
A RAINBOW REFUGEE QUOTA

FOR AOTEAROA

Terminology

Our use of the following terms mirrors that of organisations in Aotearoa New Zealand. We primarily use *LGBTIQ+* and *rainbow* as interchangeable; in more technical places, we also use *SOGIESC* to represent the basis of persecution.



In this report we have used The Indivisibility Flag, created by New Zealander Eliana Rubashkyn in 2021, to ensure Intersex people are included in the progress of LGBTIQ+ representation.¹

Rainbow – originally referencing the rainbow flag that signified gay pride, the term has come to be best known and used as a more accessible shorthand for acronyms like LGBTIQ+ and SOGIESC. While its use is common in Aotearoa, it is less recognised internationally. Notable critiques and exclusions include a lack of coverage of non-Western sexual orientations and gender identities.

LGBTIQ+ – Lesbian, Gay, Bisexual, Transgender, Intersex, Queer and others. The use of LGBTIQ+ mirrors that of the 2021 UNHCR (United Nations High Commission for Refugees, or the United Nations Refugee Agency) Roundtable discussions² and ought to be read alongside their more in-depth descriptions and caveats.

SOGIESC – Sexual Orientation, Gender Identity or Expression and Sex Characteristics. These categories are the basis of persecution but are more abstract than LGBTIQ+. This acronym is preferred by some groups as it reflects the international human rights language and avoids identity terms which are always evolving and are context specific.



The refugee flag was created by Yara Said, to represent the 'Refugee Nation' participants at the 2016 Olympics.

Refugee Quota – the annual refugee resettlement quota of 1500 places. Specifically, the call in the title of this report for a rainbow refugee quota is a call for a subcategory within the existing quota.

Complementary Pathways – for refugees, a set of durable solutions that are intended to be additional to refugee resettlement. Examples include, but are not limited to, community sponsorship and family reunification and, in some countries, bypass the UNHCR system.

Durable Solutions – long-term options that provide protection from persecution for refugees. These include integration into the country of first asylum, returning home if it is safe, and resettlement. Since the 2015 Syrian refugee crisis, complementary pathways have also been considered as durable solutions that may, or may not, be separate to a refugee quota.

¹ For more information on this flag, see Rubashkyn, E. (2021) The Indivisibility Flag Created For June Pride Month 2021. <https://anunnakiray.com/2021/06/02/the-indivisibility-flag-created-for-june-pride-month-2021-by-eliana-rubashkyn-they-them/>

² UNHCR (2021) 2021 Global Roundtable LGBTIQ+ Persons in Forced Displacement and Statelessness: Protection and Solutions – Discussion Paper. June. <https://www.unhcr.org/611e33704>

Table of Contents

Piloting a Rainbow Refugee Quota Subcategory	4
About this report	6
Introduction	7
Around the world	8
The basis of protection and persecution	8
UNHCR and regional responses	10
Durable solutions for those most at risk	12
In Aotearoa	15
How rainbow refugees currently get protection in Aotearoa	15
Resettlement: Aotearoa’s annual quota and protection subcategories	17
Challenges to effective rainbow refugee resettlement in Aotearoa	18
Before arrival: during recognition of refugee status	18
On arrival: Mangere’s Te Āhuru Mōwai o Aotearoa (TĀMA)	19
After arrival: through the settlement process.	20
Next steps	22

To download this report or to find out more, visit CAPRS at <https://bit.ly/34slnp9>

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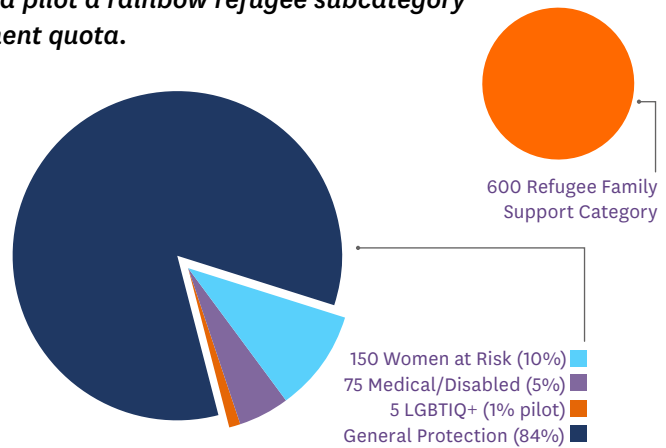
Piloting a Rainbow Refugee Quota Subcategory

A piloted rainbow refugee subcategory would test a settlement pathway for people persecuted based on their sexual orientation, gender identity or expression, and sex characteristics. The pathway would be proactive in elevating the status and inclusivity of our resettlement programme.

WHAT

The New Zealand government should pilot a rainbow refugee subcategory within the annual refugee resettlement quota.

This pilot, initially representing 1% of NZ's quota (or 15 people, total) as a subcategory, would strike the right balance between ensuring fair protection levels for rainbow refugees while ensuring the sustainable growth of support services. The main challenge, focussed on later in this report, concerns how LGBTIQ+ refugees would be oriented in their first weeks in the country.



WHY

A rainbow refugee subcategory will provide a durable solution to a specific, high-risk group who are often excluded from systems that favour the family unit.

1. Resettlement, according to UNHCR, is the most desired, durable solution for rainbow refugees.³ Significant challenges with other durable solutions heighten the precarity of rainbow refugees.
2. LGBTIQ+ refugees are some of the most at risk, even in countries of first asylum. This aim has been raised on multiple occasions since 2015 by Eliana Rubashkyn who, in 2021, said that they “would like to see part of the 1500-strong quota specifically allocated to LGBTQIA+ refugees as there is a real danger of this community being killed in other countries”.⁴
3. Although we do not have statistics on the number of LGBTIQ+ people who have been resettled in Aotearoa, we do know that most of this resettlement focuses on traditional family units. LGBTIQ+ people often fall outside of these heteronormative, traditional family units and are, therefore, underrepresented in the main settlement category. This exclusion is a form of indirect discrimination.⁵

³ UNHCR (2021) 2021 Global Roundtable LGBTIQ+ Persons in Forced Displacement and Statelessness: Protection and Solutions – Discussion Paper. June. <https://www.unhcr.org/611e33704> p.24

⁴ Cass Marrett (2021) Rainbow refugees come to NZ to find safety but say the system is not built for them. Re: News. 20 April. <https://www.renews.co.nz/rainbow-refugees-come-to-nz-to-find-safety-but-say-the-system-is-not-built-for-them/>

⁵ For a discussion of indirect discrimination, see Community Law (2021) Community Law Manual: Overview of the anti-discrimination laws. <https://communitylaw.org.nz/community-law-manual/chapter-7-discrimination/overview-of-the-anti-discrimination-laws/>

4. The UNHCR recommendations to States from their 2021 Roundtable has recommended that States consider how humanitarian pathways might work for resettlement of LGBTIQ+ refugees. The New Zealand government works alongside the UNHCR as to who is selected through the refugee quota and therefore we should also strongly consider their advice about humanitarian pathways.

