

## Safety for Immigrant, Refugee, and Non-Status Women

### A Summary of the Focus Groups

April 2009

#### A. Introduction

The objective of the Safety for Immigrant, Refugee and Non-Status Women Project is to address serious policy gaps or problems that compromise the safety of refugee, immigrant, and non-status women who experience violence.

Building on existing research, we collected information pertaining to public policy and practice issues. Some of this information had already been gathered by EVA BC as part of a consultation with immigrant serving organizations in 2003. At that time, we had a roundtable discussion with immigrant women of colour working as frontline advocates for immigrant, refugee, and non-status women. We also invited the Philippine Women's Centre, Vancouver and Lower Mainland Multicultural Family Support Services, MOSAIC, the Prince George Elizabeth Fry Society and Battered Women's Support Services as well as a prominent immigration lawyer to provide us with written submissions on policy issues impeding the safety of immigrant, refugee, and non-status women experiencing violence. We received written submissions from three of the six invitees: Vancouver and Lower Mainland Multicultural Family Support Services, the Prince George Elizabeth Fry Society and Battered Women's Support Services. The findings of our 2003 consultation were incorporated into our materials for the current project. Complete copies of the 2006 submissions: Community Coordination for Women's Safety, "Analysis of Policies Affecting Immigrant, Refugee and Visitor Women Who Experience Violence," BCASVACP, 2006, can be requested from the EVA BC office. Summaries of the issues raised can be found on our website: [www.endingviolence.org](http://www.endingviolence.org).

To build on the foundations we laid in 2003, we conducted a cross-jurisdiction and cross-sector scan of more recent work being done to address immigrant, refugee and non-status women's issues. A literature review of relevant writings on violence against immigrant, refugee, and non-status women in Canada and elsewhere set the context and guided our questions. The Literature Review can be accessed on the EVA BC Website. We have also collected and analyzed demographic information using Statistics Canada's 2006 Census data in order to understand the backgrounds of key communities in BC.

We organized four focus groups with service providers in key communities with significant populations of immigrant, refugee and non-status women in BC: in Vancouver, Victoria, Kelowna, and Prince George. In addition, another focus group was organized for the Law Foundation's projects that are currently working on issues related to immigrant and refugee women. Frontline workers from the anti-violence and settlement sectors were invited to discuss issues of common concern among their clientele of immigrant, refugee, and non-status women who have experienced violence. We discussed the nature of the problems and risk factors particular to these groups, as well as suggestions for actions to improve existing services, and ways to promote the development of other relevant and appropriate services and policies. The main purpose of the focus groups was to verify the findings of our 2006 consultation and the 2008-09 researches and literature review.

After this phase of consultation, we will develop policy backgrounders containing legal analysis and suggested solutions on key topic areas to present to policy makers. We will also produce materials for workers in anti-violence, legal and immigrant-serving agencies, to assist them in supporting women who face these barriers.

We thank all the focus group members for sharing their time and expertise.

## B. Overview

The focus groups were well attended by representatives from the anti-violence and settlement sectors. We organized the five focus groups with service providers in communities with significant populations of immigrant, refugee, and non-status women. These included representatives from Stopping The Violence Counselling, Stopping The Violence Outreach and Multicultural, Community-Based Victim Assistance, Crisis Centres, Sexual Assault Centres, Transition Houses, Safe Homes, Settlement Services: English Language Services for Adults (ELSA), and Settlement Workers in Schools (SWIS) programs.

The focus groups were divided to reflect the regions as defined by the EVA BC website.

<b>February 10, 2009</b>	A focus group with other Law Foundation immigrant women projects
<b>March 3, 2009</b>	Prince George (North Coast, North Central and Northeast regions)
<b>March 5, 2009</b>	Victoria (North and South Vancouver Island)
<b>March 10, 2009</b>	Kelowna (Interior, Okanagan, East and West Kootenay)
<b>March 23, 2009</b>	Vancouver (Lower Mainland and Fraser Valley)

We identified facilitators in the selected communities to co-facilitate the focus groups with the support of, and in coordination with, the Lead Coordinator. Letters of invitation were emailed to a larger group of service providers in the anti-violence and settlement sectors to ensure a good representation from these sectors. An Overview Document containing some background information and information on issues identified in the research was emailed to participants upon confirmation of their attendance for the focus groups. These issues were used as discussion points in the focus groups. A copy of the Overview Document is attached to this Summary as Appendix A.

Each of the focus groups adhered to a similar format to ensure consistency of the information collected. In addition to the discussion points/issues raised in the Overview Document, the following questions guided the discussions at all the focus groups:

- Are there any contextual issues (case scenarios) that need to be noted in this section that we have left out in the Overview Document?
- Are there practices and policy issues that we may not have raised?
- Do you have any suggestions based on your own experience in terms of how the recommendations in this section might best be implemented?

A written survey was also designed to further complement the discussions of the focus groups. The overall feedback that we received from the survey confirmed that the focus groups provided new insights into the issues. A majority of participants were hopeful about impacting policy changes, which was the main focus of this project. The results of the survey affirmed that the following were very significant factors in affecting the safety of immigrant, refugee and non-status women:

- Slow criminal/legal process in dealing with reports of abuse;
- Inadequate training for police, Crown, victim services and religious communities;
- Difficulty navigating the immigration legal system;

- Putting the immigration/application status at risk;
- Inadequate interpreter services, including for legal services;
- Inadequate information regarding Canadian laws, rights and services;
- Inadequate coordination among victim services, immigration, settlement, legal and criminal services;
- Reluctance or fear of obtaining protective orders;
- Being financially dependent on the abusive spouse or partner;
- Burden of sponsorship debt;
- Inadequate financial and social assistance for victims;
- Lack of funding for services;

### C. Key Issues & Findings

The following five key issues were identified in our Overview Document as important policy priorities in ensuring safety for immigrant, refugee, and non-status women: immigration, sponsorship, cultural competency, settlement and the legal system. All the focus groups verified our findings and supported the recommendations we had outlined. As well, they provided specific case scenarios demonstrating additional gaps or barriers that persist for this particular group of women. We are aware of the recent changes to legal aid as it relates to immigration issues. These changes were reflected in our Overview Document.

Here is a summary of the major issues, case scenarios and recommendations shared by the focus group participants. In the Summary, the information is categorized to provide a snapshot of the dialogue and the issues raised during focus group discussion. There is some repetition of the issues and information that is contained in this document, as it outlines the discussions during the focus groups.

To start, the groups identified additional issues of concern not identified in the Overview Document provided to them, although there was some overlap between these and the Overview Document concerns.

Additional issues raised by focus group participants:

- Health care;
- Funding for service providers;
- Collaboration and coordination between immigration, settlement and the anti-violence sectors;
- Information regarding women's rights, responsibilities and the law;
- How to support women who arrive in Canada, especially refugees, who have experienced trauma prior to their arrival;
- Language capacity of service providers;
- Specific refugee trauma;
- Preparing women to talk about sponsorship concerns in front of their husbands;
- Training and supports for human trafficking;
- The term "non-status" has Aboriginal reference. Is this term being used correctly?

Additional gaps and barriers identified included:

- a) Insufficient counselling services to ensure that women remain safe from the abuse and their abusers;
- b) Conflict between service providers and agency mandates
  - a. Settlement workers
  - b. ESL teachers
  - c. Addressing abuse in schools, settlement agencies or ELSA programs;
- c) Inconsistency in the provision of services among service providers, i.e. welfare office, BC Housing, which cases will be approved;
- d) Inconsistency of immigration information and accessibility to that information;
- e) Lack of assistance to women who write to CIC about the abuse they endure:
  - a. Inconsistent advertising of available services;
  - b. Insufficient access to Legal Aid, small number of lawyers doing pro-bono;
  - c. Lack of understanding of the legal system is a drawback;
  - d. Migration to different provinces with different information and different systems;
  - e. Senior clients facing abuse.

