



IMMIGRANT, REFUGEE AND NON-STATUS WOMEN AND VIOLENCE AGAINST WOMEN IN RELATIONSHIPS¹

This document is intended to stimulate discussion about this issue—it is not meant to be definitive. Our program is located in British Columbia and the resources listed are specific to Canada.

BACKGROUND

COMMUNITY COORDINATION FOR WOMEN'S SAFETY: WHO WE ARE

Community Coordination for Women's Safety (CCWS) focuses on improving intersectoral coordinated responses to violence against women at the local, regional and provincial levels; our priorities are rural and isolated communities, and women who face particular discrimination. CCWS is a program of the BC Association of Specialized Victim Assistance and Counselling Programs. For more information, go to www.endingviolence.org and click on our name.

WHY CCWS PRIORITIZES WORK WITH IMMIGRANT, REFUGEE AND NON-STATUS WOMEN

We believe that all women deserve equal access to services when they have experienced violence. Our work focuses on rural, remote and isolated communities, and women who face particular discrimination in those communities, including Aboriginal women, women of colour, immigrant women, low-income women, women with disabilities, lesbians, transgender women, older women and young women.

Immigrant, refugee and non-status women may have limited or no access to services because of lack of services for women in languages other than English, lack of legal status in Canada, societal attitudes such as racism, etc. (Please see resources below for more information.) We believe that coordination of services for abused women is essential for an effective response to violence. To that end, we have been working to increase cooperation and collaboration among various sectors that are involved in responding to immigrant, refugee and non-status women who have been abused.

CCWS WORK TO DATE ON THESE ISSUES

Since the start of the program in 2001, we have used a number of approaches to encourage coordination and action on violence against immigrant, refugee and visitor women.

- We provide information and training for local coordination initiatives to help them address violence against immigrant, refugee and visitor women.
- In 2003 we coordinated a focus group of women of colour who work as front-line advocates with immigrant, refugee and visitor women. The purpose of the meeting was to provide an opportunity for connection and support between these advocates, as well

¹ *This document is for general information only. It is not intended to be, and cannot be relied upon, as legal advice.*

as to get feedback on key issues arising in their work. A summary of the key issues from that focus group was presented to our provincial Working Group. This provincial level coordination initiative is made up of senior police and RCMP members, provincial and federal justice officials, major provincial non-profit organizations that represent women's services and members of the civil and criminal bar. It also includes members who represent women with disabilities, Aboriginal women and immigrant, refugee and visitor women. Working Group members provide technical expertise and liaison between their sector and the project. Specific local or regional concerns that have broader implications are also considered by the Working Group. Members of the Working Group spent time working on action plans for the identified issues. They identified key action areas, at the same time identifying the gap in their knowledge about specific provincial and federal policies that are causing barriers to immigrant, refugee and visitor women experiencing violence.

- We have had some indications of interest from Immigration Canada to work together and are exploring some possibilities such as a process for coordination between the Immigration Board, Criminal Justice Branch and others.
- In March 2006 we consulted with a number of experts (Vancouver and Lower Mainland Multicultural Family Support Services, Elizabeth FRY Society of Prince George, Battered Women's Support Services) regarding current policy issues and gaps that affect immigrant, refugee and visitor women who have been abused. The information gathered in this consultation will help guide our future work in this area.

DEFINITION OF TERMS

Immigrant

An immigrant is someone who moves to Canada intending to stay permanently. Immigrants come from all over the world: Asia, Africa, Europe, North or South America, the Pacific Islands, etc. Immigrants can be white or people of colour, speak English, French or another language as a mother tongue (*Fact Sheet on Immigrant and Refugee Women*, Canadian Research Institute for the Advancement of Women [CRIAW], 2003). For more legal information on immigrant status, please see the resources listed below.

Refugee

According to the Refugee Protection Division of the Government of Canada, a refugee is either a "convention refugee" or a "person in need of protection." A convention refugee is someone who fits the description in the *United Nations Convention Relating to the Status of Refugees*: "persons who are outside the country of their nationality and have a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group." People in need of protection are "persons whose removal to their country of origin would subject them personally to a danger of torture, a risk to their life, or a risk of cruel and unusual treatment or punishment." For more information, see the Refugee Protection Division website:

www.irb-cisr.gc.ca/en/media/infosheets/rpdfacts_e.htm.

Permanent Resident

From *Immigrant Women and Domestic Violence* (Community Legal Education Ontario, 2005)
A permanent resident is an immigrant or a protected person who has been granted permission to live in Canada permanently. Permanent residents are sometimes referred to as “landed immigrants.” They can apply to become Canadian citizens.

