

NO (WO)MAN'S LAND RESEARCH PROJECT

No (wo)man's land is the state in which some women find themselves when they have no legal status in Canada and are at the same time living with violence. This research study documents the experiences of Latin American women who come to Toronto sponsored, or expecting to be sponsored, by their male partners. It sheds light on how a woman's immigration status affects her relationship with her partner, as well as the link between the sponsorship process and violence.

**Conducted by the Latin American Coalition to End Violence
Against Women and Children (LACEV)**

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Introduction

No (wo)man's land is the state in which some women find themselves when they have no legal status in Canada and are at the same time living with violence. Current immigration legislation enables Canadian citizens or landed immigrants to sponsor the landing applications of a spouse or fiancé from outside Canada or who are in Canada without regularized status. In most cases it is the male who sponsors his female partner. This process is complex, expensive, and depends entirely on the cooperation and good will of the sponsor. Being a sponsor gives the sponsor a tool of control and intimidation to be used against the sponsored immigrant, deepening the type of power imbalance which lies at the heart of an abusive relationship. If the sponsorship breaks down due to abuse, the woman more often than not, faces deportation, and the sponsor suffers no consequences at all.

Women who arrive in Toronto, as fiancées or sponsored spouses, are particularly vulnerable to abuse due to their particular immigration status. Through its work the Latin American Coalition to End Violence against Women and Children (LACEV), has been alerted to an increase in the number of women being affected by violence and sexual exploitation who are caught up in the sponsorship process.

This research study seeks to investigate and document the experiences of Latin American women who come to Toronto sponsored, or expecting to be sponsored, by their male partners. Exploratory in nature, the study will shed light on how a woman's immigration status affects her relationship with her partner, as well as the link between the sponsorship process and violence. It will also identify recommendations and areas for further consideration.

The research was carried out from a feminist/ participatory perspective. LACEV recognizes that women have been historically marginalized in a society where men have more power and privilege than women. By the same token, we recognize that there are social, cultural and economic inequalities amongst women as well. LACEV also believes that it is fundamental to promote women's holistic development starting from where each woman is at, and by emphasizing her human rights. It is from this philosophy that the research was undertaken.

Before launching into the study, we will define the key terms – sponsorship process and violence against women - and review the relevant literature.

Overview of the Sponsorship Process

The immigration objectives' section of the Immigration Act, provides guidance as to how Canadian immigration policy, rules and regulations should be designed and administered. In particular, it recognizes the need "to facilitate the reunion in Canada of Canadian citizens and permanent residents with their close relatives

from abroad”¹, defining 'members of the family class' who may be sponsored to include the sponsor's spouse, and the sponsor's fiancé(e).

According to the National Association of Women and the Law (NAWL), “the sponsorship system is an area where gender issues and the question of women and men’s relations within the family, and their access to resources, surfaces.”² NAWL suggests that the family sponsorship system has the ability to encourage and enhance dependency and other unequal power relations within families who migrate to Canada. Violence and exploitation are prone to escalate when the multiple stresses and challenges of migration, settlement, de-skilling and underemployment clash.³

In February 2000, the Canadian Council for Refugees (CCR) published a report which affirms the concerns raised by NAWL. The report suggests that women and children are “the categories of people who are particularly vulnerable during the migration process, and whose experiences of migration may be different from, and less readily known, than those of males and adults.”⁴ The CCR report points out that since women who are sponsored as fiancées are required to get married within 90 days of their arrival to avoid deportation, they are extremely vulnerable because of their total dependence on their sponsors.⁵

Canada’s Immigration Act helps create and perpetuate vulnerable domestic situations for immigrant women, due to the following factors:

- Ten year sponsorship agreements (3 years in Quebec)
- Recognition of family violence in the regulations rather than the actual wording of the act
- A sponsorship system which favours patriarchal models of establishment and success for those claiming 'independent status'.⁶

Sponsorship Breakdown

Sponsorship breakdown occurs when a sponsor refuses or is unable to meet their financial obligations to their sponsoree. In cases of abuse, the relationship between the sponsor and the sponsoree can deteriorate to such an extent that the immigrant is no longer in a position to seek any assistance from the sponsor.⁷

¹ *Immigration Act, supra*, s. 3 (c).

² National Association of Women and the Law, “Gender Analysis of Immigration and Refugee Protection Legislation and Policy,” (Ottawa: March 1999) at 5 [hereinafter “NAWL”].

³ “NAWL,” *ibid.* at 5.

⁴ “NGO,” *supra*.

⁵ *Ibid.* at 4.

⁶ Please note that some of these concerns are being addressed by the new *Immigration and Refugee Protection Act* to be discussed in a subsequent section.

⁷ Community Legal Education Ontario (CLEO), “Immigration Fact Sheet- Sponsorship Breakdown,” (October, 1999), [hereinafter “CLEO”].

