NON-STATUS WOMEN:
Invisible Residents and Underground Resilience

by

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Although activists’ conservative estimate of the number of non-status people living in Canada is well over 500,000, the Canadian government, through its exclusionary immigration, civic, and public policies, has criminalized their existence and forsaken its responsibility for their human rights. It has been abetted by international law, which largely leaves it to individual states to resolve their own issues with unregulated migration by means of deportation or regularization.

This anti-racist feminist research relied on multiple methods to collect 155 survey questionnaires distributed by service providers to non-status women within the Greater Toronto Area; it also relied on thirteen individual and two focus-group interviews with service providers and activists in order to: (1) explore the lived conditions of non-status women, and (2) examine how the activities of service providers and activists address these women’s needs. The results show that living without legal immigration status has dire consequences for non-status women, placing them at high risk of physical and sexual abuse, labour exploitation, sexual and mental health challenges, excessive caring responsibilities, and unstable housing conditions.

Since most publicly funded human-service agencies come under governmental control through the process of funding allocation, practitioners must meet their non-status clients’ needs in an underground manner or on compassionate grounds, while facing dual workloads, limited referral sources, and work-related burnout. This adversely affects the quality of the care these women
receive. As a result, in recent years, many frontline practitioners and human-rights activists have formed campaigns and networks to confront neoliberal state policies and act as the voice of non-status women. At the same time, non-status women’s resilient power, informal learning mechanisms, and social networks have enabled them to learn new skills, navigate the system, and make Canada their new home.
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For Dr. Shahrzad Mojab, my thesis supervisor, ally, and mentor: no words can express my gratitude for your guiding me on the journey of becoming a resilient scholar.

Others

Resilient shadows tumble to earth—
her beginning is like her end:
in the empty silence of sorrow
filled with unwanted touch
and fetid breath,
she echoes the sound of wind,
sea, fire, and death.

Partly destroyed, partly restored,
her body an eternal choice—
rising, falling,
now with dignity,
now a commodity—
her voice
lost in his rhythm
caught in a schism.
She breastfeeding her newborn
and fades from sight.
Forced to migrate,
colonized there and
exploited here—
she holds hope tight.

There is no end
to the vortex of
love, hate
gaining power.
Failing to grasp,
indefinite
as you pass her by.
Silent
yet with voice.
Unmoving
yet in motion.
Who is she?
Why is she here?
Sometimes you see her
other times not at all.

Perhaps you know her?
By her toils,
your coffers filled and
you sleep without guilt.
To you, she is simply other—
Beneath dark skin lurks
the pallor of fatigue,
her body perfumed
with heavy sweat
from unrelenting shift work.
A person without intrigue
a mother
whose shoulders droop like thin stems
on old branches.

Perhaps
you were one of them:
then or now.
A non-status person
present,
yet invisible.
You negotiate your life,
carving new paths
amidst strife,
enduring the pain.

You sell your body
and question your destiny
but fight to hope and
live again.
In your resistance
you find the strength
to move on.

I worked with you
and you filled my life,
knowing that once I was you
before I found my way home.
Since at some point
I wanted to remain faithful
to your pain,
to our historical pain and
then used my position
to fight against
your dispossession.

Your stories opened
a window:
I saw you stealing
to feed your child,
mutilating your body
to mute your guilt
as you relived
your defilement,
your pain watching
your children
long for things
you couldn’t give them.

As I listened
I felt angry and
my eyes glistened
when I had given
all the hope
I could give
and it felt
like emptiness
when you walked
out the door.

As you struggled
to survive,
I searched for new horizons
and allies
for your journeys.

There, I met a woman,
a woman of her word,
forthright and fearless:
a voice to lead the revival.
Her clothes are beaded,
as colourful as her heart
and her mind
discerns your pain.

Her world is bright,
her sky is blue
as she flies on a journey
of praxis
well beyond
the enemy’s reach.
She keeps her dark brown eyes
on the prize,
constantly searching
for invisibilities.
She knows the spinning
of the world
on its axis.

Her flesh is familiar
with the pain of injustice
and of freedom lost.
When she describes
inequalities,
she mesmerizes.
Her words echo heroes
whose dried blood inscribed
resistance notes
on the walls of distant prisons.

Her pulse
follows the heartbeat
of justice and
her mind eludes
the power of nations
as she fights
for the rights of the stateless.
Like you,
she is a resilient fighter.
Her name is Shahrzad.
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Dedication

In Loving Memory of Feather

and

To All Non-Status Women
I met her in a church basement. Her name was Feather, and she was a beautiful, petite 32-year-old woman from Africa. Feather had been referred to me through my contacts with various faith groups. During our time together, I helped her to overcome some emotional difficulties, including depression. While I was assessing her, I realized that her depression was deeply embedded in her social circumstances as a non-status woman with complex living conditions. While providing therapeutic support, I assisted Feather in dealing with immigration issues, poverty, homelessness, and, most important of all, intimate abuse.¹

Feather’s immigration case was an interesting one. Throughout the hearings, her mood constantly changed: from frustration that built up to the point of making her leave the courtroom, to episodes of memory blockage, to dissociation from her surroundings, and even to moments of confusion in which she changed her story, while dismissing her own previous testimony. Ultimately, her appeal and subsequent application for status on humanitarian grounds were turned down. When she lost her last immigration option, Feather fled underground.² She soon fell in love with a man and ended up marrying him. Their relationship was short-lived, however, and she now found herself a single mother, raising a daughter with no support. She worked at various jobs, often simultaneously. These ranged from factory work to house-cleaning, to cleaning public washrooms and offices. When this wasn’t enough to support herself and her daughter, she became desperate and started engaging in sex-trade work.

On a few occasions, I insisted on seeing Feather at my office; I wanted to expand her resources, but every time she refused to come. “My life is already too complicated,” she told me, “I have no need for more drama.” Her last social worker had called the Children’s Aid Society (CAS) on her. She was indignant when she told me, “I was pregnant. She should have just referred me to an abused women’s shelter!”

She told me her story. The night before her appointment with her social worker, Feather’s husband had come home drunk and had beaten her up. She received several bruises on her back and on her arms. Instead of negotiating referrals to the hospital for a medical examination and then to a shelter, Feather’s social worker contacted CAS to report a potential risk to her unborn child. This sequence of events caused more trauma in Feather’s life when her husband cancelled his immigration-sponsorship application and she became homeless.

After the birth of her daughter, Feather contemplated ending her life on a few occasions. She often found herself thinking, “Maybe someone better than me could provide for my daughter.” However, this thought would only be followed by anxiety about how her daughter would be raised in her absence. Feather didn’t know whether her daughter would be placed in foster care

¹ “Intimate partner abuse” (IPA) refers to physical, sexual, emotional, financial, intimidation, use of children, denial of basic rights, or psychological harm by a current or former partner or spouse. This type of violence does not require sexual intimacy. It can vary in frequency and severity and occurs on a continuum, ranging from a threat of abuse to chronic severe battering.

² “Underground” refers to a particular state that “non-status people” occupy. When those applying for immigration status are declined, they are either being deported or going “off the grid.” The latter option involves their choosing employment where they pay taxes but are exploited. Non-status people lose the possibility of accessing social services, including healthcare.
or with a new family. She wondered about the financial situation of the new parents, their skin colour, culture, and religion. Her list of worries continued to expand to the point where she realized that she needed to raise her own daughter. It was the power of bonding with her newborn child that gave her the will to live.

For the four years that I worked with her, Feather never talked about her childhood, other than sharing with me a story about her first name: “The night before I was born, my father had a dream of a baby girl who left town flying on a feather, so he named me Feather.” She then changed the conversation to her usual complaints: headaches, psychosomatic pain, memory problems, financial difficulties, and her wish to die....

For Feather, our sessions were important because they revitalized her shattered body and soul; for me, they provided a sense of contributing positively to the plight of non-status people. I gave her all my energy every time I saw her, and this enabled her to rationalise her need for my time.

On my final day of volunteering at the church, I began to feel overwhelmed by sadness: I knew that I was leaving many people behind. I understood that every beginning has an end, yet it was particularly difficult saying goodbye to my non-status clients. That day, after each final visit, I ran to the washroom crying. I knew that this violated a number of tenets of my profession, but I was unable to stop myself. I wondered what would happen to all of them.

In our last session, Feather said to me, “I came here today to tell you everything, because I don’t know if I will ever get another chance to tell my story to anyone. I trust you, but I haven’t told you everything. Please listen and then share my story, because maybe then there will be some help for people like me. I know a lot of women who are just like me. What other choice do we have than to sell our bodies? We need to raise our children. I sell my body to feed my child because your system isn’t helping me. You know: I am not eligible!

“Please,” she continued, “tell them I feel guilty for selling my body, but it was all I could do. My husband nearly killed my daughter before she was born, but because of my immigration status he is entitled to custody. Why do men get away with not paying child support? Why does your system punish me for his failure? He made me lie about the child support in exchange for resolving the case outside of the courtroom!”

I couldn’t raise my head to look at her. I felt guilty that this was our last session. This was the first time I had seen her express such anger, and I wondered whether it was our counselling sessions or the fact that they were ending that finally encouraged her to speak so strongly.

As Feather continued speaking, her voice grew louder and stronger: “Ask the government why my Canadian-born child is not eligible to attend daycare, get a Social Insurance Number, and receive the Child Tax Benefit? Why do they treat my Canadian child as a second-class citizen? Why do people call me an unfit mother when all I need is to be legalized in order to raise my daughter in a better environment?”

She was trembling. Fighting back tears, she looked into my eyes, raised her wobbly voice, and said, “Listen! I will let you go in peace if you promise to listen to my story.” Once again, I
couldn’t control my train of thoughts: I was torn between my fear at what remained untold and the responsibility of hearing. My mind was also circling around my professional obligations, something that I always struggle with in working with disenfranchised populations.

Feather looked at me and said, “I know you’re worried about your boundaries, but I am concerned about justice! You are responsible for teaching others! There are many bad workers out there. As soon as they hear about your immigration status, they report you to Child Protection Agencies. If you tell them that you have been abused or raped, they report you to the police. Don’t they realize that it is the ‘authorities’ who are doing this to me by not protecting me? You must take the authorities to a court of justice for me!”

She had my attention, and I could see that she was getting very nervous. She was holding a white plastic bag and kept scratching at it with her long fingernails. I knew her well enough by now to be able to tell that she hadn’t been sleeping well. Her face was pale, and her big eyes were framed with red. Then, in a calm voice, she asked, “Why are you leaving me?”

“I am...” I replied, but I couldn’t finish. In my heart, I realized that I had underestimated my own transition’s impact on my clients.

“It was a very difficult time for me,” she continued. “The rebels attacked our village when I was a young child. They raped me and my siblings in front of our grand-parents and then killed our parents in front of us. They burned our entire village and killed many people: young, old, pregnant—they had no mercy for anyone.”

Feather stopped, took a deep breath, and carried on with her story: “They dragged me and my younger brother into a truck crowded with other children. I was bleeding heavily, but was more concerned about my elder sister. She was taken to a corner by three rebel soldiers. I could hear her screaming, and then it stopped with the sound of a gunshot. I needed her to protect me, and yet I ended up protecting my little brother, whose back was soaked in blood. Around midnight, I woke up to the sound of soldiers screaming at us. They threw us on the ground while one of the youngest ones lit the fire. We were hungry, but no food or drink was offered to us. The soldiers soon got drunk and began to laugh hysterically. One of them walked up to me, grabbed my hair, and began undressing me. He raped me first, and then one by one they raped me to the point that I went unconscious....”

At that moment, I found myself close to tears. I saw Feather lost in the memory of her past and realised how her legacy had shaped her present. She was a victim of the masculine aggression of the rebels, who had in turn been brainwashed by their masters. Her captors had been children who were abducted and tortured by soldiers; they never were given any choice other than to conform and become monsters themselves. Did they know any other way of life? I asked myself.

Throughout my career, I have heard many traumatic stories of human-rights violations and abuse. And yet, as I listened to Feather, I felt ashamed. Many of the abuses that Feather had faced in Canada were committed by our lack of human rights protection, our justice system and our professionals. Hearing the details of her story was difficult, but I didn’t want her to stop. I wanted to know how she survived her torture, how she found her way to Canada, and why she
never shared her story at her immigration hearing. My mind was racing. I felt indignant and wished I had known her story earlier so that I could have initiated a challenge to her immigration case. I would have asked for another psychological assessment, I would have... done something. I forced myself to concentrate on Feather, a woman who now felt that it was her last chance to share her pain.

“I have to leave soon,” she continued; “let me tell you the rest.... I don’t know what happened, but when I opened my eyes, I saw an old man above me. He was pouring water into my mouth. I remember I was very thirsty. Apparently, the rebels thought I was dead and left me behind.” Her voice had become choked. She put her head down as she said, “I will never forgive myself, because they took my brother with them. That’s why I fight to stay in Canada. I don’t want my daughter to have the same life as I did. They want to deport me, but to where? I have no one left, they are all dead.”

Feather was silent for a few minutes. Then, she gathered herself together, lifted her head, looked into my eyes, and said with a jagged voice, “You must share my story and fight for justice for people like me. I fought to survive, and now you must promise to fight for justice.” She opened her plastic bag, took an envelope out, and passed it to me. “This is for you,” she said: “a small token of appreciation for your help. I will never forget you.” As she walked towards the door, she added, “By the way, I forgot to let you know that I don’t have much time to live. I was diagnosed with aggressive cancer—but not to worry: I’ve already found a family for my daughter!”

Then she disappeared—like a feather flying away on a blue sky. I opened the envelope she had given to me. Inside was a card with her writing on it, thanking me for all of the help I had given to her. As I read it, my eyes filled up with tears.
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Just because international human-rights laws, Canadian immigration laws, the Canadian Charter of Rights and Freedoms, and national civil laws neglect to grant non-status people the rights to civil liberty, freedom of movement, political participation, access to resources, family reunification and parenting, and healthy and violence-free living conditions does not mean that they have no rights or should be denied such rights!

Chapter I

1.1 Introduction

I was on vacation in Greece when I first heard the news that the American Navy had bombed an Iranian passenger plane, killing innocent passengers and crew members. The news was extremely shocking to us and the entire world. My partner, an Iranian commercial pilot, lost many of his colleagues to this tragedy. The losses continued. Back in Iran, our house was the first in our city to be bombed in the war between Iran and Iraq. Many of our friends and acquaintances were killed during the revolution, the war, and in prison. We were hostages to fear and uncertainty, and, at the time, the only option appeared to be to seek visas from the American or Canadian embassies. Although my initial entrance into Canada was with a visitor visa, the process for becoming a permanent resident proved to be much more difficult. As a woman with no legal status, I was faced with multifaceted gender and settlement challenges that placed me at great risk of falling into deplorable living conditions and potentially being deported. At the time, I felt abandoned and caught between two sets of patriarchal laws: the Iranian family and civil laws that violated my rights as a woman, mother, and citizen, and the Canadian immigration laws that perceived me as a “dependent applicant” with no rights of my own as an “independent woman.” Within this complexity, I was also aware of international laws’ shortcomings in terms of protecting—or holding government accountable for protecting—gender-based claims.
Throughout this process, I was totally voiceless, fearful, and vulnerable, recognizing that any mistake could risk my children’s future. I was therefore silenced.

This thesis explores the lived experiences of women who have emigrated from their national spaces, crossed international borders, and become non-status immigrants in Canada. Seyla Benhabib and Judith Resnik (2009) remind us about the importance of physical space, regardless of where and how one is situated, since space has a profound effect on one’s life chances. In essence, an individual’s reality is influenced by the availability of basic needs, opportunities, security, social networks, and, more importantly, legal recognition. This legal status is what shapes one person as an immigrant (whether legalized or unauthorized), and another as landlocked and a citizen (ibid.). However, entitlement based on citizenship status is problematic, inasmuch as it protects state sovereignty and a sense of nationalism, while simultaneously putting into place conditions to restrict the rights afforded to non-citizens or those perceived as “Other.” This contradictory discourse results in an ideology that permits people like Feather to live in Canada in wretched conditions yet remain invisible residents.

Feather’s short life gave birth to my desire for a journey into higher education, as well as to the specific topic of my dissertation. By sharing with me her intimate stories of childhood torture, sexual violence, rape, displacement, pain, migration, poverty, abuse, and discrimination, she has opened up channels of hope and possibility for others. Her life conditions reflect the wider political implications of the injustice and oppression that refugees and immigrants experience in Canada. Feather believed in the power of testimony and praxis with a deep desire
for social justice. She taught me that frontline work, volunteerism, and advocacy work are not the only answers for alleviating the agony of non-status women.

 Feather’s guilt over her brother’s abduction, combined with the pain of the abuse she endured, prevented her from disclosing her story at her immigration hearing. This resulted in a survivor becoming a rejected refugee and non-status person. Feather’s story is not unique. Within our country, there are many other non-status women with their own stories of resistance and resiliency, women whose courage and pride enable them to continue to survive, as they hope for better lives. Like Feather, they are caught between the cracks in our system.

 The chances of survival for Third World non-status women are dependent on a variety of complex and multifaceted factors. As nationals in their homelands, during both peace and war, they experience the legacies of colonialism and the resulting global inequalities in the form of subjection to poverty, instability, and gender violation. Throughout their migration experiences, they fall prey to smugglers and sex-traffickers; to neglect, slavery, refugee camps, and sexual and physical abuse; to unwanted pregnancy or forced abortion; and to caring responsibilities and poor health. In their destination countries, their labour, bodies, and souls are exploited as a result of the colonial state’s urgent need to survive amid global competition—where increases in profit are intertwined with the sovereign power to control the distribution of basic human needs.

 Sharma confronts Canadian neoliberal democracy and the advancement of corporate capitalism in the context of globalization. The notion of migration, Sharma (2006) argues, often intersects with the reality of national borders, and the impact of national borders is not the same for everyone: often, people who are assigned to the categories of “migrant workers” or “illegals” suffer the negative consequences of state boundaries. In this situation, restrictive immigration

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3 Throughout this thesis, I will use the term “non-status women” to refer to those women who have entered Canada legally or illegally and who live underground without holding any form of legal immigration visa. These women are vulnerable to arrest, detention, and deportation.
policies are used as a tool for economic exploitation through the imposition of border-control policies that create inequality and promote superiority over people from the Third World.

Mohanty (1986) holds the violent process of colonization responsible for creating a social relation of structural domination and suppression that justifies economic and political hierarchy and the production of cultural discourse about the so-called Third World. This position takes us to Bannerji’s (1995) argument, in which she encourages the practices of historicizing and naming the many complex forms of oppression, in order to make sense of colonialism, the social organization of Canada, and how these have shaped individual experiences. From Bannerji’s point of view, sex as a woman, the gendered division of labour, patriarchal social forms, and sexist experiences cannot be omitted from consideration of how one’s position is constructed. While Bannerji sees all of these as interrelated components of identity, I wish to integrate yet another component: “status”—and especially the lack thereof. That is to say, identity is deeply influenced by the ways in which “status” is positioned within the dominant society. According to Sharma (2000), the current system for assigning and denying status has been used to provide a cheap labour force that will help domestic industries survive in the global competition of capital. The result is that many foreigners live and work in Canada without any expectation of entitlement to the land or the operation of its laws.