Non-status

From *Non-status Women in Canada: Fact Sheet* (Metropolitan Action Committee on Violence Against Women and Children [METRAC], 2004):

Reasons Why People Don't Have Status in Canada

- Women who come to Canada and marry Canadian citizens or permanent residents but are never sponsored by the spouse and remain in visitor status. Once their visitor status expires they become illegal and because they do not have a sponsor they would have to leave the country.
- Many people come into Canada with a temporary resident permit. If they overstay their permit they become non-status. Some people have been in Canada without status for 10, 20 or more years. Some have been here since they were small children and are completely unfamiliar with their country of origin to which they are at risk of being deported.
- Many people make a refugee claim which is rejected, but prefer to stay illegally rather than to return to an uncertain future, or even death.
- Many women come to Canada legally (sponsored by an employer, spouse or family member), but then find themselves in an abusive relationship with their sponsor. If they escape before receiving permanent resident status they might become non-status.

SOME POSSIBLE FACTORS AFFECTING THOSE WHO EXPERIENCE VIOLENCE IN RELATIONSHIPS OR SEXUAL ASSAULT

Immigrant, refugee and non-status women's experiences can differ depending on various factors. Identification and exploration of these factors can help community-based and systems-based responders to work with individual women, and can also guide discussion of changes to policy and procedure on a regional or provincial level. This document is meant as a companion to the diagram with the same title.

The Common Denominator: A woman comes to Canada from another country...

Where does she come from?

Women come to Canada from many different countries. The following questions in this document break down some of the reasons why country of origin is an important factor in determining how a woman will be treated in Canada.

In the third quarter of 2005, 75,951 new permanent residents landed in Canada. China remained the top source country (11,161), followed by India (9,142), the Philippines (5,353), Pakistan (4,188) and the United States (2,514).

--*The Monitor*, Immigration Canada, 2006 Issue 1

What race is she?

Racism is a fact of life in Canada, both historically and currently, and has had painful negative effects on immigrants of colour—and, of course, on Canadian-born people of colour. Since immigration began to Canada, East Asian, South Asian and black immigrants, as well as other groups, have been excluded or limited at various times (see *A Hundred Years of Immigration to Canada, 1900 - 1999* in the Resources section below) and immigrants who have managed to get into the country have often experienced racist violence and discrimination. At various times in history, not only people of colour, but also some white immigrants have been “racialized”—i.e. stereotyped in a racist manner. In the past, white racialized immigrants have included Jewish and Irish immigrants, as well as French Canadians.

Most current immigrants and refugees in Canada are people of colour. Urban centres and many rural areas have increasing populations of non-white people, and yet racist attitudes are still prevalent and are likely to have an impact on the response to abused women of colour. People are stereotyped and discriminated against in varying ways, depending on their (perceived) race and country of origin.

Racial discrimination in housing is well documented. Jamaican and Somali immigrants had particular difficulties in finding rental housing, because of perceptions of landlords toward these groups.

--*Women's Experience of Racism*, CRIAW, 2002 (this statistic is from a study done in Toronto in 2001)

What was her status in her country of origin?

A woman may have had a very different status in her country of origin than she does in Canada. For example, she may have had a high paying professional job in her country of origin but not in Canada. She may not have experienced racism in her country of origin; her racial group may have had power over other groups in her country of origin but be discriminated against in Canada. A woman may also have had few freedoms and privileges in her country of origin and may be unaware of her increased options in Canada.

Does she speak English?

In BC, an immigrant who does not speak English at least at a functional level is at a severe disadvantage, particularly if she does not live in a community with many others who speak her language. For example, an immigrant who speaks only Cantonese would have a much

easier time functioning in Vancouver, where there is a large Cantonese-speaking community, than in Trail, for example. A woman who is not fluent in English will be less able to access services if she is abused. If interpreters are involved, this can add another barrier, particularly if service providers use family members as interpreters.

How much money does she have?

Access to funds determines a woman's eligibility to immigrate in the first place. Once in Canada, as with any person, an immigrant or refugee woman will face serious barriers if she does not have sufficient funds to support herself. Women who come to Canada without legal status will have difficulty accessing funds at all unless they have money of their own.

Over half or nearly half of some racialized groups of women in Canada are living in poverty: 52% of women of Arab/West Asian (Middle Eastern) ancestry, 51% of women of Latin American ancestry, and 47% of Black women and 43% of Aboriginal women live in poverty. In the case of the first two groups, recent immigration may be a factor.

