the Metropolitan Community Church acting as our sponsorship agreement holder and Rainbow Refugee in Vancouver as a co-sponsor.

We had four settlement teams that raised above the \$12,000 minimum to financially aid the newcomers; however, funding from RRAP was critical in order to give these individuals a lifeline of support. The first three applicants were submitted in early 2016 and were fast-tracked as part of the IRCC response to the Syrian refugee crisis. Four arrived in Toronto between May and June 2016. One of them, a young man named Bassel Mcleash, arrived just in time to proudly march next to the Prime Minister at Toronto Pride.

Our final application was submitted in July 2016, but unfortunately we were informed that the resettlement quota for 2016 was reached in March. We still await processing of the fifth individual.

Today Rainbow Railroad asks four things of the committee. First, the rainbow refugee assistance program must be a stable program with a multi-year funding commitment. We are very concerned that if this program does not continue, it will hinder the work we've been doing to nurture and sponsor LGBTQ2I refugees, particularly in regions where federal government assistance is crucially needed.

Rainbow Railroad is pleased to partner with national organizations such as Rainbow Refugee and Capital Rainbow Refuge. However, we also receive requests from rural communities across the country that have the heart and the organizing capacity to sponsor individuals but need resources.

• (1550)

We also have received interest from trans communities and from people of colour who want to help and who are, in some cases, a better fit for some of those refugees who need assistance, but they also need assistance in their fundraising efforts. Today it's time to make this program permanent with multi-year funding so that we can build the infrastructure to help save lives.

The second ask is to improve the processing times for LGBTQI individuals. These individuals who are waiting in a homophobic country should receive priority processing with expedited timelines. This would help minimize the risks these individuals face in dangerous countries of first asylum and would help encourage private sponsorship of high-risk cases out of these regions.

It is important to understand the unique nature of these cases. Many times these individuals have been ostracized from their homes, as my colleague just mentioned, and from their families, and sometimes the violence is perpetrated by their families, and they are alone. These waiting times, of up to seven years in some cases, literally put lives at risk.

Third, we need to remove the cap for UNHCR referrals of LGBTQ2I individuals in homophobic countries of first asylum. In

regions where state-sponsored homophobia presents acute risk for LGBTQI asylum seekers, the UNHCR should be allowed to refer cases for resettlement irrespective of federal referral caps or quotas.

Finally, we encourage you to partner with Rainbow Railroad and other national partners on a strategy to support vulnerable populations. Recently we began talks with the federal government on a response to support the individuals who have currently fled Chechnya, and we're hopeful for results. As part of this ask we hope that any agreement is not limited to just one region but shows understanding that these atrocities happen all over the world.

**The Chair:** You have 10 seconds.

**Mr. Kimahli Powell:** In particular right now, we're also concerned about nearly 500 LGBTQI asylum seekers who fled to Kenya, many of them from Uganda, who face homophobic and violent conditions in the Kenyan camps. Because of the high incidence of rape and physical assault, they are isolated inside these camps.

I can name many of them. We are hopeful that we can partner with you to make sure that all members of the LGBTQI community, a community that is most vulnerable, are protected.

Thank you.

• (1555)

**The Chair:** Thank you, Mr. Powell.

Mr. Tutthill, go ahead for seven minutes, please.

**Mr. Michael Tutthill (Executive Director, Rainbow Resource Centre):** Starting 44 years ago in 1973, Gays for Equality offered a telephone information line, peer counselling service, and a resource library on the University of Manitoba campus. The group went on to become a leader and an important resource for the gay and lesbian community, providing community service, education, outreach, political awareness, and activism.

Today, known as the Rainbow Resource Centre, our mission is to provide support, education, and resources to foster a proud, resilient, and diverse LGBT2SQ+ community in Manitoba. This diversity includes refugees, asylum seekers, and other newcomers. We offer a newcomer-led social support group called New Pride of Winnipeg. The group meets twice a month, and it is a chance for gender and sexual minority newcomers to support one another and find community. Currently the group includes six claimants, two convention refugees, 23 permanent residents, one citizen, and 13 visa holders.

We provide support to newcomers in our counselling program. Currently we have five refugee claimants, one person considering a refugee claim, two under appeal, one facing a deportation order, three awaiting IRB decisions, nine with a permanent resident application pending, and two newcomers with unknown status.

Newcomer counselling clients may be newly arrived, have had a student visa and are making a refugee claim, have been sponsored through organizations like Reaching Out Winnipeg, or increasingly have crossed the border irregularly. Our counsellors provide support to prepare for the IRB hearing; follow up on the invasive questions faced by claimants appearing before the IRB; and begin to address the trauma experienced during the clients' journey in their home country or in the country of temporary asylum, which is almost never safe for sexual and gender minority people.

Often, our counsellors are the first people to ask the question, what's the best part of your LGBT2SQ+ identity? The answer to this question is the beginning of an assessment process to provide a letter confirming someone's gender or sexual minority identity or experience. Like many Canadians, many of the gender and sexual minority newcomer clients we see may not identify as gay, lesbian, bisexual, transgender, or queer, but use language appropriate to their own culture and personal history.

I'd like to thank and congratulate the department for releasing the Chairperson's Guideline 9: Proceedings before the IRB involving Sexual Orientation and Gender Identity and Expression. The guidelines address many of the concerns we experience during IRB hearings, and acknowledge the complexities of sexual and gender minority experience and identities. In preparing for an IRB hearing, our staff and clients' lawyers spend significant time addressing inconsistencies on the basis of claim.

Often, asylum seekers might be out to some service providers, yet not to others. Sometimes clients would be advised by settlement service workers or other service providers not to come out at all. This advice is well intentioned, given the Canadian LGBT2SQ+ people often come in contact with heterosexist or cissexist service providers. However, it does create perceived inconsistencies in the basis of claim for newcomer clients.

It is common for Canadian LGBT2SQ+ people to not be out to all of the service providers. One of our staff members has been married to a same-sex partner for five years and just came out to his doctor a couple of months ago.

IRB members have also asked our clients how they can have a child if they are a lesbian. The answer: for any of same reasons a Canadian lesbian can have a child. The guidelines provide IRB members, service providers, lawyers, and claimants with a framework of accountability in assessing claims of sexual orientation and if adhered to, will address some of these concerns.

These examples highlight our unique expertise as a community in assisting sexual and gender minority newcomers and refugees. This committee will hear from many organizations across the country that support sexual and gender minority refugees through sponsorship and settlement services. For decades, LGBT2SQ+ people in communities have been supporting one another in creating spaces

to understand our identities and navigate the heterosexism or cissexism that we encounter daily.

We will continue to learn about the realities faced by sexual and gender minority newcomers, and we are well positioned to help you settle these clients in Canada.

• (1600)

Many newcomer clients, as I mentioned, will choose to be out in some parts of their lives but not in others. Many may be out in LGBT2SQ+ spaces, but not out within their ethnocultural community. Clients may be out to some family members, but not others. We also live with this reality. LGBT2SQ+ organizations are well positioned to make appropriate referrals, educate existing settlement services on gender and sexual minority realities, connect clients to their local LGBT2SQ+ communities and support, and create safer spaces within our own communities for newcomers to settle in. We're also well positioned to assist newcomers to navigate their new reality in a country that celebrates the achievement of same-sex marriage, but where it is not always safe to be out, where sexual and gender minorities continue to face discrimination in areas of health care, education, housing, and employment.

