

# Dangerous Shortcuts: Representations of Sexual Minority Refugees in the Post-9/11 Canadian Press

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*Abstract:* Canadian newspapers are a principal source of information on refugees claiming asylum in Canada on the basis of persecution for their sexual orientation. Many articles rely on culturally racist and classist stereotypes of sexual minorities to demonstrate claimants' legitimacy. Refugees' stories are further deployed as "mediating agents" to confirm Canada's "superiority" over other regions, particularly those identified as Islamic. To determine what thematic constructions are most prevalent among Canadian news sources, the authors conducted a critical discourse analysis (CDA) and secondary textual analysis of articles culled from five Canadian English-language newspapers, employing critical race and queer theories as framing devices.

*Keywords:* Post-colonialism; Multiculturalism; Feminist/Gender; Newspapers; Rhetoric

*Résumé :* La presse canadienne est une source importante d'informations sur les réfugiés cherchant asile au Canada parce qu'ils ont subi des persécutions pour leur orientation sexuelle dans leurs pays d'origine. Cependant, de nombreux articles, en voulant démontrer la légitimité des demandes d'asile provenant de minorités sexuelles, ont recours à des stéréotypes de race et de classe. Les histoires de tels réfugiés servent en outre d'agents médiateurs pour confirmer la supériorité du Canada par rapport à d'autres régions, particulièrement celles qualifiées d'islamiques. Afin d'identifier les constructions thématiques prédominantes portant sur les réfugiés appartenant à des minorités sexuelles, les auteurs ont mené

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une analyse de discours critique et une analyse textuelle secondaire sur des articles provenant de cinq quotidiens canadiens de langue anglaise, avec comme cadre analytique des théories sur la race et sur l'orientation sexuelle.

*Mots clés* : Post-colonialisme; Multiculturalisme; Féminisme/sexe; Journaux; Rhétorique

On March 6, 2008, Y<sup>1</sup>, a gay refugee<sup>2</sup> from Malaysia, was deported from Montréal, Québec, where he had been living since 2004. Y had claimed refugee status in Canada on the basis of persecution for his sexual orientation; however, he ultimately failed to convince the adjudicator presiding over his case of his endangerment and lost all subsequent appeals. Although Y was certainly not the first claimant to seek asylum on these grounds, nor the first to be rejected, his story was widely covered by Canadian news media sources in the weeks leading up to his deportation. This article seeks to interrogate the news coverage that frames and constructs the narratives of sexual minority<sup>3</sup> refugees—such as that of Y—for public consumption.

The Canadian news media act as the primary frame through which “representative” refugee cases, problems with the refugee determination system, and “facts” about sexual minority refugees are constructed and relayed to the Canadian public. Although there is an Immigration and Refugee Board (IRB) website where a number of refugee decisions are published, these judgments are *not* representative (Rehaag, 2008). Statistics regarding successful versus unsuccessful sexual minority refugee claimants are not actually available on the website; in fact, to access this raw data, one must submit a special Access to Information request to the IRB, a process that is not easily accessible to the general public. Due to these limitations, the Canadian press’s role in reporting on such claimants takes on a heightened importance as one of the principal meaning-making and knowledge-producing machines for the Canadian populace.

While scholarly research about the experiences of sexual minority refugees in Canada has begun to surface in the past decade, nothing has yet been published on the representation of such refugees in mainstream Canadian newspapers. Given the media’s influence on policy development as well as social action, we believe it is necessary to start to fill this void by critically analyzing some of the coverage on sexual minority refugee cases. Specifically, through this article, we seek to examine the racialized, imperialist, gendered, and hetero-normative narratives constructed by major Canadian newspapers around sexual minority refugee bodies. We strive to address how sexual minority bodies have been used as mediating agents to maintain binaries of “us versus them,” of backward, oppressive countries/cultures versus civilized, progressive Canada. Because of our direct involvement in community support and advocacy on behalf of some of the individuals whose stories have appeared in these very same newspapers, we have chosen this topic in order to draw attention to and advance knowledge production about sexual minority refugees. Because of our social location, we have a personal stake in destabilizing stereotypes and assumptions made about queer bodies of colour. At the same time, we must also explicitly acknowledge that we possess a degree of privilege conferred on us because of our Canadian citizenship

status and, therefore, as settlers within a colonized geography (see Lawrence & Dua, 2005; Thobani, 2007). Thus, we present this article as an entry point into observing the complex ways in which sexual minority refugee bodies are positioned in the imperialist, racist, gendered, and hetero-normative discourses of contemporary Canadian border controls.

### **“Dangerous shortcuts”**

The simplistic ways in which journalists and, at times, adjudicators address the realities of sexual minority refugees are dangerous manoeuvres that reduce the complexity of claimants’ plights. This reductiveness has been termed by Alice Miller (2005), citing Jacqueline Bhabha’s research on refugee children, “dangerous shortcuts,” which are defined as “simplifications powered by the search for winning stories” (p. 165). Such shortcuts hinge on the use of essentialist constructions of race, religion, sexuality, gender—any individual identity marker to which one may lay claim—for maximum impact. Thus, sexual minority refugees become fractured beings, forced to convey the intricacies of their identities and situations through a singular, restrictive lens (see Wing, 1997). Using the adjective “dangerous” is not meant to suggest that other shortcuts are safer to employ; rather, it stresses that we must consider the dangers springing from the use of any and all shortcuts.

Not only do these shortcuts ignore the intersecting nature of sexual minority refugees’ identities, they are also often grounded in stereotypes of sexual minorities (Miller, 2005). Drawing on Richard Dyer, Stuart Hall (1997) explains that stereotypes differ from mere typification or characterization of people in that they simplify and reduce a group’s characteristics to their most easily remembered and recognized traits; they then exaggerate these traits and fix the group to these simplified images for all time. Hall argues that stereotyping rests on a strategy of “splitting” (p. 258)—of separating the normal from the abnormal in order to maintain the symbolic order—and tends to occur where there are major imbalances of power. Such a desire to render the Other comprehensible may be considered part of what Etienne Balibar (1991) calls the “racist complex” (p. 19), which we broaden here to the “oppressive complex” to acknowledge the operationalization of interlocking systems of domination (see Hill Collins, 1990; Razack, 1998; and Trinh, 1989). A prominent characteristic of this complex is a violent “will to know” (Balibar, 1991, p. 19) that demands immediate knowledge of social relations. Dangerous shortcuts, like the use of sexual, gender, racial, and other stereotypes, are thereby one of the means used to obtain immediate knowledge of sexual minorities and, presumably, the “truth” about *them*.

