

# How Immigration Policies Shape Gender-based Violence against Immigrants Who Have a Temporary or Precarious Status

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Learning Network & Knowledge Hub  
Wednesday, February 26, 2020 | 1:00-2:15 PM EST

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### Understanding how immigration policies shape gender-based violence among immigrants who have a temporary or precarious status

Wednesday, February 26, 2020 | 1:00-2:15 PM EST

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- If you have a question for the webinar speakers, please type into the Q&A box and we will spend 15 mins near the end on Questions and Answers.
- There will be an evaluation link in the chat box at the end of the webinar, please fill out the form as your feedback will guide our future webinars.
- Once you complete the evaluation form, you will be directed to a website where you will be prompted to enter your full name and email address. A certificate of attendance will be generated and emailed to you.
- Presentation slides are posted on our website, there will be a link in the chat box.
- The webinar recording will be posted on our website within the next few days:

<http://www.vawlearningnetwork.ca/in-kh-webinars>

## Overview

- ❖ Canadian Immigration Policies and Precarious Status
- ❖ Forms of Gender-Based Violence against Immigrants
  - ❖ Case Example: Migrant Caregivers
- ❖ Myths & Counternarratives
- ❖ Community-Based Responses
- ❖ Action Steps



## Policy Context



### Early Canadian History

- 1867, Queen & British govt approve Canada's confederation
- 1869, Immigration Act
- 1876, Indian Act
- 1885, Chinese Immigration Act
- Additional exclusions in 1887, 1892, 1900, 1903, 1906, 1908...

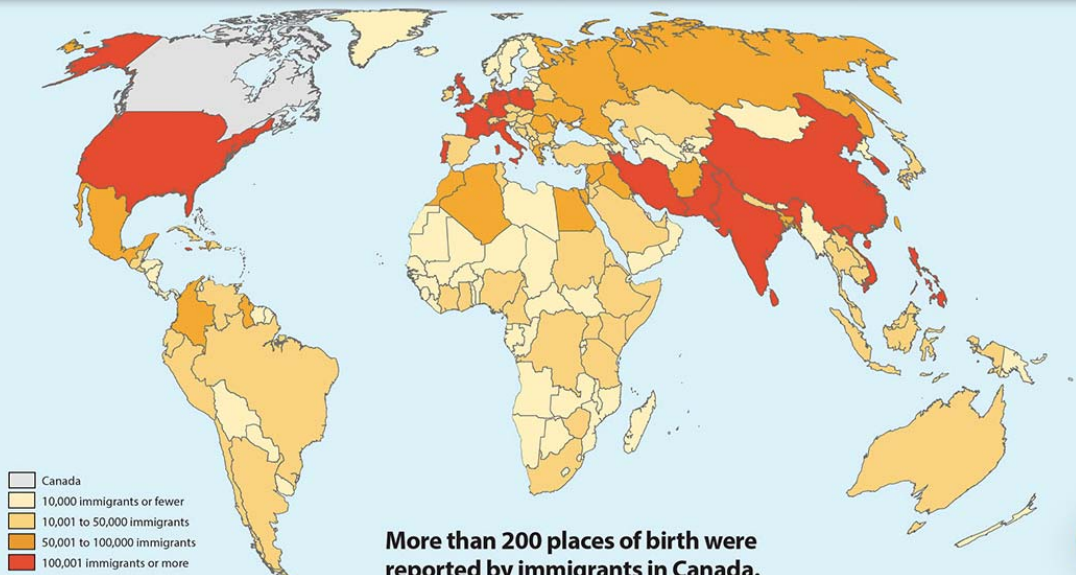


## Contemporary Canada

- 1962, Removal of racial exclusions
- 1967, Introduced points system
- 1971/1988 Multiculturalism Act
- 1973, Temporary Foreign Worker Program
- 2001, Immigration and Refugee Protection Act

2016 CENSUS

According to the 2016 Census, 7.5 million foreign-born people came to Canada through the immigration process. They represented more than 1 in 5 persons in Canada.



More than 200 places of birth were reported by immigrants in Canada.