Permanent residents who have been sponsored from abroad cannot lose their right to live in Canada as a result of sponsorship breakdown. However, if sponsorship is withdrawn *before* the immigrant receives permanent residence status, the immigration process stops. In situations of sponsorship withdrawal where sponsorship was made from within Canada on humanitarian and compassionate grounds, the sponsored immigrant may be removed from Canada.⁸

Landing on Humanitarian and Compassionate Grounds

Canadian immigration law states that every immigrant and visitor must apply for and obtain a visa before that person appears at a port of entry.⁹ However, women who find themselves in Canada without status as a result of an expired student visa, visitors' visa, or employment authorization, a failed refugee claim or any other means, may make an application for landing on humanitarian grounds.¹⁰

Inland spousal applications for permanent residence may be made by individuals who are married to Canadian citizens or permanent residents. As is the case when a woman is sponsored abroad as a member of the 'family class', women who are sponsored inland must have their sponsor sign an agreement with Immigration called an "Undertaking to Assist." This undertaking obliges the sponsor to take full responsibility for providing the immigrant with financial support in Canada for a period of ten years in all parts of Canada (except Quebec, which has a three-year requirement).¹¹

Situations of marriage and sponsorship breakdown are specifically considered in the policy guidelines for assessing applications for landing from within Canada based on Humanitarian and Compassionate grounds.¹² These guidelines outline how officers are to approach the withdrawal of sponsorship. According to the guidelines, requests from sponsors to withdraw their "undertakings to assist" should only be accepted prior to an H&C decision. If the sponsorship is withdrawn before the H&C decision is made, applicants should be informed by the case officer that the sponsorship has been withdrawn, and the applicant should be provided an opportunity to submit additional information in light of the change of circumstance. It is noted that officers should be sensitive to issues of family violence.

Family members in Canada, particularly spouses, who are in abusive relationships and are not permanent residents or Canadian

⁸ "CLEO," *ibid.* at 1-2.

⁹ Parkdale Community Legal Services, "Materials on Humanitarian and Compassionate Applications (H&C)," at 367, in the "PCLS Manual," *supra*.

¹⁰ Exceptions to subsection 9 (1) can be found in sections 114(2), 38(1), 46.04(1), and 6(5) of the *Immigration Act, supra*.

¹¹ "CLEO," *supra*, at 1.

¹² "Immigration Factor," *supra* at 2.

citizens, may feel compelled to stay in the relationship or abusive situation in order to remain in Canada; this could put them at risk.¹³

In light of this recognition of potential family violence, officers are provided guidance to use their positive discretionary authority where the spouse (or other family member) of a Canadian citizen or permanent resident leaves an abusive situation, and as a result, does not have an approved sponsorship. Furthermore, officers are asked to consider the following when making decisions involving sponsorship breakdown:

- Information indicating there was abuse such as police reports, charges or convictions, reports from shelters for abused women, medical reports, etc.;
- If there is a significant degree of establishment in Canada;
- What hardship would result if the applicant had to leave Canada; and
- Any other factors that might be relevant to the H&C decision.¹⁴

Although these guidelines do recognize the risk of family violence, they appear to set too strict a standard, making it difficult for women to succeed in their H&C applications.

First, the collection of proof regarding abuse and establishment is an onerous task for abused immigrant women. Immigrant women who do not report the abuse to the police, or seek assistance from shelters and medical practitioners will be unable to prove that they were abused as prescribed by the guidelines.

Many abused women do not consider leaving their husbands or calling the police a viable option. Calling the police could result in increased isolation and economic insecurity, and it could bring shame to their families and community.¹⁵

Low reporting rates for domestic violence is quite common. A Government of Canada report showed that of fifty-one percent of women who had experienced at least one incident of violence since age 16, only 14% of the incidents were reported to the police.¹⁶

Second, the guidelines indicate that the applicant's degree of establishment in Canada is a factor when an immigration officer is assessing cases of family violence. Establishment in Canada is evaluated by considering whether the applicant has:

- A history of stable employment;
- A pattern of sound financial management;
- Community involvement;
- Professional or linguistic study; and

¹³ "IP5," *supra*, s. 7.3, at 19.

¹⁴ "IP5," *ibid.* s. 8.10 at 31.

¹⁵ "Complex Web," at 3.

¹⁶ "Report," *supra*.

- Family members with good civil records in Canada.

This requirement is problematic because immigrant women in abusive situations will usually have more limited opportunities for the attainment of education, employment, income, and language skills. Added to the difficulty of showing establishment is the fact that women who are at the H&C stage of process are not granted work permits until their application receives approval in principle (AIP). AIP may or may not be given until several months after the application is submitted.¹⁷

Previous guidelines indicated that women could be landed on H&C grounds if they showed *potential establishment* rather than a *significant degree of establishment*. In order to determine potential establishment, Immigration looked at economic factors such as the independent selection criteria, previous training, education and employment history, and whether or not there was a relative who was willing to assist the applicant.¹⁸ The previous guidelines appear less burdensome because abused women did not need to prove establishment, but rather that she had *potential* to establish herself.

Since it is difficult for women to apply as independent applicants, there is little incentive for them to leave abusive situations.

Bill-C-31

On April 6, 2000, Elinor Caplan, Minister of Citizenship and Immigration introduced Bill-C-31, the new *Immigration and Refugee Protection Act*.¹⁹ The premise of the new Act involves:

Closing the back door to those who would abuse the system allows us to ensure that the front door will remain open, both to genuine refugees and to the immigrants our country will need to grow and prosper in the years ahead.²⁰

In order to *open the front door wider*, the new Act proposes to expand the family class. Facilitating family reunion through the expansion of the family class would be achieved by:

- creating an in-Canada landing class for sponsored spouses and partners;

¹⁷ "Home," *supra*, at 217.