Continuing the rainbow refugee assistance program acknowledges and supports the communities who are best positioned to settle and sponsor gender and sexual minority refugees. Sponsorship by Canadian LGBT2SQ+ communities, like a contact with our centre, helps to ensure that gender and sexual minority refugees are met with community support upon their arrival in Canada. While we encourage non-LGBT2SQ+ people to sponsor gender and sexual minority refugees, given the humanity urgency of a situation, we also acknowledge that many sponsorship agreement holders are busy with the important work of family reunification. The rainbow refugee assistance program encourages our communities to sponsor persecuted people—

**The Chair:** Twenty seconds, please.

**Mr. Michael Tutthill:**—who may otherwise not be sponsored. While not involved directly in sponsorship as a centre, we know that clients who have been sponsored by community members have a much easier time integrating into the community and require less support from our centre.

**The Chair:** Ten seconds.

**Mr. Michael Tutthill:** As a centre, we look forward to partnering with IRCC to meet the increasing service needs of permanent residents and convention refugees who access our centre. We are currently providing these services with the financial support of our communities and through—

**The Chair:** Thank you.

**Mr. Michael Tutthill:**—existing service agreements not designated for newcomer work. Further, we hope to—

**The Chair:** Thank you, Mr. Tutthill.

Mr. Boissonnault, five minutes, please.

**Mr. Randy Boissonnault (Edmonton Centre, Lib.):** Thank you, Michael. Nice to see you. Thank you for hosting our first community consultation that took place across the country with the LGBTQ2 secretariat.

Kimahli, it's good to see you. Thank you for your leadership on a bunch of files.

Janet, thank you for coming to us, despite some of the video and audio challenges. It's always great to have your voice around the table.

I want to start quickly, Kimahli. We have five minutes, so these are going to be short, sharp questions with, hopefully, similar answers.

How much money are we talking about to respond to your number one request to make rainbow RAP stable and multi-year?

**Mr. Kimahli Powell:** It all depends on how many people we're willing to support. Certainly, we know there's a minimum responsibility for just over 12,000 individuals per year. We'd like to see a greater commitment.

Since the program started, the government gave out over \$300,000 and private individuals gave \$1.4 million. I think we need a bigger involvement from the government in order to match that. I can't give you the exact number right now, but I think it needs to be a number that's representative of the needs of the community.

**Mr. Randy Boissonnault:** I'm going to follow up on that piece, then. We can take the conversation of magnitude offline, and that applies to Michael, to you, Janet, as well, and other partners.

What do we need to do to stimulate more response on the private sponsorship side, more communities, and particularly across the country, not only in Toronto or Montreal, or even large centres like Vancouver, but other centres? What are you seeing? Then I'm going to ask Michael for an answer to the same question.

**Mr. Kimahli Powell:** As I said before during my testimony, we're receiving these requests from across the country. I think a program from the government would send a signal that this program is important and that people would start their fundraising ef-

forts. We're also in a position to have more resources than capacity, so we want to encourage sponsorship across the country. If the government wants to be a partner with us, we are willing to help connect individuals and funders to help small communities across the country, and trans communities and people of colour, raise funds to sponsor individuals.

**Mr. Randy Boissonnault:** Thanks.

Michael, in your expertise across the west and in the Prairies, what's the appetite and the ability for the community to step up with private sponsorship to support LGBTQ refugees coming to the west?

**Mr. Michael Tutthill:** Since 2012, Reaching Out Winnipeg, which is our local sponsorship organization, has brought seven LGBTQ refugees into the community. They're all well settled, as far as we know from the updates we've received. One of the sponsorships did receive direct funding through Rainbow Refugee to help cover the cost for one of those people. There is definitely an appetite to continue sponsorship, and we are seeing a response from our community. I think from our end it's kind of twofold, because we want to see folks settling folks here, doing private sponsorships, but also making sure that we have the capacities we need in order to do proper settlement into LGBTQ communities. As I mentioned, some of the nuances around settling LGBT folks are different than might be found in a traditional settlement service agency.

• (1605)

**Mr. Randy Boissonnault:** Absolutely.

Janet, what's your experience with PSRs and the response from the Vancouver community? Is there more capacity there?

**Ms. Janet Altshool:** Absolutely, there's more capacity. There's a lot of interest. In fact, I'm involved with a group, and we're just gathering people to sponsor a couple. That's what we look to do.

I know that Rainbow Refugees has been active for a number of years now, well over a decade. I know they're interested in continuing the work they do. They have a great reputation here, and they have a firm commitment to continue the work they're doing.

**Mr. Randy Boissonnault:** Excellent.

With the minute I have left, Mr. Chair, I want to refer colleagues to an important medical journal, *The Lancet*, that released on Friday a landmark series of studies on the trans community, estimating the trans population globally to be about 25 million, and the systematic persecution and denial of everything from basic human rights to health services. This is the first time this medical journal has done this.

Kimahli, could you just share, with the time that remains for me, some of the elements you'd like to see us as a federal government consider in the strategy to support vulnerable persons?

**Mr. Kimahli Powell:** Yes. Obviously we're here to support the RRAP. It's really important that this program continue, as it's one of the main priorities for this for sponsorship across the country. We are also very much engaged with the immediate escape of individuals facing persecution.

**The Chair:** You have 15 seconds.

**Mr. Kimahli Powell:** We're hoping for a response from the government that will allow for the immediate entry into Canada for people who are persecuted.

**Mr. Randy Boissonnault:** Thank you all very much.

**The Chair:** Thank you.

Ms. Rempel, you have five minutes, please.

**Hon. Michelle Rempel (Calgary Nose Hill, CPC):** I want to start by saying thank you to all of the witnesses for all the work you've done. I think the work that's been done in your organizations has set Canada apart in terms of really showing what it means to stand up for LGBTQ rights in a very meaningful way. I think you're going to see cross-partisan support for an ongoing program that can sustain some of the efforts you are looking at.

I want to ask two questions. I've summarized some of the feedback I've heard in testimony to date, and I want to see if you agree with the synthesis of those recommendations. Then I want to ask a very pointed question. I'll put everything out at once, for the sake of time.

What I have so far, in terms of recommendations, is: that IRCC formalize the RRAP into a regular program with long-term funding; that IRCC streamline the application for LGBTQ refugees who apply through the RRAP and limit the processing timeline to no more than 18 months; that IRCC ensure that refugees brought in under the RRAP remain outside of the SAH quotas and that they do not affect nor are affected by the government's other refugee initiatives; that the government commit to defending LGBTQ rights on the world stage and use diplomatic channels to work towards eliminating institutionalized homophobia and transphobia; that IRCC encourage advanced training for the UNHCR and Canadian immigration officials and review intake procedures in order to identify institutionalized discrimination; that IRCC partner with civil society organizations in refugees' home countries and countries of first asylum in order to identify, assess, and process LGBTQ+ refugees; and that IRCC institute sexual orientation and gender identity analysis of its existing procedures and create quantitative evaluation criteria specific to the goals of the rainbow refugee assistance program, including a measure to track the number of LGBTQ+ refugees Canada is accepting each year.