## Canada's Streams for Permanent Residence

### Economic

- Express Entry (Points)
- Entrepreneur/Investor
- Provincial Nominee
- Caregiver
- Dependent spouse/child of econ. Immigrant

### Family

- Spouse/partner
- Dependent child
- Parent/Grandparent

### Humanitarian

- Convention Refugee
- Asylum seeker/refugee claimant
- Humanitarian & Compassionate Grounds (H&C)
- Designated persons

Permanent Residents in 2017

Economic	159,262
Family	82,470
Refugee	44,747
<b>Total</b>	<b>286,479</b>

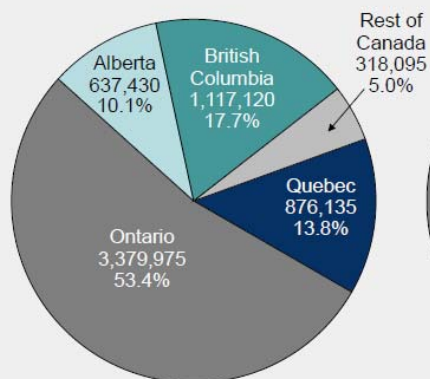
## Temporary Residents in 2018

International Students	572,000
Temporary Workers	254,540
Refugee claimants	29,435
<b>Total</b>	<b>855,975</b>

Government of Canada (2018b)

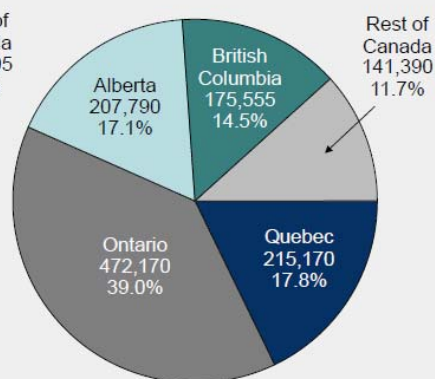
## Provincial Distribution of Immigrants to Canada

Immigrants before 2011



**Canada = 6,328,755**

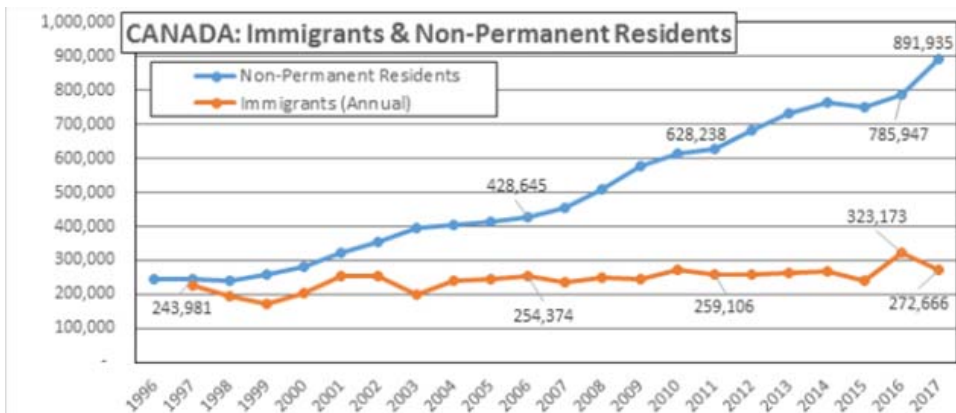
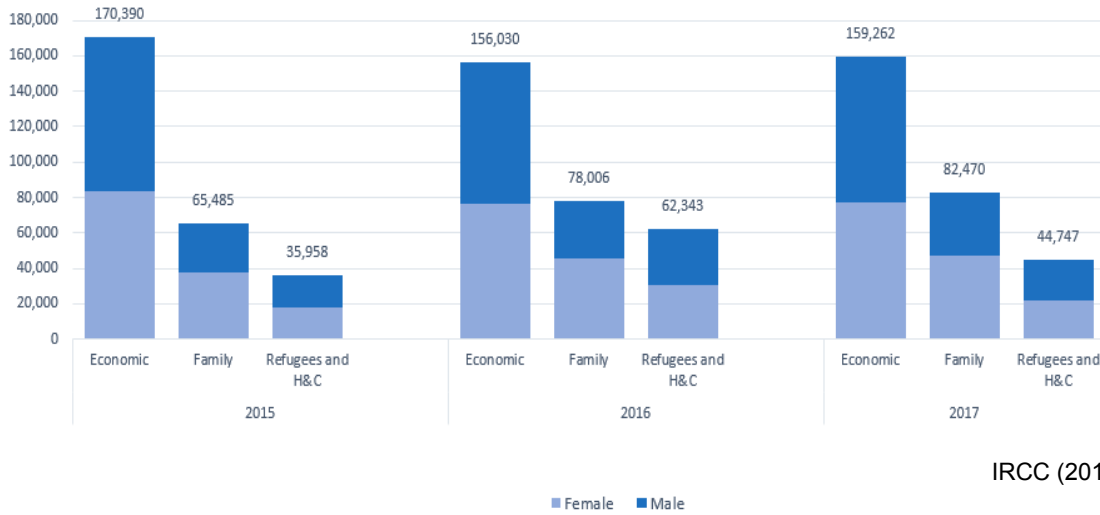
Recent immigrants, 2011–2016



