



Partnering with Rainbow Railroad:

Three Asks of the Next Government of Canada

SEPTEMBER 15, 2021

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Acronyms

- CSO:** Community Service Organization
- GAC:** Global Affairs Canada
- HRD:** Human Rights Defender
- IDP:** Internally Displaced Person
- IRCC:** Immigration, Refugees and Citizenship Canada
- IRPA:** Immigration and Refugee Protection Act
- LGBTQI+:** Lesbian, Gay, Bisexual, Transgendered, Queer, Intersex and Questioning
- NGO:** Non governmental organization
- SOGIESC:** Sexual Orientation, Gender Identity and Expression, and Sex Characteristics
- UNHCR:** United Nations High Commissioner for Refugees

Overview

We are in the midst of a global refugee crisis. As of 2020, more than 84.2 million people have been forcibly displaced from their homes due to a range of factors including climate change, war, famine, and persecution.¹ Among these displaced people are millions of LGBTQI+ refugees, for whom displacement is often disproportionately experienced. To be clear, the global refugee crisis results partially from governments' failures to respond to the needs of the number of people displaced, with refugee resettlement in 2020 reaching an all-time low.² And although Canada resettled the largest number of refugees of any country in 2019, it represents only a fraction of global demand for resettlement.³

At the same time, same-sex intimacy is illegal in 69 countries around the world; and in 14 countries, transgender peoples' gender identity and expression are criminalized.⁴ These laws, which are often a legacy of colonization, are powerful tools of repression and extortion. **As a consequence of these laws, LGBTQI+ people are routinely arrested, denied basic human rights and are routinely brutally attacked, tortured, or even murdered.** The majority of LGBTQI+ refugees are Internally Displaced Persons (IDPs), meaning they are forced to leave their home but they do not cross an international border. In Rainbow Railroad's 2020 Annual Report, *Understanding the State of Global LGBTQI+ Persecution*, we identified eight trends facing displaced LGBTQI+ persons from our 2,773 requests for help:⁵

1. **LGBTQI+ People Face Epidemic Levels of Family-Based Rejection and Violence**
2. **LGBTQI+ Women are Vulnerable to Forced Marriages**
3. **Conversion Therapy is a Global Phenomenon**
4. **Sexual Violence Severely Impacts LGBTQI+ Women**
5. **Police and Paramilitary Forces Endanger LGBTQI+ People Globally**
6. **Gay and Bisexual Men are Often the Victims of Police Entrapment**
7. **A Lack Of Basic Needs is Pervasive Amongst LGBTQI+ People Globally**
8. **Trans Persons Face a Disproportionate Risk of Suicide**



The global COVID-19 pandemic has exacerbated this situation. Efforts to contain COVID-19 through lockdowns and border closings have compounded the impact on those fleeing persecution and seeking refuge. The pandemic continues to disproportionately affect LGBTQI+ individuals around the world.⁶ As commonly occurs during times of crisis, Rainbow Railroad has witnessed a [spike in state-sponsored violence and persecution](#) and in hostility from local communities who have at times blamed the novel coronavirus on LGBTQI+ people.

Rainbow Railroad was founded in Canada in 2006 and became a charity in the United States to address these crises. In the spirit of the Underground Railroad, Rainbow Railroad's mission is to help persecuted LGBTQI+ individuals get to safety as they seek safe haven from state-sponsored harassment and violence. At a time when there are more displaced people than ever before, LGBTQI+ people are uniquely vulnerable due to systemic, state-enabled homophobia and transphobia. These factors either displace them in their own country or prevent them from escaping harm. **As a result of Rainbow Railroad,** more LGBTQI+ individuals will be able to access lives free from persecution.



How do we work?