That's what I have to date, and I'll close with a question.

I've heard this, and I just want to get this on the record. In terms of transphobia, some people have said that people will claim asylum in Canada and they will fake their gender identity or persecution on sexuality. I think that's probably not the case, but I'd like to also give you an opportunity to speak to it so that we can put that on the record in this report.

The floor is yours, whoever wants to start.

**The Chair:** Mr. Powell.

• (1610)

**Mr. Kimahli Powell:** Sure. I'll start. Thank you.

That's a pretty good summary, better than my testimony, so thank you for that.

**Hon. Michelle Rempel:** It's what we do. We actually try to do something that resembles work once in a while, occasionally.

**Mr. Kimahli Powell:** It's a great summary. Thank you.

I mentioned in my testimony that we received 700 requests last year. All of them are pretty heartbreaking. We go through a pretty extensive verification process that includes reaching out to individuals on the ground. As a board member of the international lesbian and gay association, we have deep-rooted contacts.

The understanding of the individuals we support, understanding their situation, is a real part of the process. In terms of the individuals we are helping, we have not, so far as I know, heard instances of people who have misled us about their orientation. These are deeply persecuted people who are fleeing risk and need our help based on their sexual orientation and gender identity.

**Hon. Michelle Rempel:** Great.

To our guests who are on the teleconference....

**The Chair:** Ms. Altshool.

**Ms. Janet Altshool:** I'd be glad to answer.

LEGIT has helped literally thousands of people since 1992, when we were founded. Our job is to get between... currently smaller numbers, but we've had up to 80 people in Vancouver each month. Of these thousands of people, we have had one case where it was a relationship of convenience. In fact, it came last month. We told them we're not interested in helping them. That's one case out of literally thousands. I don't see it as an issue at all. It's much easier to claim you're straight and not risk being beaten and persecuted and hated by the people in a refugee camp than it is to say you're gay.

**Hon. Michelle Rempel:** Quite.

**The Chair:** Thank you.

Mr. Tutthill.

**Mr. Michael Tutthill:** Yes, I would agree with the summary, first of all, and also the other speakers. I think that, yes, there could certainly be cases where someone is going to pretend to be LGBT to seek asylum here in Canada, but I think they will be few and far between. I'm not quite sure why anyone would want to, given the persecution that they would face back home or here. If someone lies and gets deported, that's a pretty big risk to take in terms of being labelled as LGBT when you return to your home country.

**The Chair:** Ten seconds.



**Mr. Michael Tutthill:** The other question that I might ask is, how gay is gay enough? How long are people going to have to remain gay for? We know that sexuality is fluid, so there are people who have been in same-sex relationships, who ultimately end up in opposite-sex relationships, and vice versa. Also, there are people who are persecuted based on their engagement in sex work, so they may have been involved in one same-sex sexual encounter, but are facing persecution in their home country. The nuances of these cases also need to be considered.

**The Chair:** Thank you.

Ms. Zahid, you have five minutes, please.

**Mrs. Salma Zahid (Scarborough Centre, Lib.):** Thank you, Chair.

I would like to take this opportunity to thank all the three witnesses—

**The Chair:** I'm sorry, it's my mistake; it's Ms. Kwan for five minutes, please.

**Ms. Jenny Kwan (Vancouver East, NDP):** Thank you very much. I know it's always tempting to pass over the NDP—

**The Chair:** No, no, no.

**Ms. Jenny Kwan:** — but this is a really important issue for, I think, all community members, to be sure. I'm glad, for one, to have this study, albeit with delays and all.

First, with respect to the suggestions or recommendations that my colleague Ms. Rempel put forward, certainly we would support that, but I would go further than that. So, let me go down this road then.

First, on the question around multi-year funding, I think it is important to get multi-year funding and stability, but what I'm hearing as well from the witnesses is that we need to expand this program because the demand is so enormous. Mr. Powell, you had mentioned that you have 700 cases currently on your docket. Will multi-year funding at this current level be able to meet that demand, just on what you have on your list right now?

**Mr. Kimahli Powell:** I think RRAP is one important tool. It's not for the work we do, which is emergency assistance for individuals. It's only one piece of the puzzle. If you're asking how we would go further, I think the list was a good list in relation to RRAP. I'll let my colleagues who have been advocating for it go further.

Specifically, though, for the nature of the emergency assistance for individuals, we are looking for an immediate process of temporary residence permits, or some sort of mechanism that will allow people who are at risk to be allowed entry into Canada. That's one way we would suggest moving forward.

**Ms. Jenny Kwan:** Okay.

Let me just tie in to this other question because what is going to be really important, I think, is for the government to bring forward a special measure to deal with the issue. To take the existing numbers out of our current immigration levels is not going to do the job because we're going to shortchange someone else on the way who is in a critical situation as well. Would you agree, then, that the government needs to bring forward a special measure, a targeted measure, to deal with the LGBTQ+ community?

• (1615)

**Mr. Kimahli Powell:** I think if the LGBTQ2I community is labelled as a vulnerable population, as it is stated, then we need a robust policy in order to address that measure. I think it's outside our mandate to talk about who we are putting aside. I think the point here is that we need a robust strategy to effectively deal with this population.

**Ms. Jenny Kwan:** Yes, hence a special measure so it doesn't take away from the existing programs that are in place for the other refugee status applications.

**Mr. Kimahli Powell:** That would be one way, yes.

**Ms. Jenny Kwan:** Okay.

The other issue that I just wanted to touch on is this. Because we have a situation where people who are internally displaced are having a really tough time in submitting an application, because by the nature of our current system they are excluded in terms of providing an application, would that special measure also include addressing the issue of internally displaced individuals?

**Mr. Kimahli Powell:** Absolutely. Any program has to be paired with a proper resettlement program and the capacity to deal with claims in the country. I think those two go hand in hand.

**Ms. Jenny Kwan:** Thank you.

I'm going to move to the people on video conferencing with the same questions and issues we're touching on.

I'll go to Janet first, and then to Michael.

**Ms. Janet Altshool:** Sorry. You were cutting in and out a little bit. Could you briefly repeat the questions?

**Ms. Jenny Kwan:** My questions for both of the folks on video conferencing are, first, should we be expanding the programs from government to support the LGBTQ+ community in the refugee stream beyond multi-year funding for RRAP? Second, should we have government bring forward a special measure for the LGBTQ+ community outside the immigration numbers of today? Third, should we incorporate those who are internally displaced as part of the special measure? Right now internally displaced individuals don't really have a mechanism for submitting applications.

**Ms. Janet Altshool:** My short answer is yes to all three. Internally displaced people are a huge issue I'm seeing. Yes, more funding is needed, and yes, there should be a special category.

**Ms. Jenny Kwan:** Michael.

**Mr. Michael Tutthill:** I would agree with everything that has been said. Certainly, we would welcome an increase in ongoing funding. I think a targeted measure would be appropriate, as would an ability to respond when we see instances of increases in violence like we're seeing right now in Chechnya.