**Canada = 1,212,075**

Note: Percentage figures are share of Canada.  
Source: Statistics Canada

## Immigration to Canada by Category 2015-2017 by Gender: Principal Applicants & Immediate Family Members



Source: Statistics Canada, CANSIM 051-0041 and 051-0011

## Defining Precarious Immigration Status

- Excluded from rights of citizenship
- Precarious status lacks one or more of the following  
(Goldring *et.al.*, 2010):
  - × Work authorization
  - × The right to remain permanently in Canada
  - × Social and political rights available to permanent residents and citizens
  - × Not being dependent on a third party for one's right to be in Canada
  - × Potential to be detained or deported



## Framework

- Intersectionality
- Gender-Based Violence
- Structural Violence
- Anti-Oppressive Practice





## “Intersectionalities

color the meaning and nature of GBV, how it is experienced by the self and responded to by others; how personal and social consequences are reproduced, and how and whether escape and safety can be obtained”

(Natalie Solokoff, 2005)

### Forms of Precarious Status for People Seeking Safety from GBV

Non-status due to expiration of visitor or temporary resident visa

In the midst of sponsorship breakdown

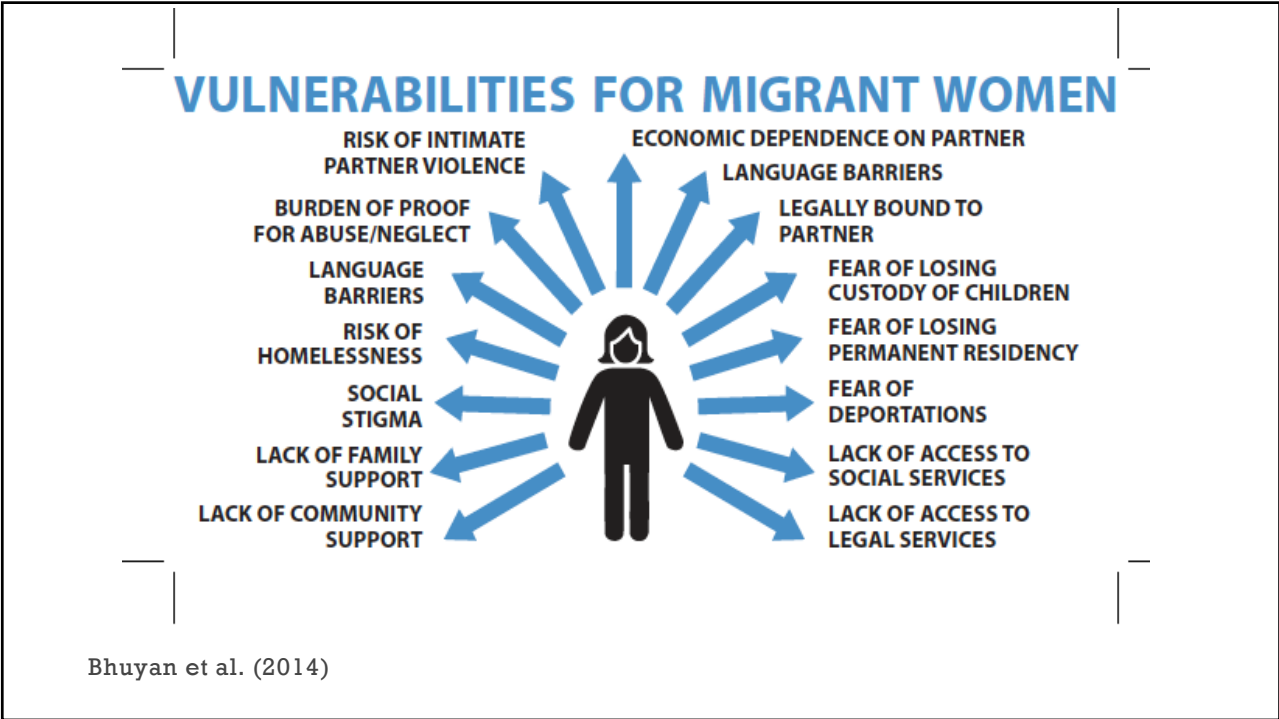
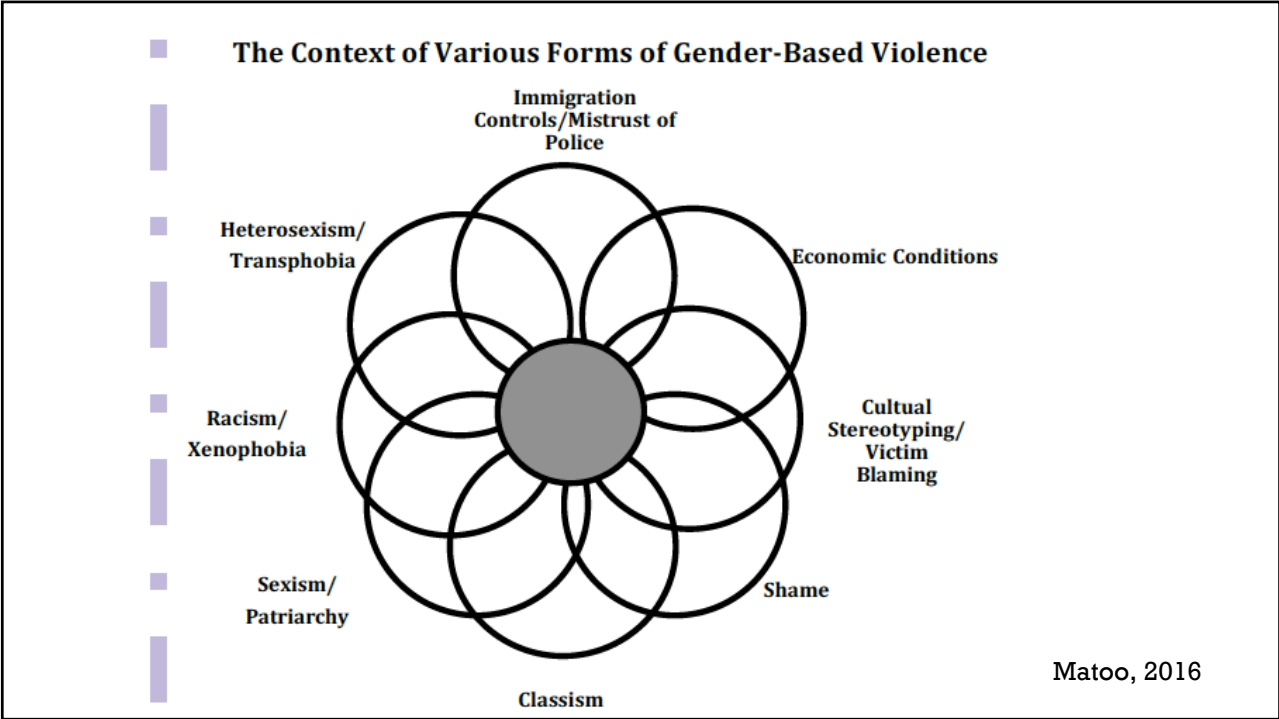
Waiting for refugee or humanitarian claim determination