In critiquing capitalism and liberal democracy, Sharma confronts the dichotomous relationship between, on the one hand, the Canadian state’s desire to eliminate impediments to the international flow of capital through free-trade and other policies, and, on the other hand, its role in restricting the international movement of racialized workers through discriminatory
immigration policies.\(^4\)

Sharma’s views on “Othering” recall Giorgio Agamben’s (1998) theories regarding the ongoing dialectic between inclusion and exclusion, between those whom the sovereign will protect and represent, and those it will not. This set of dichotomies between inclusion and exclusion, citizens and others, and us and them enables Canada to practice sovereignty by attacking forms of life that are deemed threatening to the nation. Sovereignty, after all, as Sharma argues, is a set of practices based on the ideology of privileging one group, in this case White citizens, at the expense of others, in this case migrant workers (2003:37) and non-status persons.

It is estimated that, at the present time, nearly 200 million people, both men and women, live outside of their countries of birth in search of better lives. The 1999 report of the International Labour Organization (ILO) suggests that a majority of these people are racialized workers from Third World countries in Africa, Asia, and Latin America (27). The 2000 UN report also indicates that over 30 million of these workers hold no employment or other type of legal authorization (Vittin-Balima, 2002:7).

Non-status people are situated across the world. In 2000, for instance, the EU countries hosted up to half a million unauthorized migrants annually (ILO, 2005:1). The United States is reported to have up to 12 million non-status persons (Rector, 2006), whereas Canada is estimated to host over half a million\(^5\) (Pashang, 2010). It is important to note that, while most First World

\(^4\) The development of the Non-Immigrant Employment Authorization Program (NIEAP) in Canada allows employers to recruit workers, mainly from the South, without substantial legal obligations over their immigration statuses; at the same time, this program restricts workers’ mobility rights through terms attached to their work permits. Other similarly problematic policies include the introduction of the Canadian Export Development Corporation, tax breaks, and capital grants (Sharma, 2000:75).

\(^5\) This number is only an estimate based on unofficial statistics produced based on service providers’ and activists’ caseloads across Canada. It also draws on the government’s annual statistics on rejected cases of H & C and PRRA applications, deportation, and those waiting for their application for legal status. This estimate has been referenced by various websites, such as the following: http://toronto.nooneisillegal.org/.
countries have enforced restrictive immigration and border-control policies, they nonetheless manage to tolerate these high numbers of non-status persons—particularly among people occupying low-waged “three-D” jobs; that is, jobs that are “dirty, dangerous and difficult” (ILO, 2005:26).

Recent reports suggest that the migration of semi-skilled and educated single and married women exceeds that of men (ILO, 2005:39). Migrant women leave their home countries for reasons similar to those of their male counterparts, yet with added gender-related inequalities such as: lack of opportunities, violence, sexual abuse, drug- or gang-related violence, and single parenting or care-giving responsibilities. These inequalities, often originating in these women’s countries of origin, overwhelmingly reduce their opportunities for admission through legal immigration channels.

According to the 1996 Statistics Canada report, over 50% of the temporary-migrant workforce consists of racialized female workers from Third World countries (ILO, 2005:40). Since a large portion of women’s labour is in the field of domestic work, which takes place in isolation within the boundaries of individual homes—including domestic work or caring for children or the elderly—they are exposed to various forms of abuse with limited access to professional and legal support. This position further limits these women’s chances of accessing formal education and vocational training, or learning new language. All of these factors reduce these women’s chances of qualifying for legal status and therefore place them at higher risk of living underground or facing arrest, detention, and deportation.

Despite their ongoing presence in Canada, however, the Canadian government has never collected data on people living without official immigration status. There is thus no official information on the number of people living without status (Global Commission on International
Migration, 2005), on the ratio of males to females, on the number of children living without status, or on the ways in which non-status families survive or are structured. Additional complexity results from the fact that individuals’ immigration status often fluctuates as they apply for, or exhaust, the existing legal channels for gaining status. The negative consequences of this lack of official recognition are manifold, given that non-status people are generally ineligible to access public, legal, and social services, or to receive justice when their rights have been violated. And yet, the Canadian government’s lack of official record-keeping, at once a symptom and a cause of its ongoing failure of acknowledgement, continues to permit such abuses. Unfortunately, this dearth of information intertwines with a lack of international guidelines that would hold Canada accountable for the human rights of non-status people living within its borders.

Despite an increase in the migration of non-status people around the globe, the United Nations has not put into place an exclusive treaty or convention to address the issue. There is also a widespread belief that individual states have the right to exclude persons from their territories unless a treaty obligation requires their admission. The 2005 report of the Global Commission on International Migration (GCIM) notes that “states should resolve the situation of migrants with irregular status by means of return or regularization” (Nafziger, 1983:37). While the United Nations has a wide range of responsibility, it is limited in its execution of authority, which leaves the implementation of its decisions to the discretion of individual states. As result, the living conditions of non-status people have deteriorated worldwide. In the meantime, receiving countries’ policies regarding non-status people remain focused on restrictive border controls, detention, and removal.
Since the 1960s, the Canadian government’s official response to the issue of non-status people has been a series of regularization programs allowing certain persons to be granted permanent resident status. These programs, which at times appear to be inclusive and intended to improve the living conditions of non-status people, are often geared towards the needs of Canada’s labour market, including addressing the brain drain and population issues. These programs also tend to be initiated in response to social and political pressure from human-rights activists, or else during periods when new policies are to be introduced in Canadian immigration law (Berinstein et al., 2004; Knowles, 1997; Wright, 2003). Berinstein et al. argue that strict eligibility criteria not only exclude most non-status people from attaining full legal status, but also further jeopardize rejected non-status applicants with detention and deportation orders.

Eligibility criteria often specify a required length of residency and country of origin, require criminal/security and medical checks, the presence of extended-family members living in Canada, employment, financial resources, and the ability to integrate into Canadian society (Berinstein et al., 2004). Given that many families headed by single women lack financial resources, they are very often excluded by these eligibility criteria (Lee, 2000; Ornstein, 2000; United Way of Greater Toronto and the Canadian Council on Social Development, 2004).

Simultaneously, immigration reforms have always been used as a tool by the Canadian government for gaining control over the lives of non-status persons in order to address its economic and labour needs. For instance, at the same time that the governor of Arizona, Mrs. Jan Brewer, is signing the new immigration-reform law SB1070, Canada’s Conservative Minister of Citizenship and Immigration, Mr. Jason Kenny, has, without public consultation, introduced Bill C-11 to reform Canada’s refugee-determination system. Activists fear that this reform policy violates both international refugee laws and Canadian human-rights laws, inasmuch as it restricts
the legal entry of immigrants in need of protection and limits their chances for gaining legal immigration status through the Humanitarian and Compassionate category. The proposed changes also place temporary migrant workers in higher demand—with the result, as noted by the Ontario Coalition of Agencies Serving Immigrants (OCASI, 2010), that individuals are commodified as economic units.

Contrary to the prevalent myth that regards non-status persons as “illegal border crossers,” my research findings affirmed that non-status people often enter Canada legally. For instance, of the 155 women who responded to my survey questionnaires, 112 reported coming to Canada with some form of legal visa. However, when these women applied for legal immigration status in Canada (an action undertaken by 114 of them), their applications were turned down by immigration officials. It is therefore evident that immigration law and citizenship law play a central role in the lives of these women. Catherine Dauvergne (2009:333) rightfully argues that globalization affects citizenship from two conflicting angles. First, in response to the pressure of globalization, states control their members using their sovereign power. Second, in Western liberal states with well-established immigration policies, there exists a dichotomous relationship between immigration laws and citizenship laws, in which the latter ensure equality and inclusion, while the former perform the dirty job of inequality and exclusion.

Within the Canadian context, the criminal-justice system (with the assistance of the police) and human services (by reporting non-status women, particularly those deemed unfit mothers, to the police or immigration) often intersect with immigration law as further sources of exclusion that license the arrest of non-status persons. Of course, immigration laws have historically ensured women’s lack of participation and exclusion from citizenship rights; this is because women were historically considered as men’s dependents and, subsequently, as
members of the “family class” category—both of which left them vulnerable to sponsorship breakdowns and deportation. As noted by Sharma (2006), both globalization and nationalism extensively affect immigration patterns and migrant categories. This point also brings us to Dauvergne’s (2009) argument that, in the case of citizenship, the line between inclusion and exclusion is gendered (334).

Living without legal immigration status—that is to say, with no form of citizenship or residency rights—has dire consequences for non-status people, and makes their community one of the most marginalized in Canada. This has an enormous impact on non-status people’s mental health, housing, education, parenting, intimate relationships, safety, human rights, and access to resources—to name just a few areas. Although all non-status people face these consequences of their lack of legal immigration status, non-status women are confronted with additional gender-specific challenges, including sexual and physical abuse and caring responsibilities.

Like so much of their existence, the sexual abuse of non-status women, by those with status as well as by those without, takes place underground. Non-status women’s bodies are targets of abuse by their friends, family members, employers, colleagues, and strangers. Sexual abuse and rape are weapons of terror and intimidation, and are used both to prove superiority and as instruments of revenge. Given that lack of police protection effectively legalizes the sexual violation of non-status women, it is not surprising that, of the 155 women who completed survey questionnaires, 90% reported experiencing some form of unwanted sexual relationship or sexual abuse. None of these women sought help from the police, out of fear of deportation. At the same time, while all survey respondents reported distrusting the police, over 80% agreed that the role of police protection is very important for preventing the abuse of women. In the case of non-status women, however, police power is itself abusive, since it will result in their deportation.
In Canada, members of the police force are legally obligated to enforce the law as set out in the Immigration and Refugee Protection Act. As Mukherjee (2006) notes, “[t]o fail to do so would be a breach of their oath of office (Ontario Regulation (O. Reg.) 144/91, Police Services Act (PSA)), their duties (section 42(1), PSA), and would constitute an offence under the Code of Conduct (O. Reg. 123/98, PSA)” (2). When violations of the Immigration and Refugee Protection Act are discovered, police officers are obligated to report them to Citizenship and Immigration Canada, which is charged with investigating them (Mukherjee, 2006:2). That said, in 2006, Toronto Police Chief Bill Blair showed interest in endorsing a “Don’t Ask, Don’t Tell” (DADT) policy, which would allow non-status persons to report crimes without fear of deportation (Perkel, November 27, 2007; Don’t Ask Don’t Tell, 2006). As the relevant policy document states:

The Board shall adopt a policy directing that the Chief of Police develop procedures to ensure that victims and witnesses of crime shall not be asked their immigration status, unless there are bona fide reasons to do so (Don’t Ask Don’t Tell, 2006:paragraph 2).

This policy endorsement came as a result of a complaint filed in November 2004 alleging that Toronto Police Service practices—including inquiring into the immigration status of persons seeking support and reporting non-status persons to immigration authorities—were acting as barriers to equal access to police services and to all levels of the criminal justice system. The institutionalization of deportability is, of course, highly influenced by the decisions of Immigration Canada and the Canada Border Service Agency. Even though, out of the 155 non-status women surveyed, only one reported having any problem with the police,6 John Gillan, the regional director for the Canada Border Service Agency, has acknowledged that the reporting of “illegal” non-status persons to the federal agency can be intrusive and, at times, an impediment

6 I consider this to reflect a limitation of the scope of information as collected through the survey questionnaire, since the nature of her encounter is not clear.
to police investigations. All the same, he opposed the implementation of a DADT policy, on the grounds that it would significantly compromise “public safety and security” (Perkel, 2006). At the same time, Gillan emphasized the importance of the police’s role in tracking “illegal” immigrants and ensuring their deportation (ibid.). Knowing the extent of sexual abuse directed against non-status women, however, I argue that casting these women out is a national shame. What else can we call this denial of women’s rights as human rights? Such considerations should automatically take precedence over questions of immigration status and spurious concerns about “public safety and security.”

Although increased public recognition of the need to implement a DADT policy, and Bill Blair’s endorsement of it, seem promising, the way in which this policy has, in fact, been implemented is deceptive. To be sure, police officers may no longer ask individuals about their immigration status; and yet, if another person discloses a woman’s immigration status (a common risk in situations of intimate-partner abuse), the police are obligated to report the victim to immigration officials. In any case, there is substantial ambiguity in the wording of the policy, which specifies only that victims and witnesses “shall not be asked their immigration status, unless there are bona fide reasons to do so” (Don’t Ask Don’t Tell, 2006, para. 2). What counts as a “bona fide reason” is, of course, up to the discretion and interpretation of the individual officer. Furthermore, activists such as Avvy Go (2006) have even argued that the DADT policy implies that we are dismissing the human rights and existence of non-status people in our city.

Not everyone, however, has been willing to turn a blind eye. As mentioned earlier, in recent years, many service providers, activists, academics, and others concerned with human-rights issues have become more aware of the atrocities faced by non-status persons; as a result, many have formed new coalitions or joined existing activist networks in order to confront
immigration policies or increase non-status persons’ access to public resources. There are many professionals who desperately strive to assist non-status people, despite having limited or no support. As a result, this thesis explores not only the negative impact that hiding immigration status has on our society and on the discourse of gender, but also its effect on practitioners’ frontline work. What would prompt a frontline worker to serve her/his clients in an underground manner and lie about her/his caseload, professional activities, and distribution of resources, just for the sake of engaging in a truthful and anti-oppressive helping relationship? The following section attempts to address this question.

1.2 Community Resistance

Six years ago, when I started the journey of my PhD dissertation, I faced the challenges of finding Canadian-based empirical information on the topic of non-status people in general, and on that of non-status women in particular. The same held true both for historical and analytic approaches to the issue. However, as a long-term practitioner and activist, I was well aware of the extent of community mobilization and resistance initiatives around this issue, at least from the 1990s and onward. For this reason, I felt the urge to find traces of this lost history. Indeed, failing to grasp this discourse would neglect the process of problematizing the role of the state and its institutions in necessitating such resistance movements in the first place. As Gramsci reminds us, within the context of Western democracy (of which Canada is an example), power is often contested from two distinct sites: the state and civic-society organizations (Biazar, 2009). Therefore, the gap between present-day investigations and the historical past not only leaves the starting point challenging; it also risks alienating a new generation of activists from their heritage while portraying the state and its institutions as mutual actors.
In my research, I came across various governmental reports that portrayed non-status persons as illegitimate refugees or illegal border crossers. Such reports either justified deportation or explained the regularization program. Other reports were geared towards the conditions of migrant workers. I found Knowles’s book *Strangers at Our Gates: Canadian immigration and immigration policy, 1540-1997* (1997) very useful in helping me gain an understanding of the history of migration in Canada and, in particular, the deportation laws and policies developed in response to it. That said, as important as this work was, it primarily served to historicize the notion, without providing critical analysis of the underlying issues. However, in the book *Coalitions for Justice* (1994), edited by Christopher Lind and Joe Mihevc Novalis, there appeared a chapter by Thompson (pp. 203-218) entitled “The Inter-Church Committee for Refugees.” This chapter shed some light on these matters from a humanitarian and compassionate standpoint by further reminding us of the important role of the Church in the lives of non-status persons.

Thanks to the efforts of community members, I also managed to collect in-depth data from activists who had been involved in previous campaigns. I did so by means of individual interviews, personal memoirs, print documents, and reports and flyers from different organizations and agencies. At one time, activists and their organizations used these print documents to embarrass the government and inform the public about new policy developments. They also provided follow-up on individual cases. In addition to this historical research, I used my professional position as a frontline practitioner and activist to collect data from current activists and their networks and organizations, including their print and web-based records.

One recurring theme that emerged in discussions with both previous and current activists was the fact that, despite the proliferation of work on the subject, most printed information failed
to grasp the discourse from the perspective of non-status persons. This gap further framed the
direction of my thesis. In particular, it inspired me to frame my research around two central
problems: first, addressing the notions of “voice” and “representation,” and, second, exploring
and learning about non-status women’s perceptions of the activities of current activist groups. In
retrospect, this thesis can fill in the gap by providing an epistemological basis for further
research. Due to the depth of the data, the following only presents a brief description of
important events; I will provide a further account of such discourse in Chapter Five of this
dissertation. My hope, however, is to expand this knowledge still further through additional
publications in the near future.

My overall findings suggest that most recent activists (that is, those active after the year
2000) were unaware of the existence of previous networks and campaigns or of the extent of the
documents they produced. My findings also show that most previous networks and campaigns
(that is, those from the 1980s to the late 1990s) are presently either inactive or dismantled. What
made tracing this history especially challenging was the fact that there was little in the way of
archives or official reports and documentation on the topic. It is imperative to note that
 technological advancements, including the transition from typewriters, phone-calls, faxes, and
regular mail to the personal computer, have greatly affected the nature of these movements and
the extent of their activities and publications both locally and internationally. In my research, I
realized that previous activists and staff were either retired or had moved on to other sectors.
Their print documents were also out of reach: they had either been destroyed or been effectively
buried in the storage areas or personal libraries of individual staff and activists’ homes.

During the 1980s and early 1990s, as part of the frustration that seemed perpetuated by
reforms in immigration policies that institutionalized the criminalization, detention, and
deportation of rejected refugees, individuals and groups mounted successful resistance and ad
hoc movements. The activists of this period engaged in both overt actions—such as organizing
demonstrations; signing petitions and organizing letter-writing campaigns; gaining media
coverage; holding public workshops and conferences; blocking immigration offices; and holding
vigils at the Canada-US border—and covert actions, such as providing sanctuary and safe
housing and assisting with border crossing. At this time, the main form of coalition involved
faith-based activists, those concerned with human-rights issues, and members of immigrant
communities.

As part of my research, I found some documents on the collective initiatives that called
for public demonstrations in response to the Canadian government’s 1991 institution of DNA
testing to examine the genuineness of putative family relationships. This DNA testing was
perceived as an act of overt racism that would impede the family reunification of many African
families. I also reviewed numerous articles in national and community newspapers written in
response to the mass deportation of non-status persons where over 1,200 demonstrators shouted
the popular slogan of “Protection yes, yes, Deportation No, No.” (Iranian Community

Closer to the mid-1990s, however, a new discourse emerged within the field of human
services when activists realized that the government’s policies knew no borders and indeed were
gear towards attacking both immigrant and non-immigrant communities. An example of the
latter is the government’s attack on social assistance through its introduction of the welfare-
policing system and its shrinking of funding to social housing and other social programs. This
condition intensified as Canada became more attuned to global competition and the expansion of
neoliberal ideologies. However, in response to these conditions, community resistance eventually
led to the formation of new initiatives for public education and consciousness raising. An example of one such initiative is the conference held on November 23, 1997 by Vigil Toronto and sponsored by the Toronto Lesbian and Gay Community Appeal, entitled “Sexual Orientation as a Basis of for Refugee Status.”7 This conference was organized to push for policy reform. The problem was that the 1951 Refugee Convention did not definitively address the issue of sexual orientation, though it did make reference to gay and lesbian rights (though not to the rights of transgender, transsexual, and two-spirited persons) in its Opinion Letter, page 4, when it referred to protection provided for homosexuals who had been the objects of prosecution by Nazi Germany. As a signatory to the Convention on the United Nations High Commission for Refugees (UNHCR), Canada incorporated a similar concept into its Immigration Act. This convoluted situation meant that each hearing was based on the interpretation of the Convention in light of three different perspectives: (1) international law, (2) Canadian law and jurisprudence, and (3) the policies of the Immigration Refugee Board (IRB).