**Ms. Jenny Kwan:** With respect to targeted numbers, do you have any suggestions as to what that number might look like?

**Mr. Michael Tutthill:** I'm not sure. I think coming up with that number would require working with my colleagues from across the country. We ourselves are not that well connected, and I think this is an opportunity for us to think about how we can better support one another in doing refugee settlement and sponsorships across the country.

**Ms. Jenny Kwan:** I would agree about Chechnya. They need measures right now.

**The Chair:** Thank you.

Ms. Zahid.

**Mrs. Salma Zahid:** Thank you, Chair, and my thanks to all the witnesses for appearing before the committee today and for all the work you are doing with the community.

Mr. Powell, first and foremost I would like to state my support for this program, its objectives, and the accomplishments it has achieved so far. This program has been an effective way to ensure the safety of individuals from the LGBTQ+ communities who have been persecuted in foreign countries. We have been grateful for the co-operation and contributions of organizations across the country.

I understand the associations face many concerns when reaching out to these individuals. Would you please explain the challenges your organization faces when contacting refugees? What are some of the challenges the refugees face when they cross the borders?

**Mr. Kimahli Powell:** If I understand you correctly, you're asking about the challenges faced in directly engaging with individuals we're seeking to help. It's twofold. We receive requests from individuals all over the world. I mentioned 700 a few times. Those are the ones who are known to us. If we're talking about a number of individuals we would like to use for a measure, that would be a good way to start. Those individuals are coming from different languages, different backgrounds, and we are communicating with them solely in English. As we scale up, we're looking at different ways of connecting with those individuals based on their language ability and special needs.

I would say those are the first barriers we see in connecting with those individuals and understanding the level of persecution they are facing in their home countries. Usually it's religion-focused. It's focused on state and cultural practices. Those are the issues we're navigating when we're directly dealing with those individuals.

The individuals we're facing are fleeing. They are persecuted. They have limited time to reach out to us. Maintaining a dialogue and making sure we have all the information we need to verify these cases is sometimes a challenge, as is helping them get ready to travel.

Our organization is not a settlement agency. We operate as a triage of sorts. We provide some resources and make sure they are going where they can find support, but we can't be there to greet them at the door in every case around the world. There are some issues I have in making sure everyone we bring to safety is also living a fruitful life after they find a safe haven.

• (1620)

**Mrs. Salma Zahid:** Are there any specific challenges you hear about from the community when they cross the borders?

**Mr. Kimahli Powell:** It all depends on the different countries.

If you're talking about Canada specifically, one area of concern for individuals here, particularly for those who have not filed a case, is the length of time. I'm sure you've heard about the issues surrounding legacy claims, as far as individuals who have waited to actually get a hearing.

There is also the issue of access to support. In the Netherlands, for example, when you arrive, you have immediate access to support. In Ontario, if you file a claim, you have to wait up to six weeks to get Ontario Works.

There are some issues as far as access to services when those individuals arrive, and the quality of those services as well.

**Mrs. Salma Zahid:** My next question is for Janet.

It is vital for employees who come into direct contact with LGBTQ+ refugees to take into account their concerns and experiences.

In your opinion, do these officers require any specific training so that they are sensitive to the unique situations of the couples who need protection?

**Ms. Janet Altshool:** Let me preface this by saying that the organization I'm in does not deal directly with refugees but rather with Canadians in cross-border relationships, so this is not my area of expertise.

I think the Canadian government's laws protecting LGBT men and women are pretty good. I don't think there's any special training other than sensitivity to the fact that people often suffer from post-traumatic stress.

**The Chair:** You have thirty seconds.

**Mrs. Salma Zahid:** I have a quick question for Michael.

Individuals who are part of the LGBT community can face stigma from different social groups. This may lead these individuals to fear reaching out for help within their families and communities. Are there any suggestions you have to improve how the outreach should be done with those individuals?

**Mr. Michael Tutthill:** One of the things that I mentioned was the IRB guidelines that came out. As an organization, we're using those guidelines as a training framework to work with other settlement agencies, and as guidelines for the overall education work that we're doing out in the community.

I think those are a really great place to start for settlement agencies, but also for workers within the Canadian government who are working in visa offices or bringing folks in through whatever means are available to the country.

**The Chair:** Thank you.

I would like to thank the panel for their testimony today before the committee. I know I speak on behalf of all committee members when I express our heartfelt thanks for all of the tremendous work that you do.

We'll suspend for two minutes to allow the next panel to assemble.

• (1620)

(Pause)

• (1625)

**The Chair:** The meeting is resumed.

For the second panel, we have before us Mr. Maurice Tomlinson from the Canadian HIV/AIDS Legal Network.

Mr. Arsham Parsi will be here by teleconference.

From Egale Canada, we were supposed to have Helen Kennedy, but I understand that she fell ill, and has provided a written brief this morning, which we will circulate once it's translated.

Mr. Tomlinson, you have seven minutes, please.

**Mr. Maurice Tomlinson (Senior Policy Analyst, Canadian HIV/AIDS Legal Network):** Thank you.

I am Maurice Tomlinson, a senior policy analyst with the Canadian HIV/AIDS Legal Network, and I've helped to network with our Caribbean LGBT advocacy.

In August 2011, I married my husband in Canada, then returned to Jamaica to await the usual filing process to emigrate here. In 2012, a Jamaican newspaper published a front-page unauthorized photo of my wedding, and I immediately started receiving death threats. My husband, who at the time was a Toronto police service officer, contacted Interpol, and I was advised that my address and whereabouts were known, and I should go into hiding. I fled Jamaica soon thereafter, but I decided not to seek refugee status, because as a refugee I would not have been able to go back to Jamaica to visit my mother, and she is very ill. Most refugees are not as privileged as I am, and Jamaicans account for the overwhelming number of LGBTQI refugees in Canada from the Caribbean.

Jamaica is one of 73 countries that criminalize same-sex intimacy, 10 of which have the death penalty. The anti-sodomy laws across the Caribbean are varied, and range from 10 years to life imprisonment, and most of these laws were imposed during British colonization, but have become domesticated. For example, the Jamaican law was made worse in 2012, requiring those convicted under the statute to register as sex offenders, and always carry a pass or face a fine of up to \$11,000 plus 12 months' imprisonment for each offence of not having a pass.

These anti-gay laws serve as licence for abuse and attacks against LGBTQ people. For example, in May 2016, a gay couple was sleeping in their home near Montego Bay, Jamaica, when a group of men shot up the house, killing them. In 2004, Brad Williamson, a Canadian who moved to Jamaica to work for gay rights, was stabbed 74 times in his home by men who objected to his homosexuality. LGBTQ people are considered disposable, unapprehended criminals.

For many years, religious fundamentalists in the global north have also exported homophobia to the global south. Canadian Dr. Janet Epp Buckingham of Trinity Western University cautioned the Jamaican Parliament in 2007 not to enact a Canadian-style charter of rights, because it could lead to the horrors of marriage equality. Regional clerics have adopted this popular anti-gay message with dangerous effect.