HOW

Much of immigration policy is policy-based, not legislative: changes could come because of Immigration New Zealand policy or from a Minister as part of government. We recommend the following approach:

- Establish a working group, with majority LGBTIQ+ former refugee members to review the opportunities and risks associated with this subcategory.
- Dedicated rainbow settlement and employment support from government departments, such as the Ministry of Business, Innovation and Employment, specific to this intake as well as to upskill other settlement providers.
- The creation of an alternative, and equivalent, rainbow-friendly reception programme.

WHERE

People should have the choice to be settled in larger cities – Auckland, Wellington – or where rainbow refugees wish to go if they have a prior connection (such as through a family connection). In addition to being the sites of larger rainbow communities, these larger and more diverse cities offer other opportunities, such as gender-affirming healthcare.

WHO

The New Zealand government, led by the Minister of Immigration can instruct Immigration New Zealand to follow the above recommendations to: (a) create the subcategory; and (b) ensure safety throughout the resettlement and settlement journey. Specifically, this policy would need to be signed off by Cabinet with leadership from the Minister of Immigration (Hon Michael Wood) and Minister of Foreign Affairs (Hon Nanaia Mahuta) drawing support from the largest rainbow parliamentarian population in the world and with significant caucuses in Labour (8 MPs) and the Greens (4 MPs).⁶

As to the LGBTIQ+ refugees being resettled, there should be work undertaken to ensure that the people accepted include both those who are persecuted because they are LGBTIQ+ as well as those who have not felt able to disclose their rainbow status. People differ in their capacities to express their SOGIESC status to officials; efforts should be made to ensure a balance of people are accepted.

WHEN

A piloted policy could be consulted on ahead of, and included within, forthcoming election manifestos. Alternatively, a Minister of Immigration could ask Immigration New Zealand to develop the approaches in this report to present to the Minister ahead of the next triennial review of the refugee quota.



⁶ Radio New Zealand (2020) 'New Zealand's new LGBTQ MPs make Parliament most rainbow in world' Radio New Zealand. 21 October. <https://www.rnz.co.nz/news/political/428800/new-zealand-s-new-lgbtq-mps-make-parliament-most-rainbow-in-world>

About this report

***A Rainbow Refugee Quota for Aotearoa* is an attempt at policy change. The report's audience is decision makers in government, but it also recognises the need for policy to be guided by those affected by this policy: LGBTIQ+ refugees who are seeking protection and those who have already found it in Aotearoa and who form the basis of community solidarity and support. Intended as a green paper, this report positions Aotearoa to show international leadership in LGBTIQ+ protection by creating a special rainbow category under its refugee quota. Throughout the report, we identify how this category could be potentially supported and structured.**

This report is not exhaustive of the asylum procedures, or case histories of LGBTIQ+ asylum claims in Aotearoa or internationally. To date, there has not been a systematic overview of all LGBTIQ+ issues for refugees in Aotearoa. Where studies exist, they have been cited in the footnotes, and the author encourages policy makers and the public to use these documents to explore the issues in more depth. The author also encourages interested parties to work collaboratively across the rainbow community and sector, noting the existing work of Rainbow Path in Auckland and the emerging work of Rainbow Haven in Wellington.

The report was written in the first half of 2022 by Dr Murdoch Stephens in his role as a Senior Research Fellow at the University of Auckland's Centre for Asia Pacific Refugee Studies (CAPRS) with support from a Rainbow Advisory Group. The creation of an advisory group sought to add to the primacy of the voices of LGBTIQ+ refugees in policy making, as recommended by the Canberra Statement on LGBTIQ+ refugees. The use of the ten-person Rainbow Advisory Group to consult on this report highlights the opportunities and challenges of this subcategory.

The advisory group consisted of eight people, with five having lived experience as refugees and all ten as LGTBIQ+. Four group members have also been a part of Rainbow Path, although this report does not represent Rainbow Path's views. The group offered diverse perspectives as convention and quota refugees⁷ as well as gaining refugee status for a range of reasons, not all of which included their SOGIESC. Non-refugee members held affiliations to the University of Auckland, New Zealand Red Cross and the Human Rights Commission. The group met in three online forums to discuss the report and gave feedback as the report progressed.

Thanks to the Rainbow Advisory Group: Hafsar Tameesuddin, Eliza Cummings, John Fenaughty, Sergio Opazo, Taine Polkinghorne, Daniel Gamboa Salazar and others who would prefer not to be listed. We also wish to thank Eliana Rubashkyn for being the first person Dr Stephens consulted on the idea, and for their steadfast work since 2015 to advocate for a rainbow refugee subcategory within the quota. Thanks are also due to the wider CAPRS team, Hester Moore, Sue Elliott ONZM and Rachel O'Connor for guidance and support, Sue Osborne for copyediting and MakeReady for their design expertise.

⁷ Convention refugees arrive in Aotearoa and claim asylum onshore; quota refugees have their refugee claims processed offshore and then come to Aotearoa through the refugee quota programme.

Introduction

This report points to a timely opportunity for Aotearoa to show global leadership in protecting LGBTIQ+ people. In developing a safe humanitarian pathway, alongside those LGBTIQ+ former refugees already here, this country can show international leadership by demonstrating commitment to protecting people against all forms of persecution. Global refugee resettlement needs are high and there are many protracted situations, but we also know that rainbow refugees experience extreme levels of persecution – including the death penalty in eleven countries.⁸ We also know that rainbow refugees are subject to discrimination that does not always end with their first displacement or even with resettlement.

Refugee resettlement needs are far greater than one country can meet, but Aotearoa has long prided itself on ensuring our quota helps those most at risk.⁹ A rainbow refugee subcategory would not be the first protection subcategory within Aotearoa's refugee quota.¹⁰ The confluence of representation, encouragement from global bodies and the increased persecution that this report describes means that this policy should be advanced now, with potential for support across the political spectrum.

Anecdotally, and from media reports, we know that a small number of LGBTIQ+ persons are already referred to Aotearoa for settlement. That process is ad hoc and the immigration officials and settlement NGOs are not currently required to understand or be skilled at ensuring LGBTIQ+ people are safe throughout the process. Numerous concerns, cited in this report, have been raised about whether the rights of rainbow refugees to live without discrimination are upheld in our present resettlement system. As this report will show, there needs to be specific attention paid to the processes used when LGBTIQ+ refugees arrive in the country, the upskilling of those who work with them, and alternative forms of support not available in their own religious or ethnic communities.

This report begins with a consideration of global and legal issues specific to LGBTIQ+ refugees, then discusses the current ways that LGBTIQ+ refugees may find protection in Aotearoa. Following this, the report lists three key challenges for a resettlement process before concluding with recommendations and next steps.



⁸ Human Dignity Trust (2022) Map of Countries that Criminalise LGBT People. <https://www.humandignitytrust.org/lgbt-the-law/map-of-criminalisation/>

⁹ Ann Beaglehole (2013) *Refuge New Zealand: A nation's response to refugees and asylum seekers*. Otago University Press: Dunedin.

¹⁰ New Zealand already has subcategories for Medical/Disabled, Women at Risk and other large-scale emergency cases.

Around the world



This section provides a background to the legal, global and regional context in which rainbow refugees' persecution and protection needs have emerged and how Aotearoa can show international leadership in responding to these challenges. The Ministry of Foreign Affairs and Trade's International Human Rights Action Plan 2019-23 has committed to "prioritise our international human rights advocacy engagement taking a leadership role on sexual orientation and gender identity".¹¹ Now we have the opportunity to turn these commitments to human rights into tangible and impactful policy.