¹⁸ "Home," *ibid.* at 217.

¹⁹ Bill C-31, *An act respecting immigration to Canada and the granting of refugee protection to persons who are displaced, persecuted or in danger*, 2d Sess., 36th Parl., 1999-2000 (first reading April 6, 2000) online: <<http://cicnet.ci.gc.ca/english/press/00/0009-pre.html>> [hereinafter "Bill C-31"].

²⁰ Citizenship and Immigration Canada, News Release 2000-09, "Backgrounder #2: Opening the Front Door Wider..." (April, 2000) online: <<http://cicnet.ci.gc.ca/english/press/00/0009-bg2.html>> [hereinafter "Backgrounder"].

- exempting sponsored spouses and dependent children from the admission bar related to excessive demand on health and social services;
- reducing the age at which Canadian citizens or permanent residents are eligible to sponsor from 19 to 18;
- reducing the length of sponsorship requirement from 10 years to 3 years for spouses and common-law opposite and same sex partners.²¹

While the front door opens, the back door will be closed to sponsors who are convicted of spousal abuse, those in default of spousal or child support payments and those on social assistance.²²

Although it may be premature to assess the ramifications of the proposed legislative changes on women in abusive relationships, critiques of some of the documents which formed the basis of the new *Act* suggest that the changes are not sufficient. Among the documents consulted by CIC were: *Not Just Numbers : A Canadian Framework for Future Immigrations* (January 1998),²³ and the White Paper, *Building on a Strong Foundation for the 21st Century: New Directions for Immigration and Refugee Policy and Legislation* (January 1999).²⁴

The National Association of Women in the Law suggests that “more attention must be paid to the gender-based assumptions and inequalities inherent in the sponsorship system”,²⁵ moving towards the elimination of the sponsorship framework altogether rather than merely reducing sponsorship obligations.

The Canadian Council for Refugees conducted a gender analysis of the proposed changes to the Immigration Act. The CCR suggested that the proposals outlined in the *Building on a Strong Foundation* document lack a gender analysis despite the fact that federal rules require a gender-based analysis of future laws.²⁶ The CCR also suggests that while it is receptive to the suspension of the sponsorship obligations if either spouse is convicted of spousal violence, this step would be of limited practical assistance. The CCR calls for a mechanism for resolving the sponsorship obligations on the basis of any evidence of spousal violence.²⁷

²¹ “Backgrounder,” *ibid.*

²² “Caplan,” *supra.*

²³ - “Not Just Numbers: A Canadian Framework for Future Immigrations,” (Citizenship and Immigration Canada: January 1998) online:
<<http://cicnet.ci.gc.ca/english/about/policy/lrag/emain.html>> [hereinafter “Numbers”]

²⁴ - The White Paper, “Building on a Strong Foundation for the 21st Century: New Directions for Immigration and Refugee Policy and Legislation” (Citizenship and Immigration Canada: January 1999) online: <http://cicnet.ci.gc.ca/english/about/policy/lr/e_lr.html> [hereinafter “Strong Foundation”]

²⁵ “NAWL,” *supra.* at 5-6.

²⁶ - “Proposed Changes to the Immigration Act: Gender Analysis,” (Canadian Council for Refugees: February 1999) online <http://www.web.net/~ccr/whitegen.htm> [hereinafter “Gender Analysis”]

²⁷ “Gender Analysis,” *ibid.* at 3.

A preliminary assessment of the changes proposed by the *new Immigration and Refugee Protection Act* demonstrates that the Government has not gone far enough to protect immigrant women from violence owing to their vulnerabilities to the sponsorship process. Canadian measures to prevent violence against immigrant women are inadequate from both the immigration and criminal law perspective.

Violence Against Women

There are many terms used to define abuse suffered by women in the domestic sphere. Among the most common terms are 'domestic violence', 'wife assault', 'spousal abuse', 'woman abuse', and violence against women.²⁸ In their research about the access to justice for abused immigrant women in New Brunswick, Miedema and Wachholz define 'woman abuse' as:

An attempt to control the behaviour of a wife, common-law partner, girlfriend, married daughter, daughter-in-law, married sister, sister-in-law, married female grandchild and female grandchild-in-law.

It is a misuse of power which uses the bond of intimacy, trust and dependency to make the woman unequal, powerless and unsafe. It is using force to participate in activities against her will.

This abuse can include verbal abuse, psychological/emotional abuse, sexual abuse, financial abuse, spiritual abuse and physical abuse.²⁹

From this definition, regardless of marital status, immigrant women are in a position to suffer varying forms of abuse at the hands of their sponsors who may misuse their power derived from the sponsorship relationship. One of the contributing factors to violence against women is the power imbalance found in relationships between men and women, "usually the power imbalance of physical strength, which makes it possible to victimize the weaker partner."³⁰ Immigration factors increase this power imbalance by giving the abusive partner the power to get the woman deported.