In 2016, an evangelical bishop in Antigua opposed the government minister's suggestion to decriminalize sodomy. Having just returned from a conference in Alberta, he claimed the Fort McMurray fire was caused by gay rights in Canada, a fate that would befall Antigua if it, too, embraced gay rights. The minister dropped the suggested repeal.

At the same time, Jamaican music has been heavily influenced by religion, and our musicians have imbibed the anti-gay rhetoric they have heard from the pulpit. We have the most anti-gay songs per capita that call for the rape of lesbians, the burning of gays, etc. These songs are played everywhere and every day, and reinforced with weekly anti-gay preaching, they create the perfect storm of hate.

Capitalizing on this hate, Caribbean politicians have used anti-gay rhetoric to secure votes. For instance a minister in the Bahamas last year proposed exiling transgender people to a small island. The Prime Minister of Jamaica and government ministers have successfully campaigned on family values platforms.

Consequently, fear of violence, stigma, and discriminatory laws have driven LGBTQI people in the Caribbean away from effective HIV interventions. As a result, the region has the second highest HIV rate after Sub-Saharan Africa, with Jamaican men who have sex with men having the highest HIV rate in the western hemisphere, if not the world.

Because Canada's laws governing medical inadmissibility reject temporary and permanent resident applicants on the basis of their HIV status, many of these men are forced to apply for refugee status. In light of the horrible abuses that LGBTQI people in the Caribbean face, the legal network and our partners are working hard to defend their human rights. We have conducted LGBTQI sensitivity training in six Caribbean countries, most recently in Barbados where the Canadian High Commissioner gave the keynote graduation speech.

• (1630)

With the support of Jamaican religious leaders and the group Anglicans for Decriminalization, the legal network will be hosting a conference in Jamaica on October 12 to discuss the role of the church in decriminalization across the Commonwealth. The Anglican Church of Canada will be sending a representative. Jamaican LGBTQI people are also trying to influence the culture through visibility campaigns such as Pride. Pride Jamaica in 2015 saw the former mayor of Kingston give the keynote address, and in 2016 the Canadian High Commission held a flag-raising ceremony for Pride. The legal network is also engaging with diaspora groups such as the Jamaican Canadian Association to leverage their impact in supporting gay liberation efforts.

With the legal network's support I have also mounted two lawsuits in Jamaica, in one case challenging Jamaica's anti-sodomy law, and in the other challenging TV stations that refused to air an ad that called for the rights of LGBTQI people. These cases are winding their way through the courts. In 2013, I also filed a case challenging the immigration laws of Belize and Trinidad that bar the entry of homosexuals. The Caribbean Court of Justice ruled that as a CARICOM national, I am secure and I can enter, but that leaves Canadians vulnerable to being deported based on their sexual orientation. In addition, two petitions have been filed against the Jamaican anti-sodomy law before the Inter-American Commission on Human Rights, IACHR, and are still at the admissibility stage. We have also tried to engage our local politicians and have been most successful in meeting them in international spaces, such as the Organization of American States, especially when other governments act as hosts.

• (1635)

**The Chair:** You have 20 seconds, please.

**Mr. Maurice Tomlinson:** Our experience has taught us that there are very tangible, concrete measures the Canadian government can adopt to support LGBTQI people in the Caribbean. These include reaching out to LGBTQI activists and human rights defenders in countries where such rights are violated and working to amplify their voices, enhancing funding to support organizations here at home that work with LGBTQI people, supporting refugees and facilitating asylum in Canada for LGBTQI people fleeing persecution, and repealing the excessive-demand provision of our immigration laws governing—

**The Chair:** Thank you.

**Mr. Maurice Tomlinson:** —medical inadmissibility, which prevents people living with HIV from coming to Canada as permanent or temporary residents.

My talk is in the package, which you were all presented with.

Thank you.

**The Chair:** Thank you, Mr. Tomlinson.

Mr. Parsi, the floor is yours for seven minutes.

**Mr. Arsham Parsi (Executive Director, Iranian Railroad for Queer Refugees):** Thank you so much.

I wanted to be there in person, but, unfortunately, due to an Air Canada flight cancellation, I wasn't able to participate. Thank you

so much for facilitating a way for me to join you over the telephone.

My name is Arsham Parsi and I'm the executive director of the Iranian Railroad for Queer Refugees, a registered charity that is helping LGBT refugees from Iran, Syria, Iraq, and most Middle Eastern countries through the UNHCR process in order to be granted asylum and then resettle in a safe country such as Canada, the United States, Australia, or several European countries.

There is no doubt that Iran persecutes LGBTs on the basis of their sexual orientation and/or gender identity. That is well documented. In other Middle Eastern countries like Afghanistan, Iraq, and Syria, there is very serious punishment for being homosexual. For many years the Canadian government supported those refugees and helped them to come to safe countries. The majority of those refugees cannot be granted a visa or a student visa or some other method of immigration in order to apply and come to Canada or other free countries to live free from fear.

When something happens and it's a matter of life and death, they decide to leave and apply for asylum. Turkey is a transit country and a hard country for them, because most of them do not require a visa or even if they don't have legal documents, they can escape through mountains or enter Turkey illegally and apply at the United Nations High Commissioner for Refugees' offices.

In 2001 Canada was very helpful and most LGBT refugees in Turkey wanted to come to Canada because they would have more rights here and they could enjoy more rights like gay marriage, health care, tolerance, culture, and the pride that is happening here; they were more comfortable than in the United States. Unfortunately, it's changed. For a couple of years, two years maximum, Canada has refused a lot of non-Syrian LGBT refugees. We as Canadians are proud that Canada opened its arms to Syrians and those families who have been affected by the horrible war in Syria, but saving someone's life doesn't mean holding up another's life. As a result, a lot of LGBT refugees in Turkey were put on hold. Their applications were not processed because the priority was Syria, and there were a lot of logistics and capacity issues with Turkey, such as the number of available interview rooms at the Canadian embassy in Ankara, staffing, and all of the people who can handle and process the refugee applications.

It used to be that Canada's quota was 1,100 cases a year, and sometimes it took up to 12 months to process those. When the cases of the Syrian refugees were put on top of those, they were delayed more and more. We have some cases of people who were interviewed in 2014 and they are still waiting.

In Turkey, the refugees are not safe. Turkey is not a safe country, and due to the political changes in Turkey that we are all aware of, they're not even as safe as before.

One piece of evidence that this situation is very dire, and that we as Canadians and protectors of human rights have the responsibility to support them because they are the most vulnerable cases, is that in the last two years 21 LGBT refugees have attempted suicide in Turkey and five of them have been successful. So we have lost at least five of them in the last two years. The main reason was that they could not wait there any longer. They didn't have family support. Usually, they were abandoned by their families and they didn't have any support. They could not work in Turkey because they didn't have a work permit and they were victims of homophobia even in Turkey and were being discriminated against by other groups of refugees like other Iranian refugees or other Syrian refugees.

A lot of gay Syrian refugees are being raped at the camp. The UNHCR knows that the LGBT refugees are a priority and they have to be taken care of as soon as possible, but, as you know, re-settlement is a voluntary action and the UNHCR cannot force any government to receive and accept and process these refugees.