The solidarity among immigrant communities, activists, and members of the LGBQT communities was further strengthened in response to the experience of Mariluz, a transgender refugee claimant from Mexico whose case was turned down by an IRB panel because it decided that the claimant could simply turn off her sexuality, since—as it put it—“closeted homo-sexuals are tolerated” in that country. (Greg Beckman wrote an article explaining this issue in detail in the Fall 1997 issue of Keeping Vigil). It is interesting to note that, at that time, homophobia was more prevalent in our society than it is today, and the coalition building among these different communities served as a broader opportunity for public education.

7 The speakers at this conference included the lawyers El Farouk Khaki and Jawad Kassab, Dr. Les Richmond (MD), and the psychologist Dr. Judith Pilowski.
Similarly, on the 2nd and 3rd of March, 1998, Vigil Toronto and the Parkdale Community Legal Clinic held a joint conference entitled *Living Without Status: Human Rights Underground*. This conference was designed to address the impact of immigration legislation on non-status children and women facing abuse in their intimate relationships. Together, the participants in this conference produced some documents to challenge the issue from the perspective of the law and its impact on individual cases. Recent activist campaigns, however, have neglected to address the issue of gender violence. The Rights of Non-Status Women Network has performed important work by providing some public-educational workshops and print and web-based publications about this issue.

During the mid-to-late-1990s, the government’s mounting attack on the funding of not-for-profit agencies not only closed or narrowed agencies’ doors, it also silenced the sector and its allies both in terms of coalition building and their core activities. Immigrants came to be seen as a burden on taxpayers and on social, health, and economic resources (Thobany, 2005). During this period, the work of many migration scholars focused on a particular subset of those affected by these attitudes, centering on the issue of refugees or on the multifaceted challenges of race, gender, class, employment, and identity as they relate to immigrants and refugees. At the same time, the change in the political climate shifted the discourse of humanitarianism to one of neoliberalism, giving rise to the dichotomies of “good” versus “bad” immigrants and “cooperative” versus “radical” organizations and workers. This trend progressed to the point, towards the late 1990s and early 2000s, where most organizations and their workers feared undertaking any overt form of advocacy work. The events of 9/11 further provided Canadians with the idea of being regarded as a multicultural society while simultaneously reinforcing the
pre-existing myth about refugees and immigrants being a threat to their security (Thobany, 2005).

After the events of September 11, 2001, and in the new era of communications technology, a group of young activists of various political stripes—from anti-globalization to environmentalism and anti-imperialism, though all concerned with global justice locally and internationally—became more concerned about the issue of non-status persons. They held various community meetings in Toronto and other major cities to discuss the global justice movement and systemically contextualize their response to the September 11 attacks. During the same period, the Liberal government of Jean Chrétien overtly withdrew civil liberties and enacted other regressive policies in the name of national security. And yet, immigrant communities continued to resist state repression. In the early 2000s, thanks to the activities of No One Is Illegal and the later STATUS campaign, along with other activist groups, the resistance movement for the rights of non-status persons found a new arena. During this period, many web-based documents were produced. Despite increased awareness about the conditions of non-status people, in 2005-2006, while drafting my thesis proposal, I continued to face the challenge of limited empirical data on the topic of non-status people in Canada. The existing scholarly documents explained the factors contributing to illegal migration (Kapur, 2003; San Martin, 2004). From a legal perspective, Brouwer (2003) published an article with the United Nations High Commissioner for Refugees entitled *Statelessness in Canadian Context: A Discussion Paper*. Also around this time, various groups of activists pushed for policy reforms and regularization programs (Lowry & Nyers, 2003). An example of making this case was November 2004’s *The Regularization of Non-Status Immigrants in Canada 1960-2004: Past policies, current perspectives, active campaigns* (Berinstein, et al., 2004). However, at the Third Annual
Forced Migration Student Conference (November 13-14, 2005), Bou-Zeid raised a new concern that was summed up in her title: “Non-Status Migrants in Canada: Is another regularization program the answer?” Another interesting article, by Cynthia Wright, was published in *Refuge* (2003); this article was entitled “Moments of emergence: organizing by and with undocumented and non-citizen people in Canada after September 11.” The focus of this article was on the discourse of mobilization for non-status persons. In September 2005, the Canadian Council for Refugees also published a report submitted to the Human Rights Committee of the United Nations. This report, entitled *Refugee and Non-Citizens in Canada: Key concerns regarding Canada’s compliance with the Covenant on Civil and Political Rights*, sought to raise these people’s concerns internationally. The paper “Institutionalizing precarious immigration status in Canada” (Goldring, Berinstein, Bernhard, 2007) was also intended to provide a legal and social framework for analyzing the institutionalization of the notion of non-status-ness.

Reports and flyers produced by human-service organizations and their frontline workers were geared towards explaining the challenges surrounding access to services. One such handout was a brief prepared in 2005 by the Parkdale Community Legal Clinic, entitled a *Guide to social membership entitlements*. This document was very useful to community organizations as a resources guide while dealing with various groups of immigrants, including non-status persons. In February 2008, the Community Social Planning Council of Toronto, together with the Davenport Perth Neighbourhood Centre, and in partnership with the “Don’t Ask, Don’t Tell” Campaign, also printed a community resource guide for non-status immigrants, entitled *Access Not Fear: Non-Status Immigrants and City Services* (Berinstein et al., 2004). This report became highly useful for practitioners serving non-status persons.
The health sector also took action to improve the health conditions of non-status persons. A draft document by the joint Community Health Centers of Greater Toronto, entitled *Community Health Centres, Hospitals and People without Health Insurance* (2007), drew attention to the impact of lack of access to the healthcare system. In recent years, publications on the health conditions of non-status people have proliferated. Around the same time, the Community Social Planning Council of Toronto also produced an interesting report, entitled *The Right to Learn: Access to Public Education for Non-Status Immigrants* (Siduh, June 2008). This report was designed to address the needs of non-status children within the educational system. The same year, I also published an article entitled “The Impact of Immigration Status on the Health and Well-being of Non-Status Children in Canada,” in order to further address the health conditions of non-status children.

As my dissertation work draws to a close, we are faced with a proliferation of research, advocacy networks and campaigns, forums and conferences, and public demonstrations and media reports about various aspects of non-status people’s lives and realities. Various health, settlement, legal, and social-service organizations and activists have formed advocacy groups to push for access to essential services as a matter of human-rights concern. Many practitioners also continue to face fears of funding cuts and limitations on resources. Nonetheless, they carry on with heavy caseloads in order to address the needs of their non-status clients.

As this account has indicated, community resistance in the late 1980s and early 1990s took several directions, ranging from coalition building on an ad hoc basis and in response to particular political actions, to mobilizing the public and providing sanctuary to non-status persons. During this time, most of the documents produced were in the form of monthly newsletters, newspaper articles, or printed flyers informing the community about particular
political actions or public demonstrations. The mid-1990s, however, saw the creation of more networking and joint initiatives designed to raise public consciousness regarding various social causes, along with some publications regarding issues affecting immigrants and non-status persons. These movements were dismantled or fell silent around the late 1990s. The post-9/11 era raised new forms of activism, mainly by younger activists and geared towards linking national and international concerns. These activists succeeded in raising broader social consciousness about various aspects of non-status people’s lives. However, despite the proliferation of research on the conditions of non-status persons in Canada, most of these texts and printed documents continued to write on behalf of non-status persons; as a result, the voice of non-status people themselves has been absent, as has been their perspectives on the work of activists. Therefore, there remains the question as to whether practitioners’ perceptions of the central needs and barriers affecting non-status persons are in fact reflective of what non-status persons perceive. These epistemological concerns shaped my research question.

1.3 Background: how this research came to be

For the purpose of this thesis, I consciously chose the title “Non-Status Women: Invisible Residents and Underground Resilience” in order, first, to historicize the discourse of non-status women, and, second, to shift attention away from the assumption that these women are powerless and voiceless. It is my view that we need to critically question the concepts, language, and practices we employ in research, policymaking, organizational programming, and frontline work in order to avoid potential disempowerment and re-victimization. Only by taking this path can we ensure that our attempt at voicing the concerns of non-status women precludes potentially negative consequences on the life chances and social-political power of the very people we intend to help.
I have also chosen this title in response to my survey findings, which suggest that, despite their increased risk of suffering economic instability, violence, abuse, exploitation, and self-harm (including addiction and engaging in the sex-trade), non-status women nonetheless hold on to hope and resiliency in order to survive and move forward. In fact, non-status-ness has provided them with opportunities for relying on their informal-learning and social networks, while expanding their niches in their new home. Looking back over the two decades of my frontline work, during which I often dealt with complex, multilayered cases including sexual abuse and rape, I recalled often observing the resilient power of these women as they strove for a better life. This resiliency could be detected even in situations of attempted suicide and severe depression. For the most part, navigating the system and seeking help is itself a form of resiliency.

In their 2008 book, *Not Born A Refugee Woman*, Hajdukowski-Ahmed and Moussa adeptly outline three premises for discussing the construction of refugee women’s identity and agency. The first premise, which is drawn from the legal ramifications of the discourse of the “refugee,” holds that the latter is a social construct or legal category for a particular situation in which individuals find themselves. The second premise is the multilayered, multifaceted complexity of refugee women’s identity both prior to, and after, they are assigned to the refugee category. The third premise holds that, while all refugees’ identities are impacted by violations of their human rights, refugee women are faced with additional, gender-based violence throughout their process of flight, transition, asylum, resettlement, and repatriation. Although the social construction of non-status women differs from that of specifically refugee women, one can nonetheless find many similarities in the experiences of both groups. The crucial difference is that, unlike that of the refugee, the category of non-status has not been socially, legally, and politically accepted by international and national laws, with ensuing rights and protections. This
disparity means that non-status women’s human rights are not only violated at the national and international levels, but that this violation is justified by nations’ designation of these women as illegal migrants and illegal residents.

As already mentioned, in Canada, little has been documented about the living conditions of non-status women. However, through my professional encounters with immigrants, I have noticed a shift in our understanding of non-status women and their resiliency. The discourse of non-status persons as a social group first came to public prominence in the early 1970s and 1980s, when faith-based groups such as the Inter-Church Committee for Refugees became involved in refugee work and the emergent sanctuary movement for providing assistance to rejected refugees or non-status persons designated as “deserving.” During this time, non-status persons were perceived as individuals in need of protection. Such protectionist views mobilized society to take political stands in confronting discriminatory refugee policies. In this process, rejected refugees or non-status persons were themselves highly involved—unless they were individuals at heightened risk of deportation or lived in hiding. Therefore, while non-status women were depicted as “victims of flaws in the immigration system,” they were simultaneously presented as resilient fighters.

The late 1980s and early 1990s, however, saw a shift in immigration patterns, as well as deep cuts in funding to community agencies, particularly those serving marginalized people. These developments changed the values of humanitarianism and protectionism that previously characterized the field of non-status issues by further emphasizing the commodification and professionalization of immigrants through the Point System. This policy shift eventually decreased opportunities for the legal entry of refugees and widened the political gap in the dichotomy between “good and deserving” skilled workers and “poor and undeserving” economic
refugees and migrant workers; it also led to increases in the legal and illegal entry of non-status persons. The Canadian government’s response to these conditions was to criminalize non-status persons by emphasizing enforcement tactics such as arrest and deportation. This process silenced non-status women and assigned them to the roles of “voiceless” and “illegal.” The result was that non-status women became further subjugated to even more severe forms of physical, sexual, and economic exploitation, with limited access to faith-based, political, or legal and social services, as well as human rights protections.

As immigration arrests and the deportation of non-status women became widespread, new grassroots social movements, starting in the early 2000s, once again brought the subject of non-status women to the forefront of the social and political arenas. Due to fears of deportation, many activists and service providers assumed the role of the “voice” of non-status women; as a result, they consciously or unconsciously depicted those they represented as “voiceless victims.” Moussa (2008), however, reminds us that these women remain resilient. In her discussion of refugee women—which, in this case, could easily be applied to non-status women as well—she emphasizes that their survival skills and power of resistance existed long before they became uprooted. Like refugee women, non-status women’s power of survival, political consciousness, and hope for achieving better lives led them to leave behind their family members, homes, communities, and social networks for unfamiliar socio-political environments; like them, they endured hardship and the risk of abuse and exploitation throughout their movement and search for asylum.

From a psychological standpoint, resilient individuals hold strong coping capacities that help them succeed. In fact, one study by Perez et al., (2009) on the academic resilience of non-status Latino high-school students in the United States, has suggested that social and legal
marginalization—including feelings of societal rejection, low parental education, and long employment hours during school terms—actually motivated these students to obtain higher levels of academic achievement. According to Gharoie Ahangar (2010), the concept of resiliency is particularly relevant when discussing an individual’s ability to successfully adapt during the process of disengaging from one home and re-engaging with new surroundings, despite the potential for encountering risks and adversities. This understanding of resiliency, however, raises an important question: what counts as a home?

Sharma (2006) states that the idea of home is both espoused by nationalist practices and colonized by the nationalized imagination. She consequently refers to temporary workers as “homeless” within Canada’s borders. In my view, she is right in linking the state of homelessness to the nationalization of difference, in which national-subject identities create relations of rulership. Thus, the question of whether or not those, such as migrant workers or non-status people, who are constructed as the opposite of national subjects—that is, as national objects—imagine themselves as “homeless” requires further discussion. Bannerji (1995), for instance, correctly points out the need to tease out the complex social relations of race, class, gender—and, I would add, immigration status—that contribute to making people marginalized, or “homeless,” in Sharma’s more general sense.

Making the current portrayal of non-status women especially problematic are my frontline experiences working with non-status women, as well as the findings of my survey questionnaire, which lead me to argue that, despite their lack of immigration status and consequent susceptibility to deportation, most non-status women consider Canada their new home. Here, they continue to pursue formal and informal learning; to volunteer, socialize, and work; to make friends, fall in love, have children, and make their home “home.” One does not
run the risks associated with becoming non-status if one feels a sense of homelessness; indeed, it is precisely migrants’ sense of being at home in Canada that makes them run these risks. In a similar vein, the ILO report argues that, while expulsion or difficult conditions in the destination country do often result in migrant workers returning to their country of origin, the motivation to do so decreases as migrant workers establish themselves, raise children, or come to possess material goods in their new country, or home (David, 2002-2004 ILO Report).

That being said, even though there is a need to move towards implementing strategies that strengthen the resilient power of non-status women, this claim is not intended to distort the existence of a hierarchy that is used to justify the exploitation, suppression, and eventual removal of non-status women designated as “Other.” What is needed is for us to move away from a discourse of re-victimization, in order to pay respect to non-status women’s dignity as resilient residents in our cities. In so doing, however, we must bear in mind how their experience is impacted by the degree to which we, as writers, researchers, community members, activists, service providers, policymakers, and fellow residents, are open to being challenged and to challenging existing discourses. Finally, it is also important for us to remember that, while the complexity of non-status women’s lived conditions is highly frustrating for the practitioners who aim to support them, many practitioners also experience the positive side of working with non-status women. For example, during the process of data-generation between individuals and service providers, Interviewee #11 shared that it was important “just to see how human strength can survive in adversity. […] I admire them as I see the agency and the human strength.” This same strength has inspired me in my choice of topic.
1.4 Setting the context

My introduction to non-status women’s living conditions began twenty years ago. Over the intervening time, I have connected with many people who have provided me with opportunities to work and to learn. This circle includes practitioners, academics, members of faith groups, and social-justice activists whose collective efforts have raised the issue of non-status people as a social, political, and human-rights concern. As Cole and Knowles (2003) state, research has profound social and political implications. My desire to conduct research exploring the experiences of non-status women stems from this notion—and from the recognition that, for many years, the existence and plight of non-status people have been kept secret by all levels of Canadian society.

Mullaly (2002) defines the role of the social-service sectors as one of addressing both the causes and consequences of social problems, in an attempt to heal, or at the very least mitigate them. Throughout my frontline work as a social worker and therapist, I have encountered many non-status women seeking my professional services to deal with issues stemming from their lack of legal immigration status. These have ranged from gender violations including sexual abuse and rape, to physical abuse, trauma, poverty, labour exploitation, mental health issues, homelessness, parenting, issues with care-giving, and other social issues. Over the years, many of these non-status women have trusted and shared with me their agonies and fears, their stories of survival, as well as their strengths. They have invited me into their underground lives and homes and introduced me to their immediate families and social networks. However, listening to the testimonies of non-status women has not been without its share of negative consequences for me as a worker. I often find myself angry while facing limited resources for effective intervention and implementation of therapeutic strategies. For instance, when my clients were
sharing the trauma of sexual abuse and rape, I would feel helpless, unable to seek police assistance due to the intersection of immigration law with the criminal justice system. Whenever women needed medical attention, I was ashamed to inform them of the costs of their treatment. In particular, during the cold winter season, when women requested transportation tokens to attend their appointments, I felt guilty for running out of resources.

At the same time, I faced the challenges of a heavy caseload, limited funding, and restrictive organizational policies. This resulted in my providing my services to non-status women in an underground manner and on a volunteer basis. For these reasons, over the years, I founded new networks of human-service organizations, frontline professionals, and material resources. I also built partnerships with various stakeholders and business owners. By compiling a list of concerned service providers who reported being overwhelmed with similar issues, or by placing a cabinet of goods in my office, I paradoxically contributed to the notion of the welfare state—the very foundation of the traditional social-work profession, rooted in the charity model of the late 19th century. Although, in North America, social work has moved away from this stereotypical model while responding to such problems as population movement, urbanization, industrialization, and the resultant expansion of race, gender, and class divides, the field has remained liberal in confronting inequalities from within an anti-oppression and anti-racist framework. While caught in the conflicting dichotomies of my role as a provider of aid—as well as in the tension between theory and practice—I further learned to focus on the immediate challenges faced by non-status women, as I worked with them in various capacities to achieve justice. This meant turning my frustration into best-practice frontline work and activism.

As I have mentioned earlier, working with, and hearing the destitute stories of, non-status women enraged me over and over again. My rage directed me towards activism, but I eventually
learned that hearing stories, healing the emotional and psychological scars of marginalized non-status women, and attempting to raise awareness were not enough either to release my pain or to change the root causes of inequality at the structural level. As I continued to search for answers to my questions, I only encountered more questions. This thesis is part of my contribution to helping non-status women; my hope is that others will take my work’s limitations as inspiration to search for a broader spectrum of answers. In this vein, I drew a valuable lesson from administering survey questionnaires as part of this research. Overall, I was amazed to find that, of the 155 women who responded to my survey questionnaires, a staggering 143 reported some form of sexual abuse. The degree to which this shocked me—even though I was used to hearing women’s testimonies of abuse on an individual and regular basis—taught me the value of research that permits individual pain to become collective pain and the individual voice to become a collective voice. When researching human conditions and experiences, one’s self-understanding as a researcher must be deeply rooted in a personal and professional commitment. It is this commitment, according to Cole and Knowles (2003), that results in authoritative and authentic scholarship that is rooted in both personal and professional experiences.