The basis of protection and persecution

The definition of refugee adopted by the UN in the 1951 Convention on the Status of Refugees sets out clear grounds concerning the persecution of people, as part of a social group, based on their sexual orientation or gender identity. Article 1(A)(2) of the Convention and Article 1 of the Protocol defines a refugee as a person who:

Owing to 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 . . . is unable or, owing to such fear, is unwilling to return to it.


LGBTIQ+ claims for protection often result from these multiple forms of discrimination, which can include criminalising laws, violence and other manifestations of prejudice. These forms of discrimination also compound over time and often do not stop in the country of first asylum, hence, the UNHCR's reporting that resettlement and complementary pathways are the preferred durable solution for persecuted LGBTIQ+ people.

Jurisdictions deciding whether discrimination amounts to persecution often consider whether laws actively lead to enforcement. In many circumstances, as Diaz writes, "applicants will have to provide evidence that criminalising laws are applied in practice in order for them to be considered a form of 'persecution'".¹² Diaz states that the Immigration and Protection Tribunal in Aotearoa (which hears and determines appeals from the Refugee Status Unit) follows the approach where criminalising laws are not considered sufficient to prove persecution.¹³ For this Tribunal, laws in the origin country must be either enforced or the claimant must have a "well founded" fear of persecution, including from non-state actors, if they were to return. It is worth repeating that, even without criminalising laws, violence and harassment often occurs in States, and rainbow peoples often have no protection or redress from the State.

11 Ministry of Foreign Affairs and Trade (n.d.) New Zealand International Human Rights Action Plan from 2019-23. <https://www.mfat.govt.nz/assets/Peace-Rights-and-Security/Human-rights/NZ-Human-Rights-Action-Plan.pdf>

12 Francisco Peña Díaz (2021) 'The Enforcement Standard: Too high a bar for LGBT refugees' in ILGA World: Kellyn Botha (ed) *Our identities under arrest: A global overview on the enforcement of laws criminalising consensual same-sex sexual acts between adults and diverse gender expressions*. Geneva, December. https://ilga.org/downloads/Our_Identities_Under_Arrest_2021.pdf p. 35.

13 Diaz cites AE (*Egypt*) (2012) NZIPT 800226, New Zealand: Immigration and Protection Tribunal, 24 April. https://www.refworld.org/cases,NZ_IPT,4fc374752.html



Despite the lack of a dedicated protection stream, the UNHCR¹⁴ claims that some States may explicitly request to receive LGBTIQ+ refugees, although they are careful not to list these countries for whatever internal reasons determine their diplomatic approach. In many situations, LGBTIQ+ individuals see refugee protection based on other forms of persecution, rather than based on disclosed SOGIESC.

UNHCR differentiates four subgroups¹⁵ of SOGIESC persecution based on the range of persecution faced, challenges in getting protection and how people fit within rainbow categories.¹⁶

These are:

- Intersex persons
- Transgender or gender non-conforming persons
- Lesbian and bisexual women
- Gay and bisexual men

UNHCR also notes that while disaggregated data are difficult to find, “the proportion of cisgender gay men and transgender women seeking asylum is higher than that of cisgender lesbian women, with comparatively fewer claims submitted by bisexual individuals and even fewer by intersex persons.”¹⁷ The incidence of transgender men, while fitting within the transgender categories listed, did not feature in the prevalence of this section of the report. While this report will not go into the specific protection challenges here – the UN Discussion Paper¹⁸ does that in depth – it is worth considering their emphasis on each of these four groups so that we can better understand the prominence of some groups over others. That understanding will help to ensure that all groups are equitably welcomed in a potential refugee subcategory.

¹⁴ Ibid p. 25

¹⁵ In their 2021 Discussion Paper and Summary Conclusions, UNHCR use Q+ to signify an umbrella definition, though the Queer or ‘plus’ is not actively investigated, except to say the intention is for LGBTIQ+ to cover “all persons whose SOGIESC is not adequately addressed by the [LGBTI] categories” listed above. For example, while asexual isn’t featured, it is possible that they, and prominent members of the asexual community could suffer discrimination that amounts to persecution, though the authors of this report are not aware of specific cases. Being connected to the wider LGBTQIA+ framework may lead to broad understanding of the category as needing correction and this may lead to persecution.

¹⁶ One person who we consulted noted that, since 2021, UNHCR has changed its approach and is moving away from siloed approaches to labelling groups. The focus is said to be moving towards people who experience violence and persecution because of non-conformity with societal norms.

¹⁷ UNHCR (2021) 2021 Global Roundtable LGBTIQ+ Persons in Forced Displacement and Statelessness: Protection and Solutions – Discussion Paper. June. <https://www.unhcr.org/611e33704> p.19. While quantitative data are important, we should also not lose sight of the stories and histories such as those in Tina and Renee Nixon’s (2019) ‘Being Queer and Refugee’ video. The Queer Sisterhood Project. <https://www.youtube.com/watch?v=6-cl7mh4EiU&t=99s> and their work on Assembling Queer Displacement Archive (AQDA), <http://reneedixson.com.au/research/>

¹⁸ UNHCR (2021) 2021 Global Roundtable LGBTIQ+ Persons in Forced Displacement and Statelessness: Protection and Solutions – Discussion Paper. June. <https://www.unhcr.org/611e33704> pp. 6-7

Recent Timeline On Rainbow Refugee Protection

2010 >

*First UNHCR
panel on rainbow
refugees*

< 2012

*First UNHCR
guidelines on
determining
refugee status
based on sexual
orientation or
gender identity*

2019 >

*Queer
Displacements
conference
which leads to
the Canberra
Statement*

< 2019

*three regional
UNHCR
conferences on
rainbow refugee
protection.*

2021 >

*Queer
Displacements
conference
which leads to
the Canberra
Statement*

UNHCR and regional responses

At the global level, the UNHCR organised the first rainbow panel on refugee issues in 2010. This attention led to the creation of the first guidelines on determining refugee status.¹⁹ More than a decade passed from the first panel before a second UNHCR global summit returned to address LGBTIQ+ issues.²⁰ The most recent summit was the first to highlight the roles that States could play in offering resettlement as a key durable solution for LGBTIQ+ refugees. The sessions covered more than a dozen themes and ended with cross-cutting recommendations for the UNHCR and its mandates, Civil Society Actors and States.

Of these themes, the following are particularly relevant to resettlement:

- Recognise and understand the complex and intersectional quality of LGBTIQ+ displaced and stateless persons' experiences.
- Centre the voices, perspectives, expertise and leadership of LGBTIQ+ displaced and stateless persons during policy formulation, programme development and funding processes.
- Strengthen the long-term capacity of all frontline practitioners.
- Conduct strategic advocacy – to and with States – to: Targeted Humanitarian Admissions Pathways.²¹

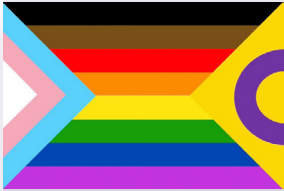
While this report most strongly focuses on targeted admissions pathways, the broader success of LGBTIQ+ protection across their displacement relies upon engagement with the other three meta-themes in a refugee-receiving country.