The Iranian Railroad for Queer Refugees would sincerely like to ask all members of Parliament and decision-makers to take.... We submitted a report of more than 45 pages about the state of refugees in Turkey and other countries and why they need special protection. I'm aware that it is being translated into French. You will be provided a copy when that's finished.

• (1640)

It's very important to pay attention to see how Canada can help these vulnerable cases, because they are in need of support. They are being abandoned by their families. They are at risk of execution and punishment due to their sexual orientation, and if we don't help them right now, there might be more victims. They might decide to end their lives in Turkey because no one will help them. It is very important. I ask you sincerely to consider all the options.

On what happened in 2011, I consider that project a successful one, because it was speeding up: the UNHCR was speeding up and the Canadian embassy knew how they had to deal with it. The only problem I can raise was the staffing, because the embassy in Tehran was closed and the embassy in Syria was closed. All of the pressure was in Turkey, on the embassy in Ankara, and they had limited numbers of interview rooms, staff, translators, and interpreters. I think that's another way of looking at it: to see how Canada can build its capacity in Ankara in order to address the huge backlog that we are experiencing right now.

**The Chair:** Thank you.

Mr. Ehsassi, please, for seven minutes.

**Mr. Ali Ehsassi (Willowdale, Lib.):** Thank you, Mr. Chair. I will start with Mr. Parsi.

It's great to hear from you.

I have had many opportunities to talk to you, of course, about the issue that you have truly become a leader in. You obviously have been to Turkey on numerous occasions. During your testimony, you were describing to us how dire the situation is on the ground in Turkey. I was wondering if you could kindly elaborate on that.

**Mr. Arsham Parsi:** Which part of the story do you want to hear more about? The personal, the legal aspect, the emotional state...? Which one is more important for you, Mr. Ehsassi?

**Mr. Ali Ehsassi:** It's the personal aspect, and also the hardships that prospective refugees are facing in Turkey.

**Mr. Arsham Parsi:** As I mentioned, the majority of the LGBTQ refugees don't have their families' support, because they're not out to their families. That is one of the challenges that they mentioned to me numerous times. I was a refugee myself when I came to Canada on May 10, 2006, as a government-sponsored refugee—I was in Turkey myself—and it is true, as they said, that in Iran they have to deny their sexual orientation in order to survive, and in Turkey suddenly they have to prove their sexual orientation in order to be safe. It's a big paradox, and it's very difficult. Emotionally, it puts them in a very awkward situation.

First, because of the Turkish media propaganda, they believe that Turkey is very safe because of all the temples and bars and everything that they can see on TV. When they arrive in Turkey, they think they are safe, so sometimes they may mention that they are gay, or maybe when they want to rent shelter, a place, or anything, they don't deny their sexual orientation. They want to be comfortable, like how we live here, but it makes them more vulnerable, because Turkey is not a welcoming country. The people, especially in those cities where the LGBTQ refugees are residing, such as Denizli, Eskishehr, and Yalova, are very conservative.

According to the Turkish Ministry of the Interior, the refugees cannot live in metropolitan cities such as Istanbul, Ankara, or Izmir. They have to go to smaller cities in order to be monitored, and it puts them at risk. Emotionally, they cannot do anything. Their families don't support them because usually they don't want them to leave. They keep asking them why they left Iran, and they have no valid response. They just have to keep lying. As a result, they don't get anything. They don't get any support.

Also, they cannot work, because as refugees in Turkey they are not allowed to work, so they don't have money. They have to survive somehow. As a result, they need to have a cash job, and they then again become a victim of abuse, this time by the employers. When the employers know that they don't have rights, they don't have protections, and they cannot make any complaints, they abuse them. We have had several reports from people. Also, the pay for these jobs is very low. Sometimes they have to work for 13 hours and are paid 10 Turkish lira, which is like \$5 Canadian. It's not even slavery....

All of these difficulties make them sick. Whenever I've talked to some politicians and also to friends, I tell them that when they arrive in Canada, sooner or later they will be sick, even after a year or three years. They become ill. Imagine it and put yourself in their shoes. Imagine that you have to live in a country where you don't speak the language and you don't know anything about the culture. You cannot go back to your country. You just have to wait for three years. This waiting time makes you emotionally sick and vulnerable.

• (1645)

**Mr. Ali Ehsassi:** Thank you for that.

I have a follow-up question. I know that your organization has been very active in Canada. Could you explain to us whether your organization also attempts to increase the number of private sponsorships for refugees that you are dealing with? How do you think that could possibly be improved?

**Mr. Arsham Parsi:** When the Honourable Jason Kenney was at the Department of Citizenship and Immigration, we worked closely with CIC, and there were a lot of groups of five sponsors and private sponsorships. Groups approached us. We made a recommendation and put them in contact with refugees, and they applied to the CIC.

We had one pilot of government-sponsored refugees. Another one was privately sponsored. The third one was blended cases, which I'm sure you all have read was a partnership between the government and private sponsors. That was really helpful. We still have some cases that were resettled through private sponsorship and groups of five in Winnipeg and Halifax, but they went mostly to the GTA area. They are happy. They're successful.

I usually follow up and visit after a year or two. Most of those people are studying at the universities. Some of them received their degrees and are working, so it helped them.

Those private sponsorships were very helpful, because not only did they help them to come to Canada, the refugees also received financial allowances as well as emotional support, which is very important.

When they come to Canada, they have to have a group of people to support them. As I mentioned, they are emotionally in need of attention, and they need to be taken care of. Those private sponsors might help with these supports. We don't want to hear bad incidents again, and I'm sorry to have to keep giving bad news.

Last week one of our refugees who was resettled in Vancouver, a year ago exactly, on May 10, 2016, committed suicide because he didn't have anyone. He left a note that said, "I wish I had someone to talk to me for an hour." This is very important.

• (1650)

**The Chair:** Thank you, Mr. Parsi.

There are 20 seconds left, and Mr. Ehsassi has kindly allowed me to take that time.

Mr. Tomlinson, I recently heard some Jamaican music—Jamaica exports a lot of music to the world—that was not only horrifically

homophobic; it was also misogynistic and propagated violence, quite specifically against gays.

We have hate crimes legislation, but there's also the whole concept of protecting the arts. Could you, succinctly please, tell us the consequences of this sort of music in Jamaica? What are the real consequences of that sort of music?

**Mr. Maurice Tomlinson:** As I explained, Jamaica is not a quiet society, so this music is played on buses and cars everywhere, Monday to Friday, and this is the reverberation that people hear. Then, they go to church, because everybody has to go to church in Jamaica—it's not an option—and the rhetoric is invariably anti-gay.

Literally, we are creating a culture that's saturated or marinated in homophobia. That's why we have the highest number of anti-gay attacks per capita, even though our laws are the least offensive, technically, in the Caribbean.

**The Chair:** Thank you.

Mr. Tilson, you have seven minutes, please.

**Mr. David Tilson:** I would like to thank both of you for giving very compelling stories of what's going on.

Mr. Tomlinson, I would particularly like to thank you for giving us this written material, which we will find very useful.