According to Statistics Canada:

- 51% of all Canadian women have experienced at least one incident of violence since the age 16;

²⁸ Toronto Police Service, "Domestic Violence Manual," (July 1999) at 4 [hereinafter "Police Manual"].

²⁹ Baukje Miedema & Sandra Waccholz, "A Complex Web: Access for Abused Immigrant Women in New Brunswick," at 9-10, (Status of Women Canada: March, 1998) [hereinafter "Complex Web"].

³⁰ Sadoway, Geraldine, "Partner Abuse – Integrating Community Responses," (February 1998).

- Almost 50% of women reported violence by men known to them and one-quarter reported violence by a stranger;
- One-quarter of all women have experienced violence at the hands of their current or past marital partner (includes common-law unions);
- One-in-six currently married women reported violence by their spouses;
- More than one-in-ten women who reported violence in a current marriage have at some point felt their lives were in danger.³¹

These staggering statistics serve to demonstrate the prevalence of woman abuse. While these statistics do not specifically project the incidence of violence in immigrant communities, the police *Domestic Violence Manual* reminds us that "domestic violence cuts across the boundaries of race, culture and economic status and occurs in all areas of Canadian society."³²

Women in abusive situations are often asked why they don't just leave. There are many factors affecting immigrant women's inability to leave abusive relationships. According to Marsha Sfeir of Education Wife Assault, many immigrant women are unfamiliar with Canadian laws in terms of women's rights. Many new immigrants to Canada are afraid to report abuse because they are afraid that they will be sent back to their country of origin.³³ Sfeir explains that immigrant women also fear they will lose their children if they leave the abusive situation. She says that in many cultures, cases of separation or divorce result in the children being awarded automatic custody to the father. Immigrant women are often unaware that in Canada the law does not systematically award children to the father. Abused immigrant women often opt to stay in the abusive situation rather than jeopardize their relationships with their children.³⁴ Furthermore, abused women are often trapped in a cycle of violence that they cannot escape.

Violence is one of the most powerful elements that produce patterns of behaviour and negative outcomes for victims. Among the most common and recurrent outcomes are: fear, feelings of helplessness, and stress. Most importantly, abused women fear another beating.ⁱ

Physical abuse often contributes to the limitation of women's perceived options. A common characteristic of abusive relationships is progressive isolation. Men who are very dependent on their wives become jealous of any outside relationships they may have and they control and limit their wives contact with their family and friends.ⁱⁱ

³¹ Statistics Canada, "The Daily," (Thursday, November 18, 1993).

³² "Police Manual," *supra*, at 8.

³³ Gloria Kim, "Immigrant Women and Domestic Abuse," in *Varsity Feature* (Tuesday, October 14, 1997), at 2-3 online:

<<http://www.campuslife.utoronto.ca/groups/varsity/archives/118/oct14/feature/abuse.html>>

[hereinafter "Immigrant Women"].

³⁴ "Immigrant Women," *ibid.* at 3.

Women often perceive their abusers as extremely powerful. Abused women live in constant fear and they experience a high degree of powerlessness that prevents them from escaping their abuse. Moreover, women who are constantly verbally assaulted and degraded develop feelings of worthlessness and they begin to believe that they will not be able to survive without their abuser.ⁱⁱⁱ

The immigration experience to Canada can be a very isolating process. Immigrant women are more susceptible to abuse owing to their isolation which results from numerous factors including: language, lack of affordable childcare services, financial dependency on their abusers, and the lack of a "natural" support network^{iv}

Many immigrant women who arrive in Canada speak little English or French. Many sponsored women do not qualify for government-subsidized, full-time language classes that provide a training allowance. Moreover, language classes are not accessible to immigrant women who have a limited income and childcare responsibilities.^v

Abused immigrant women are also usually financially dependent on their abusers. Owing to many factors including economic dependence, "men simply don't let their women out of the house."^{vi}

The lack of a "natural" support network further isolates women who arrive in Canada as cultural, racial, and linguistic minorities. When women migrate to Canada, they often leave behind their families and friends. Although women often replace their "natural" support network with members of their ethnic communities, these communities are not a suitable replacement, as they usually do not have the power to insulate a woman from additional violence. Members of various ethnic communities may discourage a battered immigrant woman from leaving her batterer owing to prevalent cultural norms and values that cherish family maintenance and view reputation as a paramount concern.^{vii} Furthermore, the loss of the "natural" support combined with Canada's pronounced focus on individualism, causes immigrant women to lead more arduous, isolated lives than they would have experienced as abused women in their countries of origin.^{viii}

As suggested by the literature, immigrant women's lack of language, and recognized skills and supports, as well as problems of economic and social isolation make it difficult for women to leave their abusive relationships.^{ix}

Many abused immigrant women experience a lack of access to services as a result of their isolation and because woman abuse is a generally a difficult problem for people to face. The lack of access to services also stems from a combination of immigrant women's inability to access the services owing to language, their personal predicaments, as well as structural barriers imposed by service providers.