1.5 Purpose of the research

Coming from a psychology background in my native country of Iran, my personal location in the diaspora took me into the field of social work. As a professional, I always relied on individual resiliency, hope, and the power of informal learning, in which one embraces new opportunities to survive and transform one’s life. Throughout the years, it has been my privilege to witness the ways in which my non-status clients, despite their deplorable living conditions in Canada, nonetheless strive to move forward, all the while holding on to the hope of achieving better lives for themselves, their children, and their families. Likewise, the social-work profession has
provided me with the opportunity of learning informally from my clients. In fact, Mojab and McDonald (2008) place more value on informal learning, inasmuch as it is ongoing throughout one’s life span and a crucial element for survival in an ever-changing world. Informal learning is socially constructed, gendered, and racialized, and is shaped by one’s class and immigration status. Throughout my frontline work, I have observed that non-status women’s closed social networks and limited access to formal learning make them heavily rely on each other and on informal learning to expand their niches in the diaspora. These abilities and practices provide them with the tools for accessing existing resources and provoking frontline professionals to advocate on their behalf and work for policy change.

In transforming frontline knowledge into feminist epistemology, this research seeks to raise a central question about the living conditions of non-status women. Since no study to date has captured the discourse of non-status-ness as it intersects with the issues of gender and race, it is important to learn about the ways in which non-status women manage to negotiate their needs while facing the challenges of lack of access to resources. Another important question that my research sets out to answer to is how service providers and activists respond to the needs of non-status women while dealing with the challenges of limited resources, as well as how they evaluate their professional services in so doing. My findings from individual interviews and focus groups suggest a direct correlation between such dichotomies. While many service providers tried their best to assist non-status women, they felt overwhelmed by their caseloads and unable to support their clients/patients in need. These questions are very important for me because of the twenty years during which I played an active role both as a service provider and activist. Most importantly, however, by raising the discourses of gender and race, this research is my contribution to the betterment of non-status women’s lived realities.
1.6 Methodological rationale

This is not traditional research with a distinct chapter for data analysis. Instead, my data is entwined with the lived stories of the women with whom I have worked over the years. Each chapter engages in dialogue between theories, methodologies, data analysis, and my memories of frontline work with non-status women. However, to respect the confidentiality and the identity of non-status women, I have changed names and modified the stories. Poetry, interspersed with these other elements of the thesis, also presents my emotional reactions to these lived experiences. The discussion of non-status persons has touched me from many fronts: my personal location as an immigrant woman in the diaspora; my professional engagement in the field of social work; my academic knowledge within the field of adult education; my ethical concerns in raising consciousness through public education as work towards a just society; my involvement in advocacy work and social-justice initiatives; and, most importantly, my obligations towards the discourse of gender as it relates to the notion of non-status-ness in Canada.

This exploratory research has therefore been shaped by many realities that exist within the research process (Creswell, 1998), ranging from non-status women’s praxis and lived realities to the memories and expertise of activists and practitioners, to my commitment to feminist epistemology (and, in particular, to critical feminism). In a way, this research teases apart my interwoven knowledge of the field, my relationship with the research participants, and the possibilities the research has revealed (Creswell, 1998; Schram, 2003). In order to produce such knowledge, I relied on a variety of qualitative and quantitative feminist methodologies; these methods guided me throughout the process of data generation and research analysis. I also relied on my insider role to recruit participants for individual interviews with service providers.
and activists, in order to gain insight about their knowledge and working conditions as these relate to non-status women within the human-service field. I also conducted focus groups with service providers and activists in order to gain in-depth knowledge in an informal setting. It is important to note that, due to the ethical consideration of protecting non-status women from any potential harm, the voices of non-status women are only reflected through survey questionnaires. That said, many women—including trafficked non-status women—managed to voice their concerns by writing side notes on their surveys, or by further elaborating their concerns to the service providers responsible for collecting their surveys. All of these comments are captured in this thesis.

Stewart and Cole (2007) distinguish feminist research by its methodology (as opposed to by its method or the procedures by which it gathers information); for this reason, they argue in favour of employing multiple methods, particularly when addressing issues of gender, sexuality, and, in the context of non-status women, race and immigration status. While qualitative methods such as individual interviews and focus groups equip the researcher for the journey of discovery and exploration, the use of quantitative methods such as survey questionnaires ensures that findings are reliable, replicable, and generalisable (Stewart and Cole, 2007). In other words, qualitative methods unravel themes, while quantitative research unearths frequency. For this reason, with the assistance of service providers, I distributed 200 survey questionnaires among non-status women with the goal of gaining a deeper understanding of their lived conditions as they navigate the system. All of these methods were informed by existing texts—including articles, government documents, and scholarly literature—in order to provide a framework for the new knowledge gained.
1.7 Limitations

Due to its exploratory nature, this thesis presents limitations in all stages of its research. The main limitation concerns my role as a researcher. As an insider, I was presented with the privilege of entering the research community without barriers. For instance, I approached many organizations to conduct individual interviews with service providers and activists. My research project was supported by these organizations without hesitation. From them, I also received assistance with the tasks of recruiting service providers for individual interviews and of distributing survey questionnaires among non-status women.

At the same time, my insider role became an ethical consideration because of its potential for conflict of interest. This prevented me from having any direct contact with non-status women during the course of the research. This condition changed the direction of my research from conducting individual interviews with non-status women to distributing survey questionnaires through service providers. While these surveys let me capture the perspectives of a larger number of non-status women across the Greater Toronto Area (GTA) than I would otherwise have been able to, they also limited my ability to generate in-depth knowledge about various aspects of non-status women’s lives, inasmuch as there was no possibility for dialogue or follow-up questions. However, some of these resilient women managed to overcome the inherent limitations of the survey format by writing side notes on their surveys, or by requesting to discuss their concerns with the service providers responsible for collecting them.

When designing the survey questionnaires, I simply relied on my own professional knowledge and expertise as gained from working with non-status women, rather than engaging these women directly in the process. Therefore, the survey questions may be biased, inasmuch as they are based on my own perspective on what are the major issues affecting non-status women.
Looking back, I realize that I could easily have selected a core group of non-status women and engaged them in reviewing the surveys. For instance, I neglected to include questions regarding the trafficking of women. As a result, throughout the data-analysis phase, I came across several surveys that contained side notes by non-status women raising their concerns about this gap. These women shared with me their agony at being trafficked and forced to perform sex-trade work.

In my opinion, a researcher must be equipped with the skills and resources to diminish the potential risk and address the needs of all research participants. Throughout the data-generation process, I was approached by various service providers who required emotional support in order to deal with their vicarious trauma as they discovered the extent of the sexual abuse experienced by non-status women. I arranged to meet with these service providers individually over coffee, or else spoke with them over the phone, depending on their requested methods of intervention. Also, I was occasionally approached by research assistants such as data processors and editors for debriefing discussions, since they found some of the data disturbing to contemplate.

1.8 Dissemination

Service providers and activists were informed of the study results in three ways:

(1) after each interview, I transcribed it and sent a copy to the participant for further input;

(2) when participants requested, I met with them individually to address any concerns and respond to their questions; and

(3) I collected the contact information of contributing organizations and participants who were interested in receiving a copy of the study summary (see Appendix 19).
In the months ahead, I will be organizing a public forum to share my research findings and analysis and receive feedback from community members (see Appendix 19).

Since I have no identifying information for the non-status women who completed the survey questionnaires, I will be informing the recruiting service providers and activists of an approximate completion date for the research project. Non-status women who completed survey questionnaires can contact their service providers or activists to seek information regarding the community forum, or to request a copy of the study results.

1.9 Summary and structure

As I have already noted, this thesis is my contribution to the non-status women with whom I have worked throughout my professional work as a social worker. I have contextualized their lives with the framework of critical feminism, as well as with storytelling, poetry, and recounted frontline experience. In Chapter 1, I have provided a brief introduction to my topic, outlining the key concepts, the literature, and the transformation of fieldwork into literature.

Chapter 2 presents the reader with the theoretical underpinnings of this research. In recent years, migration studies have been criticized for their limitations in terms of addressing the root causes of irregular migration, and especially that of non-status women. By relying on a critical feminist, anti-racist, and anti-oppression framework, I therefore hope to highlight the ways in which the processes of colonization, imperialism, and the exploitation of natural resources influence the mass migration of Third World people, even as restrictive immigration laws and border controls simultaneously impact the lived experiences of non-status women.

Chapter 3 is an exploration of the voices of non-status women, service providers, and activists through a feminist qualitative and quantitative research designs. This process of the research seeks to create critical dialogue between the living conditions of non-status women and
the challenges faced by service providers and activists as they engage in professional relationships with these women. This chapter embraces such issues as: studying the familiar, researcher reflexivity, and the researcher’s personal location as an insider. Due to the fact that non-status women are at risk of potential arrest, detention, and deportation, I further discuss various gaps and roadblocks, issues surrounding the recruitment of participants, and other ethical considerations involved in working with vulnerable populations.

Chapter 4 utilizes a legal-framework approach to define non-status women and situate them as transient in the diaspora. The rest of the chapter heavily relies on data generated from survey questionnaires distributed to non-status women by service providers. It uses this data to provide detailed and descriptive analyses of these women’s socio-demographic conditions, including their physical health and access to services, parenting, housing, and employment. This chapter further addresses the issues of sexual abuse, trafficking, and detention.

Chapter 5 highlights the paradox of the helping professions, ranging from human-service agencies to activist groups and networks. This chapter serves two interrelated purposes, providing historical information about the formation of activism for the rights of non-status persons, while simultaneously exploring the challenges faced by service providers and activists as they work with non-status women. Such challenges range from the demands of individual caseloads to issues of organizational support and funding. The main goal of this chapter is to present the reader with the critical question of whether or not the voices of non-status women are reflected in the activities of those claiming to represent them.

Chapter 6, on the other hand, engages in discussions on policy recommendations proposed by research participants and non-status women themselves.
Finally, in the Epilogue, I conclude the thesis with a story entitled *Alien in a Strange Land*. This story is intended to illustrate the fact that much more work in this area is needed. The purpose of this research was to comply with the wishes of Feather and to engage in a dialogue between the voices of non-status women and the rest of the world.

1.10 Conclusion

By relying on my frontline work, on my research skills, and on my engagement with the social-justice movement and various advocacy groups, as well as, most importantly, with the collective voice of non-status women, I wish to use this research to contextualize the ways in which the Canadian state’s sovereign power and citizenship laws matter to non-status women.

The state matters to non-status women because their everyday lives are affected by a set of separate but interrelated laws, including the laws in their home countries, international laws, and Canadian law—the latter of which is felt in terms of its immigration policies, its family and child protections, and the criminal justice system. At the same time, non-status women’s lives are further shaped by policies that determine their access to public resources. In part, these laws and procedures reflect the status of gender relations as a battleground upon which non-status women’s lives are situated. Thus, non-status women’s praxis is also a reflection of their agency and commitment as they negotiate their needs while challenging the status quo. At the same time, their stories showcase their hope for the future and their desire for policy change.

When the voices of non-status women “loudly and clearly state their demands through the narration of stories, those with the power to make national policies still fail them in achieving their rights” (Mojab, 2006:173). Regardless of their underground struggles, resistant and resilient non-status women continue to be portrayed as illegal criminals. They are “gendered by capital, raced by capital, and they are embodied by this relation between labour and capital” (Mojab,
2006:172). The dialectical relationship between capital and non-status women reveals social and political inequality set by law, inasmuch as law itself is implicated in the production of social norms (Macklin, 2009:277). It is through such social relations that non-status women are ruled in Canada. As a critical and anti-racist feminist scholar, I believe that modern Canadian trends in migration and the lack of status do not occur in isolation, but are instead linked to the economic needs of capitalism, to the legacy of colonialism, and to patriarchy, nationalism, and the Canadian state’s asserted power over all ethnic minorities. Throughout this research, I strive to strengthen solidarity by placing the issue of non-status persons in its historical context. Historicizing will occur as a result of deeply examining the causes of global displacement through the lived experiences of non-status women in order to learn from past trends and move towards a just society for all people.
Chapter 2: Theory, History and the Law

2.1 Introduction

As mentioned in Chapter 1, this anti-racist feminist research stems from my professional frustration resulting from working with and observing the living conditions of non-status women in Canada. Such professional encounters were deeply rooted in the ethics ingrained in the field of social work, as well as in my professional resiliency, which made me want to raise consciousness, especially about the gender implications of the lack of legal status. It is interesting to note that, while working as practitioner, I considered the lack of access to resources as the main issue preventing non-status women from healthy living. Such a belief system directed my attention towards advocacy work and coalition building for increasing access to resources. However, throughout the process of the theoretical review, I learned that, even though the issue appears on the surface to be one of “lack of access”—that is, access to immigration status, and legal, health, or other public services—in the Canadian context, such discourse is ahistorical.

This chapter aims to address the multifaceted aspects of non-status women’s lives. Their social location as “non-status” women has exposed them to various forms of psycho-socio-political and legal exploitation in Canada. This discourse, however, is also due to multidimensional conditions rooted in the history of colonization, capitalism, and globalization, and the global inequities that have resulted from these processes. These factors are interconnected with history, with international laws on migration and human rights, and with state laws, including policies on citizenship and immigration as well as civic and public policies. The theoretical framework of this thesis therefore seems plausible only when situated in direct dialogue with the aforementioned facets. In order to impart greater clarity to these complex
conditions, I have divided this chapter into three major parts, designated by the following headings: (1) Theoretical Framework, (2) History, and (3) The Law.

The work of Marx and postcolonial feminist scholars provided me with an understanding of the historical relationship between the commodification of human labour and the accumulation of capital, where factors such as colonization and capitalism result in the dispossessions of the Global South and the dislocation of its labour power. Postcolonial theories further suggest that the expansion of capital relies on the unregulated labour power of those categorized as migrant workers and non-status persons. From the neoliberal perspective, this vicarious labour benefits both the migrant-producing countries (through remittances that often exceed their own GDPs) and the host country, by providing it with unregulated and cheap labour power. In this process, borders become sites of contradiction that simultaneously allow the flow of labour power (both legally and illegally) and act as mechanisms to control such movement. The state further exercises its power over the lives of these people through exclusionary immigration policies (such as the Point System) that prevent them from gaining legal status once in Canada even if they arrived in Canada legally.

Living without legal status has dire consequences for non-status women, leaving them exposed to various forms of exploitation and at risk of arrest, detention, and deportation. Deportation and deportability shape the everyday reality of these women, silence their voices, and compel them to tolerate various forms of abuse, including sexual abuse. And yet, these evident problems should not distract us from looking deeper—at how international regulatory bodies treating human rights and migration, as well as state laws, create gendered processes of exclusion across borders and within sovereign space that mark one person as legal and another as an undeserving, illegal migrant. This dichotomy further creates an unequal dynamic between the
helpers (including institutions, organizations, practitioners, and activists) and the helped (non-status persons), which partly determines the working conditions of practitioners and activists and the quality of the care they provide, as well as the lives of the non-status women who are the recipients of such services. This notion raises a danger inherent in practitioners’ and activists’ claim to be the “Voice” of non-status women. In developing this idea, this chapter relies on the work of Spivak (2000), which cautions us about such risks.

2.2 The claim to be the “Voice”

In her book *A Critique of Postcolonial Reason: Towards a History of the Vanishing Present* (2000), Gayatri Chakravorty Spivak warns the reader of two dangers: first, the colonial subject may detach itself from the Native Informant; second, thanks to advances in global telecommunications beginning around 1989, the postcolonial subject may record the colonial subject and appropriate the Native Informant’s position. A range of new technologies have made it possible to tap Native Informants directly in the name of “indigenous knowledge” (Spivak, 2000:ix), thus substantiating such knowledge and at the same time presenting colonization as a past practice distinct from the present. If the discourse of postcolonial studies is not cautious, if it focuses solely on representations of the colonized or on the processes of colonization, it risks idolizing a lost object, thus foreclosing the Native Informant’s perspective. And yet, employed with due caution, such a theoretical perspective may help track this very foreclosure.

As historical narratives move from the colony to the postcolony and into the global era, what happens to women’s lives and women’s representation? What happens when women are excluded from textual analysis? One apparent danger is that, even while resisting and mobilizing, women in a given society may not act in solidarity with their global sisters; this in itself is a sign of complicity with imperialism, in which Eurocentric masculinity wins by foreclosing the Native
Informant, even as the Native Informant, by sharing some of this masculinity’s dominative characteristics, transforms the voices it intends to represent into an Other. This is not to claim, of course, that one should stop writing and producing representations; rather, such considerations should remind us that colonial and postcolonial theories are themselves rooted in European philosophy and in cultural representations produced by European ideologies. The imperialist project can succeed if postcolonial feminists normalize such a culture instead of deconstructing it. In tracing the Other and its struggles, they must act, not as victims, but rather as agents of change (Spivak, 2000).

With this in mind, my purpose for this chapter is to act as an “informant,” providing critical analysis of the living conditions of non-status women. I do not claim subaltern status, even though, at a certain time in my life, conditions placed me momentarily at its crossroads. Ultimately, however, opportunities directed me towards the roles of “helper,” “learner,” and “communicator.” I also do not consider myself as “speaking” for the subaltern, since this claim would dismiss the fact that non-status women have voices of their own. And yet, by claiming a “political voice” and placing this voice at the centre of the collective arena, I reach for the possibility to challenge existing nationalist ideologies within globalized capitalism. These ideologies, by emphasizing citizenship rights instead of residency, have the potential to deprive marginalized people of the ability to speak for themselves.

Most fundamentally, my writing is informed by the narratives of the non-status women I have encountered as a social worker. The directness of these encounters means that I did not act as a “helper” in the metaphorical sense employed by postmodernists, who continue to produce a subject-professional culture disengaged not only from its own history and that of cultural domination, but also, more troublingly, from the history of those who are “helped.” I do not
claim to know the answers to all of the problems facing non-status persons in Canada and around the globe, nor is it my intention to pass definitive judgment on capitalism, globalization, or the modern nation-state. At the same time, I cannot imagine non-status women living in a borderless world without suffering from existing hierarchies based on race, class, and gender; these problems know no borders. As the nation-states of the global North and South grow ever more connected by technology and ecological and economic exploitation, there is no doubt that existing relationships of power and domination are becoming ever more intractable, reinforced by developers with the forces of global capital behind them (Spivak, 2000).

