



BLACK LEGAL
ACTION CENTRE

EMPOWERMENT TIPS

for Black LGBTQ+ Newcomers in Canada

04

Immigration and Legal Services

Introduction

This tip sheet was developed as part of the **Black LGBTQ+ Newcomer Leadership and Capacity-Building Project**, a four-week workshop series that brought together community members to share lived experiences, name systemic barriers, and design practical solutions for safer, more inclusive services in Ontario. The project was made possible through the support of the **Black Legal Action Centre (BLAC)**, whose dedication to fighting anti-Black racism and advancing racial justice has ensured that the voices of Black LGBTQ+ newcomers are centred and amplified.

This guide helps Black LGBTQ+ newcomers learn their rights and take action against discrimination. It covers:



Each section has advice on **“Know Your Rights,” “Your Responsibilities,” “Steps You Can Take,” “Support Services to Contact,”** and example **“Language You Can Use”** to speak up.



Disclaimer

The information provided in this tip sheet is intended to help you understand your rights and offer guidance in common situations. It is not legal advice and should not be relied upon as a substitute for professional legal or medical counsel.

If you need specific advice or support, please contact a lawyer, healthcare provider, or relevant professional. Every situation is unique, and the steps you take may depend on the details of your case.

This tip sheet is designed to empower you with knowledge and is meant to be a tool to assist you in navigating difficult situations. Always seek personalized support when needed.

Understanding Your Rights and Laws

- **Know your rights:** Take time to learn about protections under the **Canadian Charter of Rights and Freedoms** and the **Ontario Human Rights Code** (e.g., protections against discrimination based on race, gender, sexual orientation, and gender identity/expression).
- **Stay informed about laws:** Be aware of federal, provincial, and municipal laws. For example:
 - **Federal laws:** immigration requirements, criminal code.
 - **Provincial laws:** employment standards, tenancy laws, health coverage rules.
 - **Municipal by-laws:** noise, smoking, recycling, pet ownership.
- **Understand your immigration process:** Refugee claimants and newcomers are responsible for following Immigration, Refugees and Citizenship Canada (IRCC) rules, attending appointments, and submitting truthful information.
- **Respect community rules and norms:** In community spaces, this includes respecting others' safety and dignity, not harassing others, and following posted guidelines.
- **Seek reliable information:** Do not rely solely on word-of-mouth or social media. Always confirm rules and rights with trusted organizations (e.g., The 519, settlement agencies, legal clinics).
- **Ask questions:** If you don't understand your rights or responsibilities, it's your duty to ask for clarification from a service provider, lawyer, or official agency.



Immigration & Legal Services

The immigration process can be complex, but you have legal rights and protections. This section shows how to advocate for yourself.

Know Your Rights

If you are seeking refugee protection in Canada because you fear persecution for being LGBTQ+ (or for HIV status, etc.), Canada recognizes this. Sexual orientation, gender identity and expression (often called SOGIESC) are protected grounds. The Immigration and Refugee Board (IRB) treats LGBTQ+ refugees as a “particular social group.” In fact, IRB’s Guideline 9 explicitly says that people claiming refugee status based on their SOGIESC are “characterized as a particular social group”. You have the right to a private hearing and to speak fully about your experiences. You can explain everything at your own pace; IRB members understand that LGBTQ+ people may take time to open up due to trauma. The Guideline also says you should not be expected to live “discreetly” about your identity to avoid danger. In other words, you shouldn’t have to pretend to hide who you are in order to get protection. Your hearings will respect your chosen name and pronouns. If you don’t speak English or French, you have a right to a free interpreter (and you can request a male or female interpreter if that makes you more comfortable). You also have the right to legal counsel; Ontario Legal Aid (and others) will usually cover refugee cases for low-income claimants.

Even if you’re not a refugee claimant (for example, you came on a work permit or tourist status), changes back home might open other options. If laws in your country become harsher for LGBTQ+ people or you legally change gender here, you might apply on Humanitarian and Compassionate (H&C) grounds for

permanent residence. Or if your refugee claim is denied but conditions worsen, you might have appeal rights (e.g., Refugee Appeal Division) or Judicial Review in Federal Court. It’s important to know your status and deadlines – a lawyer or legal aid can advise on this.