Refugee claimant denied or dismissed

Asylum seeker with deportation order

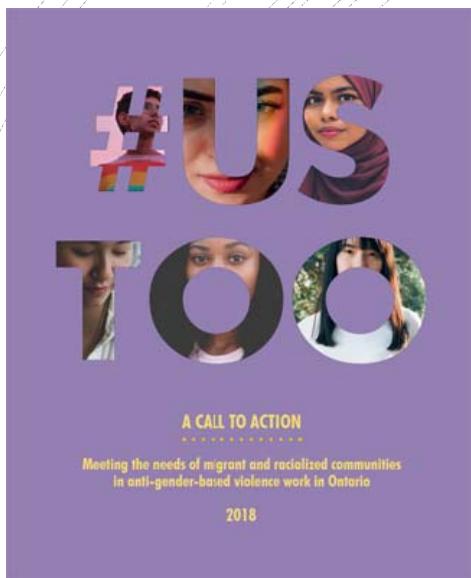
Families with mixed-status

Trafficked person



*“**Structural violence** is one way of describing social arrangements that put individuals and populations in harm’s way... The arrangements are structural because they are **embedded in the political and economic organization of our social world**; they are violent because they cause injury to people ... neither culture nor pure individual will is at fault; rather, historically given (and often economically driven) processes and forces conspire to constrain individual agency.” (Paul Farmer, 2006)*

- *Structural violence harms people by denying people from meeting their basic needs.*



Ahmad et al, (2018)

## **Structural Violence & GBV against Immigrants**

- Family reunification policies
- Migrant worker policies
- International student policies
- Systemic racism & xenophobia
- Lack of safe & affordable housing
- Precarious work and low wages
- Threat of detention or deportation

Case Studies

CAREGIVERS JOURNEYS, 2014-2018  
MIGRANT MOTHERS PROJECT

BUILDING LEADERSHIP CAPACITY TO  
ADDRESS GBV AGAINST NON-STATUS,  
REFUGEE AND IMMIGRANT WOMEN  
OCASI



Third-world domestic workers demonstrate in Toronto, November 22, 1981.