Immigrant women are normally unaware of their legal rights and they often do not know how to gain access to information regarding their immigration status.^x A husband will threaten his wife with suggestions that she could be deported if she complains about his behaviour. For a immigrant woman, this is a particularly acute problem because of her general lack of familiarity with the legal system and her inability to access legal services. The lack of knowledge and legal assistance heighten the abused woman's vulnerability to threats and manipulation by her abuser.^{xi}

Research suggests that cultural differences may inhibit immigrant women from seeking shelter and support in transition houses. Moreover, when immigrant women do seek support from these services, the lack of cultural and linguistic sensitivity fails to ensure that their and their children's needs and concerns are adequately addressed.^{xii} In the case of women's shelters, it is suggested that service providers may inadvertently create structural barriers for abused immigrant women through their insufficient explanation of procedures and regulations. Women have described racial undertones as part of their shelter experiences.^{xiii}

Research Design and Methodology

The study's data collection efforts consisted of individual interviews with thirty women, three focus group interviews with a total of eighteen participants, and surveys completed by thirteen social service workers (---% response rate).

Individual interviews were carried out with Latin American women who have lived through the family sponsorship process. The research instrument consisted of semi-structured interviews, providing ample opportunities to explore the issues which were of importance to the women in relation to the research. An interview guide was used loosely in order to allow for maximum spontaneity in the sessions, and to give the interviewer an opportunity to incorporate the participants' own way of speaking into the questions. Spanish-speaking workers at social service agencies were asked to assist in the identification of interview participants. Potential participants were informed of the research project, its objectives, and the importance of their participation. Those women interested in the project gave consent for the researcher to contact them directly. This way of identifying participants proved helpful towards making the women feel safe and willing to trust the interviewer with rich, detailed personal information.

Three focus group interviews were carried out in different geographic neighbourhoods in the City of Toronto, with the support of three different agencies that work directly with Latin American women. The focus group interviews were used to encourage a flow of information and ideas among the participants about their experiences.

Each session was audio taped and then transcribed verbatim, except for one case where the woman was afraid of the repercussions, where careful notes were taken.

Both the individual interviews and the focus groups were carried out by a Spanish-speaking woman. At the outset, the research objectives were reviewed and LACEV was introduced. All participants were given information about the sponsorship process, woman abuse, as well as community resources and services.

X number of surveys were sent out to Spanish-speaking workers in shelters, community centres, settlement houses, community legal clinics, and community health centres representative of the different geographical areas of the City of Toronto. The surveys helped us ensure that the “subject was accurately identified and described” (Marshall and Rossman, 1995, p. 143).

Data Analysis

The material was analyzed inductively, using a systematic, verifiable, focused, and practical approach. The data was organized according to the themes and patterns that emerged and analyzed to form categories and related properties. The following factors were considered when conducting this analysis: the words, the context, the internal consistency, the frequency or extensiveness of comments, the intensity of comments, the specificity of responses, and the “big” ideas.

The results are presented via a descriptive summary of themes, followed by a discussion. The descriptive summary begins with a summary paragraph tying key themes together, followed by illustrative quotes in English translation. The selected quotes are intended to help the reader understand they way the participants responded to the questions. The discussion expands on the descriptive summary by looking at the meaning of the data in relation to the existing literature on woman abuse and the sponsorship process.

Findings

Eight main themes emerged from the data that was collected and analyzed. Each theme is made up of related properties that will also be discussed. The main categories identified were: the sponsorship process, settlement issues, isolation, abuse, police intervention, impacts, social supports, and recommendations.

The first three themes listed – sponsorship process, isolation, settlement issues – were all cited as contributing to abuse. Abuse then can lead to police intervention and sponsorship breakdown, which has severe psycho-social and physical impacts. Social supports are shown to be key in helping break the cycle of violence, and heal the impacts. Participants had strong recommendations about

how to make beneficial changes that would make the process easier and free of violence for other women.

The following quote from one the research participants encapsulates the experience of being caught up in no (wo)man's land:

What made me accept so much was being faced with so many crises at once, being a newcomer, not speaking the language, being married to an abusive husband. Not having legal status made me put up with his abuse, I felt like a little ant, weak.

The Sponsorship Process

The sponsorship process, which often leaves women without legal status in Canada, was cited as a major contributing factor to abuse and violence. Subthemes in this category included lack of clear and consistent information about the sponsorship process, a complete lack of knowledge about the sponsorship process, confusion about the sponsorship process, and the use of the sponsorship process as a threat against the woman by her partner, playing on her fear of being deported. Thirty-three percent of the women interviewed had their sponsorship breakdown, and seventy-three percent had their relationships end.

Several women described their experiences and feelings about the sponsorship process:

The only thing I knew about sponsorship was that he did the paperwork because I was his wife and the mother of his child... I found out that if I was sponsored that person had to help me for ten years, even if we separated... I didn't know my rights, absolutely nothing... With the ten years of sponsorship, I felt trapped that I couldn't do anything. As if someone had bought me, without any power, like in jail... I was completely dependent on him.

I arrived as a tourist for three months. Supposedly my partner brought me and my son, he never explained anything... he said that we were doing the papers so he could have my papers. Later I found out that he never put in the papers and had me here illegally. I knew how it worked. I would hear of how other people had applied. I was afraid of applying... because my friends were being deported.

A friend told me that the sponsorship lasts ten years... the immigration officials never told me about the ten years... I don't know if he has the right to take away the sponsorship, or if I decide

that I don't want to be sponsored anymore if I lose my residency or not.