**Focus group participants shared case scenarios during discussions to provide tangible examples of situations their clients face.**

#### **Case scenarios**

- The sponsor is responsible for the medical care of the woman, and he will receive a medical bill. This informs him of her whereabouts and increases her safety risk.
- When a woman migrates to Canada, she is too excited to pay attention to certain details such as her documents, which do not seem too important at that time. Often the documents go to the person who picks them up, and she/he could have a language barrier as well.
- Sometimes, when a woman comes to Canada, she assumes that her sponsor will complete the paperwork to obtain her landed status. Often the sponsor never makes an application so that the woman is left without any status for a long time.
- If a woman is in an abusive relationship within the first 3 months of her arrival in Canada, her sponsor has all her documents and she has no paperwork to prove her status and thus cannot access information and services. This jeopardizes the woman's safety. During the first 3 months – documents i.e. SIN card, MSP card are in the process of being acquired and if the woman cannot return to her sponsor, there is little that is in place for her.

### **1. IMMIGRATION**

#### **a. Categories of Women Not Adequately Protected by Current Definitions in Immigration Process**

Non-status immigrant women include:

- Live-in caregivers, women who come to Canada in the nanny category – after marrying they give up their nanny status. In cases where they experience violence – they have to apply as refugees;

- Expedited Labour Market Opinion (ELMO);
- Working holiday students;
- Short-term work permit workers also have non-status issues.

These women are not just temporary visitors to Canada, because they plan to stay. To understand their immigration reality is to see immigration as more of an issue of process, a stage-by-stage application, and not just a single moment of status vs. non-status.

International students are often unprotected if they experience abuse. Their needs are not met by agency mandates because they are non-status. Teachers in private schools, often men, are very reluctant to approach the topic.

## **b. Unclear Definitions**

Some definitions are unclear; for example, refugees and refugee claimants are different from government-sponsored refugees. Furthermore, refugees differ from asylum-seekers in their legal status. Even within the asylum-seeker category there is a difference between asylum-seekers applying from within Canada, compared to those from outside Canada.

Confusion is prevalent even for government-sponsored refugees; for example, they may have access to certain extra services during their first year and then access to far fewer in the years to come.

### **Recommendations**

Definitions of each category of immigrant, refugee and non-status women need to be set for the purpose of clarity and consistency across the system.

Specification of services offered to each different category within the immigration system need to be set, again for the purpose of clarity and consistency across the system.

## **c. CIC (Citizenship and Immigration Canada)**

There is a lack of consistency around the information provided by CIC staff that results in the onus being on the clients to check out the information for themselves via phone or a visit to the agency office.

The current practice verifies only the potential sponsor's financial situation. There is no process currently in place to check if the potential sponsor has a history of abuse, except for processes in place to check into criminal convictions, or if other sponsorship breakdowns have occurred with this sponsor, or if this particular sponsor is sponsoring multiple women.

There is a lack of privacy and the hours of operation of the CIC office only meets the desires of the staff and not the needs of their clients. Some programs are no longer available or available for certain clients only, although information regarding programs/resources is advertised as being available for all. The information is outdated and it misinforms the clients of the services of CIC.

### **Recommendations**

There should be a more formal process for individuals who wish to become sponsors.

There is a need for better cross agency communication to help the women navigate the system.

CIC needs more education on where there are gaps in the laws, which can put women in situations that threaten their safety and well-being.

CIC needs to provide correct information, especially to settlement workers, as it is currently a tedious and time-consuming process to check for the latest information electronically.

CIC needs in-service training to be more aware and more sensitive in handling the needs of immigrant, refugee and non-status women.

There is a need for the anti-violence and settlement sectors to work with the CIC.

There was also a suggestion that CIC should create a user-friendly form that the women can fill out to express why they want to remain in Canada. It should be a holistic approach service delivery model that is “fast tracked.”

CIC should develop a policy to protect women who, as a result of a relationship breakdown, are taken out of the refugee claim process and left in legal limbo. To help refugee women in these situations, as well as abused women applying for humanitarian and compassionate grounds to stay in Canada, CIC should develop a protocol to offer legal information about how to navigate the immigration and legal systems.

CIC should also consider abuse as grounds to guarantee landed status to women who report it, on the basis that it is a life-threatening situation.

#### **d. IRPA (Immigration and Refugee Protection Act)**

The IRPA is the policy framework for identifying and selecting refugees overseas.

The Refugee Protection Division decides claims for refugee protection made by persons in Canada. It also makes decisions on loss applications regarding refugee protection status.

Citizenship and Immigration Canada (CIC) is responsible for filing these applications and deciding refugee protection claims made outside Canada, in Canadian embassies and consulates.

### **Recommendations**

There is a need to focus on the implications of the IRPA, as this framework has changed; yet the resources and programs available through it have not changed.

It would be helpful to include more explanations and definitions of IRPA.

There is a separate protocol to deal with statelessness, which was not covered, in depth during the focus groups. For more information on statelessness — please see **Statelessness in Canada: An introduction**.

<http://www.ccrweb.ca/stateless.htm>

#### **e. Interpreters**

Government-funded interpreters and translators are important for all the key services where women seek assistance and language is a barrier.

The Provincial Language Service is a government contract across British Columbia. It was argued that these interpreters do not always have the clinical language training to be effective in cases involving violence against women and legal issues.

Neighbours and family members are not appropriate individuals to provide interpretation, as they often do not understand the complexity of confidentiality issues.

Workers face the difficulty of filling out forms for some immigrants who do not understand the implications of the translated text.

### **Recommendations**

Language capacity needs to be built and language barriers reduced in order to improve services for women seeking assistance.

Having a settlement worker accompany the woman to her first appointment with immigration would be beneficial and if an interpreter is needed then the settlement worker will arrange it.

There are now more service providers with employees who speak various languages, and this skill set should be developed. Training should be made available to these employees to ensure consistent interpretation of legal protocols.

Over the phone interpretation is a positive way to increase the reach of services to women seeking assistance, but it can be frustrating to use a telephone system when it involves complicated options.

If both spouses are signing a document, there needs to be a representative there to explain to the woman what she is signing. The woman needs to know that she can retain a copy of the documents in her language before she arrives in Canada, as well as leave a copy with her family and/or a friend.

### **f. Finances**

Even among permanent residents, the head of a family is assumed to be a man, and he receives cheques such as the Goods & Services Tax returns and Child Tax Benefits for the entire family.

Immigration Loans Program (ILP) is funded from the federal government's Consolidated Revenue Fund. Loans are largely given to government-assisted or privately sponsored members of the Convention Refugees Abroad, Country of Asylum and Source Country classes. The loans may be approved to pay for:

- the costs of medical examinations abroad;
- travel documents; and
- transportation to Canada.

Assistance loans are also available to newcomers to cover expenses such as housing rental, telephone deposits and work tools.

Interest is charged on ILP loans. The interest rate is set each January by the Department of Finance.

Resettlement Assistance Program is provided by the Government of Canada to Convention Refugees Abroad and members of the Source Country Class, and in some instances, members of the Country of Asylum Class who have been identified as Joint Assistance Sponsorship (JAS) cases, admitted to Canada as government-assisted refugees. These funds are given to help pay for



- meeting the refugee at the airport or port of entry;
- temporary accommodation;
- help in finding permanent accommodation;
- basic household items; and
- general orientation to life in Canada.

This money is also used to provide the refugee with income support for up to one year or until that person becomes self-sufficient, whichever comes first.

Refugee claimants are expected to work, but are not eligible for child tax benefits (often only after 18 months).

See CIC's website: <http://www.cic.gc.ca/english/refugees/outside/resettle-assist.asp>

**Recommendations**

Government cheques should be issued to both husband and wife. This could provide financial support to the woman in the case of an abusive relationship.