In what follows, I will not provide a comprehensive theory of the oppression of non-status women. This in part reflects the fact that the discourse of non-status persons, although still fairly young, is growing rapidly. That said, although academic diaspora studies have been occupied with the conditions of women in general and of immigrant women in particular, those of non-status women have so far received little attention. Sometimes, the discipline did not see non-status women as immigrants, or they were viewed as themselves assisting the process of colonization. More neutral, but no less harmful in its effects, was the perception that these women were simply too isolated to be studied in terms of the multifaceted intersections of oppression based on race, gender, sexuality, ability, and immigration status.

Unfortunately, this historical neglect means that any attempt to understand these women today must begin by redressing a theoretical deficit. Thus, the first section of this chapter attempts to provide a theoretical basis for understanding this multifaceted oppression. In the process, I will rely on the scholarly work of Marx, Gramsci, Fanon, Mohanty, Bannerji, Mojab, Sharma, and Enloe. Once this theoretical groundwork has been laid, the second part of the chapter will use the case study of Maria to shed light on the notion of identity as it crosses
national borders. This case study is followed by a consideration of various perspectives on the causes of the global divide that designates women as non-status. There, I use the traditional neoclassical notions of “push and pull” factors associated with ideas about globalization, and later move towards theories of freedom of movement. These “push and pull” factors are those that either forcefully push people into migration or attract them. Benhabib and Resnik (2009) and Thobani (2009) provide us with a critical understanding of the discourse of citizenship and its implications for non-status women’s lives. In the same vein, I briefly examine Canadian immigration policies and international human-rights laws to further explain how these laws further fail and exclude non-status women from the fabric of our society by providing states with the right to deport undesired immigrants.

2.3 Section I: Theoretical Framework

2.4 The rise of unregulated labour

Marx identifies the four essential factors of credit and debt, globalization, environmental destruction, and poverty as determinative of the concrete reality of fully developed capitalist societies. These factors play an important role in shaping the life-conditions currently facing humanity (Allman, 2007:21-29), and also act as the driving force behind exploitation and the mass migration of Third World non-status people to the nations of the West. In addition, as Allman (2007:5) reminds us, a major recurring theme in emancipatory thinking is the historical relationship between the commodification of human labour and the accumulation of capital, each of which is, in effect, both the precondition and the result of the other. For instance, preconditions such as slavery and feudalism laid the foundations for capitalism and its expansion through globalization, yet capitalism itself results not only in the dispossession of Third World

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8 I will discuss this issue further in subsequent sections devoted to the “push and pull” factors and globalization.
countries’ resources, but also in the dislocation of their labour power, categorized as various groups of migrants—including non-status persons. Destructive forces such as colonization and imperialism are a by-product of capitalism.

Throughout this process, social class plays a major role in determining which groups migrate; what migrant categories they fall into; their likelihood of gaining immigrant status; what types of employment, social resources, and health and safety services they are likely to have access to; and their success in building community networks. Class profoundly influences how migrants experience their social world, form agency, and shape their identities; of course, all of these factors also represent a site of struggle between migrants seeking inclusion and host nations with the power of exclusion (Sharma, 2003). Since, in Canada, migration is essential to nation-building and the expansion of capital, the problem of class and its consequences must be rigorously analyzed both theoretically and empirically, both within and beyond explicit class relations.

And yet, as Sharma (2006) argues, the categorization of people based on their immigration status goes beyond the identification of attributes distinguishing one group from another; instead, the historical and material reality of capitalism transforms these categories into a fundamental division among and between “us” (citizens) and “them” (non-citizens). In between these two categories is an uncertain middle ground encompassing migrant workers, immigrant women, visible minorities, and so on. As a result, it is necessary to conceptualize such phenomena critically in relation to other conditions that give rise to official and unofficial hierarchies based on citizenship and immigration status. These conditions, as Bannerji (2001) reminds us, create new sets of complex relations based on race, class, gender, and sexuality, among other criteria.
Marx thought that capitalism would be dismantled by eliminating capitalist ownership and class domination, such that workers would no longer be alienated or exploited, but rather would own their own productive power. Mojab, however, rejects the idea that a socialist economy would spontaneously evolve from within a capitalist economy; instead, she argues that this must arise through conscious planning at the level of the superstructure after socialists assume power (2007:5). The work of Gramsci (1971), however, introduced a new dimension to class theory by pointing out that state institutions both serve and support a capitalist class structure, while also preparing the various classes for their class functions. Gramsci argued that hegemonic classes rationalize their domination by making certain groups of people invisible to the population at large; in this way, they benefit themselves by ensuring the continued submission of the invisible group to the rules of the established order (Gramsci, 1971).

In her work *Home Economics: Nationalism and the Making of ‘Migrant workers’ in Canada*, Sharma vividly describes and reminds us of the rejection and alienation that is felt by all migrants, especially those who are non-white, upon migration to Canada. She indicates, on the one hand, the obvious physical presence of these migrants in many developed First World nations (including Canada), and, on the other, how they are firmly kept on the fringes of society by various governmental policies—even by policies that are not overtly exclusionary. These policies affect not only migrants themselves, but may also be spread across generations. Sharma further rejects the globalized system of apartheid, focusing in particular on the Canadian government’s decision to expand temporary employment authorization (NIEAP) in 1973. Sharma considers the NIEAP a system of indentured labour, in which migrant workers are pre-assigned to particular employers, while their occupation, living conditions, employment-period, and other conditions can only be set and changed with the approval of Canadian immigration
officials. If the individual fails to meet these conditions, he or she is subjected to deportation (2002).

Given that immigration policies, particularly the current Point System, are class-based, this not only limits the legal entry of non-status persons, but also creates an overwhelming condition in which the state takes an active role in controlling their lives and labour. The state’s power of deportation showcases these people as an illegitimate, classed category endangering state sovereignty and public safety. This condition allows employers to enjoy double labour exploitation: on the one hand, they pay low wages with few regulations and limited benefits or protections, since the federal government has no jurisdiction in enforcing provincial labour standards; on the other hand, the provincial government claims no responsibility over these workers since they are considered illegal. Media further orchestrate this situation by devoting extensive coverage to immigration raids at various sites, including the arrest of several sex workers at massage parlours and spas, as well as other men and women working at chicken factories. For instance, these raids resulted in mass arrests between January and June 2009. With the assistance of media propaganda, the perception of non-status people as deviant is often exploited during times of political or economic hardship in order to reassure the public that the state is indeed protecting its safety and sovereignty.

This situation not only recalls Allman’s (2007) observations on the historical relationship between “preconditions” (here, the capitalist reliance on the labour power of non-status persons) and “results” (here, the state of fear instigated by unpredictable immigration raids); at the same time, the state’s role in facilitating such exploitative social relations hearkens back to what Gramsci (1971) characterized as the resubmission of the excluded group by means of official
immigration policies. Such policies serve major state institutions as an instrument structuring the lives of all immigrants, and of non-status persons in particular.

The essence of capital therefore comes to light through the socioeconomic legal formulations that shape the everyday reality and experiences of non-status people in conformity with the historical-material reality of capitalism within sovereign states (Allman, 2007:7-10). That said, because all the components in an historical-materialist analysis are interrelated (Allman, 2007:6), restrictive immigration policies and occasional raids leading to the arrest and deportation of non-status people do not end the illegal movement of workers from the Third World; in fact, the fears resultant from this negative publicity are used to justify their ongoing exploitation.

The debate on the issue of temporary foreign workers in Canada provides another clear example of what Gramsci termed the process of dominant hegemony. The origin of this controversy was the Canadian government’s decision to expand exponentially the number of temporary migrant workers permitted to enter Canada; the maximum number of such workers, over 200,000, nearly surpassed the number of immigrants allowed in as permanent residents.

Table 1

As Table 1 shows, in 2007, for instance, Canada admitted about 200,000 permanent residents and 165,000 temporary migrant workers, while granting 16,800 permanent residencies
to refugee claimants and their dependents (compared with previous and later years). These workers are mainly employed as live-in caregivers and in the agricultural, manufacturing, construction, and service and hospitality sectors. The restrictive conditions of this program clearly strip migrants of basic rights, while providing business owners with a cheap and easily exploited workforce. If we believe that, in its material form, capitalism both appropriates and regulates the livelihood and labour energy of subordinated groups, then the living and working conditions of these non-status people cannot be merely accidental, but rather are inherent to the system. Gramsci’s major contribution, in this context, is his relocation of the site of class struggle from the rule of capital and the state to the multiple social relations of power that produce such domination.

In this vein, and against many emancipatory theories’ overemphasis on labour and the role of the state, Gordon (2007) argues that one cannot achieve a complete picture of the state and its power without addressing the issues of race and racism. Marxist state theories, Gordon argues, are typically limited by a lack of critical understanding of the problems of race; by the same token, anti-racist state theories often suffer by failing to incorporate the insights of Marx.

Since social constructions of race have historically been justified by science, history, politics, and the economy, their manifestations at the individual, cultural, and systemic levels will always remain in our memories and practices passing from one generation to the other. Even though, from time to time, racism may change its forms (or victims), it retains a single objective: “Othering,” and the power and control this practice confers over racialized people. Thus, racism, as Cannon (1995) points out, “is a way of life, of thinking, a complete worldview that entraps both the believer and his victim, and it has its own moral, social, religious, and scientific imperatives” (16). Canadian racism, Cannon argues, is rooted in the same Eurocentric ideologies
as those of the United States and Europe. Indeed, given the fundamental role that migration has played in Canadian nation-building, it is impossible to understand the social relations of permanent, temporary, and non-status workers in terms purely of class, while dismissing considerations of race. After all, racism is, and always has been, central to the formation of colonialism and capitalism; in recent years, its role has remained important due to the increased flow of migration, particularly to the advanced capitalist societies, in which the exploitation of racialized labour power is central to the production of capitalist profits.

Sharma further argues that, despite their claims to being champions of democracy who welcome immigrants from all over the map, countries such as Canada have very rarely been criticized for their long-standing practices of cultural discrimination, chauvinism, and racism towards those who are non-White. Despite being referred to as a multicultural safe haven for immigrants to gain opportunities, Canada has not lived up to these expectations. In this way, Sharma, like Bannerji, shows that there has long been a hidden aspect to Canada’s multicultural mosaic, particularly during the past 30 years. This period has seen the appearance of numerous flaws, such as the recruitment of migrant workers and increases in the number of non-status persons, who are often exploited and consequently restricted from enjoying the basic fundamental rights and freedoms they deserve.

Just as one might argue that the state does not play a neutral role in class struggle, so the experience of racialized struggle suggests a history of state involvement (Gordon, 2007). The capitalist state plays an active role in the production and reproduction of power that facilitates the capitalist accumulation of labour value. One particularly effective means of ensuring this power is organizing people into hierarchical social categories, which must then compete with one another for wages, social services, and access to superior working conditions. In this context,
when race intersects with class, the potential for class solidarity may become obscured. For example, a poor white person who has internalized his or her class inferiority may wish to gain superiority over indigenous people and other racial minorities through adherence to social constructions of race and nationality. Therefore, when wages become the product of struggle (Gordon, 2007), it is not surprising to find that race becomes a useful means of enforcing and reproducing existing social relations and the working-class dependency on the market (Bonefeld, 1993); this, in turn, gives rise to class subjectivities under the auspices of state power and control (Neocleous, 1996).

As already noted, Sharma (2003) explains racism in terms of national identities by arguing that migrant workers, often from Third World countries, are recruited on short-term contracts with restrictive conditions to perform temporary labour where their return is guaranteed. Bannerji (2005), however, further challenges us with the concept of “intersectionality,” according to which race intersects with other social relations of class and gender that mediate and intensify one another. Bannerji shows us that the experience of minority and racialized people is constituted by sets of interconnected social factors such as race, sex, and class that are inseparable from other social relations of power and domination. As a result, she positions immigrant and racialized women within a comprehensive range of socially constructed practices and stereotypes operating both between “raced” groups and within them. For instance, even though racialized men and women both experience racism, Bannerji (2005) reminds us of distinct, gender-specific differences in the “raced” stereotypes applied to each. The inverse also holds true when raising the issue of sexism: while sexism certainly affects both white women and women who are immigrants, racialized, or both, there also exists a “raced” difference in the cultural common sense of how they are gendered. In her 2005 essay Class and Race, Mojab talks
about the dialectical relationship between class and race; in it, she critiques any attempt to view the notions of class, race, gender, and capitalism as unrelated (74).

And yet, despite Sharma’s (2006) convincing explanation of the process of “Otherness,” and the distinction between the rights and entitlements offered to native-born and naturalized Canadian citizens as opposed to those granted permanent residency, her treatment of such rights in relation to migrant workers can be misleading. Her analysis neglects the issues that Himani Bannerji convincingly tackles in her analysis of social relations and the intersectionality of race, class, and gender, both between and within each group. Treating the categories of “permanent residents,” “temporary workers,” and “migrant workers” as singular entities can itself appear hegemonic, and risks creating what Sharma herself intends to avoid: the entrenchment of the dichotomies between “us” and “them,” “inclusion” and “exclusion,” and “permanent” and “temporary” among already disenfranchised groups.

Overall, however, I found Sharma’s contribution in theorizing the exclusion of racialized migrant workers in relation to capitalism and citizenship policies very helpful. In particular, I appreciated her insight into the organization of difference within Canada’s borders, if not globally: namely, that difference is not merely diversity, but inequality as well. Her analysis will help me in situating non-status women who have lost the right to remain in Canada through the process of Canadianisation. That said, when discussing the issue of non-status people in general and of non-status women in particular, one must distinguish between migrant workers and non-status persons. There is a vast difference in vulnerability between those who hold temporary visas and those who hold no visa. One must also study the process by which migrant workers themselves become non-status persons. This analysis, however, should be directed towards showcasing the social relations of oppression that are unique to this case—as well as how these
are manifested at the international, national, provincial, and municipal levels, and how different levels of oppression interact with and reinforce one another.

In general, critical feminist scholars have been responsible for naming multiple sources of power and cultural identity, including citizenship, and have challenged the essentialist approach that has locked women and racialized people into the position of oppression and subjugation (Lauder et al., 2006:15). In particular, feminism’s third wave, which emerged in the late 1980s, has its foundations in postcolonial feminism and the work of scholars like Mohanty (1986) and Anzaldua (1987), who called for the recognition of Third World women in Western culture. Other scholars pointed out the various effects of colonization and neo-colonization on cultures, communities, and societies across the globe (Loomba, 1998). These scholars raised concerns about the economic effects of colonialism on colonized countries, the cultural impact of colonial education on colonized nations, and the prospects for resistance against colonial control amid the process of decolonization (Ashcroft, Griffiths, and Tiffin, 2000; Dutton, Seth, & Gandhi, 1999). Also pivotal was Edward Said’s book *Orientalism* (1978), which critiqued how the West or First World has historically used false images of people in the East or Third World in order to divide the world into the categories of Orient and Occident and further dominate the East. General postcolonial issues have also been more recently explored by Ashcroft et al. (2000), who point out some factors, such as ethnic and religious conflicts, that have caused people to migrate to their colonizers’ nations, as well as by Bannerji (1999), who articulates how people from the Third World continue to experience domination even after they have migrated to the West.

In a more distinctively feminist mode, Chandra Talpade Mohanty’s essay *Under Western Eyes: Feminist Scholarship and Colonial Discourse* (1986) marked an enormous shift in Western
feminist thinking. Here, Mohanty both critiques what she regards as hegemonic Western feminist scholarship and suggests a new formulation of autonomous feminist strategies grounded in geography, history, and culture. In particular, she challenges Western feminist scholars’ methodological universalism, which tends to place male and female in an unvarying binary of oppressor and oppressed. Such a theoretical construct both unacceptably simplifies Third World women and portrays them as powerless victims. As Mohanty explains,

> Colonization has been used to characterize everything from the most evident economic and political hierarchies to the production of a particular cultural discourse about what is called the “Third World.” However sophisticated or problematical its use as an explanatory construct, colonization almost invariably implies a relation of structural domination and a suppression—often violent—of the heterogeneity of the subject(s) in question (333).

In this way, Mohanty intimates, Third World women have essentially been colonized by Western feminism. In similar fashion, Mohanty challenges the notion of “sisterhood” promulgated by Western feminists, on the grounds that it fails to take into account the relation it assumes between subjects (Western women) and objects (Third World women). What such thinking forgets, Mohanty argues, is that, without First World women, there would be no Third World women.

As a corrective to these simplifying procedures, Mohanty (2003) offers an approach based on the framework of historical materialism, and takes care to define material reality at the local, micro, and global levels; from this standpoint, she argues that the recognition of Third World women must explore historical complexities beyond the simplistic portrayal of oppression; it must also explore these women’s struggle against various oppressions (223). As Mohanty has explained in her more recent writings, her main goal in writing *Under Western Eyes* was to “make clear that cross-cultural feminist work must be attentive to the micropolitics

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9 In her analysis, Mohanty clearly states that “neither Western feminist discourse nor Western feminist political practice is singular or homogeneous in its goals, interests, or analyses” (Mohanty, 1986, 334).
of context, subjectivity, and struggle, as well as to the macropolitics of global economic and political systems and processes” (ibid.). At the same time, she was also searching for a more nuanced form of feminist solidarity across borders.

Without dismissing the links between patriarchy and racism, and between capitalism and globalization, Mohanty, in her recent work, has further repositioned herself in support of the anti-globalization feminist movement. In essence, this work asks how we can generate new directions for feminist methodologies that would make power more visible. She then goes on to provide “examples of how capitalism and its various relations of rule can be analyzed through a transnational, anti-capitalist feminist critique, one that draws on historical materialism and centralizes racialized gender” (2003:231). And yet, even though Mohanty and other transnational feminist scholars have examined the experience of women workers and the labour exploitation suffered by migrant workers around the globe, the experience of non-status women still has not been addressed.

The common theme in theories studied thus far is that the migration of racialized and Third World workers is historically determined by privileged groups who create the rules of capitalism by advancing corporate globalization, creating jobs, enforcing public policies, and controlling the working conditions of populations both locally and globally (Langille, 2004). The resultant social transformations increase the poverty rate and destabilize urban populations, while giving rise to an army of precarious workers, a phenomenon that Samir Amin (2008) has called pauperization or the true face of imperialism. The current global economic reorientation towards capital accumulation has given rise to a vast migration of non-status people. Regardless of their destination, these workers experience similar exploitative living and working conditions, in which they are classified as non-citizens and deprived of freedom of mobility and family
reunification. At the same time, they also experience class conflict, racism, and gender-related abuses.

In the next section of this chapter, I will explore the effect of immigration status on the living conditions of non-status women through the case study of Maria. My goal here is to showcase the international division of labour in order to discuss the intersectionality of race, gender, class, non-citizenship, and lack of immigration status—a set of social relations that constructs non-status women’s labour power in various geographical locations. As we will see, non-status women’s identities as workers often become secondary to other identities ascribed to them in particular circumstances, such as, for example, that of illegal border crossers. Thus, it is through their individual experiences that women learn to resist exploitation.