1981

2017

**MIGRANT MOTHERS PROJECT**

## RECOGNIZING SIGNS OF migrant caregiver ABUSE & EXPLOITATION

We invited migrant caregivers to share their stories with fellow caregivers in our *Caregivers' Journeys Study*. Here is what we learned.

Canada has a long history of relying on migrant labour\* to fill the demand for care work.

Migrant caregivers move to Canada to settle permanently to have a better life for themselves and their children.

Canada's caregiver programs provide a pathway to permanent residence after 24 months of work.

*Family Separation* | *Migrant Care Work* | *Family Reunification*

*\*Bringing in racialized women since 1910 from countries like Guadalupe, Jamaica, Barbados. Now, many migrant caregivers are from the Philippines, India, Indonesia, China.*  
From Kwentoon Bayan Collective

## CHANGES TO CANADA'S MIGRANT CAREGIVER PROGRAMS

26

*2014 to 2018*

<b>On hold:</b> Live-In Caregiver (LIC) Program	<b>PR admissions drop to:</b> 6,836 in the LIC Program	<b>Backlog:</b> 23,000 caregivers from the LIC program wait for their PR	<b>Caregiver Program:</b> set to expire November 2019
<b>Created:</b> Caregiver Program, 5-year pilot	<b>PR* admissions for principal applicants:</b> 11,179 in the LIC Program	<b>Closed:</b> LIC Program	<b>Federal government:</b> reviews Caregiver Program

*"Good enough to work, good enough to stay."* | *"Landed status now!"*

2014 | 2015 | 2016 | 2017 | 2018 | 2019

## DIFFERING EXPECTATIONS FOR...

### EMPLOYERS

From the Government of Canada

-  Try first to find a caregiver with Canadian citizenship or permanent residence
-  Pay a migrant caregiver
-  Make sure caregiver has affordable housing or provide a private bedroom
-  Provide proof that a child or person with high medical needs requires care
-  Get a positive Labour Market Impact Assessment (LMIA)

### MIGRANT CAREGIVERS

From the Caregivers' Journeys Study

-  Provide care for children or person with high medical needs
-  Work full-time for 24 months and apply for PR
-  Be treated with more respect and have safer work conditions than prior overseas work
-  Wait 6 months for PR application to be processed, as told by IRCC\*
-  Sponsor own family to Canada for better opportunities

\*IRCC = Immigration, Refugees and Citizenship Canada

## WHAT IS ON THE CONTRACT

From the Government of Canada

-  **Minimum wage and limits on working hours within provincial labour standards**  
Overtime pay, break time, paid vacation, sick leave, 8 hours of work
-  **Job duties**  
Care for child or person with high medical needs, "light housekeeping"
-  **Mandatory employer-paid benefits**  
Medical insurance
-  **Accommodation**  
Provide room & board, or arrange with caregiver to live out
-  **Transportation to Canada**  
Pay for overseas flight from where caregiver was living
-  **Termination & resignation terms**  
Know how to end contract

## WHAT ACTUALLY HAPPENS

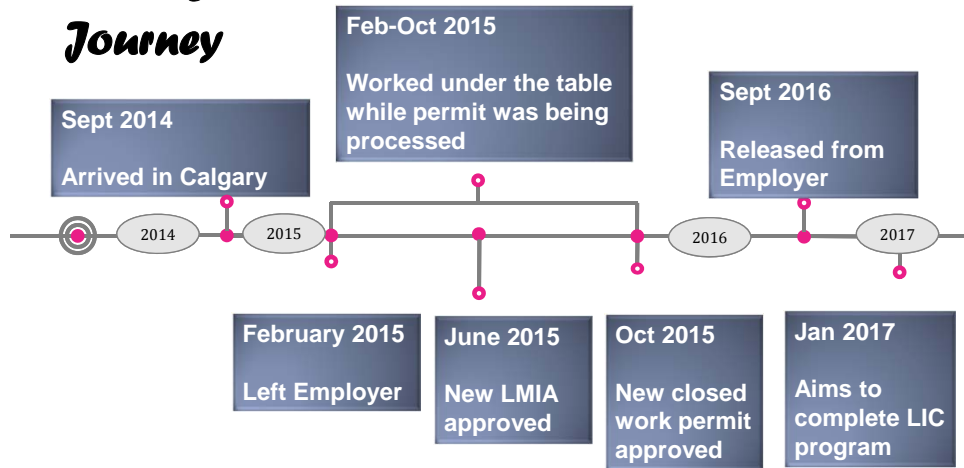
*for migrant caregivers*

From the Caregivers' Journeys Study

-  Some work 14-16 hours a day, 6 days a week, with no medical leave or overtime pay
-  Some feel "degraded" and like a "maidservant"  
Asked to perform duties outside the contract: laundry, painting, gardening, dish washing, taking care of other children who come for "play dates"
-  Many risk losing work permits  
Changes in employer leads to months without legal work status
-  Many face long periods of family separation  
Separated for 5 to 10 plus years
-  Employer-specific closed work permits allow for employers to exert control over caregivers  
In forms of exploitation and abuse