You raised a very interesting quandary that if, to get to Canada, you are identified as gay in this community, and then you want to go back to see a sick mom—and you've described the terrible stories that are going on in Jamaica—that's a problem.

We're talking about identifying people who want to come to this country because of the terrible situations they've been in, in their own countries. Yet, when they get here they're identified as such, and the label is put on them. Then they want to go home to terrible stories.

Have you any recommendations as to whether we should change our philosophy on how we deal with this issue?

**Mr. Maurice Tomlinson:** As I said, my situation is unique. I had resources. I have a security protocol when I return home to protect myself, so I can visit my mother.

**Mr. David Tilson:** I doubt if.... It is unique.

**Mr. Maurice Tomlinson:** Exactly.

For those who don't have those resources and would like to reunite with their families or bring their families here, I would hope that it is easier for them to bring their families.

The fact is that, if they go home and they are identified and they have no security bubble or protection, they're vulnerable. Practically, the only thing I would think that can be done for them is to bring their families here.

I'm sorry if that's not a complete answer, but it's the only thing I can think of at this time.

**Mr. David Tilson:** It raises the question...whether you have any suggestions with respect to how the UNHCR identifies refugees who are LGBTQ. As you have described, it can be, not just in Jamaica, but as Mr. Parsi has said, very dangerous in many places to be identified as LGBTQ at all. It is possible that the UNHCR may not even know that a refugee is gay and therefore, a potential target for the program.

To me, of all the witnesses, your testimony has raised all kinds of problems with respect to the identification of people. You have talked about this somewhat, but perhaps you can elaborate more.

**Mr. Maurice Tomlinson:** I'm not sure how we can assist persons if their identity, which is the basis of their claim, is not known or is not made known. I know there's an attempt to be very sensitive. I don't know a lot about the UNHCR process, but I know there's an attempt to be sensitive.

I've heard today that persons have suggested that the IRB reform is going in the right direction by not requiring too much detail as to a person's orientation or how they're identified back home, because that's hard to prove.

I believe that visibility is liberty. If a person is safe to be out in their community, they should try to be out because that helps to support others who might be vulnerable.

How do we protect them? One of the ways that I would propose is that we allow for in-country assessments of refugee claims instead of requiring persons to come to Canada to claim refugee status. Some persons can and should be allowed to be out in their home country and be allowed to flee from their home country, if they need to.

• (1655)

**Mr. David Tilson:** We've heard from officials that those admitted under this pilot project fall within the overall immigration levels plan, that they have to take and split roughly fifty-fifty between the blended visa office-referred program and those identified directly by the Rainbow Refugee society.

We're going to be making recommendations to Parliament. I wonder if you can tell the committee whether there are any improvements that could be made regarding how we identify potential candidates. You've already stated one, but are there other recommendations?

**Mr. Maurice Tomlinson:** The way to identify persons or to verify persons who are LGBTQ is to address the recommendation I made here. A lot of the time, working with and supporting the local groups on the ground, who know the reality, can provide the kind of supporting evidence that you need.

Canada should reach out and continue to reach out to the groups on the ground who are working with LGBTQ people to ensure that...I've heard it mentioned before. You minimize false claims. That can be done through an engagement process with persons on the ground who are working with the individuals.

However, there might be some persons who have not been out. They just can't be out. They haven't been out, even to their own LGBTQ organizations.

As was said earlier, I doubt very much that, in that context, when persons finally come out, they are doing so without having counted the cost. It comes with a tremendous amount of risk. There's a loss. There are tremendous losses.

We should almost give the benefit of the doubt to persons who make that claim. In our context, it's a last-ditch effort. You have no other option.

**The Chair:** You have 30 seconds.

**Mr. Arsham Parsi:** If I may, I'll have you know that in my experience most of the LGBTQ refugees who claim asylum, and mostly at the UNHCR, have no issue in declaring or identifying themselves as the LGBTQ community. The issue is when they apply on the basis of, for example, political affiliation or religion, but they are LGBTQ candidates—

**The Chair:** Ten seconds, please.

**Mr. Arsham Parsi:** It is very important and the UNHCR made a very strong recommendation. Canada can co-operate with the UNHCR in order to get referrals of more.

**The Chair:** Thank you.

Ms. Kwan, seven minutes, please.

**Ms. Jenny Kwan:** Thank you to the witnesses for their presentations.

Am I assuming correctly, Mr. Tomlinson, that you would agree with the suggestions or recommendations that were put forward by Ms. Rempel a little bit earlier? In addition to that, to call on the government to do what is needed immediately for situations like the people in Chechnya are faced with?

Second to that, to bring in a special measure for those who are internally displaced, because right now there isn't a mechanism with respect to that, and that we do that above and beyond the current immigration level numbers?

Then last but not least, aside from supporting multi-year funding, stable funding for rainbow RAP, but also to expand that program, given the magnitude of the demand that is there and the fact that people's lives are literally at risk as this situation continues?

**Mr. Maurice Tomlinson:** The short answer is yes. I believe in relation to the internally displaced we especially need to have in-country processing for LGBTQ persons. Requiring people to flee to Canada almost requires them to be rich before they can be refugees. They have to prove that they have assets tying them to their home country and that they do not need to flee.

The catch-22 is that many people who are as vulnerable as I have described, especially if they are trans, will not be getting a stable job that will allow them to acquire those ties. Allowing in-country processing is one very important special measure that I would propose.

Yes, in many contexts, certainly in the Caribbean, the worst thing you can be is LGBT. There are parents who will say, “at least my child is not gay”, even if they are a murderer, “at least my child is not gay”. The worst insult that you can give to a person in Jamaica is to call them a “batiman”, which is the equivalent of faggot. We are the lowest on the totem pole and, therefore, I do agree that in the urgent situation we're facing now, a special measure would be appropriate. I think a specific one that might help would be in-country processing.

• (1700)

**Ms. Jenny Kwan:** Thank you very much.

I think you're exactly right, because I think the other issue as well is that those who are forced to leave their home country often find themselves in an even more precarious situation, because the nearby countries often share the same kind of laws and same kind of discriminatory approaches to the country from which they fled. Thank you for that.

You raise many interesting points, but there are two I want to particularly highlight. One is the issue you mentioned when you said you would not want to come as a refugee when you were outed because of the cessation provisions. If you travelled back to your home country of origin, you would be actually targeted and potentially lose your status. That's really a law that should be repealed. Am I correct in saying that, not just for yourself but for every refugee who travels back to their home country for whatever reason?

**Mr. Maurice Tomlinson:** I certainly would agree with that recommendation, yes.

**Ms. Jenny Kwan:** The other point that you raise is around the medical inadmissibility. That is an absolutely excellent point because those provisions are discriminatory. They are discriminatory against people who have HIV/AIDS, discriminatory against people who have disabilities, for whatever reason. I wonder if you can elaborate on that a little bit and whether or not the government should actually recognize that law for what it is, that regulatory policy for what it is, and stop discriminating against people on the basis of those very basic human rights.

**Mr. Maurice Tomlinson:** I'm sure Erica has distributed the medical inadmissibility brief. I wasn't able to print it out for you, I'm sorry. The brief describes the challenges that the medical inadmissibility regime currently poses for persons who would, under normal circumstances, qualify as immigrants.