¹⁹ UNHCR (2012) Guidelines on International Protection No. 9: Claims to Refugee Status based on Sexual Orientation and/or Gender Identity within the context of Article 1A (2) of the 1951 Convention and/or its 1967 Protocol relating to the Status of Refugees. October. <https://www.refworld.org/docid/50348afc2.html> This panel was just one part of much more attention from global civil society on LGBTIQ+ areas in the previous decade, including: the creation of the Yogyakarta Principles, the Yogyakarta Principles Plus 10, and the mandate of the UN Independent Expert on Protection Against Violence and Discrimination Based on Sexual Orientation and Gender Identity (UN IE SOGI). There is not space here to elaborate on these principles and mandates, but together they show a movement towards greater attention to LGBTIQ+ issues in forced migration.

²⁰ UNHCR (2021) 2021 Global Roundtable LGBTIQ+ Persons in Forced Displacement and Statelessness: Protection and Solutions – Discussion Paper. June. <https://www.unhcr.org/611e33704> The discussion document takes pains to note that it was held on a 'secure internet platform', though does not explain if that is for fear of a backlash or in accordance with a particular set of rules. Of the 600 participants, it appears that only two were living in Aotearoa New Zealand, representing Rainbow Path (with another one who is from New Zealand, but based elsewhere) and there was no representative from the government, although seventeen other countries had at least one representative.

²¹ UNHCR (2021) 2021 Global Roundtable on Protection and Solutions for LGBTIQ+ People in Forced Displacement – Summary Conclusions. 16 August. <https://www.unhcr.org/611e48144> p. 27

At the same time, there is capacity for resettlement States to improve their own asylum seeker determination procedures and broader protection, ensuring good data on SOGIESC persecution are safely collected and shared.²²



Spotlight: LGBTIQ+ in Kakuma camp in Kenya

On 15 March 2021, LGBTIQ+ refugees were attacked within Kakuma refugee camp in north-west Kenya. The attacks included having rocks thrown at them, stabbings, and an incident where three gay men needed hospital treatment for burns.²³ The attacks led to significant social media attention and an investigation into the conditions for rainbow refugees in this camp. Ten days later, the UNHCR said that they were “concerned by these incidents as well as by the increasing tensions between this group and other refugees, including some with an LGBTIQ+ profile.”²⁴

A full research investigation into the situation at Kakuma was released later that year by Rainbow Railroad and ORAM (Organization for Refuge, Asylum and Migration) which estimated 350 LGBTIQ+ people were living there.²⁵ Interviewing 58 people from nine countries, they found denial of services, and discrimination and violence at endemic levels: 83% of respondents had been physically assaulted; 76% denied shelter; and 26% had been sexually assaulted. In addition to the report’s recommendations for immediate security to address violence and discrimination, emphasis was placed on expedited, durable solutions such as resettlement.

The 2019 Queer Displacements conference in Australia led to the formulation of the *Canberra Statement on the access to safety and justice for LGBTIQ+ asylum seekers, refugees and other forcibly displaced persons*, which was co-drafted by Eliana Rubashkyn from Aotearoa. Among other recommendations, the Statement insisted on the primacy of the voices of LGBTIQ+ refugees in policy making.²⁶ Of the 350 signatories, at least eight organisations from Aotearoa signed on.²⁷ Within the final recommendation for reform, this policy document emphasises, “Durable solutions such as resettlement must be recognised as the only viable solution for LGBTIQ+ asylum seekers, refugees and other forcibly displaced people.”²⁸ It is to these solutions that we now turn.

²² Ibid

²³ Nita Bhalla (2021) LGBT+ refugees call on U.N. for safe space after Kenya camp attacks. Reuters. 6 March. <https://www.reuters.com/article/us-kenya-lgbt-refugees-trfn-idUSKBN2AX1T3>

²⁴ UNHCR (2022) UNHCR Statement on the situation of LGBTIQ+ refugees in Kakuma camp. 25 March. <https://www.unhcr.org/ke/19859-unhcr-statement-on-the-situation-of-lgbtq-refugees-in-kakuma-camp.html>

²⁵ Organization for Refuge, Asylum & Migration (ORAM) and Rainbow Railroad (2021) The Challenges Facing LGBTIQ+ Refugees In Kakuma Refugee Camp, Kenya. October. <https://www.rainbowrailroad.org/wp-content/uploads/2021/10/Rainbow-Railroad-and-ORAM-Report-on-Kakuma-2021.pdf>

²⁶ Tina Dixon, Renee Dixon and Eliana Rubashkyn (2019) Canberra Statement: on the access to safety and justice for LGBTIQ+ asylum seekers, refugees and other forcibly displaced persons. November. <http://tinadixon.com.au/wp-content/uploads/2019/12/Canberra-statement-glossy.pdf>

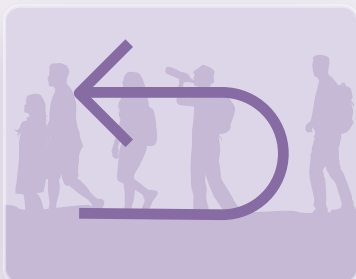
²⁷ These were Auckland Pride Festival, InsideOUT Kōaro, Intersex Awareness Trust Aotearoa New Zealand, OutLine, RainbowYOUTH, Re.frame, Te Ngākau Kahukura and Tiwhanawhana Trust. For the full list, see: <http://tinadixon.com.au/current-signatories/>

²⁸ Ibid p. 6

Durable solutions for those most at risk

There are three durable solutions which can apply for all refugees: returning to their home countries if they will no longer face persecution; integrating into the local population in country of asylum; or, and in much smaller numbers, resettlement (or complementary pathways²⁹) to a third country. In many situations, especially with numerous protracted conflicts extending into years and decades, these durable solutions are not readily available.³⁰ In both the 2019 Canberra Statement and the 2021 roundtable, and as noted above, resettlement and complementary pathways are considered as the most desired durable solution by LGBTIQ+ refugees.

The three internationally recognised durable solutions for IDPs and refugees



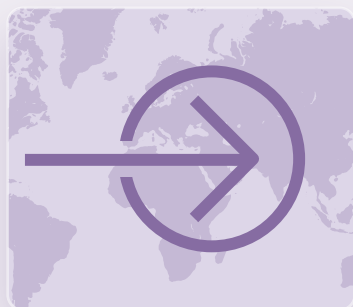
ONE Voluntary return to country/area of origin in safety and dignity

The persecution faced by LGBTIQ+ refugees is often a function of social beliefs that will not rapidly change – in contrast to, for example, wars that might end in a truce. The durability of the prospects for **returning home** are not as robust as for some other refugees although, given the rise in protracted conflicts, this can sometimes be the only option.



TWO Local integration in the places of displacement

Similarly, the criminalisation and persecution of LGBTIQ+ refugees in many regions that host large refugee populations show that **integration into countries of first asylum** – e.g. Syrians in Jordan; Afghans in Pakistan – is less of a durable solution for rainbow refugees. However, as we will see in the following section, the asylum seeker route has been one of the most successful for rainbow refugees to gain protection in Aotearoa.