Childcare subsidies make it possible for women to seek and obtain work, as it assists them with their expenses. Childcare should be considered as a related issue to immigration and work.

**g. Transportation loans**

These loans are available as part of the Immigration Loans Program (ILP) – see above.

In cases of separation, women get stuck with the repayment of this bill – it is among the hidden payment burdens.

**Recommendation**

Loans and other financial burdens should be kept separated as well.

See CCR website, “End the burden of transportation loans!”

<http://www.ccrweb.ca/transportationloans.htm>

**h. Settlement Issues**

Settlement issues and other deciding factors are dependent on the officers in charge of processing the applications and their decisions are often arbitrary.

**Recommendations**

There should be policies to make sure that application decisions are based on a set of standard criteria that are consistently applied.

There is a need for more outreach and home visits to make sure that immigrants/refugees are settling in well. Participants acknowledged that meeting this need is difficult for programs, as they are already strapped for funding, but agreed that it would be ideal for their clients.

## **i. Public Education**

Public education is absolutely critical, as both leaving and not leaving an abusive relationship may result in the death of women and children.

Issues/concerns that need to be addressed by public education include:

- Racist labeling and representation in the mainstream media, particularly for South Asians. It is difficult for women to come forward when there is so much backlash going on in their communities. Systemic patriarchy is also a major cultural factor in many communities.
- In some instances women come forward but later back out and it is important for the system to understand the reasons why. Often cultural considerations dominate the woman's choices. She wants the violence to stop but does not want to end the relationship. It is important to be aware that in many communities, including the South Asian community, there are many different cultures. It is important to acknowledge differences in cultural backgrounds when determining the best path of support for each woman. The age group of the woman is important as well.
- Immigrant women often do not have many choices about the situation that they find themselves in and service providers have to be understanding of that. For many immigrant women, their families dominate their choices or strongly influence their decisions.
- Sometimes women are coming from nations where they were denied rights before they migrate to Canada. The immigration could have been against their will; they could have been forced to marry or even sold.
- A comment was made that it is not just husbands that are the abusers. Other family members can be perpetrators of abuse as well.
- Asian women often come as visitors. While their immigration application is in the process, they have no rights to stay in the country if their sponsor reneges.
- In some cases, the sponsoring person has no idea as to the amount of work involved in sponsoring someone.

### **Recommendations**

There should be more public education, cross-sector workers' education and further education and training within the immigration and welfare agencies on the dynamics of violence against women.

More information needs to be made available to those who have to use legal services. Language can be a barrier, so this information may require the assistance of interpreters.

There is a need for more creative ways for women to get together to deal with the situation that involves the stigma around the abuse and establishing safety. It is important to acknowledge cultural and other differences in generating alternative ways of networking to access a safe environment where women can speak freely about these issues.

Men need to be educated and not left out of this dialogue.

Sponsors and those being sponsored need to be educated about the realities of what sponsorship entails.

## **j. Coordination**

The immigration process is complex particularly when abuse is involved. The process will engage multiple sectors.

At present, there is limited coordination between these different bodies/portfolios, which puts the onus on the woman to negotiate between them. Often this results in gaps in her overall service, as women face barriers to access and to understanding of the system; cultural competence, language barriers, etc.

### **Recommendations**

CIC, settlement agencies, schools, transition housing, and legal services need to get together at the same table. One example is the former Vancouver Coordination Committee that did this work.

Participants agreed that a possible solution to improve services for the women is to create partnerships between settlement workers and those who work in immigrant serving agencies. If agencies work together and do not duplicate the work they do, it would result in roadmaps, not roadblocks, being developed and executed.

The need to employ the “wrap around” model of services for women was shared. This is where the woman, and all the workers involved in working with her, meet to avoid duplication and to better understand the services being provided to her. In most cases it addresses the woman’s biggest fear, deportation, and creates trust for the workers.

There is a need for some sort of standardization of the information provided by service providers, as there is sometimes inconsistency between agencies providing similar services, e.g. a woman calling one shelter and being given information that is contradictory to information received from another shelter, supposedly offering the same services.

Services should be available to women experiencing violence regardless of their immigration status; non-status, temporary, visitor or refugee claimants awaiting status - all should be covered.

Women should be able to access social assistance without becoming inadmissible for permanent residence status.

Legal aid eligibility should be extended to every woman who is, or is likely to be, without status in Canada.

Steps should be taken to ensure that women with permanent resident status know they have the right to social assistance.

Service providers should be knowledgeable and able to present options that ensure the women’s safety without jeopardizing their status or risking deportation.

Coordination is important. A provincial association should get funding to organize the coordination of services at this scale.

There is a problem with information not being properly disseminated among frontline workers. This results in a great deal of duplication and decreased efficiency. We need to find a way to coordinate these services

A clear and safe process needs to be developed system-wide to allow abused women to “self-petition” for permanent residency, refugee status, and citizenship without the risk of losing her legal status or of facing possible deportation due to violence perpetrated by the principal applicants (usually husbands). Abused women in the entrepreneurial category should likewise be eligible to apply on their own behalf.

There should be a “**fast track**” for abused women, and a specialized legal aid system that serves as a resource for the service provider.

### **Case Scenario**

A 9-year-old boy was abused in his country of birth and when he entered Canada, he called 911 because he knew we had different laws based on the legal information he obtained through the Internet, before the family migrated.

There is a need for the parents to become informed as to what constitutes abuse in Canada. Some Canadian Embassies in foreign countries have relevant information about Canadian anti-violence and abuse laws on their websites, however, not everyone has access to the technology that would allow them to access information in that manner.

### **k. Information Needed**

There is a need for more information on women immigrating under family-class immigrant category.

### **l. ELSA (English Language Services for Adults)**

ELSA is available for people with immigration status. Senior relatives who are brought in to take care of children are vulnerable to abuse. Young women who are trafficked remain vulnerable. Immigrants feel that they are on a treadmill upon their arrival and experience high levels of anxiety and stress, feeling high levels of pressure not to step off the “treadmill”.

### **Recommendations**

ELSA program should make room for education on issues of violence against women.

Approaching ELSA coordinators and intervening in the curriculum might have some effect.

### **m. Work Permits**

Women without work permits often work “under the table”, leaving them with no recourse in situations where their bosses are abusive.

Women should be able to obtain work permits before a Permanent Residence status is granted. This would give women their own income and have accessibility to health care resources.

### **n. Rural Perspective**

The Northern focus is very different – it is often very isolating for immigrant, refugee and non-status women.

It is very hard to speak to someone on the phone when you call an immigration office as they are often busy and keep limited hours. Often, only a recording is available.

You have to be fluent in English to understand the various options on the phone.

Immigrant women are not aware of the resources available to them. In one case, a woman came to a transition house, but did not even think that she would qualify for that shelter.

#### **Recommendations**

##### 1. Training

Training and workshops for frontline workers and systems people are vital.

Education on issues regarding violence against women is essential for the authorities making policies and/or who are working with immigrant women and refugees.

Settlement agencies should be invited every time there is a focus group or meetings relating to immigrant and refugee women.

Specific information and training should be made available for workers within the welfare office.

##### 2. List of Resources and Services

It is important to have a list of service providers in the north and isolated communities.

In terms of live-in caregivers, Filipino Women’s Centre has good resources.

##### 3. Medical Services During first 3 months

The issue of a 3 month waiting period for any immigrant person before applying for health care services needs to be looked at from the lens of an immigrant woman leaving an abusive relationship.

A person immigrating to Canada is not covered by the provincial medical plan for the first 3 months; they are required to have a private medical insurance.

Even if a woman is pregnant she cannot access medical care. In one instance, the doctor and nurse backdated the paperwork in order to treat a pregnant mother in need of attention.

##### 4. Information to women

Orientation to Canadian services, laws and rights should be provided to the women at their country of origin.

It is important to give women the relevant information.