Sexual minority refugees are one of many groups of bodies used ideologically to uphold the bifurcation between the North/West and the Rest. In an article on the gendered nature of post-9/11 news coverage of the war on terror, Yasmin Jiwani (2004) dubs women as the “mediating agents” that have enabled the opposition between an ordered, free West and a chaotic, backward, Islamic East (p. 265). Sexual minority refugees now constitute another group of “mediating agents,” employed and deployed by the press to maintain numerous imperialist binaries, with the acceptance of sexual minorities offering a fresh example of the West’s progressiveness and cultural superiority.

Before examining how sexual minority refugees and their cases and countries/cultures are framed in the news media, we must first review the “rescue policy” (i.e., refugee policy) underpinning the refugee determination process.

### **Understanding sexual minorities in the Canadian refugee system**

In 1992, Canada became the first Western nation to grant refugee status on the basis of sexual orientation, to a gay claimant from Argentina (Fairbairn, 2005; Miller, 2005; Parrish, 2006). One year later, the Supreme Court of Canada read sexual orientation into the definition of “particular social group” because the judges considered sexual orientation to be “immutable” and therefore an innate or unchangeable characteristic<sup>4</sup> (LaViolette, 1997, 2007; Parrish, 2006; Rehaag, 2008). Although this decision has resulted in some sexual minority refugees gaining status, this limited conceptualization of sexual orientation as well as the subjective nature of decision-making presents particular problems.

First, whether or not a refugee is believed to be a sexual minority invariably depends on a given adjudicator’s perceptions of sexual orientation. Although educational tools (LaViolette, 2004) and training sessions are available to IRB adjudicators, their use is not mandatory. Most IRB adjudicators, consequently, do not undergo any formal training related to sexual minority refugees, basing their decisions instead on their own “folk knowledge”—a culturally specific form of “juridical common sense” (Miller, 2005, p. 138). Folk knowledge is often both hetero-normative (rife with stereotypes) and homophobic (rife with fear), leading to myopic interpretations of sexual and gender identities. This facet of IRB refugee decisions has resulted in rulings that appear highly arbitrary and inconsistent (Fairbairn, 2005; Miller, 2005).

Because sexual minority refugees must “prove” their sexual orientation, there exists a common expectation that these claimants will manifest their dress, behaviours, and sexual desires in ways similar to those of Western sexual minority communities. The criteria for proof, therefore, tend to be insensitive to the myriad economic, cultural, religious, and moral differences that may exist between sexual minority refugees and those who frequent the Canadian queer scene, which is dominated by a “White” conceptualization of queerness (see Ryan, Brotman, Baradaran, & Lee, 2008). Since sexual desires and practices cannot be read on the body, the forms of proof expected often blur gendered boundaries so that gay and lesbian refugees may experience a greater chance of success in their hearings if they play up stereotypes of effeminate men and butch women (LaViolette, 2007; Millbank, 2002). Although the Federal Court declared in a 2005 ruling that effeminacy should not be required for gay claimants because it is stereotypical and does not reflect the claimant’s credibility, some adjudicators continue to conflate their understanding of gender identity and sexual orientation (LaViolette, 2007).

A second challenge claimants face is proving that they are at risk of persecution or have been persecuted in their country of origin because of their sexual orientation, as the accepted definition of persecution is rather subjective (Miller, 2005). If the legal code of a claimant’s country of origin forbids consensual same-sex acts, some IRB adjudicators have accepted this as evidence of persecution

(Miller, 2005). However, there have been cases in which this evidence was produced, yet the claimant was not deemed to have suffered from the threat of persecution (Fairbairn, 2005). Conversely, there have also been cases wherein the claimant's country of origin did not forbid same-sex acts, and the IRB adjudicator determined that there were reasonable grounds for claiming refugee status (Miller, 2005).

Some Canadian legal scholars have been advocating for specific reformulations of Canadian refugee law in order to better serve sexual minority refugees. For example, Nicole LaViolette (2007) argues that the gender-related guidelines<sup>5</sup> should be expanded beyond the current definition of biological sex to take into account "the power relations that characterize relations between men and women" (p. 170). Sexual and gender minorities who are not cisgender<sup>6</sup> women would therefore be included because this expanded definition would apply to anyone who is unable to conform to gender norms. In a similar vein, Sean Rehaag (2008) argues for a "queer refugee jurisprudence" (p. 80) that would introduce fluidity and flexibility to definitions of sexuality and gender as well as expand the grounds on which queer refugees may apply.

Restrictions on refugees in general have continued to tighten over the past two decades, pointing to what Lacroix (2004) terms "Canada's preoccupation with control of 'unwanted migrants'" (p. 151). A bona fide refugee appeals division (RAD) has yet to be enacted, despite the fact that it was written into the 2002 Immigration and Refugee Protection Act (IRPA). The implementation of IRPA also resulted in the two-member adjudication board being reduced to one member, diminishing the chances for a successful claim. Prior to this change, a positive ruling was needed from only one of the adjudicators for a claimant to achieve refugee status. A further obstacle introduced after 9/11, specifically in December 2002, was the Safe Third Country Agreement (STCA)<sup>7</sup> with the United States, which enabled the forced return of claimants who enter Canada through the U.S.

Although the legal definition of "refugee" informs our understanding of the refugee determination process, this is not the conceptualization we employ in this article. Instead, we rely on Sherene Razack's (1998) contention that "[r]efugees, the outcome of Third World barbarity and underdevelopment, are known to the West only in terms of how they might be contained, policed and regulated. . . . [They are] products of a mess that the Third World has made and that the West must clean up" (p. 92). Such a definition of "refugee" puts the emphasis on the underbelly of the refugee system that we seek to expose, rather than on the seemingly benevolent conditions of refugee status written in law.

### **Existing literature on sexual minority refugees in Canada**

Empirical research on Canadian sexual minority refugees and their experiences of the refugee determination process has been flourishing, particularly from legal and policy perspectives (see Fairbairn, 2005; LaViolette, 1997, 2003, 2007; LaViolette & Whitworth, 1994; Lidstone, 2006; Miller, 2005; O'Brien, Abualsameed, Carolo, Heung, Ridgley, & Scanlon, 2004; Parrish, 2006; Rehaag, 2008). Scholars such as Miller (2005) have acknowledged how current globalized expressions of sexuality (and of homophobia and heterosexism) have emerged from racist, colonial histories. A number of scholars also criticize the heterosex-

ist and racist policies and discrimination that greet most sexual minority refugees once they make it onto North American soil (Fairbairn, 2005; LaViolette, 2007; Miller, 2005; O'Brien et al., 2004). Furthermore, most Canadian researchers have explicitly identified an under-representation of lesbian refugee experiences in the literature (Fairbairn, 2005; LaViolette, 1997, 2007; Lidstone, 2006; Millbank, 2002; O'Brien et al., 2004). Rehaag (2008) was the first Canadian scholar to address the particular issues for bisexual refugees. To date, there has been no Canadian literature whose primary focus has been on exploring the trans refugee experience.