Providing emergency travel to LGBTQI+ people facing imminent danger is our core method of work. This involves three key steps:

- 1. Verification:** We verify each case, learn about the circumstances of the individual facing persecution and begin determining how we can help.
- 2. Research & Support:** We research possible routes to safety and connect with local contacts who provide logistical support. This includes providing support to the individual in their country of origin (e.g. safehouses).
- 3. Travel:** We provide travel to a safer country where the person's basic rights and freedoms are upheld. Upon arrival, we provide limited, short-term support to help people settle in.

In addition to emergency travel, Rainbow Railroad provides safety to LGBTQI+ people around the world through:

- 1. Lifesaving support to individuals in imminent danger**
Support includes accommodation, medical care, access to essential medicines and relocation to another region of the country.
- 2. Direct support of LGBTQI+ partner organizations**
Direct capacity building and livelihood support to human rights defenders, organizations and collectives in countries where people are displaced.
- 3. Emergency responses to crackdowns on LGBTQI+ people**
Monitoring and responding to mass detentions and/or arrests of LGBTQI+ persons.
- 4. Essential information to LGBTQI+ people at risk**
Providing essential non-monetary resources and counsel to LGBTQI+ people facing violence and persecution.
- 5. Private sponsorship of refugees**
Arranging for the private sponsorship of refugees and pursuing other complementary pathways to safety.

Since our founding, we've helped over 1,800 LGBTQI+ individuals find safety through emergency relocation and other forms of assistance. Our story has received international media attention, including a feature on CBS [60 Minutes](#).



Kimahli Powell, Rainbow Railroad Executive Director on 60 Minutes

Rainbow Railroad and the Government of Canada – a History of Partnership

Rainbow Railroad seeks to work with all governments in order to increase resettlement opportunities for LGBTQI+ persons at risk. In Canada, Rainbow Railroad, along with the Rainbow Coalition for Refuge, has engaged in ongoing conversations with Immigration, Refugees and Citizenship Canada (IRCC) and Global Affairs Canada (GAC) to develop a Canadian policy framework to address IDPs.⁷ Part of this ongoing conversation has been our offer to partner with the government, either through a public policy pilot project or referral mechanism. If protection policies are to reach the most vulnerable persons, Rainbow Railroad must be empowered to refer cases to the government.

Over the past 10 years, the Rainbow Coalition for Refuge has made significant progress in working with the Government of Canada – this includes:

- 1) Piloting the [Rainbow Refugee Assistance Partnership](#) in 2010, which became a [durable program in 2019](#)
- 2) [Making progress on gender recognition by way of passports](#)
- 3) Establishing a [refugee stream for human rights defenders](#) (HRDs)- which will include LGBTQI+ persons

However, the Government of Canada has not yet proposed a solution for LGBTQI+ persons who are IDPs (i.e. those who cannot flee to a neighbouring country for resettlement). A solution is needed because all current systems require an LGBTQI+ person facing persecution to flee to a neighbouring country to be considered a refugee. However, for those needing to flee on the basis of persecution due to their sexual orientation, gender identity and expression or sex characteristics (SOGIESC), neighbouring countries are often far from ideal safe havens because they often exhibit similar patterns of violence and discrimination directed to LGBTQI+ people. For example, an at risk LGBTQI+ person in Rwanda would often escape to Uganda, which also discriminates against LGBTQI+ people.

When people do flee across borders to neighbouring countries, refugee camps that provide basic necessities to displaced persons are often dangerous places for LGBTQI+ people. Consequently, many LGBTQI+ displaced persons avoid or flee refugee camps, instead opting to seek refuge in urban centres where they risk arrest, assault and exploitation. State and civil society organizations that support refugees in these countries may be unresponsive or hostile to LGBTQI+ refugees. Moreover, travel to neighbouring countries is particularly difficult for women and trans persons.

This is why a policy to address LGBTQI+ people who are displaced within their country and a crisis response plan are necessary.