--*Women's Experience of Racism*, CRIAW, 2002

What is her legal status in Canada?

A woman who comes to Canada from another country may be a refugee, a visitor, a student, a live-in caregiver, a temporary worker, a permanent resident, an immigrant or a citizen (once she has acquired citizenship). She may also have no legal status.

Between 1995 and 1998, the number of individuals seeking refugee protection in Canada hovered at roughly 25,000 a year. Beginning in 1998, however, this number increased, peaking at 44,485 in 2001. In subsequent years, the number began to decline, falling to 25,485 by 2004, back to the number of refugee claimants seen before the peak.

--*The Monitor*, Immigration Canada, 2006 Issue 1

Why are non-status women at high risk of experiencing violence?

- They have very limited access to information, counselling, and other social services, if any.
- They cannot call the police in an emergency without putting themselves at risk of deportation, as the police have authority to arrest or detain someone on behalf of Immigration.
- If her partner is charged with assault this could lead to devastating consequences for her.
- They cannot easily access medical services.

--*Non-status Women In Canada: Fact Sheet*, METRAC, 2004

Reasons why people don't have status in Canada

- Many people come into Canada with a temporary resident permit. If they overstay their permit they become non-status. Some people have been in Canada without status for 10, 20 or more years. Some have been here since they were small children and are completely unfamiliar with their country of origin to which they are at risk of being deported.
- Many people make a refugee claim which is rejected, but prefer to stay illegally rather than to return to an uncertain future, or even death.
- Many women come to Canada legally (sponsored by an employer, spouse or family member), but then find themselves in an abusive relationship with their sponsor. If they escape before receiving permanent resident status they might become non-status. *

--*Non-status Women In Canada: Fact Sheet, METRAC, 2004*

**In addition to the above scenario many Women who come to Canada and marry Canadian citizens or permanent residents but are never sponsored by the spouse and remain in visitor status. Once their visitor status expires they become illegal and because they do not have a sponsor they would have to leave the country.—CCWS*

Have her people ever been restricted/prevented from immigrating to Canada?

Has her country been considered an ally or an enemy?

What is her country's historical relationship to Canada?

How long is the history of immigration from her country?

Here, in a few examples, we can see how situations shift over time. In 1885, the Chinese "head tax" came into effect: Chinese immigrants had to pay \$50 (later raised to \$500) to enter Canada. In 1914, the Komagata Maru, a ship carrying passengers from the Punjab, mainly Sikhs, was turned away from Vancouver and forced to return to India. From 1923-1947, legislation barred Chinese immigrants altogether. Before and during World War II, Jews fleeing the Nazis in Europe were prevented from entering Canada. At the same time, German immigrants in Canada and German-Canadians (including Jews) experienced discrimination and harassment because Canada was at war with Germany. In 1942, Japanese Canadians were expelled from the Pacific Coast and many were interned.

In 1999, four boats carrying Chinese passengers arrived off the coast of BC. Most of the passengers were kept in long-term detention and some were prevented from making refugee claims. Currently, immigrants who are Muslim (or who are perceived as Muslim) have experienced higher levels of discrimination since 9/11. (This anti-Muslim sentiment has also affected Canadian born people who are perceived as Muslim.)

What is her educational background?

A woman's education level will affect her access to resources in Canada—in general, the more formal education that she has, the better able she will be to access resources and support. Some women may come to Canada with little or no formal education and low literacy levels; others may have formal education that is not recognized in Canada.

Canada's immigration system divides people into classes: If you have enough money, you can buy your way in under the investor class. Most women enter Canada as sponsored immigrants, which means that they are financially dependent on their sponsors, usually their husbands, for a period of ten* years. It means they do not qualify for many social services or programs. It gives husbands and other sponsors a huge amount of power over women, who can be abused and threatened with deportation if they complain. Many women do not know their rights. --Women's Experience of Racism, CRIAW, 2002 *As of 2002 the period has been changed from ten years to three years. --CCWS

How are her people stereotyped in Canada? (Violent, primitive? Taking over? Hard working? Friendly?)

Not all immigrants are stereotyped in the same way. Asian immigrants are often stereotyped as hard working and ambitious while South American immigrants might be characterized as opportunistic "Colombian" drug dealers. There is a tendency in Canada to assume that people of colour, particularly certain immigrant groups, are more violent than white Canadians, that they are more likely to engage in gang violence or to have high rates of violence against women in relationships. These and other stereotypes can create barriers to abused women receiving effective support. (See resources listed below for more about how racism affects perceptions of violence against women.)