We were married in my country and lived together for a month there before he went back to Canada to do the paperwork... He said he would sponsor me but I didn't understand that word. I knew I would come here with papers, but I didn't understand what this landed thing was... When I went to the embassy to pick up my papers they said absolutely nothing, they only said here are your landed papers.

I didn't think the process would last almost a year, I almost went crazy. The sensation of feeling trapped in a country, without being able to move, without papers, is something that I don't wish upon anyone.

Women also spoke of how the sponsorship process was used as a threat by their partners:

He threatened me that he would break the sponsorship process if I didn't come back.

He began abusing me from the day I arrived... I was very afraid, when I told him that I didn't want to get married he became enraged with me... He said that if I didn't marry him I would have problems. He began to threaten me like this.

He's never said that he would take my daughter away, but I feel that the possibility exists... If I leave him for good I know I would have many problems with him. He is Canadian and has power that I don't... I would like to have power to defend myself and my daughter, but right now I have everything going against me. I can't do anything except tolerate it.

Settlement Issues

The settlement process has been defined as a multi-dimensional concept affected by various external factors found in the resettlement country including factors operating in the society of resettlement, psycho-social adjustment, socio-cultural adaptation, and socio-economic adjustment (Breton, 1992; Brown, 1993; Freire, 1989; Jacob, 1994; Meredith, 1992; Neuwirth, 1989a; Neuwirth 1989b; Neuwirth, Jones, and Eyton, 1989; Opoku-Dapaah, 1994). "The various dimensions are not only causally related but, over time, are mutually reinforcing in a feedback loop, that is to say, the degree of adaptation on one dimension will act back or re-enforce adaptation on the other dimensions." (Neuwirth, 1989a: 4)

Structural factors “such as delays in the acquisition of legal status, [and] restrictive access to settlement-related services” make the settlement process more difficult (Opoku-Dapaah: 10). Loss of role and status as well as one’s emotional well-being affect the settlement experience from a psycho-social perspective.

The women in the study talked about their difficulties trying to adjust to a new country – culture shock, language barriers - about their unfulfilled expectations, about their role of status, and how the process was exacerbated by their uncertain immigration status vis-à-vis their relationships with their partners.

I arrived and Canada really shocked me, it was the first time I had left my home, my country... It was a really hard shock.

It has been like death, I couldn’t even tolerate the air from the first moment I arrived.

I was dying of desperation.

I said to myself “I left university, I left my job, I left everything, and for what?” ... my pride was wounded.

I thought he would be responsible with us. I had that trust in him, that he would never leave me.

I had imagined that Canada would be like paradise.

When I saw him again here, he was different. I arrived with my sister and didn’t want to go with him. When we got to his apartment, it was a basement, horrible. For me everything seemed strange, ugly. I felt sad, depressed by the change.

I said “I’ll get married and in a couple of months everything will be ready.” One comes with the idea that since Canada is a developed country things will go quickly in terms of paperwork.

I thought things would be easier here, that I would be able to study, I never thought it would be so hard. I came with a lot of expectations.

Isolation

Eighty percent of the women interviewed talked about feeling isolated, due to being in a new country where they had few or no acquaintances, to language barriers, and to having their movement completely controlled by their partners.

He would go out at night and not come back, he would leave me alone with my son and we wouldn't have anything to eat. The landlord would ask me things I didn't understand.

I don't have my parents, I don't have my friends, I left everything.

I didn't have a penny, I didn't speak the language, I had no one.

My life has changed completely since I came to Canada, I am no longer the same person I was when I came. My life now is harder... but what I feel the most is the isolation.

Because I was alone, he always took advantage of that.

I found myself lost here, without family, friends, without anyone who could help me.

I felt completely alone, afraid that he would kill me.

He would say to me, "I love you so much that I want you to stay at home, don't do anything. If you want to study go, but I'm not paying for child care". He didn't want me to leave our child with strangers, that's what I was here for, to take care of him and our son.

He would leave me at home and didn't want me to go out anywhere, he's very jealous. He wouldn't let me speak on the phone with anyone.

Abuse

Ninety-three percent of the women interviewed reported being abused by their partners. Twenty out of thirty women interviewed reported being abused physically (sometimes including sexual abuse, and death threats), twelve of whom sought medical attention. Twenty-eight out of thirty women reported being emotionally abused, with sixteen of them seeking counselling. All survey respondents reported that at least some, if not all, of the Latin American women sponsored by their partners who they served experienced violence in their relationships.

The women's own voices best describe their experiences of physical and sexual abuse:

He grabbed my hair and dragged me all the way to the bed. He began to hit me and with one of the blows I fell, I got up any way I could and my son crying followed me. My husband was following me to hit me... I thought he would kill me, he was enraged.

Once he hit me in the eye because he thought I was making fun of him when was laughing on the phone with my cousin.

My husband wanted to have sexual relations all the time, every minute... he constantly wanted to bother me... it felt like he was raping me.

The emotional abuse included constant insults and degrading comments, threats of deportation, monetary control, refusal to letting her work, and overall control over all aspects of her person and her life.

I would speak to him and he would say "you're worthless, you're good for nothing," in front of our friends, he never respected me.