Rights and responsibilities documents: participants agreed that the government should fund violence against women information in different languages to improve and increase accessibility.

**Save Our Daughters Coalition, Surrey, BC** proposed preparing a document to be given to women in their home country, before they arrive in Canada, called a “passport”. This document details a list of resources available to them upon their arrival in Canada. The South Fraser Women’s Services Society will undertake the work of this initiative.

It is important to have a roadmap of the services existing in each community.

There should be something in the interim between when a woman arrives in Canada and when she becomes a permanent resident, ideally the creation of some department or body mandated to address their unique concerns.

**Women who enter into sponsorship agreements/relationships should be informed of the limited nature of their rights, until they have their permanent landed status. They will not be legally entitled to all services until they have gained their immigrant status.**

## **2. SPONSORSHIP**

The Undertaking to Sponsor specifies the time of commitment as 3 years for a spouse, and 10 years for parents (or siblings up to 24 years of age)

### **a. Information**

### **Recommendations**

A booklet should be given to the sponsoree with specific information about their rights/responsibilities and the services that are and are not available to the sponsored person. The information needs to be clear and easily available.

The day the woman arrives in Canada, both spouses should be made to sign the terms of the sponsorship agreement, thus making the sponsor unequivocally aware of his responsibilities.

An important question was to identify the appropriate timing for presenting women with the relevant information. The information is critical when the situation is critical to a woman needing assistance.

Women are often unaware of the available services due to isolation by their husbands or in some cases extended family members. They are not able to socialize and find out what is available; therefore women need to know what their rights are in Canada before their arrival here and what resources are available.

There are numerous points of contact when a woman is sponsored. Information must be available at all these points of contact, so that a woman knows exactly where to find the information she needs. Important points of contact that were identified were the instance, prior to her arrival in Canada, when a woman receives her paperwork from CIC, her time of arrival in Canada and at the time of receiving her passport and visa. It is important that this information be provided on a continual basis.

It is critical that the information be available in the language of the women and is specific to sponsorship cases. Information that could be relevant includes: preventative measures, bank account information and how to establish their own identity. The information should be presented in a culturally sensitive way.

There needs to be a broader access to better translators, as one of the main barriers for women seeking assistance is often language: when English is the second language, misunderstandings persist as things literally get lost in translation.

### **b. The Sponsor**

The break down of sponsorship is a very one-sided situation with the sponsor having the power to withdraw the application to sponsor at any given time.

### **Recommendations**

The sponsorship process should place more onuses on the abusive sponsors.

A sponsor should be required to have "good reason" for withdrawing an application to sponsor. Current practice is to simply send a fax requesting a cancellation of the sponsorship application.

There should be mechanisms in place for the woman sponsoree to challenge the withdrawal of the application to sponsor.

A possible policy that could be created would require the sponsor to be financially responsible for the woman for one year following a sponsorship breakdown.

### c. Employment and Access to Social Assistance

The Income Assistance Act says the recipient or the sponsor needs to be a permanent resident or Canadian citizen before they are eligible for social assistance, although there are exceptions in the case of sponsorship breakdowns.

#### Recommendations

There should be mechanisms in place for women to work if the sponsorship breaks down. The current process can take up to 18 months.

Sponsorship breakdowns should not affect benefits or services, such as BC Housing.

Changes are needed in repressive welfare policies. It was articulated that everybody is on welfare, as it includes, for example, the child tax benefit. The distinction of deserving and not deserving should be done away with. Being on welfare should not be stigmatized.

Temporary work permits could be expedited or created as an open-ended work permit for women. This would be beneficial in assisting women to earn their own money.

### d. CIC

#### Recommendations

CIC should have a follow-up system rather than expecting all immigrants to seek out their services. New immigrants do not realize these services exist because they are often “culture bound” and the services may not exist in their country of origin.

CIC should establish provisions to recognize breakdown of sponsorship due to violence. These provisions should include definition/recognition of: power-based crimes, marriages of convenience, safety issues for women and children, the impact on the marriage of a victim’s extended family, both in Canada and in the country of origin.

There needs to be greater attention paid to the creation of joint standards or a working together model between CIC and support services, such as settlement, welfare, schools etc. (healthy schooling).

More training is needed for CIC staff around resources and what services are available to women.

More staff is needed to deal properly with sponsorship ‘fall-out’ issues.

CIC needs to hire more immigrants.

Settlement workers are not experts and the phone service for CIC is poor, making it is difficult to talk with a person and receive correct and current information. There is a need for better service and more accountability on the part of CIC.

Workers would like to see a different funding distribution within CIC’s administration offices, especially in rural communities.

The CIC needs to do a better job of educating women on the realities of immigration when they first undertake to immigrate: women are often not aware of the impact of migration on their life in a new country when they first undertake to immigrate. They are unprepared for the loss of such things as familial support from the extended family.



#### **e. Issues**

In the case of domestic workers, it takes 3-6 years for a partner to be sponsored. This results in relationships changing due to the long-term separation. There are risks and vulnerabilities involved in these situations.

#### **Recommendations**

The point system and fees should be abandoned, as there is a fee of \$550 that is not covered by Legal Aid.

The male-centered point system should be abandoned. When you use the point system, it should have a gender-based analysis

Humanitarian and Compassionate applications often have a long wait, yet carry small chances of being granted (1%). There should be different categories adopted with a new category for abused women. Settlement workers, in the past, have been hesitant to recommend this route because it is such a long shot.

A shorter period of sponsorship may be advisable, as once the legal status of permanent residency has been achieved, there is no more need for sponsorship.

#### **f. Seniors**

Seniors tend to be isolated partly because the sponsors are not aware of their obligations or sponsor expectations and partly because seniors are not aware of their rights. Adult children often sponsor their parent to stay home and act as baby-sitters for their grandchildren.

#### **Recommendation**

CIC needs to be proactive in educating seniors and sponsors of their rights and responsibilities and be more flexible i.e. changing the rules, especially when it comes to sponsoring elders and the low-income criteria.

#### **g. Resources**

Information made available:

- In Toronto, the Red Cross has information available regarding the resources and support available for women.
- Community Airport Newcomers Network (C.A.N.N.), funded by Citizenship and Immigration Canada, alerts newcomers to resources at Vancouver airport. At Vancouver Airport, CIC have posted lists with phone numbers for accessing resources.

#### **h. Public Education**

#### **Recommendations**

Service providers should be educated around issues of sponsorship. This includes all agencies that may work with women.

A provincial body such as EVA BC should manage public education otherwise it would become confusing. It is crucial to have one body, with a feminist perspective, providing training so that

information remains consistent.

### **i. Sponsorship Debt**

Women are often indebted to their partners for the costs incurred through the sponsorship process. As sponsors are financially responsible for these women who are not able to work right away, the women are forced to rely economically on their sponsor.

According to the current policy, a man is responsible for a woman when he sponsors her, but what happens when the relationship becomes abusive?

#### **Recommendations**

Policies must be established to ensure that immigrant settlement workers and anti-violence workers have a seat at the table to navigate the case.

An idea to have an agency similar to the Family Maintenance Enforcement Program was presented. The idea calls for the creation of an agency that would alleviate the need for a woman to go to her abuser for financial assistance. This process would have the agency collect the money on the behalf of the woman.

In-depth resources, information and policy need to be developed to assist women.

### **j. Myth**

There is a myth that having a child in Canada grants the mother eventual landed status in Canada. This myth about being granted status in Canada as a result of having a baby continues to put women in vulnerable situations.

#### **Recommendation**

CIC should actively clarify this information to dispel the myth.

Case scenario:

A woman is often waiting for the sponsorship application from the abuser. From the time the application is filed until the decision is made, the sponsor can cancel the sponsorship. It takes 12 – 18 months to process the application and it can be withdrawn at any time – even the day before permanent residency status is issued.