## Caregiver Program as a Pathway to “Illegality”

### Carol's Journey



## Forms of Abuse & Exploitation

*Put down  
Yelled at  
Insulted*

*Not allowed to leave the house or call family; not given a key.*

*Unpaid for long, extra hours*

*Denied privacy; nutrition*

*Forced to care for other people; or work extra jobs.*

*Sexually harassed, touched or assaulted.*



... project.

## WE FOUND THAT MANY CAREGIVERS...



do not report  
abuse



have unmet  
health needs



experience prolonged  
family separation



experience  
isolation



are at risk for  
depression



fear losing  
immigration  
status

**The trauma migrant caregivers face in precarious migration and migrant care work impact their long-term well-being and family relationships.**

## CAREGIVERS SUPPORT EACH OTHER BY...



going to  
church



using  
social media



getting  
together



staying in touch with  
friends and family



**MYTHS AND  
COUNTERNARRATIVES:  
ADDRESSING GBV  
AGAINST NON-STATUS,  
REFUGEE AND  
IMMIGRANT WOMEN**



**MYTH: VIOLENCE AGAINST RACIALIZED  
IMMIGRANT WOMEN IS A CULTURAL  
PROBLEM**



**COUNTERNARRATIVE**



**MYTH: CRIMINAL JUSTICE AND SOCIAL  
SERIVCE RESPONSES ARE NOT FRAMED  
AROUND 'IDEAL VICTIMS'**

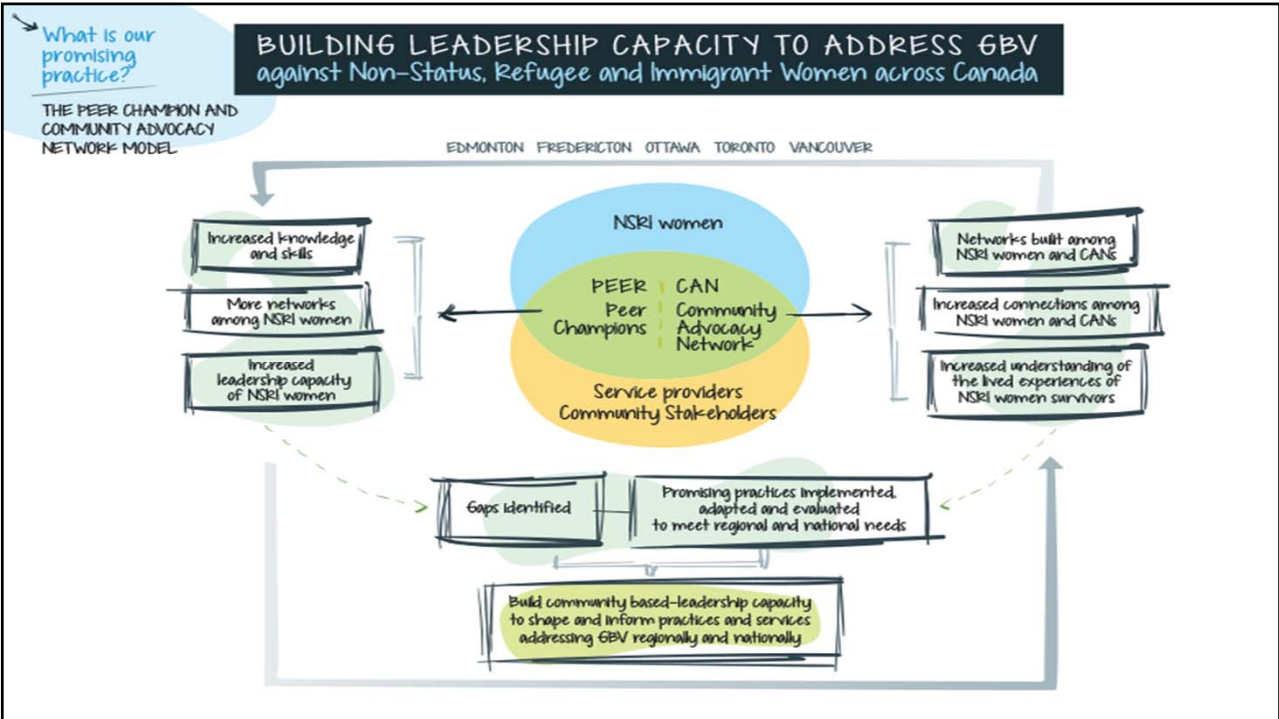
# COUNTERNARRATIVE

**OCSI**  
Ontario Council of Agencies Serving Immigrants



..... INITIATIVE TO END .....  
GENDER-BASED VIOLENCE

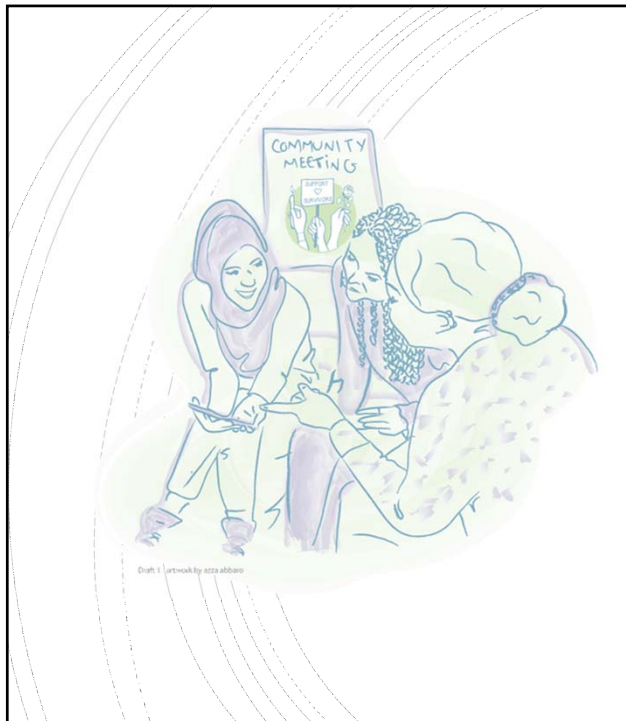
**Building Leadership Capacity to Address Gender-Based Violence against Non-Status, Refugee and Immigrant Women across Canada**



Draft 1 - artwork by azza abbaro

### WHAT IS THE PEER CHAMPION PROGRAM?

- Modeled after the [Immigrant and Refugee Communities Neighbours, Friends and Families Campaign](#)
- A program that uses popular education to build leadership capacity and foster connections among NSRI women
- Develops tools and activities to guide conversations about gender-based violence prevention, which include the insight and self-determination of racialized, immigrant and refugee communities



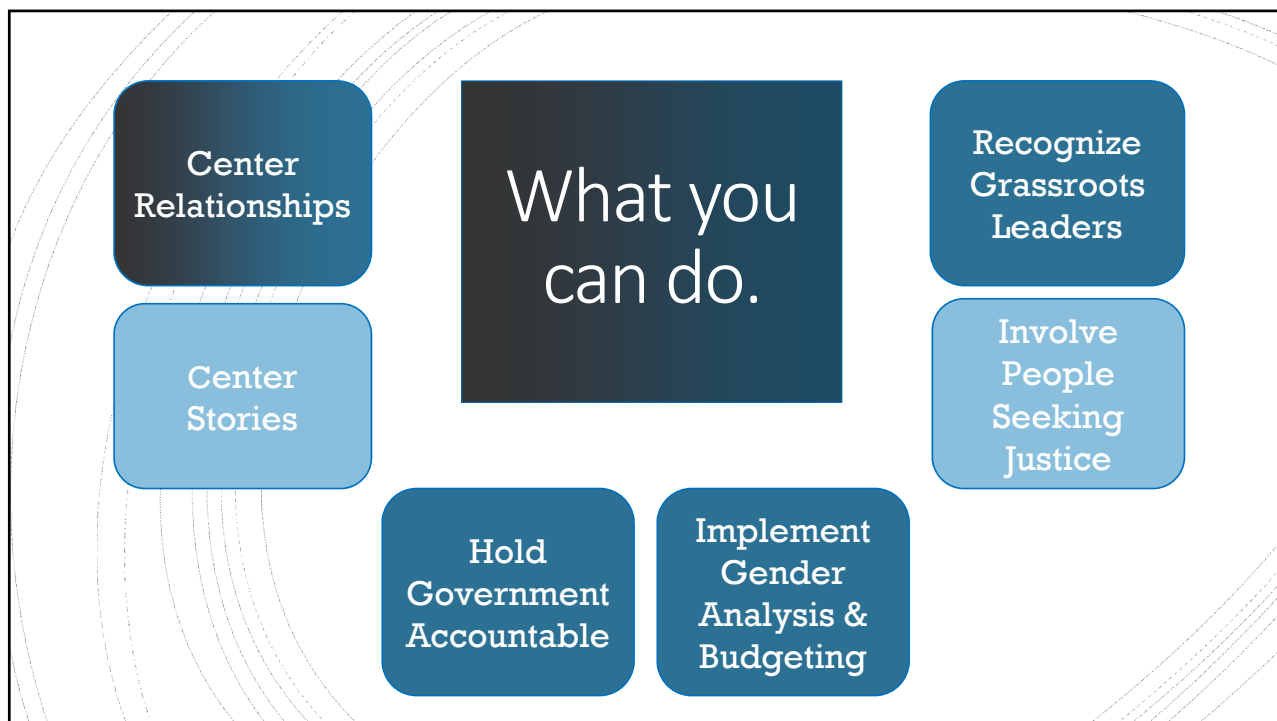
## WHAT IS A COMMUNITY ADVOCACY NETWORK?