He was always threatening me, that I shouldn't do this or that, that I was stupid, dumb.

He didn't give me any money, he controlled me, he didn't let me wear the clothes I wanted... He never liked it when I went to community centres...

One day he insulted me in the car, he said "you're worthless, useless, you don't speak English, you can't do anything. You're never going to be able to do anything except clean because that's what you deserve. Get out of my face."

If I put make-up on he said that I was a prostitute. He said I was retarded, that I was sterile, that I was worthless as a woman. He wanted to have sex when I was menstruating and would get mad because I didn't want to.

He was very selfish from the beginning... he would control when I could talk on the phone, he would record my calls, he didn't want me to have friends men or women... he said that the lawyer was my lover... he and my brother-in-law abused me a lot... sometimes my brother-in-law would call and my husband would say that it was immigration and they were coming to get me...

Police Involvement

Immigrant women often remain in abusive and even life-threatening situations due to their insecure immigration status in Canada and their fear that if they attempt to leave the abuser or to contact the

police when they are being abused, they will subject themselves or their spouse to immigration deportation proceedings.³⁵

Nineteen of the thirty women interviewed had police involvement due to violence in their relationships. Ten of these women laid charges. Twelve out of thirteen survey respondents indicated that at least some of their Latin American women clients in sponsorship situations had had police intervention. Women spoke of being afraid to call the police because of their immigration status, because they thought the police would be corrupt like in their countries of origin, and also of not wanting to call because the abuser was her husband.

When he behaved badly I never called the police because I was afraid of being deported... when I was pregnant he threw me out on the street with my eldest daughter... it was cold... other people who were walking by said they would call the police... that he couldn't do that... I begged them not to call the police...

I was afraid of reporting him, I didn't want anything to happen to him. My sister would tell me that if I reported him they would take him to jail... that if I reported him I would have a bad record, of being a conflictual Hispanic woman.

They pressed charges and I didn't go to court... for me those months were filled with tremendous stress... I always feel guilty and then make excuses for him... he says that I have done him more harm than he has done me.

Impacts

The women spoke of how they were emotionally affected by their experiences of violence and sponsorship. Seventy percent of them reported seeking counselling services, and ninety-two percent of survey respondents reported that most or some of their clients sought counselling, while the rest indicated that all of their clients dealing with abuse and sponsorship had sought counselling.

It affected me too much emotionally. I almost went crazy... Emotionally it has killed me... I've even thought about killing myself... I get really depressed... I had to pay a high price, part of my youth and my life.

I suffered a lot, had anxiety attacks, I wanted to kill myself... Now I don't feel like participating in anything... I hardly ever feel like going out.

³⁵ Sadoway, Geraldine, "Partner Abuse – Integrating Community Responses," (February 1998).

Women were quite concerned about the impact of the abuse and their immigration status on their children who witnessed the abuse. They were afraid that their partners would try to take the children from them, and of what would happen to their children if something happened to them.

I feel very ill and I'm afraid of dying, what would happen to my daughter in a country where I have no one.

I got breast cancer, a product of everything I've lived through... I'm worried about what will happen with my children if I die.

They say that I'm strong in spite of everything, but I say that it's only because of my son... When I go out on the street I have flashes of everything that happened to me. I feel terribly bad... My son also has gone through many bad things, my husband would beat me in front of him... At the school they ask me why my son is so sad and cries all the time...

One woman described the physical effects of the abuse she endured:

He has harmed my hand for the rest of my life. I can't pick anything up... With my foot I can't stand the pain when it's cold.

Women also expressed a continued fear of their abusers:

I am still afraid of him.

I am always fearful.

Social Supports

Women spoke of the importance of having supports to help them through. Most women did not have informal supports they could count on because of their isolation, so they relied primarily on formal supports. Accessing social supports off-set some of the isolation the women experienced and in turn took some of the power away from the abuser. The types of agencies listed by the women included community legal clinics, shelters, community health centres, Spanish-speaking settlement services, community centres and churches. Women also spoke of how difficult it was when they were unable to access needed services.

I have been going to see a counsellor for more than three years now and that has given me a lot. It was helped me regain my self-esteem. They have supported me to make my own decisions.

I was feeling persecuted, like he was right behind me, following me, I couldn't talk. When I got in the taxi I felt that I could start to breathe a little. I went to the shelter.

Going to the shelter was important. Having a place to escape to. They treated me well and I needed that, it had been a long time since anyone treated me well. That was really helpful. It was the most helpful.

When I found them I asked them where they had been, that I had lived through three years of abuse without knowing that there was a Hispanic community.

Women also spoke of their difficulty and sometimes complete inability to access social, health and legal services because of their uncertain immigration status, language barriers, and racism. Being unable to access needed services made going through the sponsorship and re-settlement processes more difficult and added to women's isolation. In their own words,

I don't have my papers, I don't have health insurance... I have just gotten pregnant, I must be about a month along but I don't really know because I haven't been able to go to the doctor...

When their relationship broke down, one woman's husband sued her for the money he spent bringing her to Canada:

No one wanted to help me because it was Small Claims Court. I have gone to many places to look for help.

We discussed custody of my daughter and I applied to legal aid. I was denied because there was no physical abuse.

I called a shelter and was told I had to wait until I had my papers.