#### **Recommendation**

The sponsor needs to understand and recognize that the application to sponsor cannot be withdrawn. In the meantime, any request to withdraw the application should be questioned regarding the reason for the withdrawal of the application and the application should be flagged by CIC.

In cases where a sponsored woman is in the process of applying for a visa waiver and her marriage ends because of abuse, the breakdown of the marriage should not adversely affect her visa waiver application. Policy with regards to breakdown of sponsorship also needs to be

inclusive of senior women who have been sponsored by adult children and are being abused.

We need policies to allow self-petition so that women can continue their applications for immigration or citizenship status without being subjected to violence by the original sponsor. Once a sponsorship application is in process, even if the sponsor, who is the abuser, applies to withdraw the application, CIC should process such applications either on the woman's merits and/or on humanitarian and compassionate grounds.

#### Case Scenario

A man in Alberta got immigration status as a skilled worker, went back home, got married, brought his spouse, then the abuse started. The woman did not know anyone in Alberta and was feeling very isolated. He served the papers for divorce and is ready to go back and get re-married. This should go on his file and he should not be able to make a sponsorship application again.

#### **Recommendation**

There is a need for some kind of registry or system to track an abusive partner who keeps getting married, abusing his wife, divorcing her, re-marrying and sponsoring another one.

CIC should flag and investigate the file for someone who cancels the sponsorship and look into the reasons behind it.

There should be proper documentation. The marriage license should perhaps be issued to both the spouses in the country of their marriage. It should contain information regarding previous sponsors.

#### **k. Missing areas:**

- Media: continues to racialize violence against women and especially immigrant, refugee and non-status women. There is a need for more education and awareness in prevention efforts.
- Need for accessible health care: This is especially the case for pregnant women in abusive relationships. There are lots of issues that are raised as a result.

### **3. CULTURAL COMPETENCY**

Culture plays an important role in how people behave and react. In some cultures, people do not make eye contact when talking to others, especially someone with authority, and it does not mean that the person is guilty.

#### **Recommendations**

Consideration needs to be made for the cultural context that affects women's experiences.

Airlines should have a list of names of people coming with different languages.

Policies should be culturally sensitive.

There is a need to educate local and federal representatives on cultural differences in communities.

All participants expressed that there was a need for expansion of multicultural services.

There is a need for an **OMBUDSMAN**.

### **a. Interpreter services**

Limited interpretation services are available. In one case, the legal aid office told a woman that they do not have an interpreter for her and that she has to come up with her own interpreter.

There are various dialects within the languages, too.

There is no adequate compensation for the services provided. It is not possible to access appropriate and competent free services.

#### **Recommendations**

There is a need for monitoring of interpreter cases to realize the implications of non-verbal communication and cultural competency. It is not just about matching language-to-language, but also cultural and political associations.

Interpretation must be available at all points of contact. It is important to keep in mind that if you are under stress, support and translation over the phone may be more difficult for the woman seeking services.

There is a need for subsidies for interpretation/translation and perhaps a body to regulate interpretation and gender considerations.

### **b. Training**

Training on abuse issues for interpreters is needed. Questions were raised regarding the existing training available for interpreters on violence against women.

#### **Recommendations**

Language used for translating materials should be “user-friendly”. This includes print and media as well.

Training around the interpretation needs and the dynamics and impact of abuse should be made available to CIC, hospitals and medical office staff. This is because doctors are the first point of contact and therefore the first to see the signs of abuse. The training should include a list of community resources. Although training is vital, the reality is most agencies that respond are available Monday through Friday.

The training should include a cultural awareness component.

Training in the education system is also needed. An example shared was that because a person’s English is poor, they are assessed as being at lower levels than they actually are and thus assessed as incompetent.

Adequate training should be provided for the police, Crown, victim services and religious communities.

### c. Training Issues

Victoria Police Department has an advisory committee to address diversity issues. MCFD need more training specifically re: cultural diversity issues.

Availability of relevant and accessible information is very crucial.

Question: who would provide the training? The SAFE HARBOUR\* is a program for all employers to become aware of the work environment and its affect/effect on workers.

#### Recommendations

There is a need for the creation of inter-agency training/education for those working with the immigrant population.

There is a need for consistent training to translators and training that is sensitive to different target groups.

### d. Information on Canadian Laws

Every nation has its own legal culture. Canada's differs from that of the home nations of women coming to this country.

#### Recommendations

When dealing with immigrant women, it is important to understand the legal culture of where she is coming from and to educate her regarding Canada's legal system – marriage vs. common-law, whether a Canadian divorce is recognized in the country of origin, difference in secular vs. religious laws— and the fact that in some cases, the woman may lose her right to return home to visit her family.

Materials need to be in plain language. The English used should not be "lawyer English," but simple English, even ESL English. Regular updates on the materials would be necessary.

Women and legal services need to be educated around the impediments to using the legal services.

### e. Information package

Women need information at various places, points of contact and in different languages: at doctor's offices, schools, shopping places, dentists, places of worship, and hair salons. South Fraser Women's Services Society created a **Handbook for Physicians: Violence Against South Asian Women. They also, in conjunction with the Save Our Daughters Coalition**, have initiated the "passport" information program for South Asian Women, which will be made available to women in India. Thus these women will have the pertinent information and resources before their arrival in Canada.

Some Cultural Situations to Consider:

- Language competency is critical for settlement work and the challenge is when police are involved and there is a need for an interpreter.

- Settlement workers often have to work outside normal working hours and are not paid for this. It is often difficult to find a translator due to the concern around confidentiality among workers and volunteers. There continues to be issues of safety within cultural contexts.
- Some subjects of conversation are taboo in certain cultures and women have difficulty talking, especially to strangers, about these.
- The difficulty created by the definition of terms from the system's perspective.
- The experience of leaving an abusive situation is difficult at any time and for anyone - the language barrier compounds it. Also, when some women are ready and want to leave an abusive relationship, there is little in the way of support.
- More staff is needed as workers often get 'burnt out'.
- Under funding and lack of experienced staff contributes to the problems.
- A phone service for providing a translator for transition houses.
- Doctors and hospitals do not usually want to pay for a translator: Campbell River Hospital WILL pay for a translator; Comox Hospital will NOT.
- The health sector should share interpreter/translator expenses.
- Legal Aid provides money to pay for interpreters, yet some lawyers use settlement workers to do the interpretation for their clients.
- Lawyers use their services to work directly with the client and often will not contact or have a translator present.

#### **Recommendations**

1. An information package should include a section on myths and facts.
2. The orientation packet: there is a need for constant and repeated contact and outreach efforts.
3. Local/Provincial input is important from agencies and organizations and needs to include:
  - Information on the relevant Canadian laws and practices
  - Information for Permanent Residents
  - Information from MOSAIC and SUCCESS - which is translated into different languages.
  - Example of S. Korea - which has resources/programs to prepare immigrants for life in Canada.
  - Website – [settlement.org](http://settlement.org)
  - Website – [shelter.net.org](http://shelter.net.org) provides information on abuse in different languages.

#### **4. SETTLEMENT**

Information is needed on the following: health (family doctor), schools, parenting, single moms (discipline vs. abuse), MSP, Myths & homophobia – vis-à-vis abuse.

##### **a. Housing policies**

When a woman leaving an abusive relationship is looking for housing, it is very difficult to find affordable, or subsidized, housing.

A woman who is fleeing abuse must prove to the authorities that she is fleeing abuse. In recent cases, women have been denied assistance without proof and in cases of emotional abuse proof is difficult to obtain.

Insufficient co-op housing and subsidized housing was identified as the single most important issue when discussing immigrant women wanting to leave an abusive relationship. A place for these women to go is important for their safety and well-being.

##### **Recommendations**

More affordable housing is needed for women leaving abusive relationships and this should include international students and home stays.

Accessible housing is needed for senior women and women with disabilities leaving abuse. Eligibilities need to be relaxed to make them more accessible for these women.