The medical inadmissibility regime currently says that the cap is \$6,650 per year. This does not account for the fact that some people have access to private insurance; they come with their own resources, etc. If they were just allowed to be regular migrants, such people would not have to access the refugee process, which, as I've described, imposes a lot of onerous challenges on them and their families. That's one reason we think the medical inadmissibility process or regime needs to be repealed.

In addition, medical inadmissibility separates families, does not facilitate family reunification, and is not a process that is in line with immigration objectives, which are to secure the best quality migrants to Canada. We're in fact denying good quality migrants access to Canada.

**Ms. Jenny Kwan:** Thank you very much.

In essence, the medical inadmissibility provision is a discriminatory law. It discriminates against people who have a disability, and it discriminates against people from the LGBTQ community, particularly those who are at risk of HIV and AIDS. That's really what it is, and it is a law that should be done away with.

I want to focus in on this a bit. It's very important for us in terms of Canada doing important work in the global community, and particularly providing funding and support to organizations around the world that are working to defend and promote human rights, including those of LGBTQ+ people. This is a brief you have presented to us in the package, and I've also heard from other groups calling for that as well. Canada has shifted, with a lot of that money being focused on other areas. Should we be focusing and redirecting some of those dollars back to human rights advocates, particularly in this arena?

• (1705)

**Mr. Maurice Tomlinson:** I would say yes. The fact is, if advocates are able to address the human rights challenges in their home countries, this will stymie a lot of the ripple effect that we are in fact trying to cauterize. For example, if advocates in a country are able to campaign for equality, we would not have the need to find additional resources to support people who have to flee because of their refugee status. We need to be supporting the advocates in other countries, who are trying to do things like changing hearts and minds, challenging anti-gay laws, and confronting religious bigots. We need to be doing that so we don't have to end up spending the money at the back end.

**The Chair:** Thank you.

Ms. Dzerowicz, you have seven minutes, and I understand you'll be splitting your time with Mr. Boissonnault.

**Ms. Julie Dzerowicz (Davenport, Lib.):** Actually, Mr. Boissonnault is going to go first, and I will take the rest of his time.

**The Chair:** Perfect.

Mr. Boissonnault.

**Mr. Randy Boissonnault:** Thank you, Mr. Chair. Thank you, colleagues. Maurice, thank you very much for your presentation, and thank you, Arsham—I really appreciate it.

Maurice, I wanted to understand something that I've heard you say in other forums, in eloquent presentations. It affects refugees, and it affects who needs to seek asylum here. Can you share with us your experience with the flows of money that go from religious organizations in Canada and the U.S. to other countries, to promote anti-gay crusades and anti-gay agendas?



**Mr. Maurice Tomlinson:** There has been a lot of tracking done of the amounts of money that go from the global north, particularly religious groups, to support anti-gay efforts back home. The figure is staggering, and it's not surprising, because they have a captive audience every weekend. Every Saturday and Sunday, they collect offerings.

The result has been a ramping up of campaigns, which we never saw before. We have seen massive protests, massive rallies, and well-funded conferences in Jamaica, Barbados, and Trinidad—countries that previously were known to be very tolerant. These laws were on the books, but not enforced. We're seeing multi-page media campaigns, etc., and things that we never saw happening before. We know this is not money that is generated locally, because the money's just not there.

To respond to that, we as LGBTQ activists are behind the eight ball, because we don't have access to funding in that way. Our local companies or agencies are not willing to be associated with us. I'll give one example. We approached BNS here in Canada to see if they would support work in the Caribbean to combat homophobia. They basically told us they'd have to defer to their local branches. The local branches said they might support HIV work, but they will not be associated with anything to do with LGBTQ rights.

We really are without resources. Thankfully, there's the Canada fund for local initiatives, but that only goes so far, and it's spread over the globe, whereas these people can get as much funding for one event as the Canada fund for local initiatives can provide in an entire year.

**Mr. Randy Boissonnault:** I understand.

I want to put something on the record and maybe ask if you could follow up in writing. If the Commonwealth, on June 1, approves the Commonwealth equality network, how can that actually make a material difference on the ground for the LGBTI community in the Caribbean and in other Commonwealth nations? I know we're certainly going to be working with our group to make that happen. It's a very high-threat and important meeting of the high commissioners.

I will now share my time with my colleague.

**Ms. Julie Dzerowicz:** Thank you.

I want to thank both presenters for their excellent presentations and for this great discussion. I have two quick questions.

Mr. Tomlinson, you made a number of concrete recommendations at the end of your two-page report.

My question is, who does it well in the world? Who do you think does it well in terms of supporting LGBTQI rights in the world today? Who should we be modelling? Or are we the model and we need to go further?

• (1710)

**Mr. Maurice Tomlinson:** Everybody has good points and bad points.

We are certainly very pleased with the constitutional framework that South Africa has, for example, but the challenge has been operationalizing that. There's a need for more domesticated sensitivity

training. Canada has a very good program in terms of sensitivity training for certain groups like police, which has been exported around the world. The protection of trans individuals, on paper, looks great in Argentina and also India, but there's also a high rate of murder of trans individuals.

I would say that there is not one model for a best practice. I think Canada, as I've outlined in my presentation and summary, has done some very good things. It can do more. One of the ways it can do a lot more, I would suggest, is to support local groups on the ground who are campaigning for their liberty. The truth is, they know the response that is most appropriate in their own context.

**Ms. Julie Dzerowicz:** When LGBTQI refugees with HIV arrive in Canada, what support exists and what support is needed?

**Mr. Maurice Tomlinson:** That's a very good question.

The person who arrives as an HIV refugee is put into the system and is supported once they are granted refugee status. I would say that the current model works well. I am not aware of it being a particularly onerous process once the person has been granted status. The challenge has been getting them status. Thankfully, the process that has been introduced has helped, but you still have persons who are legacy individuals in limbo. Their ability to find work, settle, and those kinds of things, has complicated their ability to access care and well-being. I would say that an urgent need is to address those legacy individuals.

The current system does provide support for those who are granted status, but we still have about 7,000 people in limbo, which makes no sense.

**The Chair:** Fifty seconds.

**Ms. Julie Dzerowicz:** We have Mr. Parsi on the line, and perhaps he can respond to the two questions I asked, in terms of best practices or models that you think we should be pursuing, and also whether there's any additional support that's needed for LGBTQI refugees once they arrive.

**Mr. Arsham Parsi:** As my friends, Canada is one of the good examples, not only in my opinion, but also the UNHCR believes that. Still, there are a lot of challenges, and there is a need for a big improvement in Canada. A lot of Europeans are looking to Canada and how they resettle refugees, which is really good.

I think one of the needs is that often when the refugees arrive, they need to be provided with some psychological and emotional support, and support groups that help them integrate into society.

**The Chair:** Thank you, gentlemen, for appearing and bringing your insights. I'd also like to thank you for your courage.

With that, we'll suspend for two minutes and resume in camera to deal with some committee business as well as drafting instructions.

*[Proceedings continue in camera]*

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