- Modeled after the [Rights of Non-Status Women's Network](#)
- A strategy which establishes grassroots networks among NSRI survivors, service providers, and other civil society leaders, in order to build community capacity for developing survivor-led, evidence-based solutions to GBV
- Provides tools, training and resources and develops national and regional strategy plans



## KEY LEARNINGS?

- **WHAT DOES LEADERSHIP LOOK LIKE?**
- **WHAT IS STRUCTURAL SAFETY/HEALING?**
- **HOW DO WE STRENGTHEN SHARED RESPONSIBILITY AND ADVOCACY**



**OCASI**  
Ontario Council of Agencies  
Serving Immigrants

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## Resource Links

- Battered Women's Support Services <https://www.bwss.org/>
- Butterfly – Migrant Sex Workers Network <https://www.butterflysw.org/>
- Community Legal Education Ontario (CLEO) Steps to Justice <https://stepstojustice.ca/>
- Canadian Council for Refugees [https://ccrweb.ca/en/violence\\_against\\_women\\_resources](https://ccrweb.ca/en/violence_against_women_resources)
- Ending Violence—Association of BC. <https://endingviolence.org/>
- Migrante Canada <http://www.migrante.ca/>
- Migrant Workers Alliance for Change <https://migrantworkersalliance.org/>
- No One Is Illegal –Vancouver, Toronto, Ottawa, Montreal <https://www.nooneisillegal.org/>
- Ontario Council of Agencies Serving Immigrants <https://ocasi.org/gender-based-violence>
- OK2BME-LBGTQ+ Immigration <https://ok2bme.ca/resources/outside-of-canada/canadas-laws/>
- South Asian Legal Clinic of Ontario – End Forced Marriage Project <https://salc.on.ca/forced-marriage/>
- YWCA Metro Vancouver-Mothers without Status <https://ywcavan.org/advocacy/mothers-without-legal-status>

## Glossary – Federal Agencies

- **CANADA BORDER SERVICES AGENCY (CBSA):** A federal law enforcement agency that is responsible for border protection and surveillance, immigration enforcement and customs services in Canada.
- **IMMIGRATION AND REFUGEE BOARD (IRB):** The tribunal responsible for making decisions on immigration and refugee matters.
- **IMMIGRATION, REFUGEES AND CITIZENSHIP CANADA (IRCC):** The federal department responsible for administering who enters Canada, the protection of refugees, granting citizenship, and immigrant settlement.

## Glossary – Immigrant Categories

- **MIGRANT:** A person who changes their country of residence, irrespective of the reason for migration or status.
- **PERMANENT RESIDENT:** A person who has been issued a permanent resident card but is not yet eligible to become or has not yet become a citizen.
- **TEMPORARY RESIDENT:** A person who is not a citizen and is in Canada with some form of temporary status, including tourists, students, and temporary foreign workers.
- **NON-STATUS:** A foreign national who entered Canada without a permit or whose permit has expired.

## Glossary – Humanitarian Categories

- **REFUGEE/CONVENTION REFUGEE** – a person who is forced to flee from persecution and who is outside of their home country AND meets the refugee definition in the 1951 Geneva Convention relating to the Status of Refugees.
- **RESETTLED REFUGEE:** A Convention Refugee who is sponsored by the Canadian government, an individual or group to immigrate to Canada.
- **REFUGEE CLAIMANT:** A person who has applied to remain in Canada as a Convention Refugee and who has not yet received a decision from the IRB.
- **HUMANITARIAN & COMPASSIONATE APPLICATION:** An application for permanent residents based on humanitarian considerations. For example, someone who has settled in Canada, has ties to Canada, is facing domestic violence, has a Canadian child they are supporting).



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