What are her job options in Canada?

Certain immigrant groups are often channelled into certain positions. Job options are also limited by legal status, lack of English skills, lack of literacy or formal education, racism and other factors.

Are there many others from her country in Canada? Is there a strong community?

Depending on where an immigrant woman lives in Canada, she may have a strong community. The community can provide an informal support network as well as services that are language and culture specific. If a woman does not have contact with a strong community this can increase her isolation. If her abuser is a leader in her community or has a lot of support in the community, the community may not be a supportive place for the woman. This will vary depending on the individual situation.

The Common Denominator: An immigrant/refugee/non-status woman experiences violence...

How do responders react to the woman and the abuser?

Many factors determine how responders such as police, counsellors, Immigration officials, victim services, etc react to a woman who has been abused and to her abuser. These factors include responders' attitudes towards certain racial groups or nationalities, familiarity with relevant issues and resources, etc. Responses will also be affected by the woman and/or the abuser's ability to speak English as well as other aspects of their experience explored above.

What is the abuser's background?

How familiar is the woman or the abuser with Canadian laws, resources and culture?

When an immigrant/refugee/non-status woman is abused, response to her situation will be affected by the identity of the abuser. Many factors may increase the power that the abuser has to control the woman and limit her access to resources: his race, citizenship, English skills, class, knowledge of Canadian laws and resources. The more information and skills a woman has, the more ability she will have to access support and safety.

What is the woman's experience with authorities in her country of origin?

Many people who come to Canada have fled countries in which police and military regularly assault civilians. It will be difficult for a woman from one of these countries to trust that authorities will help her if she has been assaulted, particularly if she has experienced discrimination in Canada or has heard that the Canadian justice system often discriminates against immigrants/people of colour.

[R]acialized women may be reluctant to call police in cases of domestic assault out of loyalty to their family and community, not wishing to fuel racist stereotypes about their community, or to subject themselves or family members to a racist system. Refugees from places in which police forces, military and the government were involved in violence against civilians, including organized or systemic rape of women, may have no trust in systems of authority... In Canada, you are more likely to be sent to jail if you are poor or racialized.

--*Women's Experience of Racism*, CRIAW, 2002

Given all these factors...

Clearly, women who come to Canada from other countries have diverse and complex experiences. It is our hope that through coordination and collaboration, responders can improve services for all women who have been abused. Any feedback on this document is appreciated.

RESOURCES

This is a selection of some of the most recent Canadian resources online.

Assisting Immigrant and Refugee Women Abused by Their Sponsors: a guide for service providers. Katrina Pacey. BC Institute Against Family Violence. 2003
www.bcifv.org/pubs/Assisting_Immigrant_Women.pdf

Fact Sheet on Immigrant and Refugee Women. Canadian Research Institute for the Advancement of Women (CRIAW). 2003. http://www.criaw-icref.ca/indexFrame_e.htm

Fact Sheet on Women's Experience of Racism. CRIAW. 2002.
www.criaw-icref.ca/indexFrame_e.htm

Not Yet Home Free: Immigrant/Refugee Women and the Immigration and Refugee Protection Act. Patricia Harewood. Education Wife Assault. 2004.
www.womanabuseprevention.com/html/Newsletter/Not_Yet_Home_Free.htm

Intersecting Inequalities: Immigrant Women of Colour, Violence & Health Care. Yasmin Jiwani. Feminist Research, Education, Development and Action Centre. 2001.
www.harbour.sfu.ca/freda/articles/hlth.htm

Non-status Women in Canada: Fact Sheet. Metropolitan Action Committee on Violence Against Women and Children (METRAC). 2004. www.metrac.org/new/nonstatuswomen.pdf

Immigration and Refugee Fact Sheets at Community Legal Education Ontario: a number of fact sheets on legal issues, including those specific to women who have been abused.
www.cleo.on.ca/english/pub/onpub/subject/refugee.htm

A Hundred Years of Immigration to Canada, 1900 - 1999: A Chronology Focusing on Refugees and Discrimination. Janet Dench, Canadian Council of Refugees. 1999.
<http://www.web.net/~ccr/history.html>

For Immigrant and Refugee Women: Basic Immigration Issues Related to Woman Abuse. Kristin Marshall. Ontario Women's Justice Network (OWJN). 2005. www.owjn.org/info/imm-issues.htm

OWJN also has a whole series of documents on legal issues for immigrant, refugee and non-status women. Go to the "Legal Info" page on www.owjn.org.

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