Our Three Asks

As a part of Rainbow Railroad's mission, we seek to change policy and laws to provide more pathways to safety for LGBTQI+ refugees and asylum seekers. Rainbow Railroad is calling on the next Canadian government to take the following actions:

- 1. Ensure the next Minister of Immigration, Refugees and Citizenship Canada's (IRCC) mandate includes implementing a dedicated resettlement stream for LGBTQI+ internally displaced persons (IDPs), a key part of which is a crisis response plan. Specifically, the mandate will read:**

“Introduce a dedicated refugee stream and a crisis response plan for LGBTQ2 internally displaced persons, in partnership with Canadian LGBTQ2 civil society organizations, with a target of resettling 250 persons a year.”

- 2. Extend existing policy mechanisms to support displaced persons and refugees, including the prioritization of LGBTQI+ asylum seekers.**
- 3. Create a formal partnership with Rainbow Railroad to support identifying, processing and resettling LGBTQI+ refugees**

Rainbow Railroad's Three Asks for the Next Government of Canada

In September 2021, Canada will vote to choose its next federal government. The next government has an opportunity to amend Canada's refugee policy in the following specific ways to provide **more pathways to safety for LGBTQI+ people and all refugees**. Rainbow Railroad is ready to work with whichever party forms the Government of Canada.

Ask #1: Make it a part of the next Minister of Immigration, Refugees and Citizenship Canada's mandate to implement a dedicated resettlement stream for LGBTQI+ internally displaced persons, which includes a crisis response plan. Specifically the mandate will read:

"Introduce a dedicated refugee stream and a crisis response plan for LGBTQ2 internally displaced persons, in partnership with Canadian LGBTQ2 civil society organizations, with a target of resettling 250 persons a year."

There are roughly 48 million IDPs around the world.⁸ This represents over half of the individuals currently displaced as part of the existing migrant crisis, and LGBTQI+ IDPs face unique and extreme persecution and violence. In 2018, the International Organization for Migration (IOM) formally acknowledged the challenges facing LGBTQI+ IDPs, including "discrimination, prejudice, violence, difficulty accessing humanitarian services and barriers to articulating their protection needs," and called upon the international community to do more.⁹

Because of the immediacy of this issue, the next government should ensure that creating an IDP stream is a clear component of the Minister of Immigration, Refugees and Citizenship's mandate. This can be achieved by including it in the Prime Minister's mandate letter to the minister – which also gives an opportunity for Canadians to understand how the government will deliver its agenda.



A dedicated IDP stream would ensure that an individuals' specific protection needs are the most important criteria in determining resettlement. IDPs consist of the most vulnerable populations, as they may need asylum in a safer country but are often unable to attain it because they are not considered refugees by the United Nations, thus gaining access to resettlement services. This is because the United Nations only confers refugee status upon an individual after they cross an international border.

The crisis in Afghanistan has highlighted the desperate need for this type of policy. Many of the vulnerable Afghans seeking asylum are IDPs - this is especially true among those who are LGBTQI+. Throughout the recent crisis in Afghanistan, Rainbow Railroad has provided direct support to the Canadian Government in a consultative and referral capacity. We have identified, vetted, and triaged individuals in need for immediate resettlement, but the mechanisms with which to do so remain largely unclear because of a result of a lack of policy that addresses the issue of internal displacement.

Rainbow Railroad is also calling on the government to establish adequate mental and physical health support for people resettled as part of a new IDP stream once in place.¹⁰

Ask #2 Extend existing policy mechanisms to support displaced persons and refugees, including the prioritization of LGBTQI+ asylum seekers.

Every year, the Canadian government aims to resettle a targeted number of refugees in Canada through the Refugee and Humanitarian Resettlement Program. This program resettles people who have applied for and obtained official refugee status. In 2020, just over 9000 refugees were resettled into Canada – a historic low due to the COVID-19 pandemic.¹¹

Prior to the COVID-19 pandemic, the system was backlogged. But now, this backlog has grown even worse; currently over 85,300 people with United Nations High Commissioner for Refugees (UNHCR) status are waiting in their countries of origin to be resettled into Canada.¹² This number does not reflect the many people who due to a lack of capacity, complications brought about by COVID-19 pandemic or extreme marginalization cannot make refugee applications.