THREE Resettlement in a third location or country

The third durable solution, then – and the focus of this work – is through **resettlement in a third country**, such as Aotearoa. In recent years, particularly after the 2015 refugee crisis, resettlement has referred both to the use of UNHCR refugee quotas as well as other complementary pathways such as family reunification programmes, community sponsorship and other work or study visa options.

²⁹ In the latest UNHCR overview of durable solutions, this is listed as a fourth durable solution, though in other sites it is considered in parallel with resettlement. For this report, given the context in Aotearoa, it will be considered as a type of resettlement.

³⁰ See, for example, the situation for Rohingya refugees in Bangladesh, in UNHCR (2020) UNHCR: Rohingya crisis needs lasting solutions. 21 August. <https://www.unhcr.org/news/briefing/2020/8/5f3e60124/unhcr-rohingya-crisis-needs-lasting-solutions.html>



The 2021 UNHCR Roundtable Summary Conclusions recommendations for States includes creating Humanitarian Visa Pathways for LGBTIQ+ people, including through resettlement and complementary pathways such as community sponsorship.

The five Humanitarian Pathways recommendations for countries of arrival were:

- Work with UNHCR and asylum States to develop and promote settlement criteria, policies and programmes that recognise the distinct and amplified challenges LGBTIQ+ refugees face.
- LGBTIQ+ refugees should be placed in communities with active LGBTIQ+ communities and responsive services, as opposed to isolated and sometimes more conservative communities where they may face stigma, discrimination and possibly, rejection.
- Access to gender-affirming care, HIV care and LGBTIQ+ refugee responsive mental health care should be factors considered in placement and settlement.
- The duration and scope of settlement supports should be adequate to cover the additional complexity. This may not only require exceptional case management and support, but also added financial support as needs are addressed and integration matures.
- Community sponsorship is seen as one way to address isolation and foster good social networks for arriving LGBTIQ+ refugees.

In terms of how resettlement is conducted in reception countries, there have only been a few overviews of best practice. While these overviews offer an excellent beginning to how resettlement of rainbow refugees should be conducted, they are almost a decade old and would benefit from more evaluations of success and meta-analyses.³¹ Two notable overviews from ORAM and Heartland Alliance go into great depth on a wide range of resettlement factors including the first steps of ensuring a safe space, key legal issues, mental health and community integration.³²

³¹ Switchboard (2022) Evidence Summary: What works to support LGBTQ refugees? May. <https://switchboardta.org/blog/evidence-summary/lgbtq-refugees/>

³² See Heartland Alliance (2015) Rainbow Response: A Practical Guide to Resettling LGBT Refugees and Asylees. October. <https://switchboardta.org/resource/rainbow-response-a-practical-guide-to-resettling-lgbt-refugees-and-asylees/>; see also, ORAM (2012) Rainbow Bridges: A Community Guide to Rebuilding the Lives of LGBTI Refugees and Asylees. <https://reliefweb.int/report/world/rainbow-bridges-community-guide-rebuilding-lives-lgbti-refugees-and-asylees>



Spotlight: Rainbow Railroad and sponsorship in Canada

Using complementary pathways to protection such as community sponsorship, Rainbow Railroad assisted 503 LGBTIQ+ refugees to cross borders in 2020 (including 453 through community sponsorship), and the remaining through emergency visas to gain entrance to a safe country. They also offered information, financial and/or other assistance to 1812 people in the same year. Since their founding, they have helped over 3100 LGBTIQ+ people enter countries where they have the chance to start a new life.³³

Rainbow Railroad focuses on helping people to leave the place where they are persecuted and gain entrance to a safe country. In Canada, in addition to this work, there are other organisations that provide the twelve-month support required of their community sponsorship programme. Community sponsorship offers one example of how complementary pathways can build protection numbers in a sustainable manner, despite the costs of private sponsorship being borne by the settlement community.

While community sponsorship has been Rainbow Railroad's primary vehicle to ensure protection, they also advocated at the Canadian 2021 election to introduce a dedicated refugee stream and a crisis response plan for up to 250 LGBTQ2 displaced persons per year.³⁴

³³ Rainbow Railroad (2022) About us. <https://www.rainbowrailroad.org/about#reports>

³⁴ Rainbow Railroad (2021) Three steps the next Canadian government can take to provide more pathways to safety for LGBTIQ+ Refugees. 15 September. <https://www.rainbowrailroad.org/the-latest/three-steps-the-next-canadian-government-can-take-to-provide-more-pathways-to-safety-for-lgbtqi-refugees> Note: the '2' in LGBTQ2 refers to 'two-spirited' and is primarily used in Canada.

In Aotearoa

While this report will discuss the wider context of persecution and protection of LGBTIQ+ refugees, it will primarily explore the possibility of the New Zealand government accepting the call of the UN Refugee Agency to create targeted humanitarian admission pathways through a subcategory in the annual refugee resettlement quota. This primacy may be celebrated in and of itself – as a small state, Aotearoa has oft-privileged itself on firsts – but it also requires that we continue with care and caution. This caution will need to be balanced by acknowledging the harm that is also likely to be caused by inaction.



How rainbow refugees currently get protection in Aotearoa

While many people are familiar with the annual refugee resettlement quota, there are several other pathways that refugees – including LGBTIQ+ refugees – may follow to gain protection in Aotearoa. The following table sums up these pathways, the number of people who receive protection through these mechanisms, and current LGBTIQ+ protection possibilities for each pathway. It is worth noting that Aotearoa’s refugee numbers are still far lower than many other countries that formally accept or resettle refugees.

A rainbow refugee subcategory would fit within the refugee resettlement quota but has not been conceived as the only way LGBTIQ+ refugees would receive protection. For example, the small number of LGBTIQ+ people accepted as convention refugees would not be reduced due to this subcategory. It is also worth stating that there will be some LGBTIQ+ people already coming into the country through the resettlement quota who might, in the future, be included in this subcategory. Similarly, some Women at Risk – for example – who are also LGBTIQ+ may already be being welcomed within that subcategory. However, at present, without statistics disaggregating those intakes and reasons for protection, we can not know how many people have all, or part of, their refugee status linked to being LGBTIQ+.