Protection from discrimination: All Canadian officials (border guards, immigration officers, IRB members) must not discriminate against you. The Canadian Human Rights Act covers federal services, so officers (like CBSA) cannot legally harass or mistreat you because you’re Black or LGBTQ+. There is a complaints system if they do. If you are detained by immigration, you still have rights: to know why, to see a lawyer, and to periodic reviews of your detention. Report any mistreatment in detention to your lawyer or support organization.

Find out more:

- Legal Aid Ontario (LAO) – Free or low-cost legal services for eligible refugees and immigrants.
 - legalaid.on.ca
- Refugee Law Office (Toronto, part of LAO) – Specialized legal support for refugee claimants.
 - legalaid.on.ca/faq/refugee-law
- Canadian Council for Refugees (CCR) – Advocacy and info on refugee rights.
 - ccrweb.ca/en
- Steps to Justice – Immigration Law – Plain-language explanations of refugee claims, hearings, PR, etc.
 - stepstojustice.ca/legal-topic/refugee-law

Your Responsibilities

- **Attend appointments:** Show up on time for IRCC, CBSA, or court hearings.
- **Update contact info:** Inform IRCC or your lawyer if you move or change phone/email.
- **Provide truthful information:** Be accurate in forms, testimony, and applications.
- **Respect Canadian laws:** Obey all laws; legal problems can affect immigration status.
- **Meet deadlines:** Submit applications, appeals, and documents on time.
- **Keep copies:** Save all immigration papers, receipts, and letters.
- **Stay in contact with your lawyer:** Share updates and follow their advice.
- **Inform of changes:** Tell IRCC or your lawyer if your situation changes (address, family, safety issues).
- **Use interpreters responsibly:** Be honest when working with translators.
- **Protect confidentiality:** Don't share sensitive case information publicly without legal advice.
- **Prepare for hearings:** Work with your lawyer, gather evidence, and understand the process.



Steps You Can Take

Prepare your story and evidence.

Work with a trusted counselor, support worker or lawyer to organize your refugee claim or H&C application. Write a clear, honest account of your experiences of persecution. Include key events (e.g. threats, assaults, arrests or forced conversion therapy). Collect any evidence you can safely obtain: old IDs, photos with a partner, text messages or emails with threatening content, medical or police records of harm, letters from friends, and news reports about LGBTQ+ persecution in your country. Explain why you couldn't live safely in hiding; IRB members understand fear and delay in coming out. If you have none of this, your detailed testimony alone can be enough. Never give false information – credibility is crucial.

Get legal help. A knowledgeable immigration lawyer or authorized representative is very important. Legal Aid Ontario (or provincial equivalents) will often fund a lawyer for refugee claims if you qualify. Organizations like Legal Aid's Refugee Law Office (in Toronto) or clinics (Justice for Children and Youth, HALCO if you have HIV, etc.) can help. Some LGBTQ+ newcomer programs (see Supports below) even have legal advisers. A lawyer can help fill out forms (Basis of Claim, etc.), prepare you for the hearing (through mock interviews), and raise all important points.

Use interpreters or accommodations.

At your hearing, you can request accommodations: for example, breaks if you get anxious talking about trauma, or a specific gender of interpreter if that helps you. You have the right to feel safe during your claim. IRB staff should accommodate reasonable requests. Also, bring all documents and records of your case to each appointment, and always update IRCC/IRB if you change address.

Speak for yourself at the hearing. In your refugee hearing, be honest and precise. If you don't understand a question or the interpreter, ask for clarification: "I'm sorry, can you repeat that please?" You have the right to give your answers in your own words and in the language you're comfortable with. Take your time; you can even ask for a break. The more clearly you tell your truth, the better the outcome.