Within Canada’s overall refugee resettlement program and annual targets, there are a few specific mechanisms that offer protection to people facing immediate threats to their well-being. **Among these are i) utilizing the Urgent Protection Program (UPP); ii) issuing Temporary Resident Permits (TRP); and iii) using Ministerial Discretion.** In tandem with our call for a specific and permanent stream for IDPs outlined in Ask #1, we call on the Government of Canada to partner with Rainbow Railroad to utilize these existing options.

Option 1: Utilizing the UPP

This program allows Canada to rapidly respond to refugees who are in urgent need of protection through resettlement. As it is currently structured, this program can only be used to assist refugees who have already been referred to Canada – meaning they have crossed a land border and obtained status with the UNHCR. Rainbow Railroad is calling on the government to strike a partnership with us so we can refer LGBTQI+ individuals for urgent protection who are displaced within their country. Rainbow Railroad could help facilitate safe border crossings upon assurances people would be quickly processed.

Option 2: Issue TRPs

These permits are intended to facilitate the travel to Canada of persons in urgent situations, on exceptional bases - i.e. in cases where threats are immediate and life-threatening. This program is *essential* within the context of Canada’s larger refugee resettlement architecture because it expands the scope of protection to include people for whom refugee status is unattainable, namely, IDPs. Although the program was designed as a measure of last resort, in 2018 alone, 7,132 people were granted temporary status in Canada, a reflection of both the extensive backlog of the refugee system as well as its adherence to admitting only already referred refugees. **In the absence of a policy for LGBTQI+ IDPs (Ask #1), Rainbow Railroad is calling on the government to allow us to refer specific individuals for consideration to receive TRPs.** As part of this partnership, Rainbow Railroad would ensure that persons who receive permits are adequately supported in the resettlement process.



Option 3: Using Ministerial discretion

Under Section 25 of the Immigration and Refugee Protection Act (IRPA), the Minister of Immigration, Refugees and Citizenship (IRCC) can use their discretion to admit people on a case-by-case basis to Canada. This is known as Ministerial Discretion. People admitted into Canada via Ministerial Discretion often face immediate threats, and most often have been referred to the minister by civil society organizations like Rainbow Railroad. This can be useful when there is a state sponsored crack-down on LGBTQI+ persons. **Rainbow Railroad is calling on the government to use Ministerial Discretion under Section 25 to facilitate the urgent resettlement of LGBTQI+ people in imminent danger in Afghanistan and other high risk areas.**

Canada's existing refugee program is backlogged. Further, it is hamstrung by the U.N. definition of a refugee – who must be someone who has crossed an international border. The most marginalized LGBTQI+ persons cannot afford to wait – their lives are on the line. Therefore, the expansion and extension of each of these three programs (although ad-hoc and piecemeal) under Canada's larger refugee program is essential to the safety and well-being of the world's most marginalized LGBTQI+ people. The expansion and adjustment of these programs can serve as a model for the reform of the refugee system in the long-term to become more responsive to a changing international environment.

Ask #3 Create a formal partnership with Rainbow Railroad to support identifying, processing and resettling LGBTQI+ refugees.

The Canadian Government must partner with nonprofits such as Rainbow Railroad, with the expertise, capability, and capacity to help facilitate the identification, processing, and resettlement of LGBTQI+ refugees – among the most vulnerable persons impacted by the global migrant crisis.

Given the unique vulnerabilities of LGBTQI+ IDPs, and Rainbow Railroad's unique capacity to relocate LGBTQI+ persons facing imminent danger in crisis situations, we believe we are equipped to handle a referring partnership that takes the lessons learned from previous interventions.