Pathway	People per annum	Current LGBTIQ+ protection
Refugee resettlement quota	1500 people (+/- ten per cent) ³⁵	While the UNHCR is free to refer any refugees to the New Zealand government, a historical focus on family units has meant that the most common representation of LGBTIQ+ refugees from the annual quota are not people who are persecuted because of SOGIESC categories but who also happen to be in, or emerge into, rainbow communities.
Convention refugees (accepted asylum seekers)	On average, 180 people accepted	A 2021 article states that Aotearoa has received 172 claims for refugee status based on gender identity or sexual orientation, with 68 people have been granted refugee status in the past ten years. 41 claims were yet to be decided, five claims had been withdrawn and 58 claims were denied. ³⁶ At present, this is the main way LGBTIQ+ refugees get protection in Aotearoa, but when compared to the numbers arriving through the quota, and quality of settlement support, ³⁷ the acceptance numbers are small. ³⁸ For more on how determinations are processed see the forthcoming publication “The Tribunal Does Not Accept the Appellant’s Claim That He Is Gay: Queer Refugee Appellants in New Zealand” which covers the challenges within the national context of making a case for refugee protection on a SOGIESC basis. ³⁹
Community Organisation Refugee Sponsorship (CORS)	50 people per year for next 3 years	While HOST International, as the umbrella organisation overseeing CORS, has reported engaging with rainbow communities, there has not yet been any intake of LGBTIQ+ refugees in this category nor, at the date of publication, have any rainbow groups progressed through the process to becoming Approved Sponsors. The piloted system in Aotearoa is less expensive than those in Canada and Australia, and is more geared towards refugees with stronger English, more work experience and who meet the acceptable standard of health. ⁴⁰
Family Reunification	600	While many of those welcomed under the Refugee Family Support Category (RFSC) criteria are refugees, people in this category do not need to be refugees themselves. As such, any persecution, including that based on SOGIESC, is not central to these claims and so there is no publicly available record of LGBTIQ+ individuals who have arrived through this category. There is, however, anecdotal evidence of partners being welcomed through RFSC based on either same-sex marriage or an equivalent partnership, although welcoming people through this category remains a challenge as co-habitation is much rarer and difficult to prove.
Other and special cases	unknown but few numbers	Being a refugee, or having the potential to claim asylum, does not prevent people from accessing other pathways to residency visas that can come through work, sponsorship, study, partnership or family visas. A recent example includes Afghan Nationals who were granted critical purpose visas, some of whom were identified based on their prior work in humanitarian protection, including work with the LGBTIQ+ community.

35 See Ministry of Business, Innovation and Employment (2019) Cabinet minute: Three year Refugee Quota Programme 2019/20 to 2021/22. 6 November. <https://www.mbie.govt.nz/assets/three-year-refugee-quota-programme-2019-20-to-2021-21.pdf>

36 Cass Marrett (2021) Rainbow Refugees Come to New Zealand to Find Safety but say the System is not Built For Them. Re: News. 20 April. <https://www.renews.co.nz/rainbow-refugees-come-to-nz-to-find-safety-but-say-the-system-is-not-built-for-them/> For an earlier analysis see, Radio New Zealand (2017) ‘LGBT asylum seekers granted refugee status in NZ’. Radio NZ, 17 June. <https://www.rnz.co.nz/news/national/333279/lgbt-asylum-seekers-granted-refugee-status-in-nz>

37 The Centre for Asia Pacific Refugee Studies and Asylum Seeker Support Trust note the need for greater support for all asylum claimants and convention refugees and that there should be specific attention paid to LGBTIQ+ cohorts. See Ferns, M., Stephens, M., Sama, B. N., Maurice, T., Perinpanayagam, U., Stocker, F., Malihi, Z., & Marlowe, J. (2022) ‘Safe Start. Fair Future: Refugee Equality’. Centre for Asia Pacific Refugee Studies and Asylum Seeker Support Trust, February. <https://cdn.auckland.ac.nz/assets/education/hattie/docs/Safe%20Start,%20Fair%20Future%20Report.pdf>

38 While there is significant case history on LGBTIQ+ people claiming asylum and being accepted, this does not appear to have filtered through into specific notes or instructions in section C of the operations manual. See Immigration New Zealand (2010) Operational Manual: A1:10 Bias. November. <https://www.immigration.govt.nz/opsmanual/#35021.htm>

39 Oliva Kiel (forthcoming) “The Tribunal Does Not Accept the Appellant’s Claim That He Is Gay”: Queer Refugee Appellants in New Zealand. NZ Journal of Public and International Law.

40 For comparison of the first pilot with those overseas, see Murdoch Stephens (2020) Expanding Community Sponsorship in Aotearoa New Zealand. February. <https://www.swbc.org.nz/wp-content/uploads/2020/02/PDF-B.pdf> For the most recent overview of community sponsorship requirements, see Community Refugee Sponsorship (2022) Refugee FAQs. <https://www.refugeesponsorship.org.nz/refugees-faqs>

Resettlement: Aotearoa’s annual quota and protection subcategories.

Every three years, the New Zealand government determines the composition of Aotearoa’s refugee resettlement quota. Through this process, Immigration New Zealand sets a three-year plan to work alongside the UN refugee agency to resettle 1500 people per year. In May 2022, Cabinet signed off on this composition for the coming three years, with key changes being an increase in place for Afghans and the Middle East’s allocations.⁴¹

In 2019, this review saw the move away from restrictions on African and Middle Eastern refugees, as well as increases in the Women at Risk subcategory from at least 75 to at least 150, and the expansion of the large-scale emergency response allocation from 100 to 200 places.⁴² There was no change to the subcategory of Medical/Disabled peoples which remained “up to 75 places” – it is worth emphasising this is a ceiling, unlike the floor associated with women at risk. It is also worth noting that the dependants or family members of people who arrive through these categories are also included in these categories. For example, if 50 women at risk arrive with 100 children, that accounts for 150 people through this subcategory.

2022 will mark the most recent review, determining who is welcomed from 1 July 2022 to 30 June 2024.

The 2022 review determined:

- the percentage of people who Immigration New Zealand looks to welcome from each region (Asia-Pacific; Americas; Africa; Middle East – although with the Ukrainian crisis there is a small chance that Europe will be included in these regions)
- the subcategories of protection groups in the quota
- and other key selection groups, such as those arriving through the New Zealand–Australia deal to bring in people who had been detained in offshore detention in Australia.

There has been no sign that either the Minister of Immigration or Immigration New Zealand actively considered the inclusion of a rainbow refugee subcategory within the annual quota at the 2022 review.⁴³ The proposal, below, will outline two future opportunities for the creation of an LGBTIQ+ subcategory within the annual quota.

⁴¹ Ministry of Foreign Affairs and Trade (2022) Update on Aotearoa New Zealand’s response to events in Afghanistan. 27 May. https://www.parliament.nz/resource/en-NZ/53SCFD_EVI_115676_FD1169/4fb47d2e78f726ab15b6cd48fc92d258c618adfa

⁴² Ministry of Business, Innovation and Employment (2019) Three year Refugee Quota Programme 2019/20 to 2021/22. 6 November. <https://www.mbie.govt.nz/assets/three-year-refugee-quota-programme-2019-20-to-2021-21.pdf>

⁴³ Kris Faafoi (2022) Personal Communication. 7 April.

Challenges to effective rainbow refugee resettlement in Aotearoa

The advisory group for this report listed many concerns related to ensuring safe resettlement of rainbow refugees through the annual quota. The report lists these concerns chronologically:

- before arrival: during recognition of refugee status
- on arrival: Mangere's Te Āhuru Mōwai o Aotearoa (TĀMA)
- after arrival: through the settlement process.