With respect to research on representations of sexual minority refugees in the press, there has been very little published to date anywhere in the world, let alone in Canada. In fact, a search through a number of scholarly databases, including EBSCO and JSTOR, yielded no articles that directly addressed the intersection of sexual minorities, refugees, and print media coverage. The paucity of research on this subject is likely attributable to the relative newness of sexual minorities being accepted as Convention Refugees in Canada. Because of the lack of research in this area, we have broadened our literature review to include scholarly work that tackles depictions of refugees in the press generally. Even with this more general approach, however, only 12 scholarly articles and one book chapter were found, as well as a collection of essays that target humanitarian and aid workers more than academics.

Within the existing literature, most attention has been paid to the discursive construction of refugees and citizenship in Western societies. Across this literature, refugees have been consistently depicted as illegitimate/illegal (Coole, 2002; Esses, Veenvliet, Hodson, & Mihic, 2008; Gabrielatos & Baker, 2008; Gale, 2004; Lynn & Lea, 2003; Mihelj, 2004; van Dijk, 1988; White, 2004); as criminals (Baker & McEnery, 2005; Gale, 2004; Leudar, Hayes, Nekvapil, & Turner Baker, 2008; Mihelj, 2004; van Dijk, 1988; White 2004); as terrorists or security threats (Baker & McEnery, 2005; Gale, 2004; Lynn & Lea, 2003; White 2004); and as social and economic burdens (Baker & McEnery, 2005; Coole, 2002; Leudar et al., 2008; van Dijk, 1988; Worth, 2002). Some researchers have also examined the repeated use of certain metaphors by journalists that heighten the drama surrounding refugees. Threatening metaphors mentioning the volume of refugees—referring to them as, for instance, a “flood” (Baker & McEnery, 2005; Gabrielatos & Baker, 2008; Mihelj, 2004; van Dijk, 1988)—have been especially numerous, feeding (and feeding off) the “press panic” (van Dijk, 1988) surrounding refugees.

Another common theme examined by scholars has been the maintaining of nationhood through press representations of refugees. The preservation of Westernity and the White dominance through the othering of refugees has been observed in the British, Australian, New Zealand, and Slovenian press (Baker & McEnery, 2005; Gale, 2004; Lynn & Lea, 2003; Mihelj, 2004; Worth, 2002). Even when refugees have been framed in a positive light, they may still preserve national superiority, as seen in Melinda Robins' (2003) critique of the U.S. news media's coverage of the “lost boys of Sudan,” in which they have been depicted as “blank darkness” and “incomplete, vessels waiting to be filled” (p. 35). Robins argues that

this reinforces the imperialist image of America as the “Promised Land” in contrast to backward and imploding Africa.

Many researchers have agreed that the news media’s coverage of refugees, both positive and negative, has a profound influence on public opinion and, consequently, public policy. Baker and McEnery (2005), citing van Dijk, have emphasized this link, as have Cate (1996), Esses et al. (2008), Rosenblatt (1996), and Rotberg and Weiss (1996b). Esses et al. (2008), Gale (2004), Leudar et al. (2008), Lynn and Lea (2003), van Dijk (1988), and Worth (2002), all argue that much of this coverage has been used to establish and defend particular policies that often have adverse effects on refugees. For example, Lacroix (2004), citing Creese, describes the influential role of the Canadian news media in framing the sudden increase in Central American and Sikh refugee claimants in 1987 as a “crisis,” thereby legitimizing the then Conservative-led government’s plan to restructure the refugee determination system to strengthen government control (p. 150).

Ultimately, newspapers are commercial enterprises that present material they believe reflects public opinion in order to attract more readers (Coole, 2002; Robins, 2003; van Dijk, 1988). The constrained space given to refugees’ stories and voices are also structured by limitations inherent to the news media, including air time and journalists’ and editors’ short attention spans (Cate, 1996; Rosenblatt, 1996; Shiras, 1996), as well as gatekeeping processes within news media outlets (Livingston, 1996). It is difficult, however, to determine just how much bearing the press has on decision-making processes pertaining to refugees; for instance, Rotberg & Weiss (1996a) argue that it is really political leadership that has the greatest overall impact. Still, if the media have any influence on the political agenda, then it is important to examine critically what they do and how they do it.

Aside from influencing government policy, Canadian newspapers are one of the few sources of information about refugees accessible to a large number of Canadians. Studies of various “ethnically diverse” places have shown that when a phenomenon such as immigration is not easily observable in day-to-day interactions, the public tends to rely heavily on news reports “as their source (and authority) of knowledge or opinions about ethnic minorities” (van Dijk, 2008, p. 111). How news reports frame stories about refugees in the Canadian system, then, becomes a critical influence on their popular conceptualization and reception.

Both Razack (1998) and Jiwani (2004) have critiqued the orientalist and imperialist inflections of Canadian news reports that discuss Other countries. In her analysis of gender persecution being added to the possible grounds for Canadian refugee status, Razack observed that Canadian newspapers supported and employed the new guidelines to emphasize “the narrative that Canadians were a civilized, tolerant, and fair-minded people who extended a generous welcome to those in need” (p. 100). Jiwani, meanwhile, in an essay analyzing post-9/11 articles from the *Gazette*, found that long-standing stereotypes of Muslims have been recycled, reused, and reinvigorated in the press.

Because of the shift in attitudes toward Muslim bodies and countries post-9/11, we have chosen to look at articles published after that event in order to have a cohesive racialized regime of representation to analyze. As Miller (2005) notes,

9/11 served to intensify a variety of polarities, hence this article focuses on how sexual minority refugees have been used as mediating agents in this historical context. Generally, newspaper articles written about these individuals have appeared to be sympathetic to their plights; yet upon closer examination, it becomes quite clear that such coverage has not come without a price. Rather than examine the refugee hearing itself as a “racial text” (Razack, 1998, p. 90), this article offers a critical analysis of representations of these hearings—and the refugee claimants that have been the subjects (or objects) of them—in mainstream Canadian newspapers to observe the ways in which sexual minority bodies have been framed in the prevailing heterosexist, gendered, and racialized regime of representation. How do these news articles describe sexual minority refugee claimants? What constitutes a “legitimate” claim? Which countries of origin are mentioned and how are they framed in relation to Canada? How effectively do these news stories present the Canadian refugee determination system as it applies to sexual minorities and what problems, if any, are identified?