In addition, daycare is required for children so that women can return to school or do casual work.

##### **b. Housing Organizations**

There is a continuum of “limbo” periods for immigrant women leaving abusive relationships. These periods include the time at the shelter (30 days), then waiting 3-4 months for housing. This moving around and “limbo” impacts the children as well.

##### **Recommendations**

There is need for more collaboration between service providers and MHSD to make subsidized housing more accessible for immigrant women. There is a need for consistency of information and services received from MHSD offices.

CIC needs to acknowledge that people sometimes occupy the in-between space between temporary and permanent resident.

##### **c. Settlement workers within the community agencies**

Question: what does a settlement worker (SW) do?

- Introduces the newcomers to Canada and to the community, helps them with applying for social insurance and child- care subsidy.

- Does Needs Assessments, introduces other agencies and service providers, helps access ESL, make connections, provides introductions to schools and gives information about various trainings.
- Acts as a window into the Canadian system for a new immigrant.
- In a small community, services are so limited that an SW becomes like a family member and a counsellor.
- SW becomes the resource person for any information that the newly arrived immigrant seeks.

### **Recommendations**

There should be pay equity across the board.

The Ministry of Housing and Social Development should ensure that all their staff adheres to the policy prohibiting workers from contacting sponsors if abuse is suspected.

Every community needs affordable housing.

## **5. LEGAL SYSTEM**

### **a. Legal Aid**

If a woman has been charged with a criminal offence and she does not have her citizenship, her legal matters could have an effect on her citizenship application.

Some workers are not aware that it is important for their clients to apply for legal aid.

Children are not often included in legal aid coverage until the mother's status is determined.

In terms of services such as legal aid, smaller communities are not receiving the same services as larger communities. In the Kootenays, legal aid is unavailable and therefore individuals in these rural areas cannot access it. For example, only two lawyers in the region are contracted to provide legal aid covered advice. Often the abuser has hired one of the two lawyers. The result is that women have difficulties accessing legal aid. In the past, lawyers have had to come from Vancouver to provide legal services to clients.

In most cases, legal aid can approve \$25.00 per hour to pay for a certified Interpreter. Workers pointed out that this does not cover the full cost for the service, as most interpreters charge \$40.00 per hour.

There is often difficulty with interpretation even when a woman is able to receive legal aid and has an immigration lawyer. Lawyers complain that they do not get paid enough and many lawyers lack the necessary immigration law knowledge. Overall, there is a shortage of immigration lawyers especially in smaller communities.

Legal aid is given to refugees and not a visiting person who has a child. The process can get very complicated for women with children.

There is a lack of clear understanding around intersections of immigration law and family court.

### **Recommendations**

To ensure the safety of a woman, it is important that an immigration legal aid lawyer is available



for her, as she could be facing deportation due to sponsorship breakdown as a result of the violence perpetrated against her.

When looking at legal family issues, it is very important to look at the children and women's situation to ensure safety and access to legal advice for both.

Everyone should have the right to equal representation, advocacy and outreach to the required/needed support systems.

There is a lack of knowledge about legal options, which often leads women to make decisions that are detrimental to their safety.

The legal system needs to have an awareness of the stigma attached to going through the courts in certain cultures.

When a sponsor makes multiple sponsorships, CIC needs to "Red Flag" such cases and investigate why the sponsorships have broken down.

## **b. Protection Orders**

- Restraining order – through family court.
- Peace Bonds – through criminal court.

Unless there is physical evidence of abuse, it is difficult to get a restraining order. And if the restraining order is breached, the man is arrested and jailed for one night.

A restraining order is only a piece of paper and whether or not it prevents the perpetrator from stalking or contacting the woman depends on the character of the man.

Police and the judicial system do not take breaches of restraining orders seriously.

In some cases, even if the partner/husband has a criminal record, the women, with or without status, will not report the abuse.

The police will sometimes question the wording on an order and not intervene on the grounds that there has not been a breach of specifically worded clauses. Without standardized wording on restraining order clauses, it is difficult to expect the police to protect the safety of the woman. The following example was provided: the order stated that the man was not to be in the apartment and he was not - he was outside shouting, threatening and intimidating the woman – the police would not intervene.

## **Recommendations**

Explore other protective measures besides Restraining Orders and Peace Bonds.

Believe women's stories of abuse.

Accessibility issues around language needs and cost need to be addressed.

Protective orders are still one of the few legal remedies available to women experiencing violence. Without necessarily viewing protective orders as the only way to ensure women's safety, systemic barriers and patterns of disparity must be addressed for those seeking to obtain protective orders.

The immigration and refugee system does not take into account ongoing custody issues in the Canadian family court. There should be improved coordination between the legal systems and

service providers, and between family law and immigration law.

Protective measures such as peace bonds and restraining orders are simply a piece of paper and often do not make a difference. These legal mechanisms need to be readapted.

Judges require training and education regarding violence against women.

There is a need for more lawyers prepared to do legal aid work, particularly in rural areas.

There should be fewer repercussions for women and their children.

The police and the judicial systems MUST take breach of restraining orders VERY seriously.

### **c. Protection of Children**

Coordination and renewing efforts for increasing the safety of women and children is needed in schools:

- It is difficult for a woman to know if there was any coordination between the formal systems involved (judicial, police, etc and the school), as the school only becomes aware of the safety issues at home when a family member approaches the SWIS worker.
- Coordination happens in individual cases rather than on a collective level.
- Most children are referrals from school counselors to the Settlement Workers in Schools (SWIS) worker
- If there is any order that involves a safety issue, the school is informed and it is usually the lawyer or social worker that provides the information because it is a child protection issue.
- Before an order is in place, the school is usually informed that a child will miss some time.
- Sometimes children are kept out of school for different amounts of time and arrangements may be made to pick them up early.
- A father can prevent a child from leaving the home with the mother and/or the mother from leaving with the child.

### **d. Children born in Canada to Women without Status**

There are many cases when children are born in Canada to immigrant women whose status is pending. There is a definite need for more protocols to be in place.

A participant referred to a case when the mother was not legally entitled to stay in Canada and she left with the child. At 18 years of age, the child was legally able to return to Canada, but not the woman.

#### **Recommendations**

We need to address the issue of non-status women giving birth in Canada – what rights do they have?

If a child is born in Canada, the onus should be on immigration to prove the woman should not

be in Canada. It should not be the women proving why she should remain in Canada.

#### **e. Navigating the Immigration Legal system**

##### **Recommendations**

When an immigrant is charged with an indictable offence she should qualify for legal aid.

All charges of communication for the purpose of prostitution should be covered by legal aid when the person charged is an immigrant woman.

#### **f. Ministry of Children and Family Development**

There is a need to look into the role played by child protection workers when working with immigrant women and families (regardless of status) and the Ministries policies.

##### **Case scenario**

In one case, the abuser was Canadian. The Canadian-born child was placed with the non-status mother. The father was receiving disability assistance, but the child was placed with the mother who had no access to support or services.

A woman is married to a rich person. She was in an abusive relationship and needed help but the authorities would not help because it is said that she has a lot of money and she should use her Registered Retirement Savings Plan (RRSP). In reality, the woman had no access to her husband's money or RRSPs.

Women who own property (often in their name, but attached to their husbands) are not eligible for Employment Assistance/Temporary hardship.

##### **Recommendations**

There is a need for education for the women and training for the workers.

We need to look at how Child Protection agencies deal with families (regardless of status), and what their policies are.

### **6. CONCLUSION**

The above discussions provided us with the ability to understand the nature of gaps and barriers faced by immigrant, refugee and non-status women across BC as well as ways to improve services to these women. This focus group summary is incorporated into the Literature Review, an in-depth national and international research document.

##### **Concluding Recommendations**

1. We cannot change the system so we have to become a voice – validating their position and our position and have a dialogue.
2. We have to build capacity.
3. Women themselves feel that they are stepping in-between their original country and the

western world.