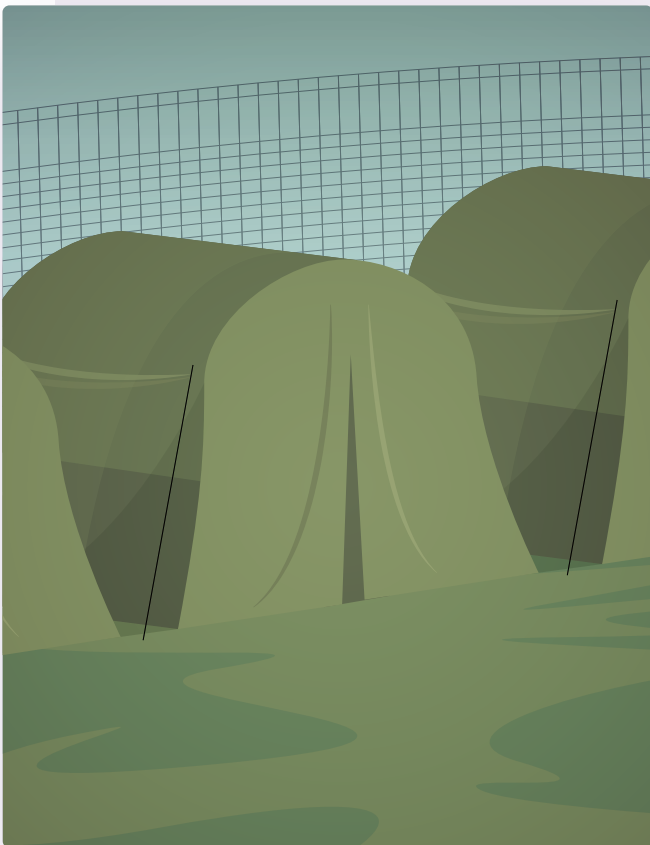
BEFORE ARRIVAL: During recognition of refugee status

Challenge: identification and protection processes in countries of first asylum are not always safe

The creation of a specific humanitarian pathway for rainbow refugees into Aotearoa means that attention also needs to be paid to the entirety of their forced displacement.⁴⁴ While Aotearoa is not

responsible for how the UNHCR conducts initial screenings of LGBTIQ+ refugees, officials do hold regular meetings with them and can raise the profile of the issue directly if a subcategory is piloted. In addition, Aotearoa's selection processes do involve screening of potential arrivals by Immigration New Zealand. These selection trips present an opportunity to assess selection and reception processes in place in potential countries of first asylum and to add to Immigration New Zealand's skills.

While there are ongoing concerns about whether LGBTIQ+ refugees will confide in local UNHCR officials, the development of the Resettlement Assessment tool for LGBTI refugees shows an intent to improve these processes.⁴⁵ At present, many LGBTIQ+ refugees receive protection unrelated to their SOGIESC – they may be persecuted based on ethnicity, for example.



⁴⁴ Our Refugee Advisory Group noted the tension when advocating for new admissions pathways between a “do no harm” principle and the chance that a change like this will create the impetus for improved settlement work. These issues are discussed more in the conclusion.

⁴⁵ UNHCR (2019) Resettlement Assessment Tool: Lesbian, Gay, Bisexual, Transgender and Intersex Refugees. May. <https://www.refworld.org/pdfid/5d2731c64.pdf>

ON ARRIVAL: Mangere's Te Āhuru Mōwai o Aotearoa (TĀMA)

Challenge: living in close proximity to others in reception centres may create new risks of discrimination.

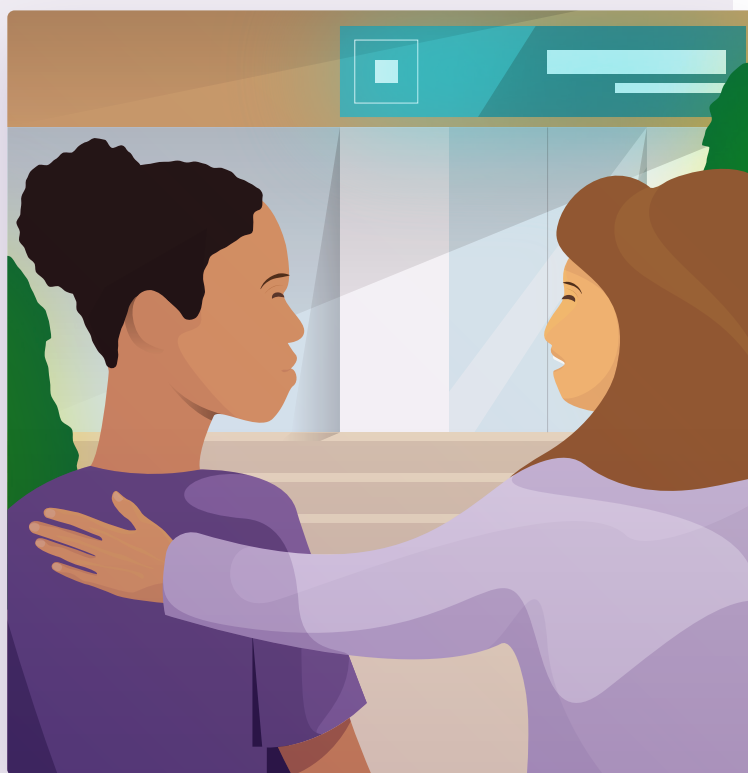
One significant challenge that the advisory group identified in welcoming rainbow refugees is the New Zealand government's unique use of Te Āhuru Mōwai o Aotearoa (TĀMA) (previously known as the Mangere Refugee Resettlement Centre) for the first five weeks refugees are in the country. While this system works well to orientate most new refugees, for those fleeing persecution based on their SOGIESC, TĀMA can be an exceedingly difficult experience, particularly for transgender, gender non-conforming and intersex people.⁴⁶

One significant problem with TĀMA for LGBTIQ+ refugees is the potential to be living in close quarters with people from their countries of origin who may also discriminate against them. Note that, while the refurbishing of the centre from 2016 has reduced some of these challenges, further work would be needed to make LGBTIQ+ refugees feel as welcome as other cohorts.⁴⁷ Members of the Rainbow Advisory Group stated that, from their experiences at, or going through, TĀMA, that rainbow refugees felt it was unsafe to disclose that they were LGBTIQ+.

Discussions with the Rainbow Advisory Group have led us to suggest that bypassing TĀMA may be necessary. While TĀMA serves as an excellent opportunity for most resettling refugees, more work will need to be done to ensure that any alternative system does not disadvantage those welcomed through this subcategory.

More work needs to be done on how a rainbow refugee subcategory would be oriented. The concerns around the TĀMA should not be taken lightly or dismissed with gestures to staff training or orientation sessions for other resettling people on customs and law in Aotearoa. Given the pressures on hosting people at TĀMA and the tight turnaround, the opportunity to remove some intake numbers could be welcomed.

Our Rainbow Advisory Group suggested that, if a pilot were to be run, then it should first consider what a community-based welcome might look like, whether any existing organisation could be contracted to do that work, where it would work, and how it would connect to other settlement service providers.



⁴⁶ See comments relating to experiences in 2014 and 2015 from Cass Marrett (2021) Rainbow refugees come to NZ to find safety but say the system is not built for them. Re: News. 20 April. <https://www.renews.co.nz/rainbow-refugees-come-to-nz-to-find-safety-but-say-the-system-is-not-built-for-them/>

⁴⁷ Ibid

AFTER ARRIVAL: Through the settlement process

Challenge: LGBTIQ+ refugees can be persecuted by their communities and States, so settling people with ethnic or national cohorts may compromise good settlement outcomes in some situations.