Rainbow Railroad has the capacity to identify HRDs in conflict, as it has become a global leader in the LGBTQI+ movement. Rainbow Railroad is a member of nearly every major international LGBTQI+ network, including board membership at ILGA, membership at the Commonwealth Equality Network, the Dignity Network, and the Council for Global Equality.

Since 2018, we have been seeking to advance refugee issues within the [Equal Rights Coalition](#). Rainbow Railroad has also been providing consultative advice for the UNHCR Roundtable on Refugee Issues process, culminating in a [June 2021 multilateral forum](#) which established 39 recommendations, as well as being a lead partner on the [2021 Refugee, Borders and Immigration Summit at WorldPride](#). Rainbow Railroad aims to host a convening of like minded partners including advocates, academics, researchers, and governments to collaborate on strategy, share lessons learned, and advance in-country and multilateral policy objectives.



Rainbow Railroad currently fields 3000-4000 requests for help each year, and has a robust case management, triage and verification process. Our work is rooted in community collaboration on the ground. We have formed partnerships and provide funding support to dozens of LGBTQI+ organizations. In recent years, a number of crackdowns targeting LGBTQI+ people and HRDs have occurred in [Chechnya](#), [Egypt](#), [Uganda](#), and [Ghana](#) among other countries. Rainbow Railroad has responded by providing emergency assistance and relocation to persons at risk and support for civil society groups on the front line.

References

- ¹ <https://www.unhcr.ca/in-canada/refugee-statistics/#:~:text=In%202020%2C%20pending%20asylum%20applications,over%20the%20last%2010%20years.>
- ² <https://www.infomigrants.net/en/post/29875/refugee-resettlement-at-record-low-in-2020-says-unhcr.>
- ³ [https://www.pewresearch.org/fact-tank/2019/06/19/canada-now-leads-the-world-in-refugee-resettlement-surpassing-the-u-s/.](https://www.pewresearch.org/fact-tank/2019/06/19/canada-now-leads-the-world-in-refugee-resettlement-surpassing-the-u-s/)
- ⁴ https://www.humandignitytrust.org/lgbt-the-law/map-of-criminalisation/?type_filter=crim_gender_exp.
- ⁵ Rainbow Railroad's 2020 Annual Report is an in-depth exploration of how discriminatory legal regimes impact LGBTQI+ people on an individual human level and how the organization made a difference in 2020. For the first time in our organization's history, we were able to share our in-depth case data which tracks the unique safety, health and welfare threats faced by LGBTQI+ people around the globe. We use this data to adapt our programming in real-time.
- ⁶ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25884&LangID=E.>
- ⁷ The Canadian Rainbow Coalition for Refuge is an umbrella organization of LGBTQI+ refugee resettlement organizations in Canada. Its steering committee consists of Calgary Rainbow Railroad Station (End of the Rainbow Foundation), Capital Rainbow Refuge, Metropolitan Community Church of Toronto, Rainbow Railroad (co-chair), Rainbow Refugee (co-chair), and the Rainbow Refugee Association of Halifax.
- ⁸ <https://www.unhcr.org/news/press/2021/6/60ca09a74/unhcr-world-leaders-must-act-reverse-trend-soaring-displacement.html.>
- ⁹ IOM, "UN Migration Agency Statement on International Day against Homophobia and Transphobia (IDAHOT)," <https://malta.iom.int/un-migration-agency-statement-international-day-against-homophobia-and-transphobia-idahot.>
- ¹⁰ <https://www.tandfonline.com/doi/abs/10.1080/19419899.2021.1913443.>
- ¹¹ [https://www.reuters.com/world/americas/canada-risks-missing-annual-refugee-resettlement-target-after-slow-start-2021-04-28/.](https://www.reuters.com/world/americas/canada-risks-missing-annual-refugee-resettlement-target-after-slow-start-2021-04-28/)
- ¹² <https://irb.gc.ca/en/transparency/pac-binder-nov-2020/Pages/pac8.aspx.>



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