### **Methodology**

Newspaper articles for this analysis were gathered from five dominant English-language news sources between September 11, 2001 and May 19, 2008, when this analysis began. Among these are “local,” city-based newspapers: the *Gazette* in Montréal, the *Toronto Star*, and the *Vancouver Sun*, published in the three largest urban markets in Canada that also happen to receive the most refugee claimants. The other two are Canada’s national English-language newspapers, the *National Post* and the *Globe and Mail*, because their reach and dominance speak to their perceived credibility. Although their particular positions may differ, these five dominant print news sources make up an intertextual authoritative account on sexual minority refugees in Canada. They provide insight into dominant trends regarding how the complex intersections of sexual minority refugees’ identities and plights are presented to the Canadian public. We have concentrated on the newspapers’ front sections because the editorials and “hard news” stories are located there.

All articles were retrieved through the Canadian Newsstand Major Dailies database on May 19, 2008, by using the search terms “gay,” “refugee,” and “Canada.” Attempts to use other sexuality-based terms such as “lesbian,” “bisexual,” or “trans” simply returned the same articles. “Gay” appears to be both the database’s and the newspapers’ overarching term for all sexual minorities. The word “queer” did not produce any results, perhaps due to the theoretical nature of the term as well as its relatively recent and contested re-appropriation by sexual minorities as an umbrella term. Mainstream audiences might not understand this and, hence, the word would not be used by journalists. Once the initial search results were pared down to only the articles that met our criteria, which included a focus on sexual minority refugees specifically in Canada, 23 articles remained.

This corpus of articles was then analyzed using critical discourse analysis (CDA), a critical methodological approach used in analyzing the reproduction of and resistance to sociopolitical dominance and inequalities in text and talk (van Dijk, 2001). Many methods may be encompassed under CDA depending on the goals of the research, the nature of the data, and other mitigating factors, so

long as they reveal the structures and strategies of domination in talk and text (van Dijk, 2008). For this article, we have chosen primarily to employ certain linguistic methods of discursive structures, including analysis of the lexicon, local (sentence) meanings, global discourse meanings (topics), and rhetorical devices, notably metaphors (van Dijk, 2008). Each of these methods is used to detect social hierarchies within our corpus. Our secondary method is a loose form of content analysis that will help provide numerical weight to the discursive phenomena detected with the primary methods. Rather than follow the qualitative/quantitative dichotomy, we employ numerical data to support qualitative observations so that common discursive strategies might be distinguished from exceptional ones.

## **Analysis**

### **Legitimate victims**

The majority of articles in our corpus frame sexual minority refugee claimants as legitimate and urge readers to have sympathy for their difficult situations. In order to gain this legitimacy, those in question must be framed as worthy and deserving of rescue (Jiwani, 2006). Within our corpus, 17 of the news articles construct sexual minority refugees therein as innocent victims of their homelands' intolerant and backward governments, societies, and/or religions. Most of these stories focus on one refugee whose story is intimately imparted to the journalist in an interview. Although these articles play an important role in garnering public support and empathy for sexual minority refugees, the means used to achieve this end often slide into persistent stereotypes and imperialist discursive manoeuvres that require critical examination.

One of the notable patterns within this group of articles is the frequency with which passive, emotional, and weak adjectives are used to describe sexual minority refugees. In three articles, the refugees featured are described as "soft" in some capacity, as in possessing a "soft" voice (Jiménez, 2006, September 16; 2007, February 7; Keung, 2008, April 14). In another four instances, the refugees interviewed "broke down" (Gray, 2003), "cry" (Keung, 2008, April 14), or show tears (Graham, 2006; Gray, 2003; Thompson, 2008, March 6). Although these descriptions are used in articles that are generally sympathetic to gay refugees, they also have the effect of constructing these "legitimate" refugees as non-threatening and weak. Their vulnerable state is then appropriated by the rhetoric of Canadian benevolence, a rhetoric that grows out of Canada's historical colonial-missionary role (Ramachandran, 2007). These traits of vulnerability can also connote feminine innocence, aligning such representations with a phenomenon identified by Jiwani (2004) in Western popular media—that of "the white male explorer seek[ing] to rescue the imperiled woman of colour and sav[ing] her from the brutality of cultural traditions" (p. 269). The shared feminine gender expression signifies the necessity of Western intervention, but rather than being saved by a male explorer, these gay refugees are saved by the masculinized Canadian state.

Besides language that connotes weakness and emotionality, these articles also frequently include unnecessary details that employ gay stereotypes. Four articles note that the male claimants being interviewed are "immaculately groomed" (Graham, 2006), "slim" (Jiménez, 2006, September 16), "flamboyant"

(Jiménez, 2004, May 20), or wearing pink (Jiménez, 2007, February 7), or mention that they have always been artistic (Jiménez, 2004, May 20; 2007, February 7). One reporter even states that the gay male claimant “certainly looks the part” and aspires to become a nurse (Jiménez, 2007, February 7). It appears that these articles are trying to make the refugees appear undeniably “gay enough,” thereby legitimizing their refugee claim. This move, however, cuts both ways. By using these (dangerous) shortcuts to assure the refugees’ gayness and, thus, worthiness of asylum, these journalists reinforce stereotypes that may ultimately hurt the chances of all gay refugee claimants who do not conform to such expectations of appearance. Ironically, one of these very same articles offers a lawyer’s critique of the IRB’s reliance on gay stereotypes in assessing sexual minority refugee claims (Jiménez, 2007, February 7), indicating the insidiousness of these cultural stereotypes. Furthermore, these journalists seem unaware that these dominant stereotypes about gay men derive from the West. Within Western contexts, wearing pink, maintaining one’s appearance, being sensitive, and wanting to become a nurse are stereotypes applied to gay culture because of their traditional associations with femininity; however, these associations do not easily cross cultures. Miller (2005) calls such universalistic assumptions about sexual minorities “false transnational gayness,” which is the belief that there is “one gay everywhere” (p. 146). Needless to say, these stereotypes do not even apply to all mainstream, Westernized gays in Canada, much less across cultures.

Articles that do not include these stereotypes tend to focus on the violence and discrimination gay claimants suffered in their countries of origin. Such experiences of violence include accounts of rape (Jiménez, 2006, September 16; Keung, 2008, April 14; Wentz, 2007), beatings (Flavelle, 2008; Graham, 2006; Gray, 2003; Jiménez, 2004, April 24; 2006, September 16; 2007, February 7 and 10; Keung, 2007, February 8; 2008, April 14; O’Neil, 2003; Reinhart, 2008; Todd, 2002, September 21), death threats (Flavelle, 2008; Jiménez, 2007, February 10), and familial abuse and betrayal (Graham, 2006; Gray, 2003; Jiménez, 2004, May 20; 2007, February 7; Wentz, 2007). When a perpetrator of violence is described, he is always male and, presumably, heterosexual. While some of these acts of violence are enabled by the gay male being outnumbered (Flavelle, 2008; Gray, 2003; O’Neil, 2003; Reinhart, 2008), these beatings signify a lack of virility and proper masculine power on the part of the gay male since he is able to be punished in this stereotypically masculine way. Within the cultural matrix, physical violence is imagined to be an expression of *heterosexual* masculinity; thus, being the object of violence represents a failure to conform to norms of gender and sexuality. These claimants are therefore still ejected from normative masculinity in order to be recognizable as victims and rescuable by Canada.