4. Depending upon where they come from – in their home country, they will not go to any person with authority like the police.
5. We have preconceived notions of what we think the woman needs, but it would be important to take some time to totally understand what she wants.
6. We are providing information to clients, but it is important to know if they understand that information.
7. It is important to use simple language.
8. Funding for women's programs is extremely low.
9. Mail order brides – their safety and wellbeing is an ongoing concern.
10. Settlement workers from outside the Lower Mainland expressed their concern that they do not always receive training on the issues around violence against women or given sufficient information. There is more training available in Vancouver and there is often no money in their budget to attend it in addition to limited space in the training. There may be one seat for the entire Northern region– it is insufficient and does not allow more than one person to attend the training.
11. When a woman becomes a widow while she is in her country, she should be able to apply for immigration status in Canada. Some work in this area has started but needs to be continued.
12. Income assistance for women seems to be dependent on the worker and thus there is the need for policy to ensure that consistent information and service is provided to all women.
13. Homestay abuse: there are no regulations or regulatory agencies that monitor home-stays, and no central agency overseeing this industry.
14. Women who are non-status, or have temporary or visitor status, have no access to services and face few alternatives to staying in abusive relationships if they want to stay in Canada.
15. The sponsor should be made responsible for the person they are sponsoring. It should go on their record and they should be made accountable for it.
16. There needs to be extended legal coverage for women experiencing physical, sexual and/or emotional abuse.
17. Some processes should be fast tracked
18. Although criminal and family law address cases of violence against women separately, they should be dealt with together. This need has not yet been recognized in the legal system.
19. Cross-sector information sharing between settlement and anti-violence workers is important.
20. We need coordination, collaboration and training.



## Appendix A

### Increasing the Safety of Immigrant, Refugee, and Non-Status Women An Overview Document for Focus Groups January 2009

#### A. Introduction

The objective of this project is to address serious policy gaps or problems that compromise the safety of refugee, immigrant, and non-status women who experience violence.

Building on existing research, we collected information pertaining to public policy or practice issues, and conducted a cross-jurisdiction and cross-sector scan of work that is already being done to address immigrant, refugee, and non-status women's issues. A literature review of relevant writings on violence against immigrant, refugee, and non-status women in Canada and elsewhere have set the context and guided our questions. We have also collected and analyzed demographic information using Statistics Canada's 2006 Census data in order to understand the backgrounds of key communities in BC.

We have organized four (4) focus groups with service providers in key communities with significant populations of immigrant, refugee and non-status women in BC — in Vancouver, Victoria, Kelowna, and Prince George. Frontline workers are invited to discuss issues of common concern among their clientele of immigrant, refugee, and non-status women who have experienced violence. We hope to discuss the nature of the problems and risk factors particular to these groups, as well as suggestions for actions to improve existing services, and ways to promote the development of other relevant and appropriate services and policies.

After this phase of consultation, we will develop policy backgrounders containing legal analysis and suggested solutions on key topic areas to present to policy makers. We will also produce materials for workers in anti-violence, legal and immigrant-serving agencies to assist them in supporting women who face these barriers.

The following provides an overview of policies, legislation, and services in both the anti-violence and settlement services sectors, and outlines some of the key policy issues we have identified thus far. We hope to use this document to generate conversation with you on what is not working, where safety is impacted, and where policy is needed or needs to be amended.

## B. Overview

Research indicates that the **severity** and **prevalence** of intimate partner violence are higher among immigrant women.<sup>1</sup> Aspects of the immigrant context such as the immigrants' social isolation and legal and linguistic barriers negatively affect the health of immigrants, including both access to and quality of care.<sup>2</sup>

Women face **economic vulnerability**, as immigrants, and the material need for affordable housing, employment, transportation, and childcare are all crucial factors in women's struggle for safety and independence. Poverty levels tend to be higher among less-educated immigrants, immigrant women, those who do not speak English at home, and those who are of non-European ethnicity. In 2006, the unemployment rate of recent immigrants was almost double that of the non-immigrant population and their average income was considerably lower than that of the Canadian-born population (\$20,999 versus \$36,243, respectively).<sup>3</sup>

Women's sponsorship and immigrant or refugee status is a significant barrier, rooted in legislative and policy realities. Because of the complexity of sponsorship and immigration matters, clear and accurate information is difficult to access, not only for the women experiencing violence but also the service providers. As many previous reports have recommended, we need: **better collaboration, networking, and information-sharing within and between sectors; better working conditions for service providers; and better training on a range of topics**, with a particular focus on issues related to violence against women for the Settlement/ELSA sector and immigrant and refugee issues for the anti-violence/Victim Services sector.<sup>4</sup>

There is widespread consensus that immigrant, refugee and non-status women experiencing violence also face specific needs stemming from immigration and their status as newcomers to Canada. **Multiple factors, in combination**, increase the vulnerability of immigrant and refugee women.<sup>5</sup>

## C. Key Issues

The following are some of the key issues we have identified as important policy priorities in ensuring safety for immigrant, refugee, and non-status women. Following a brief description of issues are some ideas for policy recommendations. We would appreciate your feedback at the focus group in order to develop concrete strategies.

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<sup>1</sup> Johnson, H. (2006) *Measuring Violence Against Women: Statistical Trends 2006*. Statistics Canada. Catalog number 85-750-KIE.

<sup>2</sup> Brownridge, D.A. & Halli, S.S. (2002) 'Double Jeopardy?: Violence Against Immigrant Women in Canada', *Violence and Victims*, 17: 455-471, Decker, M.R., Raj, A. & Silverman, J. (2007) 'Sexual Violence Against Adolescent Girls: Influence of Immigration and Acculturation', *Violence Against Women*, 13: 498-513, Ku, L. & Waidmann, T. (2003) *How race/ethnicity, immigrant status and language effect health insurance coverage, access to care and quality of care among the low-income population*. Kaiser Family Foundation.

<sup>3</sup> Perreault, S. (2008) *Immigrants and Victimization, 2004*. Canadian Centre for Justice Statistics Profile Series. Ottawa, ON: Statistics Canada. Catalogue number 85F0033M - No. 18.

<sup>4</sup> Light, L. (2008) *Cross-sector Forum and Consultation: Improving Responsiveness of Services for Immigrant and Refugee Women Experiencing Violence*. Vancouver, BC.

<sup>5</sup> Justice Institute of British Columbia (2007) *Empowerment of Immigrant and Refugee Women Who Are Victims of Violence in Their Intimate Relationships*. Vancouver: Justice Institute of British Columbia, Smith, E. (2004) *Nowhere to Turn? Responding to Partner Violence Against Immigrant and Visible Minority Women*. Ottawa, ON: Canadian Council on Social Development.

## 1. **IMMIGRATION**

Sponsored immigrant and refugee women and domestic live-in caregivers are especially vulnerable to abusive relationships. Uncertainty and fear around women's immigration status makes it difficult for women to access services such as income assistance or subsidized housing and job training programs. For example, if a woman without permanent resident status needs to go on welfare, this will make her inadmissible for permanent resident status under the financial criteria set by the Immigration and Refugee Protection Act (IRPA).