I was the only Hispanic woman in the shelter and I saw how differently I was treated from the other women. A Hispanic staff was the only person there who helped me.

Recommendations

The women interviewed had a number of recommendations to make to prevent other women from going through what they had been through.

- That each woman know the laws and her rights
- That each woman be given information about the community and services available in her own language
- That each woman have emotional supports to help her through the settlement process
- That each woman have access to interpretation services to help her resolve whatever problems she may have
- That each woman be given information about immigration laws and the sponsorship process in her country of origin, upon arrival in Canada, or upon filing an application
- Women who are sponsored by their partners should have more basic rights while their application is being processed, more protection under the law, and more supports available
- The sponsorship process should be more expedient, and the length of the sponsorship commitment should be reduced
- Canada should realize that people come here to better themselves, not to take advantage
- It should be easier for applicants to check the status of their applications
- Racism and discrimination are barriers to the settlement process that need to be removed
- Have peer support mechanism for women who are going through the sponsorship process
- Staff who work with abused women need to be trained and have a comprehensive analysis of the situation
- Agency staff should have anti-oppression training
- Information should be available for women in their own languages
- Women should be believed when they make a report to the police
- Better systems need to be in place for finding abusers when they escape, and court cases should proceed even if the woman changes her mind
- Funding should not be cut from shelters
- Citizenship and Immigration Canada should change the sponsorship process to one where there is not such a power imbalance
- That CIC expedite those cases of women who are being abused by their sponsors

In fact some of the suggestions the participants made could come about through law reform initiatives. These will be addressed in our conclusion.

Conclusion

A possible model for change may be found in the American *Violence Against Women Act*, 1994 (VAWA).³⁶ By contrasting the Canadian laws and policy guidelines with the VAWA, some resolutions to obvious gaps may become apparent.

VAWA was enacted to combat violent crimes against women by taking a multi-prong approach to problems such as sexual assault and domestic violence. While VAWA is not part of the US *Immigration Act*, it does contain a very pertinent section for conditional immigrant women who are vulnerable to domestic abuse. The US Congress elected to provide protection to immigrant women as part of VAWA in recognition of the void in federal legislation which failed to address the needs of conditional immigrant women who suffer from abuse as a result of their immigration status.³⁷

VAWA's approach to combating violence against women includes the allocation of funds to improve public awareness, enactment of specific protections for battered women, provisions allowing women to file civil suits against their attackers. Most importantly, the rationale for VAWA is to encourage undocumented women to leave an abuser. Abused immigrant women are enticed to the prospect of having the *right to self-petition*, to *adjust their residency status* or to be *protected from deportation* proceedings if the person seeks assistance from the police or if they try to leave the abuser.³⁸ The Act diminishes the power of the abusive spouse to control his wife's residency status and the abused spouse is relieved of a tedious evidentiary burden and she is provided potential remedies in the event of deportation.³⁹

The VAWA serves as a positive legislative model for recognizing the unique needs of abused conditional women. A preliminary comparison of the VAWA with Canada's current Immigration Act and the proposed Immigration and Refugee Act, as well as the Canadian Government's general response to violence against immigrant women demonstrates a clear need for more legislative attention to this issue.

Law reform is only one of the changes that need take place in order to make the experience of women immigrants in Canada one that is free from violence. For other important changes, we need only listen to the suggestions the women themselves have made. It is in their words, coming out of their lived experiences, that we can find not only key recommendations, but also inspiration.

ⁱ Family violence across the lifespan at 215.

ⁱⁱ stairs and pope at 157-158.

³⁶ *Violence Against Women Act* (VAWA), is part of the *Violent Crime Control and Law Enforcement Act*, Pub. L. No. 103-322, 108 Stat. 1796 [hereinafter "VAWA"].

³⁷ Felicia E. Franco, "Unconditional Safety for Conditional Immigrant Women," at 116, *Berkeley Women's Law Journal*, Annual 1996, 11 [hereinafter "Unconditional"].

³⁸ *Ibid.* at 116-117.

³⁹ *Ibid.* at 118.

ⁱⁱⁱ stairs and pope at 158.

^{iv} Felicia E. Franco, "Unconditional Safety for Conditional Immigrant Women," at 124 Berkeley Women's Law Journal (fix this)

^v (Korean-Canadian Women's Association, "Hear our Words: Korean Women Speak About Violence in their Lives- A Handbook on Woman Abuse in the Korean-Canadian Community", at 26, (Toronto: June, 1992).

^{vi} Gloria Kim, at 3.

^{vii} Felicia E. Franco, "Unconditional Safety for Conditional Immigrant Women," at 124 Berkeley Women's Law Journal (fix this) at pp. 124-125.

^{viii} Complex Web, at 10.

^{ix} (Korean-Canadian Women's Association, "Hear our Words: Korean Women Speak About Violence in their Lives- A Handbook on Woman Abuse in the Korean-Canadian Community", at 27, (Toronto: June, 1992).

^x (National Organization of Immigrant and Visible Minority Women, 1993). pg. 72

^{xi} Complex web, at 27.

^{xii} National Organization of Immigrant and Visible Minority Women, 1993). pg. 72

^{xiii} Complex web, at 28.