Within this group of articles, a slight anomaly exists. Two articles present a particular refugee from Jamaica as both a victim of his homeland’s violence and as a survivor/hero who has fought for sexual minority rights (Flavelle, 2008; Reinhart, 2008). The violence that this man experienced is described in some detail while he is constructed as a positive force of humanity in the face of violence. His goodness can then be implicitly appropriated by Canada because,

unlike Jamaica, it provides him with the safety and acceptance necessary to work and live.

### **Haven or hell: Canada versus countries of origin**

State-supported injustices are often cited in our corpus as being behind the persecution of sexual minorities. Approximately two dozen countries are either mentioned or featured as “dangerous” places for sexual minorities to live, with David Graham (2006) listing 21 such countries in his article alone. There are also two references to broader regions, namely “Asia and Africa” (Todd, 2002, September 21) and “Muslim countries” (Jiménez, 2004, April 24), where homosexuality is criminalized. Countries identified as perilous to sexual minorities are spread quite evenly across different regions, including the Middle East, Latin America, the Caribbean, Africa, and Asia; yet how this peril is portrayed in the articles differs qualitatively from one country or region to the next.

While most articles highlight the potential for assault or arrest in gay claimants’ countries of origin, the forms of brutality possible in Muslim countries are outlined in much greater detail. Three of the four articles focusing on or highlighting claimants from Muslim countries list violent punishments in those countries that either “Islamic law” or customary practice prescribes for sexual minority bodies (Graham, 2006; Jiménez, 2004, May 20; Wentz, 2007). This list includes, among others, hanging, beheading, torture, whipping, being thrown from a building or cliff, and honour killings. Interestingly, all four articles (including Jiménez, 2004, April 24) note that stoning is one potential method of legal execution, thereby signifying a “backward” non-Western justice system, yet none mention whether it is regularly—or ever—employed. In contrast, the inhumanity of non-Islamic countries is rarely depicted in such detail. Rather, forms of persecution listed include imprisonment, harassment, and assault, or, even more generally, “violence” and “intolerance.”

The specificity of Muslim persecution in contrast to the vagueness of non-Muslim persecution helps to confirm Muslim barbarity as the worst in the world. The detailed and varied forms of torture and execution in Islamic countries suggest that much cruel and perverse thought has been put into concocting them. These incongruous lists further conceal the possibility that being outed as a sexual minority in non-Muslim countries may still be tantamount to a death sentence. Moreover, the listed modes of execution in Muslim countries resonate as culturally distant from Canada, as the abject Other’s culturally acceptable forms of violence. As Balibar (1991) reminds us, “*Culture can also function like nature*” (p. 22) (author’s emphasis), in that cultural differences—as with biological differences—can be made to seem immutable. These practices are made to signify the threatening Other from whom we Canadians must save persecuted minorities. Such descriptions, in turn, cultivate feelings of superiority among Canadian readers about their position in the world. Our humanity is confirmed by Muslim inhumanity, with their homosexuals as living (or dead) evidence of this.

The differential treatment of Islam becomes even more obvious in contrast to representations of Christianity, the historically dominant umbrella religion of Western/Northern states. Ten articles in our corpus mention Christianity or Islam as a factor in the persecution of homosexuals in their home countries. Six articles

focus on different Christian denominations and four articles detail the negative effects of strict Islamicism. Although this distribution of articles numerically suggests that Christianity is more heavily criticized, there are important qualitative differences between the treatment of these two groups.

First, the diversity of Christianity is acknowledged, whereas Islam is portrayed as homogeneous. With respect to the former, numerous Christian denominations are named, including Catholicism (Jiménez, 2007, February 10; Keung, 2007, February 8 and August 10; Todd, 2002, September 21) and Anglicanism (Todd, 2002, September 20, 21). For the latter, however, only one “fundamental religious group,” Sipah-e-Sahaba, is mentioned by name (Jiménez, 2004, April 24), while other articles refer to “Islam” in general terms (Graham, 2006; Jiménez, 2004, May 20; Wentz, 2007). Such simplifications mean that all Islamic groups are viewed monolithically, a discursive strategy that Jiwani (2004) explains is a facet of Orientalism. This orientalist strategy enables the Other to be more easily identified and judged inferior, for their actions do not come from different sects, but instead from Islam as a whole.

Second, the inclusiveness of Canadian churches toward sexual minority refugees is acknowledged in four articles, while no equivalent reference is made to either mosques or Canadian Islamic communities. These articles include stories about churches in Toronto and Vancouver taking in sexual minority refugees and showing them that Christ loves them (Reinhart, 2008; Todd, 2002, September 20, 21); a Roman Catholic priest taking a gay refugee into his home (O’Neil, 2003); and a gay Canadian pastor publicly pressuring Jamaican religious and political leaders to denounce hate crimes against gays (Reinhart, 2008). All of these Canadian churches are depicted as progressive, accepting of difference, and opposed to the intolerance of churches *abroad*, thereby creating a hierarchy between Canadian and non-Canadian Christian institutions. The attitudes of mosques and Muslim groups in Canada, in contrast, are never disclosed, thus negating any opportunity for the reader to find acceptance of sexual minorities among followers of Islam in Canada.

Finally, not all non-Canadian Christian nations are portrayed as oppressive forces. One article notes that in some conservative Catholic Latin American countries, gay rights are starting to be recognized (Gray, 2003), while another article states that although the Church’s conservative influence is still felt in Mexico, “homosexuals are not systematically persecuted” (Jiménez, 2004, April 24). The veracity of these observations is not being questioned here; rather, this comparison is significant insofar as a largely ahistorical openness is attributed to Catholicism, enabling it to appear relatively more tolerant than Islam. There is no explanation of why these countries are opening up, thus it appears that they are simply succumbing to the inevitable pull of progress. For Islam, however, there seems to be no redemption. Throughout these news articles, Islam is portrayed as a monolithic, static, and thoroughly foreign oppressive force exerted on sexual minorities, whereas Christianity, though possibly taking on more conservative forms in non-White areas of the world, is assuredly inclusive of sexual minority refugees in Canada. One of the ironies behind this myopic portrayal of Christianity versus Islam becomes evident when one considers that present-day criminalization of same-sex activity in approximately 40 countries—including

Malaysia, a primarily Muslim country—is a remnant of British colonial impositions of Judeo-Christian values (Gupta, 2009).