- 1.1 Services should be available to women experiencing violence regardless of their immigration status. Women should be able to access social assistance without becoming inadmissible for permanent residence status. Legal aid eligibility should be extended to every woman who is or is likely to be with no status in Canada. Steps should be taken to ensure that women with permanent resident status know that they have the right to social assistance. Service providers should be knowledgeable and able to present options that ensure the women's safety without jeopardizing their status or risking deportation.
- 1.2 Women who are non-status, temporary or visitor status have no access to services, and face few alternatives to staying in abusive relationships. Services should be available to non-status, temporary or visitor status women or refugee claimants awaiting status. For example, policies could mandate that the English language schools in Vancouver provide safety and "know your rights" training to students with temporary or visitor status.
- 1.3 Citizenship and Immigration Canada should respond to women who write to them with the details of the abuse they have endured. CIC should strongly consider such information when these abusers/husbands try to sponsor other women into Canada.
- 1.5 There should be a "**fast track**" for abused women, and a specialized legal aid system that serves as a resource for service providers.
- 1.6 CIC should develop a policy to protect women who, as a result of the relationship breakdown, are taken out of the refugee claim process and left in legal limbo. To help refugee women in these situations, as well as abused women applying for humanitarian and compassionate grounds to stay in Canada, CIC should develop a protocol to offer legal information about navigating the immigration legal system. CIC should also consider abuse as grounds to guarantee landed status to women who report it, on the basis that it is a life-threatening situation.
- 1.7 A clear and safe process needs to allow abused women to "self-petition" for permanent residency, refugee status, and citizenship without risking loss of legal status or possible deportation due to violence perpetrated by the principal applicants (usually husbands). Abused women in the entrepreneurial category should likewise be eligible to apply on their own behalf.

## 2. **SPONSORSHIP**

Being a sponsor consists of making a commitment to the Canadian government to "assume responsibility" for the essential needs of the sponsored individual and to ensure that she/he does not require social assistance for a period of 10 years. The sponsorship regime has a discriminatory effect on immigrant women who are sponsored by their husbands. It exacerbates women's unequal status within the marriage, diminishes their dignity and degree of independence, aggravates existing socio-economic disadvantages and violates their most basic human rights.

- 2.1 CIC should establish provisions to recognize breakdown of sponsorship due to violence. These provisions should include definition/recognition of: power-based crimes, marriages of convenience, safety issues for women and children, the impact

on the marriage of a victim's extended family both in Canada and in the country of origin.

- 2.2 Points system and immigration fees should be abandoned or reworked in order to increase women's ability to come to Canada legally as independent applicants. This will reduce risks to their safety that arise through being dependent on their spouse, through working as a caregiver, exotic dancer, etc or through trafficking.
- 2.3 CIC should consider abuse as grounds to guarantee landed status to women who report it, on the basis that it is a life-threatening situation. CIC should also consider expediting the processing period for the sponsorship applications. Many abused women are risking their lives because of the slowness of the system.
- 2.4 In cases where a sponsored woman is in the process of applying for a visa waiver and her marriage ends because of abuse, the breakdown of the marriage should not adversely affect her visa waiver application. Policy with regards to break down of sponsorship needs to be inclusive of senior women who have been sponsored by adult children and are being abused.
- 2.5 There should be a policy of **sponsorship debt forgiveness** if the sponsorship breakdown is caused as a result of abuse.
- 2.6 We need policies to allow self-petition so that women can continue their applications for immigration or citizenship status without being subjected to violence by the original sponsor. Once a sponsorship application is in process, even if the sponsor, who is the abuser, applies to withdraw the application, CIC should process such applications either on the woman's merits and/or on humanitarian and compassionate grounds.
- 2.7 There should be extensive public education and training about the sponsorship issue. We would need clear and easy-to-understand guidelines explaining if and how women can get their sponsorship debt forgiven, and when they can make a new application on humanitarian and compassionate (H&C) ground.

### 3. **CULTURAL COMPETENCY**

Language barriers and lack of access to interpretation are a serious impediment to accessing services. Many newcomers lack access to information about Canadian laws and rights, social infrastructure, and available services.

- 3.1 Adequate interpreter services are critically important.
- 3.2 Adequate training should be provided for the police, Crown, victim services, and religious communities.
- 3.3 General information on Canadian laws and practices and specific information about services available for women who experience violence should be provided to women prior to, or immediately upon, their arrival in Canada.
- 3.4 An information packet at the point of entry should provide key phone numbers and information in a variety of languages in an easy-to-understand format e.g. brochures, Frequently Asked Questions, myths & facts, etc.

### 4. **SETTLEMENT**

Current policy for subsidized housing denies assistance to sponsored immigrants if there is a breakdown in sponsorship, even if the breakdown is due to abuse. There is no acknowledgement that there are many women and children who are victims of violent crime.



There is no hardship assistance for non-status women even if they are in the middle of immigration application process.

- 4.1 The definition of victims of violence needs to be re-defined with immigrant/refugee women in mind. There needs to be a consistent application of the policy among all Ministry of Housing and Social Development offices. Hardship assistance should be reinstated for women who have no immigration status, but are in the process of applying.
- 4.2 Housing policies need to reflect trends in our society: our society is becoming more and more diverse, with people from various different ethnic origins. There is a need for greater sensitivity towards different cultures and an increase in the availability of senior housing and assisted living complexes. The federal government also needs to subsidize more co-operative housing for low-income earners, especially women leaving abusive relationships.
- 4.3 The subsidized housing organizations should change and/or be flexible with their policy and/or legislation for eligibility criteria. The housing societies need to include single, visitor women as eligible for subsidized housing. At present, we are not aware of any single housing society that accepts this group of women.
- 4.4 The Ministry of Housing and Social Development should ensure that all staff should adhere to the policy prohibiting workers from contacting sponsors if abuse is suspected.

## **5. LEGAL SYSTEM**

A woman's reluctance or fear of proceeding through the legal system is often considered to be the most persistent challenge in cases of violence, but their fears may be rational reactions to the realities of their lives and what they know about the immigration and criminal justice system. The limitations of the legal system are exposed when it fails to provide abused women with long-term protection, forces women to choose between personal safety and family life, and allow domestic violence laws to reinforce male domination.

- 5.1 Protective orders are still one of the few legal remedies available to women experiencing violence. Without necessarily viewing protective orders as the only way to ensure women's safety, systemic barriers and patterns of disparity must be addressed for those seeking to obtain protective orders.
- 5.2 There should be enhanced coordination and renewed efforts to address lack of coordination among some victim services and better-coordinated responses to breaches of protection orders. Hospital-criminal justice system coordination should also be improved.
- 5.4 The immigration and refugee system does not take into account ongoing custody issues in Canadian family court. There should be improved coordination between the legal systems and service providers, and between family law and immigration law.
- 5.5 CIC should acknowledge having children born in Canada as an important factor to allow women to gain status in Canada. This is especially necessary for women who have children and are struggling through the family law system.
- 5.6 CIC should develop a protocol to offer women in legal limbo about their options in navigating the immigration legal system.

## **Definition of Terms**

### **Immigrant**

An immigrant is an individual who has acquired legal status to reside in Canada, including permanent residents, visitors and students. Some are recent immigrants (that is, in Canada for ten years or less), while others have resided in Canada for a long period of time (more than 10 years). The term “immigrant” also has a socially constructed meaning, “common-sense” usage referring to people of colour, people from developing countries, and individuals without official language proficiency.

Since some immigrants are Caucasian and are proficient in one of Canada’s official languages, this definition obviously falls short in identifying all immigrants. For purposes of this study, the term “immigrant” refers to individuals who have immigrated to Canada; they have legal resident status and may be permanent residents, visitors, students or refugees.

### **Refugee**

Persons who have fled their country of origin due to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion, or membership in a particular social group.

### **Visible Minority**

The term, as used in this study, is based on the definition used by Statistics Canada, as defined by the Employment Equity Act. It refers to “persons, other than Aboriginal peoples, who are non-Caucasian in race or non-white in colour.” Under this definition, regulations specify the following groups as visible minorities: Chinese, South Asians, Blacks, Arabs, West Asians, Filipinos, Southeast Asians, Latin Americans, Japanese, Koreans and other groups such as Pacific Islanders (Statistics Canada, 2003). People are usually asked in surveys to self-identify.

### **Non-Status**

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

## **Reasons Why People Do Not Have Status in Canada**

- Women who come to Canada and marry Canadian citizens or permanent residents but are never sponsored by their 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.