Steps You Can Take

Document official bias if it happens. If at any time an official (border officer, immigration agent, hearing member, interpreter, etc.) acts in a clearly discriminatory or abusive way, note it down immediately. For example, if a CBSA officer at your claim interview makes a homophobic remark or an IRB member misgenders you repeatedly, write it down after. This information can be used in a misconduct complaint after your claim is done. However, during the actual hearing, stay focused on the claim rather than confronting them (your lawyer can object if something really out of line is said).

File complaints about officials (after your case). If a CBSA officer or immigration staff harassed you on protected grounds, you can complain to the Canada Border Services Agency's complaints division (and now soon the new Public Complaints and Review Commission). For an IRB member, you can complain to the Office of the Chairperson. If racism or homophobia occurred, you could also file a human rights complaint against the government through the Canadian Human Rights Commission (though often other remedies are used first). Consult your lawyer or a legal aid clinic before doing this; usually it's handled after your claim is finished, unless it directly affects your case.

Know your appeal rights. If your refugee claim is rejected, you usually have 15 days to notify IRB of intent to appeal to the Refugee Appeal Division (RAD). The RAD will re-examine your case. Legal help is strongly recommended for an appeal. If you cannot appeal (for example, if you came from a country deemed "safe"), you may have a right to judicial review in Federal Court, also in 15 days. Always check deadlines with a lawyer.

Stay engaged with your case. Keep copies of everything you submit or receive. Attend all scheduled appointments. If you move, report your new address to IRCC/IRB within 10 days. Missing a hearing or deadline can lead to losing your case by default.

Steps You Can Take

Police or criminal steps (rare): If a coworker physically assaults or seriously threatens you, that is also a criminal matter. You could report it to police. (Of course, if there is immediate danger at work, call 9-1-1.) For ongoing threats, you might get a restraining order or press charges. Keep in mind mixing police with work can be complex – consider legal advice before doing this, unless it's an emergency.

Get medical/therapy help: Workplace harassment can cause anxiety, depression, or other health issues. See a doctor or counselor and explain what happened. A medical note can support any legal case (showing the impact on you), and can also justify any sick leave or accommodations you might need.

Think about your well-being: You have to decide what's best for you. If the workplace is too toxic, you might look for another job. (But you can still pursue your rights after leaving.) If you do resign because of discrimination, you might put a note in your resignation letter: e.g. "I am resigning due to an intolerable work environment caused by repeated discrimination." This may help if you later bring a claim.



Support Services to Contact

Rainbow Refugee (national)

A non-profit that helps LGBTQ+ refugees. They can connect you to support groups or refugee sponsorship opportunities. Website: rainbowrefugee.com.

Black Coalition for AIDS Prevention (Black CAP) – Refugee Program

As above, Black CAP in Toronto offers support specifically for African, Caribbean and Black LGBTQ+ refugee claimants. They assist with preparing your claim, offer counseling, help find housing and more. Phone: 416-977-9955 ext. 250.

Access Alliance – Among Friends (Toronto)

This program is for 2SLGBTQI+ newcomers. They hold workshops on the refugee system and provide one-on-one settlement help (housing, legal referrals, counseling). Website: accessalliance.ca (look for “Among Friends”). Phone: 416-324-8677.

Francophone LGBTQ+ newcomer groups

If you speak French, organizations like AGIR in Montreal support francophone LGBTQ+ refugees and immigrants. (Search “AGIR Montreal LGBT refugees”).

Legal Aid/Refugee Lawyers

Apply to Legal Aid Ontario ASAP for a lawyer. The Ontario Immigration and Refugee Board (IRB) also has information on finding counsel. In Toronto, the Refugee Law Office (at LAO) may take cases. Several private lawyers specialize in LGBTQ+ asylum.

Community Health and Counseling

If the refugee process is stressful, seek mental health support. Some clinics specialize in trauma from persecution. Ask your settlement worker or LGBTQ+ center for referrals. Agencies like Across Boundaries (Toronto) are culturally sensitive. Also, community health centres (like Sherbourne Health Centre in Toronto) offer care to uninsured newcomers and can help with both health and mental health.

Rainbow Railroad

This group usually helps LGBTQ+ people in danger overseas. If you had contact with them before coming to Canada, mention it in your claim (letters from them can support your story). They can sometimes assist with urgent cases.