Indeed, the difference in the coverage of Islamic and non-Islamic countries reveals a gradation of barbarity. While all nations producing refugee claimants are somewhat tainted in implicit or explicit comparison with Canada's tolerance, none are as stained as those with dominant Muslim populations. Razack (1998) has examined the Canadian legal system's treatment of sexist violence in non-White communities, finding that it tends to be examined as a kind of "cultural practice" that occurs because "these people do these kinds of things" (p. 19). Thus, the non-White group's inferiority need not be overtly stated; rather, it is cloaked in a language of enlightenment and cultural sensitivity (Razack, 1998). We argue that homophobia, like sexism, is characterized in these news articles as a cultural practice that confirms other racialized cultural groups' inferiority in relation to Canada. Expanding on Razack's term "culturalization of sexism" (p. 68), we contend that these articles participate in the "culturalization of homophobia," whereby this particular form of oppression becomes a specific and racialized practice attached solely to Other cultures, thus erasing or belittling homophobic violence within Canada's borders. We have deliberately chosen the word "homophobia" here because, within these news articles, all sexual minorities are collapsed into the homo/hetero binary, with trans people often being confused with gay men or lesbians and, hence, effaced from public view. The ubiquity and fervency of coverage surrounding legal and extra-legal punishments for same-sex activity in Islamic countries might even suggest not merely a "culturalization of homophobia," but a specific "Islamicization of homophobia" at this historical moment. International expressions of homophobia, then, become another launching point for condemnations of Islamic cultures and predominantly Muslim nations and regions.

Aside from reinforcing culturally racist paradigms, it should be noted that stories of foreign brutality tend to have the effect of improving the chances of making a successful refugee claim. The easiest and most effective way for a claimant to prove that they have a well-founded fear of persecution in their country of origin is "to present an image that recalls the old imperial notion of the barbaric and chaotic Third World and, by implication, the more civilized First World" (Razack, 1998, p. 110). In other words, the refugee system is constructed to benefit claimants who deploy well-known stereotypes that demonstrate the dysfunction of their homelands (Razack, 1998). Thus, there is a perverse incentive for sexual minority claimants to demonize their countries of origin—thereby reinforcing imperialist shortcuts—and glorify Canada's merits. Consequently, journalists are supplied with "native informants" who help confirm Canadian superiority. This is not to suggest that the violence and oppression experienced by sexual minority refugees should not be reported on or that the news media should remain silent about such atrocities; rather, we wish to draw attention to how sexual minority refugee claimants are forced to conform to a system that uses them to validate Canada's moral authority. Through the act of accepting sexual minority refugees, the Canadian system and the "receiving" culture behind it demonstrates its cultural practice of inclusiveness and tolerance in contrast to *their* cultural practice of homophobia.

Unsurprisingly, Canada is continually constructed as a “safe haven” for sexual minority refugees. Nine articles warmly recount Canada’s reputation worldwide as a saviour to sexual minority refugees (Graham, 2006; Gray, 2003; Ivison, 2007; Jiménez, 2004, April 24, May 4 and 20; 2006, September 16; Keung, 2007, February 8, August 10), while another five articles infer the same in representations of specific Canadian cities (Jiménez, 2007, February 7; Reinhart, 2008; Todd, 2002, September 20 and 21; Wentz, 2007). These articles either quote individual refugees, who remark on the safety and acceptance they find in Canada, or they make general statements about the progressiveness of Canadian law in its recognition of sexual minority rights and freedoms, including the legalization of same-sex marriage (Graham, 2006; Gray, 2003). Canada is continually referred to as a “haven” (Jiménez, 2004, April 24, May 4 and 20; Todd, 2002, September 20, 21) and a “beacon of hope” (Graham, 2006) for sexual minority refugees, and even as the “gold standard” for gay rights (Graham, 2006).

It may be true that, relative to many other countries worldwide, Canada is a safe place for sexual minorities; it may also be true that, compared to their countries of origin, sexual minority claimants view Canada as a safe place for them to seek refuge. However, two troubling features emerge from this image. First, throughout all the articles examined, this praise is absolute and limitless. None of the writers raise the point that Canada is a diverse country, and therefore attitudes toward and treatment of sexual minorities may vary from one area to the next (see Warner, 2002). Furthermore, there is almost no mention of the fact that, even in places that may appear safe, sexual minority communities still encounter much queerphobia<sup>8</sup> and are constrained by hetero-normativity (see Janoff, 2005; Warner, 2002). In other words, Canada has far to go before fully earning this glowing reputation.

Second, the praise Canada receives often comes directly from the lips of sexual minority refugees, giving it a certain air of legitimacy. This is where refugees’ and the state’s interests intersect: on the one hand, refugees must express their appreciation of Canada in order to merit the refugee system’s “generosity”; on the other hand, the Canadian state benefits from these rave reviews because they confirm and reaffirm its positive standing in the world. As a result, a perpetual cycle has developed that legitimizes and upholds the imperialist mentality underpinning the favourable image of the Canadian legal system, while effectively silencing any experiences of discrimination refugees may have in the claimant process.

### **“Bogus” refugees**

A number of journalists make it clear that not all sexual minority claimants are deserving of Canada’s safe haven. For instance, one country repeatedly identified as a source of fake sexual minority refugees is Mexico, a country that happens to be one of Canada’s major trade partners. Six articles argue or infer that Mexico does not pose a lethal threat to sexual minorities because of the presence of anti-discrimination laws and a gay pride parade in Mexico City, although they acknowledge that a culture of machismo as well as some corrupt and abusive local authorities do exist (*Globe and Mail*, 2004; Gray, 2003; Ivison, 2007; Jiménez, 2004, April 24, May 4; 2006, July 5). Mexico, though still considered inferior to Canada, is framed as a relatively secure place for sexual minorities to

live, thereby precluding its capacity to produce legitimate victims. For instance, one article states that while a gay Mexican might have a “rotten life,” it “hardly compares to sitting in a refugee camp in Chad, having fled genocide in Darfur” (Iverson, 2007). Here it is implied that mass outpourings of violence in one country produce more valid refugees than ongoing, individualized forms of oppression targeting sexual minorities in a “less backward” country. Such arguments contribute to the re/production of shortcuts that structure hierarchies of the deserving and of legitimacy. They also rest on the assumption that all those deserving of asylum can magically reach Canada, rather than taking into consideration the barrier of travel expenses facing most asylum seekers as well as legislative obstacles, including Canada’s Safe Third Country agreement. Indeed, Canada’s refugee system is not equally accessible to all who need refuge, a problem that should not be blamed on refugee claimants who successfully arrive here.