Bannerji (1993) cautions us that lack of critical analysis of these issues can give rise to social misconceptions about our critical abilities and politics; this may intensify existing racist and sexist practices towards the group we wish to defend. In discussing the invisibility of “non-white” feminist scholars within mainstream feminism in Canada, Bannerji points out that “absence, then, as much as presence, is a good point for a beginning” (1995:xiii). Yet she also warns us about attempts to bring the margin to the centre that merely serve to re-marginalize these women. Instead, she suggests that “we begin from an experiencing and knowing historical self and move to a critique of an ideological, dominant version of history and knowledge. […] There would be no critique if we did not begin from our actual lives” (Bannerji, 1995:xix). This suggestion, accepted all with due caution, underlies my turn to the following case study.

2.5 The case of Maria: Crossing international borders in search of identity, self-respect, and dignity

Colombia, one of the largest countries in South America, has a complex history of colonization, revolutionary resistance, insurgency, drug-trafficking, corruption, terror, and violence. In 2003,
when she was sixteen years old, Maria’s home was caught in a violent conflict between members of the armed forces and the drug cartels. One day, Maria was gang-raped, and her brother was kidnapped. Forcibly displaced, Maria and her family moved to the city. There, she met her current husband, another internally displaced person. In 2005, after receiving several death threats, Maria and her husband made their way to the US, where they remained for over a year. Ultimately, their hope for a better life for their future children drew the couple to Canada.

When I met Maria, she was seven months pregnant. She and her husband were couch-surfing\textsuperscript{10} at the mercy of people they met. Maria had no doctor, and was not ready for her baby to arrive. Her husband, who suffered from severe body aches due to violent beatings he had received in Colombia, had little energy to work long hours. Maria, on the other hand, worked every day for a cleaning agency that took most of her salary as commission. I helped Maria find an obstetrician at a nearby hospital who agreed to cut her salary from the hospital bills. Unfortunately, the hospital requested a deposit—one that, according to Maria’s calculations, could not be gathered before her due date.

When Maria was in the final stages of her pregnancy, she received a troubling phone call from her husband: he had been arrested by the police after a random identification-check, and was now being held in a detention centre. Soon afterward, a police officer came to the home where Maria was staying. The officer told Maria she was “illegal,” and that she should be locked up too—if only she weren’t nine months pregnant. He gave her three weeks before she had to report to the immigration office.

That day, Maria came to visit me. She was very angry at being called “illegal.” “I am not illegal,” she said; “I have parents, a last name, a history, a country, memories....” She was further enraged when informed that Child Protection Agencies might become involved if she attempted to leave the hospital without a car-seat. Maria felt so offended that she did not want to remain in Canada any longer; she did not want her child to become a Canadian citizen. I tried very hard to convince her otherwise, reminding her of the risks that travel might pose to her and her baby, but her mind was made up.

A few days later, I heard from Maria again—this time by phone. She told me that she had given birth in the US, to a baby girl. Then she added, sarcastically, “Thank God I’m not a Canadian illegal, and my child is not a Canadian citizen!”

In the short time I worked with Maria, I realized that one cannot understand her experience of violence and violation, fear and tyranny without also taking into account her own sense of identity, her resistance and agency in relation to two powerful state institutions: immigration law and the police force as relations of domination. The process of denoting Maria as illegal constructed difference from two sites: from the state as ruler and from Maria as ruled.

\textsuperscript{10} The term “couch surfing” refers to people who do not have a permanent address and who have to rely on their friends and family for a place to live. These people are not counted or accounted for in any official capacity.
Thus, identity became a place of exclusion and marginalization. As Fanon reminds us, colonization and decolonization are both violent processes; in the case of non-status women, however, violence is experienced in the context of their additional gender-based roles as caregivers and parents. This, however, does not prevent them from resisting and claiming agency. Indeed, the need to claim identity was so strong in Maria that she decided to leave her beloved husband in detention and escape from Canada. Bannerji (1995) rightfully reminds us that it is often those who have been most repressed and marginalized who are most insistent on asserting their identities in the face of adverse political and personal power. Indeed, Bannerji theorizes identity as two interrelated moments: “of the self or consciousness as being in and of the world, and of the world as history and structures made by the self with forms of consciousness” (18). She also argues that we need to view the discourse of identity as intertwined with notions of “difference,” “subjectivity,” and “agency.” We must also see it in relation to capital and class, together with what Gramsci called “hegemony,” or everyday life experience and culture. Only in this way can we come to grips with the cultural political identity integral to the political project (19).

For Maria, the costs of living underground were evident: she would not be able to visit her partner in detention,11 and she would eventually be deported to her home country, Colombia. She chose to remain a non-status woman for the sake of her child; that way, she hoped, even though she had herself endured violence, her child would not. And yet, Maria’s sense of motherhood became more complicated when citizenship status became a point of division between “us” and “them,” placing her, as a non-status person, in the second category. In effect, the police officer’s use of the term “illegal” designated Maria as a lesser being with a negative

11 Visitors to detention centres and prisons are required to present a valid identification card, preferably a Permanent Residency or citizenship card.
identity; it is clear that she resisted being placed in this inferior position to the point that she illegally crossed the Canada-US border a second time, at such an advanced stage of her pregnancy.

Stereotypes associated with hegemony tend to make one group into a legitimate member of society while making the other a violator of the social order. These stereotypes, however, fail to reflect the true histories and experiences of both “legal” and “illegal” members of society; this, in turn, forces people like Maria to fight for agency or flee oppression. Maria is, after all, far more than simply an “illegal” person: she has a history that is closely tied with the history of colonized and colonizer. And yet, for Maria to claim such agency threatens the sense of safety created by the national legal apparatus operating within sovereign boundaries. Of course, Maria poses no threat to “national security.” Instead, the problem concerns her relationship to the politics of labour, capital, race, and class.

Frantz Fanon has talked extensively about racial violence and class struggle. By introducing the issue of gender, however, Bannerji modifies Fanon’s point of view by suggesting that sex, the gendered division of labour, patriarchal social forms, and sexist experiences cannot be omitted from consideration of how a woman’s position is constructed. Bannerji further argues that class cannot be constructed separately from gender and race and their relations with one another (1995:30). In discussing the issue of non-status people, I would further argue for another complex component: immigration status. This issue is interrelated with all the others I have discussed here, especially since, in Canada, the labour of non-status people is essential to the capitalist accumulation of surplus value.

Maria’s case centres upon the inscription of negative identity. In this social relation of power, the agent of the state—in this case the police officer—consciously or unconsciously used
the deployment of Maria’s identity as a mechanism of social control. Such deployment is similar to other means of exclusion, such as, for instance, when professionals’ adoption of a universalist approach leaves them confined within their organizational mandates and professional boundaries. Then, instead of advocating for access to resources, they maintain themselves in a position of power by placing non-status women at risk of deportation. Feather’s case, which was discussed at the beginning of this thesis, further showcased such a dichotomy. Her social worker, rather than confronting an unjust policy, relied on established authority for protection. Such professional desperation resulted in Feather facing additional systemic vulnerability.

Denoting one’s identity often strengthens nationalism and relations of domination. Similarly, oppressed people often respond to the violence perpetrated against them by internalizing it as self-hatred and self-blame. This results in an acceptance of their inferiority as an unchangeable rule, especially when nationalist policies rank people based on a hierarchy of “citizen,” “immigrant,” “migrant worker,” “skilled worker,” “entrepreneur,” and so on. As Bannerji (1995) notes, this process of constructing differences, or markers of identity for both rulers and ruled (24), inflects all aspects of non-status women’s lives, from employment to childbirth, to their responses when confronted with violations of their rights. Sadly, Maria is not alone in her experience; instead, she is only one of thousands of non-status women facing injustice both in their homelands and in Canada.

By relying on critical feminist scholars such as Bannerji (1995), Razack (1999) and Ng (1998), I conclude that individuals as historical subjects are constructed as “non-status” not by choice but by means of a politically imposed identity. That said, as Fanon (1989), Mojab (2006), and Enloe (2000) alike have reminded us, we need to move beyond simply focusing on the economic impact of exploitation to a full understanding of the psychological impact of gender.
inequalities. In the following pages, while exploring existing theories and perspectives on how certain people come to be constructed as “non-status persons,” I further argue for more reflexive critical analysis about non-status women in theory and practice. After all, the lives of non-status women are embedded in the process of colonization and its legacy of capitalism, globalization, and nationalism, all of which generate the forces behind non-status women’s emigration, as well as their living conditions as immigrants.

In particular, the following section will explore the impact of capitalism and globalization in the context of the “push” and “pull” factors influencing the immigration and emigration of non-status people and their classifications as such once they arrive in their new home. This is my attempt to gain insight into how gender affects the likelihood of migrants becoming classified as non-status persons, and the conditions in their destination country, Canada, more generally. Accordingly, this section has several specific objectives: to raise awareness about the living conditions and experiences of non-status women; to provide critical analysis of gender’s impact on international migration issues in the era of capitalism and globalization; to highlight the dichotomous relationship between global migration laws and Canadian immigration policies; to discuss the consequences of gender for non-status women in Canada; and, finally, to address the limitations and strengths of existing theories directed toward non-status women.

2.6 Capitalism, globalization, and the dichotomy of push and pull factors

The feminization of the non-status person’s movement is clearly intertwined with the process of globalization, even if there is no consensus on the precise definition of this term. If we see globalization as unequal power relations between the First World and the Third World, we need to discuss further the complex processes of colonization, militarization, and imperialism that have given rise to the exploitation of Third World natural resources and intrusion in local
economies thanks to free trade, the World Bank, financial markets (James, 2001), and globalized labour. According to this view, globalization is primarily a political issue; although it eliminates the importance of national borders with respect to the flow of goods, materials, services, innovation, information, and knowledge, such borders remain all too intact when approached by people from the Third World. In discussing the subjective dimension of globalization and its impact on individuals’ identity and sense of belonging, Waters (1995) notes the centrality to this process of the perception that geography is coming to play a less decisive role in shaping society and culture. Others view globalization as an ideological construct supporting a neoliberal agenda (Hirst and Thompson, 1992). Ideology aside, globalization must be analyzed in terms of its implications for all geographical localities, not merely from the standpoint of the First World. This is especially important inasmuch as many people from the Third World, particularly racialized women, experience globalization negatively and in terms of their position as non-citizen workers.

On the periphery of the globalized system, labour migration, while always a controversial issue, has become an increasingly major concern in terms of its relation to the accumulation of surplus value and the expansion of capital, the weakening position of labour with respect to capital, and the exploitative living conditions of temporary and unauthorized Third World workers—especially when they are also racialized and gendered. Benhabib and Resnik (2009) argue that, as capitalist states’ need to remain competitive and gain profit increases, so does their need for cheap, unregulated labour. This point brings us to the discussion of globalized capitalism and its effects on the discourse of migration, in which women are caught in a dichotomous relationship between push and pull factors. At the same time, they are also faced with restrictive immigration policies that prevent them from gaining full legal citizenship rights.
The push factors consist of historical elements such as colonization and imperialism that cause global economic inequalities, environmental destruction, war, gender violation, unemployment, and poverty in Third World countries. These factors persuade people to emigrate from their national space. For those trapped in such conditions, the hope for a better life, for supporting families, as well as for achieving new opportunities acts as a magnet drawing them to more developed nations. These nations, after all, are those in which their unregulated labour is demanded to help capitalists survive globalized competition and to help advance development projects. These are the pull factors. The relationship between push and pull factors is an unequal one, in which the labour power of formerly colonized people is once again exploited to advance capitalist profit.

2.7 Third World countries: The push factors

The downward economic trends in First World countries, as well as the negative effects of globalization and capitalism, have heightened pre-existing concerns associated with socio-economic and political crises in Third World nations. These nations continue to face serious population outflow and dislocation through the processes of legal and illegal migration. Such socio-political inequality has left a large proportion of these countries’ citizens unemployed and living in extreme poverty; many others work in unsafe conditions while remaining at the threshold of poverty (Taran, 2004). While the economic crisis and lack of existing social programs in Third World countries produces an army of trapped labourers, these workers must further deal with the challenges of globalisation and its resulting technological advancement. These developments force them to adjust to rapid changes by upgrading their skills so that they can survive stringent competition.
Migration for employment from rural areas to cities and to regional countries, and from Third World countries to First World countries, is a major global trend that is at once combated and encouraged. Traditionally, many male skilled workers, entrepreneurs, and professionals from developing countries have emigrated through legal channels, whereas female workers with no or minimal skills have found themselves in the First World on temporary visas or clandestinely. As Abella (2004) notes, levels of employment in many Third World countries fall far short of the employable population. As a result, many natives find themselves unemployed or underemployed in informal wage labour; such people tend to emigrate. These workers typically have knowledge about, or connections in, the world abroad; they also typically have the financial means to travel or pay smugglers, and can survive temporarily on their own resources prior to finding employment in their new home. The very poor, however, remain in the same situation.

The migration of so-called temporary migrant workers and non-status persons provides benefits for both exporting and importing countries: the former reaps the benefits of unregulated cheap labour, while the latter often rely on the remittances\(^{12}\) of migrants for their financial stability. Remittances, van Doorn (2004) argues, contribute to the overall development of the countries that are the sources of migration. It is estimated that 105 billion US dollars are sent home in remittances each year—not counting money that is transferred through informal channels (van Doorn, 2004). According to the World Bank, the amount of money sent in remittances exceeds both the Official Development Assistance (ODA) funds (Demol, 2004; van Doorn, 2004) and the revenues gained from Third World nations’ traditional exports (Demol, 2004). At the same time, however, these transactions are highly beneficial to the institutions that facilitate them, whether through government-regulated remittances, transfer services, or currency

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\(^{12}\) The money sent by migrant workers to support their families.
exchanges. In this context, Abella leaves open the question of whether this is a “win-win situation.” (Abella, 2004:3).

Recent reports (Vittin-Balima, 2004; Chammartin, 2004) suggest that the migration of female workers is, comparatively speaking, on the rise. These women come primarily as temporary or unauthorized workers. For instance, since 1992, the largest outflow of female migration has been from the Philippines; over 6.5 million Filipino women have left their families behind to work as domestic workers in over 130 countries worldwide. In her book *Servants of Globalization: Women, Migration and Domestic Work*, Rhacel Salazar Parreñas refers to Filipino women as the quintessential service workers of globalization. She defines domestic workers as those who are employed by individuals or families to provide childcare, care for the elderly, perform housework, or any combination of these functions; in this field, there is little or no state regulation. Many countries are more concerned about brain drain than about the loss of an army of semi-unskilled workers whose unmet needs could lead to social and political upheaval; in contrast, the Philippine government purposely trains nurses to work abroad as nannies and caregivers, even as the country itself faces a shortage of nurses (Ramos, 2004). Not surprisingly, given the circumstances identified by Parreñas, these women often endure restrictive and exploitative working and living conditions in their countries of destination. Within the Canadian context, over 50% of temporary migrant workers are racialized female workers from the Third World (Chamartin, 2004) hired in the service and domestic work sectors.

The feminization and racialization of international labour migration has been much discussed by postcolonial, critical, and transnational feminist scholars, who have suggested that gender plays a critical role in both legal and illegal migration and all employment opportunities, whether equitable or inequitable. It has also been argued that capitalist societies often search for
ways to increase their profits by reducing their costs. This requires hiring racialized female workers for low wages in the manufacturing and service sectors, as well as in the domestic sphere (Chamartin, 2004). Employers in these sectors find non-status and unregulated female workers more cooperative (ibid.) and more vulnerable to exploitation and abuse. As a result, while male migrant workers are clustered in the industrialized space of construction sites and plantations, women often find themselves isolated behind the closed doors of family homes where the probability of abuse is high (ibid.).

It might be true that, through the process of migration, non-status people make their own destiny, but not in the way they would wish. This is because, throughout the process of migration and settlement in the host country, the past of a non-status person remains deeply woven into the present and future. Non-status people’s destiny is chosen for them by the forces that give rise to local and global disparities: colonization, capitalism, imperialism, globalisation, military invasion, nationalism, violence, and poverty. The dynamics of societal inequality, at least in their current form, reveal themselves through the mass migration of racialized, gendered, and classed workers from the Third World to Western nations eager for their cheap, unregulated labour, but not for their being. These workers are welcomed so long as they remain invisible and do not claim any rights.

2.8 First World countries: The pull factors

The recent global financial crisis has had numerous grave consequences worldwide, ranging from decreased international trade, falling commodity prices, dwindling investor funds, and factory downsizing. Many countries have been forced to rely on the International Monetary Fund (IMF) and collaborative stimuli projects for support. No one has suffered more from this crisis than workers in developing countries, in which nearly half the workforce currently experiences
job insecurity, poor working conditions, low wages, underemployment, and joblessness (ILO, 2005). At the same time, it has been predicted that increased rates of underemployment and joblessness will further deteriorate the working conditions of those who remain employed. Unsurprisingly, the impact of the recession has broken down along gender lines: more women have been affected in the service and domestic sectors, whereas more men have been affected in the agricultural sector. In general, as noted by the ILO, the 2008 global unemployment rate for men was 5.8 percent, as compared with 6.3 percent for women. This left about 190 million people jobless—not counting 76 million unemployed youth.

Although various trends resulting from excess credit, including increased discrepancy between deficits and surpluses, as well as declines in investment, production, and consumption, had long made the developed West uneasy, its governments took little action to stimulate the economy and support workers. That said, economic growth or contraction in the First World does not always translate in a straightforward way into better or worse employment prospects and conditions for non-status people from the Third World. Rather, the effects of First World economic conditions are often indirect. For example, economic hardship can cause anxiety over national sovereignty; this anxiety can lead to overt or covert classism, sexism, racism, and anti-immigrant sentiment, with many blaming immigrants for the nation’s economic problems. At such times, the workforce can end up divided by perceived competition between “us” and “them.” This is especially true to the extent that economic downturns provide employers with incentives and opportunities to enjoy the cheap labour of racialized workers with uncertain immigration status and little or no employment protection.

The irony in such anti-immigrant sentiment is that, historically, Canada’s nation building has relied heavily on immigration during periods of economic growth as well as contraction.
Non-status workers have been no exception in making important contributions to the formal and informal economies on their host states. For instance, in the United States, legal immigrant workers contribute 18 times more in taxes than what they receive in social benefits (Ramos, 2004); this rate is even higher among non-status workers in Canada, who pay employment insurance and pension taxes as well as service taxes, but are not eligible for accessing public and social-service programs. Ironically, the Canadian government has justified expenditures on social programs such as affordable childcare and care for the elderly through domestic worker programs recruiting highly educated, racialized nannies, mainly from the Philippines (Ramos, 2004)—as well as the cheap labour of non-status women. Both temporary migrant workers and non-status workers help reduce the costs of state-development projects such as building roads and railways, as well as mining and all other precarious jobs. At the same time, non-status workers provide direct financial benefits to citizens by keeping the costs of farming, construction, the sex-trade, and other industries low (Taran, 2004), and by paying for their own basic living costs such as food, rent, and healthcare since they are not eligible to benefit from social programs.