211 and Settlement Agencies

211 can connect you to local legal clinics or community organizations. Settlement agencies (like COSTI, YMCA Immigrant Services, etc.) often have social workers who deal with refugee cases and might offer free legal help or advice.

Language You Can Use

Explaining your claim: In interviews or on forms, be clear and direct. For example: "I am a trans man and I was attacked in [Country] for being trans. I fear for my life if I go back." Use simple, factual language to describe incidents and fears.

If officials doubt you: If an officer or IRB member seems skeptical (e.g., "You didn't mention this earlier"), you can say: "I was very afraid to talk about that before. But yes, [explain reason or incident]." If asked about not coming out sooner, answer: "I had to hide to survive in my country. I am only telling the full truth now that I am safe in Canada."

When refusing abusive questions: If an official asks something intrusive like "Why can't you just act straight?" you can respond: "My identity is personal and protected. I am not required to justify it here. I came to Canada seeking safety." Then redirect back to the interview: "Can we continue discussing my claim facts?"

During an incident with an official: If an interpreter is being homophobic, you or your lawyer can say: "Interpreter, please accurately translate everything. Also, I will note if you use any offensive terms." To an IRB member acting biased, a lawyer might object: "We object – that question goes against Guideline 9." (This is more for your lawyer to handle.)

Filing complaints: If you later complain about an official's behavior, be factual: "On [date] at [office], Officer [Name/ID] said '[quote]' to me. This was after he learned I am [orientation/gender]. I felt [impact]. This was discriminatory. I request an investigation." Keep it formal and stick to facts.

You have already shown courage by coming to Canada and seeking a better life. Use that same courage to tell your story and assert your rights. And remember, you are not alone many community groups and advocates understand what you are going through and will support you every step of the way.



Conclusion

These aren't just sections of a tip sheet – they are tools you can carry with you in daily life as you navigate Canada as a Black LGBTQ+ newcomer. You now have concrete examples of how to handle discrimination in housing, healthcare, work, immigration, and public spaces. You have names of laws that protect you (like the Ontario Human Rights Code, Canada Health Act, Occupational Health and Safety Act, etc.) and agencies that can support you (from the Human Rights Legal Support Centre to Black Legal Action Centre to community programs).

Armed with this knowledge, we hope you feel **more confident and empowered** to assert your rights and seek help when needed. Discrimination and bias can be deeply hurtful, but they thrive in silence and ignorance. By knowing how to respond and who to call, you break that silence and challenge the ignorance, not just for yourself, but for others who will come after you.

Keep this tip sheet handy; maybe save it on your phone or in your email. You might not need all of it now, but situations can arise unexpectedly. When they do, take a deep breath, recall these tips, and remember: **you have every right to be here, to be yourself, and to be treated with dignity**. Canada's laws are, in theory, on your side, and there are many people in the community on your side too. You are not alone in facing these battles.

Stay strong, and never hesitate to **stand up for yourself** and also to **reach out for help**. As a Black LGBTQ+ newcomer, you are part of multiple communities; the immigrant community, the Black community, the LGBTQ+ community; and there are allies in all of them ready to fight alongside you. Your existence and success here matter; your rights matter. Welcome to Canada, and may you thrive as your authentic self!

Prepared with contributions from current Canadian laws, community resources, and human rights guidelines to ensure accuracy as of 2025.

Contact Information



The 519 is a Toronto-based 2SLGBTQ+ community centre dedicated to advocacy, service provision, and creating inclusive spaces for queer and trans communities, newcomers, and marginalized groups.

Phone 416-392-6874

Website The519.org

Email Info@The519.org

Address 519 Church St,
Toronto, ON M4Y 2C9



The Black Legal Action Centre (BLAC) is a non-profit community legal clinic in Ontario that provides free legal services to address anti-Black racism and advance the rights and dignity of Black communities.

Phone 416-597-5831

Website blacklegalactioncentre.ca

Email info@blac.clcj.ca

Address 180 Dundas St W unit 1509,
Toronto, ON M5G 1Z8