In addition, these arguments defer to the liberal trope of fairness, whereby only the “most” severely and visibly persecuted are deemed worthy of rescue. As one journalist cautions, “For every deserving case that enters Canada’s refugee system, there is one out to take advantage of the most generous claimant program in the world” (Iverson, 2007).<sup>9</sup> Proponents of this position do not argue that Canada should accept fewer refugees, as this would make them appear anti-humanitarian; rather, they tend to laud the Canadian system, contending that the influx of fake refugees must be stemmed in order to make more space for “legitimate” refugees. Iverson and writers like him, therefore, position themselves as the *true* liberal humanists who have the concerns of real refugees at heart. The language of humanitarianism and the liberal trope of fairness, then, are used by journalists to justify the racism and colonialism inherent in their musings over what constitutes a legitimate sexual minority refugee (Every & Augoustinos, 2007; Razack, 1998). In short, “fake” refugees, rather than Canada’s own willful ignorance, are labelled as the problem here (Razack, 1998).

As a type of dangerous shortcut, these assumptions lead to the essentialization of countries, cultures, and, consequently, refugee claimants, rendering them knowable and digestible to the Canadian public and, in turn, helping to perpetuate expressions of racism toward certain bodies. As Razack (1998) says in her examination of gender-based refugee claims, “it has been easier for panel members and counsel to rely on these reports to deny women asylum rather than to interrogate how country conditions affect a claimant’s ability to seek protection” (p. 107). Journalists who refuse to acknowledge the possible legitimacy of Mexican refugees also tend to rely on superficial facts to justify their lack of comprehension of the varying socio-economic and geographical contexts of individual cases. Such shortcuts and sweeping generalizations about the security and freedom experienced by sexual minorities in any given country should not be taken at face value, as they bear the risk of discriminating against those who truly do need asylum (as documented by organizations such as Human Rights Watch and the International Gay and Lesbian Human Rights Commission).

### **Gay enough? Critiques of the IRB**

Although numerous articles portray the IRB as being potentially vulnerable to manipulation by bogus refugees, some in our corpus also criticize the IRB for

being unfair to some sexual minority claimants. Ten articles report that IRB adjudicators have been accused of relying on stereotypes about sexual minorities in rulings where the claimants were deemed to be “not gay enough,” making the burden of proof an impossible hurdle to overcome (*Globe and Mail*, 2004; Graham, 2006; Jiménez, 2004, April 24, May 4; 2007, February 7; Keung, 2007, February 8, August 10; O’Neil, 2003; Thompson, 2008, March 6; *Toronto Star*, 2007).

Across these articles, three main stereotypes of gay men used by IRB adjudicators are demarcated. The first stereotype is that there is certain knowledge that all gay men possess. One lawyer refers to this as “Gay 101,” explaining that all gay claimants are expected to know about the city’s Pride Parade and where the gay bars are located (Jiménez, 2004, April 24). The second gay stereotype critiqued is that they all begin sexual relations with other men from a very young age. In one claimant’s case, this meant during his early- to mid-teen years (Jiménez, 2007, February 7; Keung, 2007, February 8, August 10; *Toronto Star*, 2007). This is likely linked to stereotypes about the sexual promiscuity of gay men as well as their lack of inhibitions, which can befuddle IRB adjudicators if the young gay refugee before them states that he has never engaged in same-sex sexual activity. The final stereotype pertaining to gay claimants relates to their dress and mannerisms. In two separate cases, claimants were rejected because they were not *visibly* gay enough—in other words, not adequately effeminate or flamboyant to convince the adjudicators presiding over their cases of their sexuality (*Globe and Mail*, 2004; Jiménez, 2004, May 4).

These critiques must be acknowledged for their positive, disruptive potential, for they at least flag these popular stereotypes as *potentially* untrue of gays. However, these articles do not move beyond stating the fact that these are gay stereotypes; the mere mention of the word “stereotype” is presumed to be critique enough. Furthermore, in five of the 10 articles (Jiménez, 2007, February 7; Keung, 2007, February 8, August 10; O’Neil, 2003; *Toronto Star*, 2007), the potential potency of these critiques of the IRB is contained by the journalists’ decision to focus on one specific adjudicator who made these errors. As such, it is implied that if we educated or removed such adjudicators, the system would be nearly perfect.

### Invisible Others

While these critiques of gay stereotypes may be a step in a counter-hegemonic direction, critiques of misconceptions regarding other sexual minorities—or representations of them in any sense—are sorely missing. Only two articles in our corpus mention lesbian claimants, one from Uganda (Todd, 2002, September 21) and one from Turkey (Graham, 2006), with the latter mentioned only in passing, and no articles refer to trans refugees. It is unclear to what extent the absence of such articles has to do with choices made by the news media or with the number of claimants identifying as other sexual minorities, since such information is not made available to the public by the IRB. From the limited information that is available, it seems that although gay male refugees outnumber other sexual minority claimants, there are still a substantial number of claimants who are not gay men.<sup>10</sup> We cannot offer a substantive analysis of this discrepancy, but, drawing from queer theorists’ work on in/visibility, we venture to offer some interpretations of our own.

Within the heterosexual “matrix of intelligibility,” sex, gender, sexual practice, and desire are presumed to follow in causal fashion, one from the other, to produce a coherent identity (Butler, 2006, pp. 23-24; Hennessy, 2003, pp. 724-725). Consequently, “gay” and “lesbian” are most easily intelligible within the cultural matrix because they are presumed to be simply inversions of gender and sexuality. Thus, the newspapers’ use of these terms to identify all sexual minority refugees relies on “a polarized division between hetero- and homo-sexuality and signals discrete and asymmetrically gendered identities” (Hennessy, 2003, p. 722). Moreover, the analysis above shows that gay refugees’ legitimacy has been symbolically tied to their femininity, for it is their femininity that enables their victimhood. Perhaps, then, the dominant female-masculine-lesbian association is more difficult to translate into a sympathetic news story because in the dominant cultural matrix, masculinity and victimhood via persecution are diametrically opposed. (For more on the use of this gender inversion in sexual minority refugee cases, please refer to Dauvergne & Millbank, 2003.) In turn, the invisibility of femme lesbians may result from their unintelligibility, since their sexual minority status would be presumed to be hidden, as Millbank (2002) identifies in the case of a Colombian lesbian who was denied refugee status because she looked too feminine.

Those identities that cannot be rendered culturally intelligible within the sex-gender-practice/desire asymmetrical binary, meanwhile, are instead made invisible or perverse (Butler, 2006; Hennessy, 2003). This may explain the invisibility of trans, bisexual, and any other sexual minority refugee. Trans refugees may be rendered invisible for various reasons, including, perhaps, their unintelligibility, the collapsing of gender identity into sexual orientation, or simply the non-identification with the Western label “trans” (see Roen, 2006; Towle & Morgan, 2006). Within a refugee system that understands sexuality to be an “innate and immutable characteristic,” bisexuals are also seen as posing conceptual problems. Rehaag (2008) notes that IRB adjudicators frequently refer to bisexual claimants as sexually “confused” and use their “cross-sex” experiences as evidence that they are not bisexual (pp. 78-79).