The same factors that make illegal migrant workers vulnerable to exploitation make them very beneficial to First World capitalist economies. Here, it is important to remember that, in order to survive, capitalists must constantly compete with one another to accumulate capital through the surplus value generated by reducing workers’ wages below the value of their production (Martinussen, 2003). When the forces of local and global economic competition affect the power balance of this working relationship, capitalists attempt to reduce wages and diminish working conditions. At a certain point, this gives rise to the need for the cheap, unregulated, and productive labour of Third World racialized and gendered workers willing to
work under highly exploitative conditions. A dialectical relation thus emerges between technological advancement in relation to labour, as well as between increases in the value of fixed capital in relation to the surplus value produced by the workers (Martinussen, 2003).

Regardless of their skills and educational levels, non-status workers often find themselves with no choice but to perform dangerous, low-paying jobs that are unattractive to legal workers. Because they lack freedom of movement, they often remain loyal to their employers despite these unsafe conditions. At the same time, their willingness to perform such jobs means they rarely remain unemployed. According to the International Confederation of Free Trade Unions (ICFTU), the fact that they are “illegal” also prevents non-status workers from organizing or seeking legal protection due to fears of being reported by employers, which could lead to deportation by the state. This risk of deportation only increases during periods of economic contraction, high unemployment, and political tension. In fact, governments often make selective use of random raids and deportation in order to support local businesses and increase their profits (Taran, 2006). Thus, in 2000, when the US was facing inflation due to wage increases, the United States Immigration and Naturalization Service (INS) supplied cheap workers by informally suspending raids and deportations for all illegal immigrants except along the Mexican border (Taran, 2004). Such duality is seen in the actions of many developed countries, including Canada.\(^\text{13}\)

According to the 2005 ILO report, the demand for undocumented workers is greatest in First World countries where small and medium-sized enterprises lack the funding or flexibility to operate abroad; such enterprises suffer from a shortage of unregulated and flexible labour to reduce their operating costs. This shows that capital knows no borders: to reduce costs and

\(^{13}\) I will discuss this issue under the section addressing deportation.
increase profits, capitalists transfer factories overseas. Likewise, in their introduction to the essay collection they edited, Burbules and Torres (2000) note that nation-states are not static, but rather are becoming increasingly internationalized as they adjust their policies to the rhythms of the new world order, in which the survival of capital depends on the production of new labour-power. For instance, through Free Trade agreements, capital has managed to advance beyond national borders to exploit indigenous people and new sets of unregulated workers, including migrant workers and non-status persons. As such agreements indicate, modern capitalism is the product of a lengthy development involving various socio-political conditions of production and exchange.

This does not mean that borders are disappearing, however. Paradoxically, at the same time that trade and finance have become increasingly deregulated, the movement of people has become even more regulated. This is partly because the high demand for commodities has been correlated with high demand for cheap labour (Taran, 2004); and yet, few governments have found the need to worry about the supply and demand of labour within their own national boundaries. This is because the imposition of tight border controls has not been so tight as to prevent the rise of an illegal labour supply.\textsuperscript{14} Thus, even though developed states often act as if their borders conferred absolute power on the territory within them, it becomes clear that, as Sharma (2006) argues, borders are truly “a set of institutional relationships based on the law, the market, and extant social relations within and across particular spaces” (3). The sad irony is that, by pretending as if these relationships did not exist, developed states make light of the violence directed towards non-status persons whose own territories they once directly exploited. At the same time, the developed states rule over non-status persons as non-citizens, denying them the

\textsuperscript{14} Indeed, these controls have in some ways given rise to human trafficking and other opportunities for the “lucrative business” (Taran, 2004) of assisting illegal migrants with crossing the border, obtaining documentation, and possibly finding employment in their destination countries.
right to self-determination. International regulatory bodies such as the United Nations provide such states with the systemic freedom to unleash their sovereign power. It is in view of these disparities that critical theorists reject the ideological claims of state neutrality and instead draw attention to the power relations implicit in states’ handling of issues relating to race, class, gender, ability, and, I would argue, immigration status.

In the West in recent years, debates over the relationship between state sovereignty, citizenship rights, multiculturalism, and inclusion have taken centre stage. Within this context, two conflicting ideologies have emerged: a bottom-up movement in favour of eliminating disparities faced by non-status persons, and a top-down movement advocating increased privatization of social services and the exclusion of non-status persons. Canada’s symbolic democracy is no exception in the way a wide range of individual, cultural, and systemic forces confer power upon its state and other elites. The suppression of non-status people in general and non-status women in particular is especially violent, inasmuch as their safety and legal, social, and human rights are threatened by arrests, detention, and deportation. The violence of the Canadian state’s policy and practices regarding non-status people increases when these people’s resistance is seen as illegality, criminality, or a security threat. At such times, the existence of non-status people comes to be seen as a conflict between nationals and foreigners, civilization and the Third World, whites and members of other races. As Sharma notes, the lives of both national “subjects” and foreigner “objects” are in fact quite interrelated; it just happens that the latter, who are often racialized and possess only temporary immigration status, are forced to provide cheap labour. This unequal treatment is legitimated by the very system that constructs differential citizenships and holds the power of regularizing mobility rights through and across nationalized space (Sharma, 2006:143).
From these examples, it becomes clear that, while globalization has had a positive impact on global connectedness and the flow of information, it also raises several interrelated problems. The first concerns how globalization and capitalism distribute life chances among developed and developing nations. As Abella (2004) notes, in the year 2000, the difference in income between the poorest and the richest countries was about ten times what it was in the 1950s. While workers in First World countries like Canada continue to suffer from a dwindling labour market, the IMF-backed Structural Adjustment Programmes (SAPs) pursue two important aims: to ensure that their loans are repaid, and that governments reduce deficits. The IMF pressures governments to cut down on their spending through layoffs and reduced wages, which further cause higher unemployment rates in small, semi-professional, and professional enterprises (Taran, 2004). Similarly, Taran further argues that the processes of globalization and trade liberalization have negatively affected Third World countries where cheap imports have replaced domestic agricultural and industrial products; this has resulted in locals losing their jobs. In this way, it is clear that globalization exacerbates certain disparities between the First and Third Worlds.

The second major question emerging from globalization concerns the kind of choices migrants can make when they are placed in pre-economic and social conditions caused by capitalist forces. How is opportunity distributed among people? This question concerns what Marx and Engels referred to as class struggle, and results from placing non-status people at the heart of globalization theories. Why, in this increasingly borderless world, in which economies have moved beyond national borders, do some people remain stranded? What are the implications of such ambiguous borders for the non-status women who manage to cross them? Even without answering these complex questions, some things remain clear. Nation states monitor borders and create security laws in order to control migrants. These laws become the
norm first within certain regions, such as the Third World or North America, and then worldwide, when they are legitimated by such bodies as the UN. The global migration regime, supported by the neoliberal state, reproduces global migration in order to create the new labour power necessary for the survival of capitalism. At the same time, national migration policies, border control regimes, and patriotism become ever more necessary tools for maintaining order; they paint a picture of the world that divides and exploits immigrants and labour power (Green, 2006). The next section will look at this disturbing picture in more detail.

2.9 Section II: History

2.10 An overview of the Canadian immigration system

This class of immigration is of a top-notch order and every true Canadian should be proud to see it and encourage it. Thus shall our vast tracts of God’s bountifulness [...] be peopled by an intelligent progressive race of our own kind, who will readily be developed into permanent, patriotic, solid citizens who will adhere to one flag—that protects their homes and their rights—and whose posterity [...] will become [...] a part and parcel of and inseparable from our proud standards of Canadianism. (Lethbridge Herald’s response to Clifford Sifton’s campaign to attract American immigrants; cited in Knowles, 1997:66)

In Canada, the expansion of French and, in particular, British colonial power is the key to understanding the development of Canada’s immigration system. As Mojab (2005) notes, when race becomes a source of social and political power, this power is exercised; when racial relations constitute a social system, this system produces the conditions for its own reproduction: that is to say, race, racism, and racialized relations. This process raises questions about how neutral our borders are, given how we have excluded the indigenous people who were the territory’s original inhabitants, and how various groups of immigrants have historically managed to cross Canadian borders.
With time, British colonizers gained control over major Canadian institutions and, in the 1820s, established the Canadian Immigration Service, placing landing requirements for new immigrants as well as procedures for dealing with those violating passenger laws. The first Immigration Act was passed in 1869 to block the entry of undesired or “vicious class” immigrants, including new White settlers with criminal records (Knowles, 1997). While the issue of race continued to affect all racialized groups, the intersection of class, gender, and ability—entwined with religious and patriarchal morality—affected both White and non-White immigrant women. As Cannon (1995) points out, private racism often affects women and other new Canadians, regardless of their creed and colour.

The Immigration Act of 1906 aimed to bring the best immigrants and prevent the entry of “undesired immigrants,” many of whom became non-status or were faced with deportation. Those falling into the latter category included: women involved with the sex-trade and people suffering from mental health issues (including epileptic and “insane” people), contagious diseases, disabilities (such as deafness and blindness), and other illnesses. During this period, the colonizers implemented policies to maintain their bourgeois status; for example, transportation companies were made responsible for arranging the deportation of individuals who attempted to enter Canadian shores and borders illegally.

People were subjected to deportation or were forced to live underground even when they were already living within the boundaries of colonial space as legal residents. Among the deported were immigrants who, within two years of their arrival, became dependent upon public funds or charitable institutions, who had committed a crime, who had been hospitalized, or who lacked funds to pay for their landing fees (Knowles, 1997). This experience bears out the argument of Mojab (2005), who points out that class struggle goes beyond the unequal division
of power, as it expands to involve historical divisions of gender, race, language, religion, and nationality, among others.

Eventually, closing immigration’s doors to convicts and vulnerable individuals became the platform for Bill 170, the first selective and restrictive Canadian immigration policy. Bill 170 provided Canada with the official power to deport both established naturalized Canadian citizens and new immigrants (Knowles, 1997). In 1908, the Canadian Immigration Branch officially hired several staff members to investigate and pursue deportation issues. Although not much is known about the ways in which non-status immigrants managed to navigate the system and survive in Canada, it is likely that religious conformity, involvement with the dominant colony, and the establishment of underground networks played vital roles. Canada was a transient land for many legal and illegal immigrants who aimed to travel to the United States, since the United States offered employment opportunities to address its labour shortages (Ngai, 2004).

As deportation became more regularized, the number of illegal-entry and non-status persons living underground grew. Restrictive immigration policies further monopolized and commodified illegal movement. During this period Canada experienced conflict between those who supported population increase and those who believed in maintaining a certain quality of population. The restrictive immigration policies, however, resulted in opposition from Welland German, a liberal member of parliament, who lobbied for a completely “open-door” policy. His plea soon found favour with Canadian capitalist forces, such as the president of the Canadian Pacific Railways (CPR), who was in need of cheap labour for the railway’s expansion project. Chinese men were recruited for this project as temporary workers. Once again, sexist policies

15 Similar debates took place during the 1960s and resulted in the formation of the Point System, allowing the entry of professional, educated, entrepreneurial, and skilled workers.
16 Each year, Canada brings up to 300,000 temporary migrant workers from Caribbean countries and Mexico to work in the agricultural industries.
that excluded Chinese women from entering Canada caused fears of “race-mixing” among the colonizers. The desire to keep inferior races away from White settlers and from each other pushed the government to repatriate Chinese workers and segregate racialized groups. In theorizing the dialectical relations between race and class, Mojab (2005) argues that race and racism are historical constructs entwined with the exercise of power, which enters into a complex relationship with the exercise of class and gender power.

The Act of 1910, Section 41, provided further provisions for deportation on the grounds of political and moral instability. As indicated by Frank Oliver to his fellow Members of Parliament,

We want to be in such a position that, should occasion arise, when public policy seems to demand it, we may have the power, on our responsibility as a Government, to exclude people whom we consider undesirable. If this power is given to government, then the Government can be held responsible should there be a sudden influx of an undesirable class of people. We cannot tell at what time, or under what circumstances, there may be a sudden movement of people from one part of the world or another, and we want to be in a position to check it, should public policy demand such an action (Cited in Knowles, 1997:84).

Restrictive immigration policies and gendered, raced, classed, and religion-based deportation, such as the 1911 Black Exclusion policies, actively discouraged the acceptance of Black people into Canada, placing them in the category of undesired immigrants. Chinese migrants were charged a Chinese Head Tax of up to $500. A 1914 policy imposed a “continuous Journey” Regulation, which effectively barred South Asians from entry, since their journeys included a stop in Hawaii. During WWII, Japanese-Canadians, many of whom were born in Canada or were naturalized citizens, were placed in internment camps in British Columbia. Anti-Semitic laws were supported that would refuse entry to Jews and other persons needing

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17 In 2004, Ali Kazemi produced a film titled “Continuous Journey” to showcase the 1914 Komagata Maru, the first ship to carry immigrants from British India to the shore of British Columbia, Canada. The ship and its 376 passengers were later turned away and had to return to India, where many faced prosecution and death.
protection. Disabled people and homosexuals were also deported (Canadian Race Relations Foundation, 2005; Dench, 2005; Knowles, 1997). Restrictions on immigration policies, however, resulted in an increased population of non-status persons living underground or facing individual or mass deportation.

Throughout Canadian history, as a result of class- and gender-based immigration policies, many women have become non-status or have faced deportation. Many of these women were accused of causing social immorality, such as extra-marital relationships; of inability to survive without charity or social support due to the death or injury of their partners; of health issues and illnesses; of poverty related to multiple pregnancies and large family size; and other gender-related conditions.

Over time, many policies that categorized migrants based on their race and gender rather than their merits were also implemented. As in the past, many immigrants today come to Canada legally and illegally. Lately, many immigrants have been from racialized communities; some are perceived as in the desirable petit-bourgeois category, while others are categorized as classed and gendered workers. As Thobani (2009) states, categorizing people into various groups and ranking them according to legalistic, socio-cultural, and economic conceptions of status continues to shape and reshape Canadian society.

During the 1960s and early 1970s, Citizenship and Immigration Canada implemented a new system for evaluating immigrants. The new Point System, although designed to eliminate racial discrimination, has in fact further encouraged a class system by showing a marked preference towards foreign-trained professionals and skilled workers. Every year, up to 250,000 new immigrants enter Canada through the Point System (Jimenez, 2006). Recently, the Canadian government has also managed its agri-business labour needs by use of the Seasonal Agricultural
Workers Program (SAWP), thanks to which up to 300,000 people arrive yearly with temporary employment authorization (Ramsaroop, 2010). These workers, like other non-status people, often work in Canada for a number of years, yet remain ineligible for permanent legal status.

This historical examination of Canadian colonial immigration policies shows that the racist, sexist, and classist system that exists today is founded on a long history of such policies. This system exacerbates the reproduction of the class of non-status people in general, and of non-status women in particular. The historical notion of illegality is a tactical measure to portray non-status people as temporary and unlawful visitors, in order to further erase the history of their disenfranchisement within Canadian society. In fact, eliminating non-status people and their movements from history has been deliberately attempted by the Canadian state, in order to avoid recognizing their contribution to nation building in Canada. The Canadian government has excluded non-status people from population statistics and its census in order to avoid its responsibility towards these people and to control their human rights. The violation of the human rights of various groups of immigrants is further evident in the Immigration and Refugee Protection Act. This act will be discussed in detail in the next section.

2.11 Section III: The Law

2.12 The Immigration and Refugee Protection Act

As a signatory to a number of United Nations conventions, Canada has a legal obligation to grant protection to convention refugees and other persons in need of protection. However, the power to grant asylum is left to the Immigration and Refugee Board (IRB) of Canada, through its Refugee Protection Division (RPD). Thus, the Canadian Immigration and Refugee Protection

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18 These include the Convention Relating to the Status of Refugees, the Convention relating to the Status of Stateless Persons, the Protocol Relating to the Status of Refugees (1967), and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984).
Act (IRPA) has recently been criticized for not providing legal, political, social, and human rights to refugees living within Canada’s borders, as well as for its restrictive border controls that have diminished Canada’s obligation to provide protection to refugees and other asylum seekers.

In March 2005, the United Nations High Commissioner for Human Rights reported a 40% drop in the number of asylum seekers arriving in industrial countries since 2001 (Crépeau & Nakache, 2006b:3). A Canadian report submitted to the United Nations Human Rights Committee (UNHRC) suggests that, between 1996 and 2002, Canada’s interdiction program resulted in some 40,000 “improperly documented” travellers being denied boarding on flights bound for Canada. […] The CCR [Canadian Council for Refugees] fears that persons are being selected for additional document screening, interrogation, and denial of boarding on the basis of race, religion and/or national origin. […] It is feared that interdiction is intensifying the impact of Canada’s discriminatory visa policies and unequal global distribution of visa posts (Canadian Council for Refugees, 2005b, 2).

Other reports highlight high rates of illegal or irregular migration to developed countries (Global Commission on International Migration, 2005, 33). This paradox suggests that, for refugees and other asylum seekers, reaching their destination country has become a difficult task and that many migrants are forced to migrate in unconventional ways. Restrictive border-control policies have increased the incidence of human smuggling and resulted in the death or injury of thousands of people (Crosby, 2006). Migrant smuggling moves half the irregular migrants worldwide (International Organization for Migration (IOM), 2003). Once migrants arrive in Canada, their inability to receive the status of either “convention” refugee or “person in need of protection” is one of the major reasons forcing them to live without legal status.

Refugee-claim proceedings reveal many instances where the RPD has denied legal status to at-risk refugee claimants or other stateless persons by using security certificates, documents issued under Canada’s Immigration and Refugee Protection Act (IRPA). A further step that
threatened the rights of asylum-seekers was taken when Canada and the United States signed the *Safe Third Country Agreement*, which went into effect in December, 2004. This agreement stipulated that refugees must seek asylum in the country where they first arrive (Canada Border Services Agency, 2006). The Agreement was heavily criticized due to concerns over designating the United States as a safe third country and fears that refugee claimants could face danger in attempting to enter Canada (Canadian Council for Refugees, 2005a; Canadian Council for Refugees, 2006c).

In 2010, Mr. Jason Kenny, Minister for Citizenship, Immigration and Multiculturalism, announced the introduction of Bill C-11 and amendments to refugee-determination system; many critics argue that these amendments will put vulnerable refugees at risk of deportation. Ultimately, these conditions increase the incidence of non-status persons in Canada, given that “refugee claimants needing Canada’s protection will have to seek ways to cross the border irregularly” (Canadian Council for Refugees (CCR), 2005a, para. 7). According to the April 27, 2010 statement of the CCR, Bill C-11 provides claimants with a limited timeline: eight days for their immigration interview after their arrival, and up to sixty days for a hearing. This will impact those claimants dealing with mental health issues, those who are victims of torture and sexual violence, and those whose claims are based on sexual orientation. The proposed bill would also bar the appeal process for certain claimants from designated countries. Of course, this is in contrast to the very definition of a refugee as set out by international laws on refugees and human rights, to say nothing of the Canadian Charter of Rights and Freedoms. Similarly, the bill denies claimants the right either to consideration on humanitarian grounds or to a Pre-Removal Risk Assessment (PRRA). This further challenges Canada’s obligations under its national laws and the international treaties to which it is a signatory.
2.13  *Humanitarian and Compassionate Grounds*

Applying to stay in Canada on Humanitarian and Compassionate (H & C) grounds is generally seen as the last option for persons who have been denied the status of a refugee or person in need of protection. In order to be granted H & C status, applicants must undergo a time-consuming, difficult, and costly process to show that returning to their country of origin would either cause hardship or risk to themselves or their family members (Berinstein et al., 2004). While no data is available on H & C applications, it is estimated that only 5% of applicants are granted status (Berinstein et al., 2004; Bou-Zeid, 2005). Just as with regularization programs, the eligibility criteria attached to H & C, which relate to finances, education, community involvement, and official-language ability, often disqualify women from accessing legal immigration status.