Alongside the immediate challenges to settlement presented at TĀMA, some LGBTIQ+ former refugees have reported feeling persecuted by other people from their own nationalities when they are placed in a resettlement region. One member of our Rainbow Advisory Group said, in a previously published media interview, that being placed with other Colombian refugees was “a huge mistake” considering they had already been ostracised by Colombians back home.⁴⁸

The 2021 Global Report by the UNHCR also recommends that refugees are resettled in locations with existing LGBTIQ+ persons. In Aotearoa, in practice, this would mean settling people in Auckland and Wellington unless there is an overwhelming reason to place people in other locations.⁴⁹ These regions also offer the greatest access to gender-affirming healthcare.⁵⁰ They also state that LGBTIQ+ respondents pointed to “negative attitudes ranging from unawareness on how to interact with rainbow communities, a refusal to discharge duties professionally, or explicit mockery and hostility.”⁵¹ Aotearoa, including Auckland and Wellington, are not immune from these attitudes both within broader communities and, according to numerous members of our Refugee Advisory Group, within the refugee resettlement sector.



48 Cass Marrett (2021) Rainbow refugees come to NZ to find safety but say the system is not built for them. Re: News. 20 April. <https://www.renews.co.nz/rainbow-refugees-come-to-nz-to-find-safety-but-say-the-system-is-not-built-for-them/>

49 See data from the Household Economic Survey showing that Wellington was home to the highest proportion of LGBT+ people in Aotearoa relative to its population, with Auckland as the second. StatsNZ (2020) Household Economic Survey. <https://www.stats.govt.nz/reports/lgbt-plus-population-of-aotearoa-year-ended-june-2020>

50 PATHA (2021) An update on gender affirming care provision across Aotearoa. 21 December. <https://patha.nz/News/12209428>

51 UNHCR (2021) 2021 Global Roundtable LGBTIQ+ Persons in Forced Displacement and Statelessness: Protection and Solutions – Discussion Paper. June. <https://www.unhcr.org/611e33704>

In Aotearoa, all refugees are currently assigned to one of thirteen resettlement regions. To access the refugee-specific social services that they often need, former refugees must stay in this location.⁵² At the same time, settlement support such as cross-cultural workers and interpreters are – understandably – drawn from the ethnic or national cohorts that the persecuted person belongs to. While the specific cultural issues around ethnicity, religion and other national tensions are generally taken into consideration for non-rainbow refugees, there appear to be far fewer protocols in place to ensure that the few LGBTIQ+ refugees receive support that understands the basis of their persecution.⁵³

As noted in the earlier section on global approaches, Heartland Alliance has created an excellent overview of some of the challenges that would be specific to this cohort.⁵⁴ In the worst cases, homophobia, transphobia, and stigma against intersex people from the ethnic and national cohorts can be as discriminatory in Aotearoa as it was in the person’s country of origin or first country of asylum. Further lessons from overseas practice and scholarship will need to be considered and the next steps in that process will be discussed in the conclusion.

A rainbow intake should be considered its own cohort, rather than as part of a national cohort, in order to ensure that a rainbow refugee quota has the best chance of success. For example, a rainbow refugee from Iraq may find they have more in common with a rainbow refugee from Colombia than with any of the Iraqi communities. If this subcategory were to be created, work would need to be undertaken by Immigration New Zealand, settlement providers and the rainbow community to ensure fair funding was put in place for settlement and employment workers who have sector-specific knowledge, including relationships with existing rainbow sector providers.



Spotlight: Rainbow Path

Rainbow Path is the largest refugee-background and ally group in Aotearoa. The group offer support to rainbow refugees and asylum seekers, advocates on LGBTIQ+ issues and links the rainbow and refugee communities. Their most recent campaign has been to gain legal gender recognition through issuing correct New Zealand government documentation for LGBTIQ+ refugees and asylum seekers so that they can use their correct name and gender marker on New Zealand documents and records, including their details with banks, schools, health providers, employers, and government agencies including IRD, and Work and Income.⁵⁵ Members of Rainbow Path also took part in the UN Global Forum, with one member being an opening plenary speaker. The group successfully advocated for a recommendation that passports from a country of origin that have the wrong name or gender are “unusable” and therefore trans and intersex asylum seekers and refugees should have access to an alternative ID.

52 Though they are not forced to stay in an area, access to settlement support, including the housing that has been found for them, is reliant on them staying in the area that they are settled.

53 New Zealand Red Cross does have a Takatāpui and Rainbow internal network and have provided training to staff members on the needs of LGBTIQ+ refugees.

54 See Heartland Alliance (2015) Rainbow Response: A Practical Guide to Resettling LGBT Refugees and Asylees. October. <https://switchboardta.org/resource/rainbow-response-a-practical-guide-to-resettling-lgbt-refugees-and-asylees/>

55 Rainbow Path (2022) Join this Community Discussion organised by Rainbow Path. 23 May. <https://rainbowpathnz.com/2022/05/23/join-this-community-discussion-organised-by-rainbow-path/>

Next steps

This report is the first to attempt to collate the opportunities and risks for the creation of a rainbow refugee subcategory into one place and to analyse a way towards increased protection for this community. While some challenges have been described that are outside of the capacity of Aotearoa, including how to deal with the difficulties in first countries of asylum, there are also challenges in ensuring the rights of refugees to be free from discrimination are upheld in Aotearoa.

There was some discussion within the Rainbow Advisory Group about which next steps are most urgent. Some members stated that the most important next step is to build the capacity and organisational maturity of rainbow refugee organisations as well as the competency of mainstream and government agencies in dealing with these groups. Other members stated that this improved capacity might be best achieved through first gaining government commitment to piloting a rainbow refugee subcategory. While sometimes seemingly left in the background of these discussions, we should not forget the urgency of resettlement for those who are currently at risk and who have few alternatives.

Thus, this report advocates for the following steps towards developing a rainbow refugee subcategory, with the above considerations in mind:

- In the lead-up to a policy announcement, consult with existing rainbow refugee communities about how this intake could be welcomed and to determine whether the current system is adequate for welcoming rainbow refugees.
- Adoption of a policy to pilot a rainbow refugee subcategory by political parties ahead of the 2023 general election.
- Investment in capacity building of existing LGBTIQ+ refugee organisations, regardless of whether a specific subcategory for rainbow refugees is created or not.
- Further consultation with UNHCR and other experienced settlement groups on ensuring a best practice approach to accepting refugee claims from LGBTIQ+ individuals and their ability to refer a subcategory of people to Aotearoa.
- Increased promotion of the experiences and needs of existing rainbow refugee communities in Aotearoa through established and emerging refugee settlement providers.

After these have been completed, or alongside them, there will be a need for the operations and policy teams at Immigration New Zealand to consider how they would best put a government policy into practice for a rainbow refugee subcategory. While this report has suggested starting with just 1% of the quota (or 15 people), the long-term aim would be to grow the capacity of the groups helping to settle rainbow refugees. Initially, this report had considered 5% of the annual quota to be an achievable and fair goal for a rainbow refugee subcategory. But, as this report shows, the desire for resettlement and the threats to rainbow refugees are such that the scale of our intakes should only grow.

At present there is nothing preventing the UNHCR referring rainbow refugees to Aotearoa. But this accidental approach is not good enough. The 2021 Global Roundtable on LGBTIQ+ refugee protection indicated a crucial step forward in recognising the needs for resettlement as the most preferred durable solution for rainbow refugees. Aotearoa now has the chance to be a world leader in standing against prejudice by proactively working towards a rainbow refugee quota.