The cultural confusion held against bisexual claimants in court also occurs in one article from our corpus about a Central American claimant who was accompanied by his wife and children. The writer refers to this man as “perhaps the dumbest refugee claimant ever” (Iverson, 2007). For this particular claimant, heterosexual marriage may have been a necessary cover to avoid arousing suspicions about his sexual orientation rather than proof of his bisexuality, for the article did not mention his sexual identity. Regardless of this claimant’s sexual identity, the article fails to consider the various factors that can place someone at risk of societal and state persecution for same-sex activity, even if they participate in cross-sex activity as well. The writer’s immediate dismissal of this refugee’s case relies on the same normative logic as that found in IRB decisions: if one can be read as practising heterosexuality at times, one should be able to avoid sexuality-based persecution. The unintelligibility of myriad sexual and gender identities within the cultural matrix thus affects not only claimants’ ability to be accepted by the IRB, but also their ability to be translated into a sympathetic news story.

## **Conclusion**

Since 9/11, mainstream English-language Canadian newspapers have used sexual minority refugee stories to mediate Canada's imperialist, racist, and gendered relationships with various countries, particularly those identified as Islamic. Those claimants considered most legitimately victimized and undeniably worthy of Canadian rescue by journalists are effeminate gay men who, made vulnerable by their circumstances and their femininity, are forced to recount experiences of stereotypical barbarity at the hands of uncivilized Others in their countries of origin. Their feminine victimhood signifies that they are ripe for rescue. The Canadian refugee system, supported by its tolerant population, government, and even churches, then acts as saviour to these vulnerable bodies. Meanwhile, those deemed false sexual minorities, such as those hailing from Mexico or those who in engage in bisexual activity, are viewed as trying to take advantage of Canada's generosity and accordingly, as some articles argue, must be staunchly rejected by the system.

Sexual minority refugees' stories are deployed as "mediating agents" between Canada and non-Western countries. The differences between the social and legal treatments of their sexualities in their countries of origin in comparison to Canada enable journalists to highlight implicit and explicit distinctions between the two socio-geographical entities, resulting in the culturalization of homophobia. Muslim countries are particularly demonized and othered through the repeated reporting on types of execution that sexual minorities face under Islamic law—forms of execution that within Western discourse signify barbarity and cruelty. Non-Muslim countries, meanwhile, are often portrayed as less-threatening locales for sexual minorities, which then raises questions about the legitimacy of a gay refugee hailing from there as an individual facing persecution in the eyes of the Canadian public and policymakers as well as IRB adjudicators.

To fully understand sexual minority refugee experiences, we must continue to produce knowledge and critically appraise the cultural and structural mechanisms that contribute to and constrain Canadian understanding of these refugees. As cultural theorists and scholars, we must persistently unearth the oftentimes racist, hetero-normative, sexist, and imperialist discourses that influence our perceptions of refugees, a function in large part undertaken by Western news media sources. Refugee policies and Canadian news media exist in a symbiotic relationship—a relationship that relies on the utilization and normalization of dangerous shortcuts; thus, this relationship must be troubled. As scholar-activists, we must continually negotiate the tensions that arise from critiquing institutional structures and discourses on a scholarly level on the one hand while, on the other, simultaneously having to address the challenges that arise at the grassroots level when assisting claimants navigating this system. Therefore, we applaud the work of activists and activist organizations who tackle these issues directly, and advocate the development of systemic reforms to our current refugee policies, such as expanding gender-related guidelines to include sexual orientation and gender identity, reinstating a two-panel IRB adjudication board, and following through with a refugee appeal division.

## Notes

1. We do not wish to publish refugee claimants' full names in order to respect their confidentiality.
2. The legal term "refugee" was first developed by Western nations in 1951, when the United Nations created an international convention for refugees to manage displaced Europeans following World War II. A subsequent international convention in 1967 required signatory countries (including Canada) to provide asylum to specific categories of persons, henceforth known as "convention refugees." A Convention Refugee is defined as "a person who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it" (Article 1, Convention amended 1967, see UNHCR, 1951, 1967). Within the context of this particular article, we have chosen to expand the definition of "refugee" to include accepted refugees, claimants, and those who were refused status.
3. Following Sean Rehaag (2008), this article employs the terms "sexual minority" and "sexual minorities" in order to include "a wide range of sexual and gender identities that challenge heteronormativity" beyond the limited categories described by lesbian, gay, bisexual, and trans (pp. 62-63).
4. In the landmark Supreme Court decision *Canada v. Ward*, three types of particular social groups have been identified, one of which includes groups defined by their innate or unchangeable characteristics. Judge La Forest J. has gone further and explicitly identifies sexual orientation as a specific example of this type of group (LaViolette, 1997; Rehaag, 2008).
5. After gender was recognized as a valid criterion for membership of a particular social group (thanks to the 1993 Supreme Court decision *Canada v. Ward*), the IRB deployed a set of guidelines titled "Women Refugee Claimants Fearing Gender-Related Persecution" (later revised, see IRB, 1996). While not strictly binding, these guidelines have been recognized as a "tool of persuasive reference," and have served as a systematic and structured way for IRB adjudicators to evaluate gender-related refugee cases (LaViolette, 2007).
6. The term "cisgender" refers to one identifying with the gender he or she was assigned at birth, or "non-transgender" (see Union for Gender Empowerment and the Trans/Gender Alliance, 2008).
7. In November 2007, the Federal Court of Canada found the STCA to be in violation of the Canadian Charter of Rights and Freedoms. In June 2008, the Federal Court of Appeal overturned this decision, even though it acknowledged that the United States was not a safe country for all refugees. The Canadian Council for Refugees, Amnesty International, and the Canadian Council of Churches, along with a Columbian asylum seeker in the United States, plan to appeal this decision to the Supreme Court of Canada (CCR, 2008; CRR 2009).
8. We use "queerphobia" here to include any discrimination and "phobia" of a wide range of minority sexual and gender identities, not simply of gays and lesbians.
9. The most recent UNHCR report on global trends for refugees strongly throws into question John Ivison's claim that Canada has the most generous claimant program in the world. In 2008, out of the roughly 839,000 individual applications for refugee claims worldwide (0.05% of the approximately 15.2 million refugees in the world today), Canada accepted only 2% (or 18,000) of these applicants (IRB, 2009. UNHCR, 2009). In addition, less than 1% of the world's refugees were directed to resettlement programs. Canada's share of refugees from these programs was 10,800.
10. Sean Rehaag (2008) reports that 1,351 sexual orientation-based refugee claims were processed in 2004, of which only 19% were put forward by female claimants. Of these claims, 100 were from bisexual claimants, of which only 25 were successful.

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