While many non-status persons perceive H & C as their last option to remain in Canada, attempting to obtain such status is not without its risks. For instance, while working with non-status women, I found that many—especially those who were less educated, had smaller social networks, and had newly arrived—fell prey to lawyers and immigration consultants who charged them up to few thousand dollars for filing their claims. The exploitation of these women often increases when they are trapped at detention centres with limited access to proper legal clinics or experienced legal counsel.

2.14  *The Canadian Charter of Rights and Freedoms*

The *Canadian Charter of Rights and Freedoms*, enacted in 1982 as part of Canada’s Constitution, states that

> [e]very individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability (Canada Act, 1982, Article 15(1)).
However, the *Charter of Rights and Freedoms*, does not discuss discrimination on the basis of immigration status or the lack thereof. As a result, it does not protect those without legal immigration status in Canada. Far from providing a solution to existing inequalities—including the exploitation and exclusion of people without immigration status—Canada’s legal citizenship and immigration system, along with other institutions, has a tendency to downplay the existence of this national quandary. Indeed, they tend to ensure that these (unwanted) people remain trapped and immobile, thus reinforcing the global inequalities that have, in many cases, forced them to migrate to Canada in the first place.

This suggests that the contemporary notion of citizenship as a legal construct has become the fundamental social axis around which the balance between the individual and the state is negotiated. Governments of modern states such as Canada include their citizens at the expense of non-citizens; this is a result of the structural and political division of humanity into a plurality of nation states, which is currently accepted as the defining organization of international relations. Of course, based on the liberal version of the idea of global citizenship, one might define “rights” as universal and guaranteed under international law. Such rights, however, only go so far in responding to moral, legal, and ethical obligations, while leaving untouched questions of economic and material exploitation (Thobani, 2009). For instance, according to Article 2(1) of the *International Covenant on Civil and Political Rights*, each signatory state is obligated to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

At the same time, other international laws suggest that differential treatment between nationals and non-nationals is permissible where the distinction is made pursuant to a legitimate
aim, where it has an objective justification, and where reasonable proportionality exists between the means employed and the aims to be realized (UN’s Human Rights Committee, cited in Crépeau and Nakache, 2006a, 8). That said, the major failing of international law is that its application is left in the hands of individual states, such that there is no clear measurement of whether or not signatory states in fact live up to their obligations.

Thus, there is a conflict between the abstract rights guaranteed by international human-rights law and the realities confronting non-status people, inasmuch as the recognition of such rights is left up to individual sovereign states. If we rely on the notion of a “right to have rights,” then how do we legally reconcile the conflict between the discourses of sovereignty and human rights? How do we go about recognizing that the principle of territorial sovereignty is not compatible with that of unlimited rights as set out by international laws (Crépeau & Nakache, 2006b)? After all, the discourse of citizenship as a membership right is crucial to the notion of state sovereignty in relation to the control of borders, immigration, and emigration—in other words, to a set of discriminatory boundaries that often stand in direct contrast to the principles of the Universal Declaration of Human Rights!

From the state’s point of view, rights are afforded to those segments of society who are considered insiders—that is to say, citizens and potential citizens—so long as the latter refrain from doing any harm to society. That said, the state is selective as to which outsiders it considers potential citizens; in the process, it casts non-status people as morally and legally harmful, while at the same time silencing their individual rights in relation to sovereign rights. There thus exists a paradox whereby the state is provided with the power to make critical decisions for others, including non-citizens and unregulated individuals. Even though the latter are often tolerated
within the confines of the capitalist workplace, they are not permitted to move beyond the periphery when attempting to claim rights.

Thobani (2009) critiques Benhabib for conceptualizing citizenship based on an “internal” discussion within the political community, rather than examining it from the perspective of those who are outcast as strangers or otherwise denied rights. For Benhabib, all that needs to be done is to invite the Other to participate in “democratic iterations” with those who are enfranchised; that is to say, with powerful communities of citizens. Thobani, however, seeks to draw our attention to Indigenous people as disenfranchised and powerless Others, “the wretched of the earth,” to use Fanon’s term. Such people have not experienced the process of citizenship as emancipatory, but rather as a series of violent acts resulting in their migration to reserves (74). In particular, Thobani considers these relationships in light of the global market economy and the current phase of globalization, which she considers a process of appropriation, dispossession, and exploitation (2009:71).

It is this process whereby—to take only one example out of many—Mexicans become illegal migrants in the United States, or Indians become illegal migrants in England. In the case of Canada, state borders are the crossroads for those whom Canada incorporates in trade agreements, development projects, and corporate relations. Thus, Thobani asks: “What makes an exploited Indigenous woman to be so strange when she presents herself at the borders?” She also wonders what the connection is between the “nation of consuming citizens” and this individual who offers her cheap labour power to produce products for Canadians. “This, of course,” as Sharma (2005) notes, “is a cruel set of instructions for those displaced by the global operation of capitalism and the equally global system of national states that support it” (11).
As shifts occur in the rates and demographics of global migration (of refugees, irregular migrants, or legal migrants), nations’ conceptions of humanity and the human rights of migrants shift as well. Throughout this process, women continue to face gender violence and exploitation. As Sharma (2005) puts it,

Since women cast as outsiders to the “white Canadian nation” had the greatest difficulties in being seen as belonging in Canadianized space, this process of differentiating between members and non-members was highly gendered. […] No national state has existed without “foreigners” within it. […] These inequalities are created through state categories of differential national membership that accomplish, both materially and ideologically, the gendered racialization of class in Canada (11).

The casting of women as nationalized members is, however, deeply entrenched in, and supported by, international laws. At the present time, despite the increased presence at the international level of non-status people in general and non-status women in particular, there exists no convention or set of treaties to address the lived conditions of these people. Rather than addressing the root causes of irregular migration, international law offers the state the power of deportation. The next section will discuss this issue in detail.

2.15 Deportation

In 1910, Frank Oliver, Member of Parliament, presented the following justification for the imposition of the Immigration Act in that year:19

We want to be in such a position that, should occasion arise, when public policy seems to demand it, we may have the power, on our responsibility as a Government, to exclude people whom we consider undesirable. If this power is given to the government, then the Government can be held responsible should there be a sudden influx of an undesirable class of people. We cannot tell at what time, or under what circumstances, there may be a sudden movement of people from one part of the world or another, and we want to be in a position to check it, should public policy demand such an action (Cited in Knowles, 1997: 84).

19 The Act remained in Canada’s statute books until 1978.
Statements such as this make it difficult to ignore the role of capitalist states in constructing the contemporary trend of unregulated migration by Third World non-status persons. Even as the new capitalist world order criminalizes the movement of these persons, whom it labels “illegal,” and individualizes the root causes of their migration, it also rationalizes a set of conditions in which the economic system, and even the law itself, are determined by capital.

Deeming unregulated migrants “illegal” simply helps to conceal such exploitation by occasionally deporting those whom the system exploits. Similarly, states often rely on legal remedies, such as restrictive visa and border control policies, under the guise of national interest and national security in order to control their borders. These borders often measure individuals’ worth in conjunction with economic conditions that are determined by capital and dominated by a particular system of production; that is, capitalism operating under the rule of capital. In this situation, the conflict between capital’s need to suppress and its desire to expand increases class divisions to the point where migrants must submit to the system’s contradictions and risk their human rights.

There can be no adequate discussion of the condition of non-status women that does not address the issue of deportation, both in terms of their deportability and the act of deportation itself. Where the former acts as a precondition by instilling a relentless fear of deportation, the latter enforces the separation of an individual’s body from the national space. This dialectical relationship between, on the one hand, deportability as a means of personal, political, social, sexual, and institutional control and, on the other hand, deportation as a means of punishment for illegal border-crossing allows the state to orchestrate its control over people’s lives, freedom of movement, entitlement to liberty, and labour power as it is harnessed for the benefit of capital through the production of surplus value. These ruling relations are further perpetuated by
international regulatory bodies, which confirm the state’s sovereign power to arrest, detain, and deport non-status persons.

It is important to note that, while Canada takes pride in its humanitarian and compassionate approach of opening its doors to diverse groups of immigrants, its darker side remains poorly known. In fact, the practice of deportation from Canada dates back to the European colonial era, when White bourgeois men and missionaries arrived with merchants, craftsmen, and poor and working-class men to expropriate Aboriginal resources and then conquer their lands. At the outset, deportation was class-based; with the arrival of women, however, the notion of class became further intertwined with issues of gender and morality. Poor people, people with physical and mental health challenges, gay people, prostitutes, the adulterous, poor female widows with children, criminals, and other marginalized groups that were considered deviant now became deportable.

The first well-documented case of female deportation from Canada was that of a nineteen-year-old Jewish woman, Esther Brandeau, who arrived in New France (Quebec) in 1738 from the Schooner Saint Michel under the assumed identity of Jacques La Farge, a male sailor. Once her real identity was discovered, Esther Brandeau received permission to remain in Canada on one condition: that she convert to Catholicism. When she refused, the French government paid for her deportation in 1739 (Knowles, 1997). Evidently, the unique case of Esther Brandeau attacked colonial ideologies with respect to two important sites: gender and religion. Gender-based codes of morality played a vital role in keeping the White race distinct by limiting inter-racial heterosexual relationships,²⁰ thus preventing “race-mixing” (Razack, 2002).

²⁰ At first, colonization was perceived as a temporary activity, and the colonial elite paid little attention to heterosexual relations between White men and Native women. This changed when the colonizers’ interests shifted from the exploitation of natural resources to the permanent expropriation and redistribution of Native lands (Razack, 2002).
Religious morality branded non-Catholics as non-believers and inferiors, regardless of their gender or race.

As Black people and members of other racialized groups arrived in Canada, deportation based on the discourses of race and political affiliation (including those regarding the Canadian government’s geopolitical and external affairs) became a common practice. For example, in the early 1900s, the Head Tax was an exclusionary policy directed against the Chinese. In 1917, all “enemy aliens” who had become naturalized since 1902 were disenfranchised. Similarly, in 1922, an amendment to the Opium and Narcotic Drug Act subjected “domiciled aliens” to deportation; included in this category were immigrants who had been in Canada for 5 years or more with drug-related convictions. Once again, Chinese people were the primary targets of exclusion. At the same time, the Canadian government also signed various exclusionary treaties with foreign governments. One such treaty, signed between the Canadian and Japanese governments, limited Japanese immigration to Canada to 400 people (Dench, 2005). Additionally, in 1934, over 90% of applications for naturalization were refused on the basis of political or labour activism, or simply “bad character” (Dench, 2005).

As these examples show, deportation has always been used as a weapon for the exclusion of undesired immigrants or for the exploitation of desired immigrants deemed unworthy of being granted legal status. With the transition from a liberal welfare regime to a neoliberal and capitalist regime, the ideological discourse of deportation expanded from the expulsion of “fraudulent refugees” to the expulsion of illegal criminals. Especially since the events of 9/11, the balance of power in the ideological tension between migrants and citizens shifted towards the securitization of borders under the guise of promoting public safety in the face of national threats such as criminality and terrorism. This process has given rise to what Pratt (2006) calls the
“crime-security nexus.” Similarly, Brottem (2006) suggests that the flow of capital and
globalized technology has resulted in an increased number of economic migrants to the North;
there, on the pretext of national-security concerns, these migrants are subjected to discriminatory
policies which impinge on their human rights.

The deportation of non-status women, however, is influenced by various additional
complex factors. First of all, those women who have migrated without authorization or who lack
official immigration status are considered illegal, and illegality is associated with criminality.
Second, criminality is dealt with by the law via law-enforcement institutions, including the
police and border security agents. This suggests that non-status persons are deserving of
punishment. Third, punishment is administered by separating one’s physical body, first, from
one’s day-to-day surroundings (through detention), and, second, from the national space
altogether (through deportation). The former is not considered unlawful if authorized by law,
while the latter is justified by international regulatory bodies based on the notion of state
sovereignty (Clayton, 2008). There is no doubt that the detention and deportation of non-status
women is “legal” in this sense.

2.16 Deportation and gender: The voices of non-status women

A little room
a wheelchair
a tear drop
a cry for help
freedom’s desired
though no words
are on her breath

A little room
a wheelchair
handcuffs, shackles,
chains conspire,
support the overlords—
her eyes glisten fear, 
preoccupied, 
foreseeing her death.

A last touch on her shoulder 
a desperate gaze into her eyes 
I left her there, 
I had nothing to give, 
to resist her capture—

sitting in that chair 
in that little room, 
taken in stealth.

Her legacy must live.

Gender plays a vital role in constructing the deportability and deportation of non-status women, because women as a sex are bound by certain gender roles such as care-giving, child-rearing, and housekeeping. These gender-role responsibilities connected with caring for children and family members expose women to various official bodies, including schools, health-care providers, and social services, along with other professionals. In particular, gender as sex makes women more vulnerable as a result of gynaecological concerns such as unwanted pregnancy and childbirth, as well as sexually transmitted diseases requiring medical attention. This exposure to officials increases the deportability of non-status women.

The greatest risk of deportability arises through gender violation, especially sexual abuse and rape. This is not because of sex and gender themselves (although statistics do suggest that racialized, poor, and immigrant women are at higher risk of sexual abuse then the average Canadian woman), but rather because of the state’s reluctance to acknowledge the existence of non-status women in Canada in the first place. This leads to the state’s failure to institute protective measures and policies that prevent the abuse of non-status women and protect non-status women in need of assistance. In fact, the Canadian government’s policy has been punitive towards the victims. In Canada, immigration policy often intersects with the criminal justice
system, because the justice system is constructed as the gatekeeper of immigration law and public security. The interrelationship between both immigration and criminal law increases the likelihood that non-status women will avoid asking the police for help, given that they risk deportation when they do seek help.

As Pratt (2006) has mapped out, the modern Immigration and Refugee Protection Act’s transition towards reconfiguring the categories of criminality and security as threats to the nation state, combined with the entrenchment of the state’s crime-security nexus, leads the state to formulate external threats that require exclusionary immigration policies. Ironically, my research has discovered that, even though they pose no external threat to Canada, non-status women are severely threatened by their exclusion within Canada, where intersecting regimes of immigration and criminal law scapegoat them as criminals. Such laws maintain and reinforce patriarchy, misogyny, and gender violation. Thus, while 20% of the non-status women I surveyed experienced physical abuse in their country of origin, 45% reported being subjected to physical abuse in Canada. Women also reported a higher incidence of general mistreatment in Canada (54%), as compared with in their home countries.

As indicated in the following table, when asked their opinion about deportation, about 52% of non-status women expressed fears of deportation, 21% expressed no fears, and the remaining 18% percent indicated that they would not care if they were deported or not.

<table>
<thead>
<tr>
<th>Are you worried about being deported?</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>80</td>
<td>51.6%</td>
</tr>
<tr>
<td>No</td>
<td>32</td>
<td>20.6%</td>
</tr>
<tr>
<td>I don’t care</td>
<td>28</td>
<td>18.1%</td>
</tr>
<tr>
<td>No response</td>
<td>15</td>
<td>9.7%</td>
</tr>
</tbody>
</table>
Such statistics, however, do not necessarily provide an accurate measure of non-status women’s fears. This is because, in reality, fear negatively affects non-status women’s overall health and wellbeing, including their mental health conditions and coping strategies. As one of the service providers who participated in the focus group explained,

Many women that I worked with—especially those with limited support who have been forced into unwanted sexual activities—no longer care about their conditions. [...] They have reached a point in their lives where nothing matters to them any longer. [...] Not thinking or caring is their way of coping with pain. I sometimes wonder if they may even wish to be arrested, just so that the abuse would stop. [...] This could also be a form of revenge: if a woman is facing deportation anyway, why not get him into trouble? [...] So, when you have no hope in life you no longer think about deportation (Focus Group #1, Social Worker #1).

In any case, based on the survey questionnaire’s findings, a majority of non-status women mentioned that, beyond sexual violation, their deportability and lack of immigration status has affected them in physical, psychological, and mental ways that affect their relationships with their social networks and friends. In spite of these challenges, however, these women’s resilient power—including their hope for a better future for themselves and their families—often results in them remaining in Canada while living underground.

2.17 Deportation in Canadian law

Under current immigration laws, the deportation or removal of a foreign national is allowed; deportees are then barred from re-entering Canadian territory unless the ministerial authority provides specific consent. In Canada, Citizenship and Immigration Canada (CIC) holds the mandate to safeguard the populace against non-Canadian citizens who breach Canadian law, or who appear to pose a threat to public safety, public health, the economy, and national security. This mandate includes the power to grant and refuse admission to individuals considered inadmissible. Thus, enforcement officers are granted the powers of investigation, arrest, and
detention. According to the *Immigration and Refugee Protection Act* (IRPA), individuals can be deported if they have entered Canada illegally, or if they are convicted of serious crimes.\(^{21}\) Permanent residents are not immune from deportation.\(^{22}\)

From a human rights perspective, it can be argued that the deportation of non-citizens is in conflict with the Canadian Charter of Rights and Freedoms. As already noted, this document, which came into effect in 1982 as part of Canada’s Constitution, states that

> [e]very individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability (Canada Act, 1982: Article 15(1)).

And yet, because the Charter of Rights and Freedoms neglects to discuss discrimination on the basis of immigration status, or the lack thereof, it fails to protect those without legal immigration status, or prevent them from being deported from Canada. As we have seen, this neglectful approach is legitimated by international regulatory bodies, such as the UN, which give states the power to control political borders. To be sure, Canada has a legal obligation to grant protection to so-called “convention” refugees and other persons in need of protection; that said, the power of determining who is worthy of such protection is left to the state, as represented by the Immigration and Refugee Board (IRB) of Canada, through its Refugee Protection Division (RPD), and by Citizenship and Immigration Canada (CIC). Thus, the treatment of migrants is ultimately at the Canadian state’s discretion.

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\(^{21}\) The category of serious crimes includes, but is not limited to, rape, sexual and physical assault, murder, kidnapping, robbery, and arson.

\(^{22}\) This includes permanent residents convicted of criminal offences prior to their migration to Canada, or those who have committed a federal offence in Canada resulting in a prison term of more than six months (section 36(1) of IRPA). Permanent residents can also be deported if they fail to comply with the conditions set for permanent residency, or if they have lied or submitted false documents as part of their application process. More information can be found at [laws.justice.gc.ca/en/I-2.5/index.html](https://laws.justice.gc.ca/en/I-2.5/index.html).
2.18 Deportation in international law

Canadian law, through the *Immigration and Refugee Protection Act* (IRPA), instructs the government to apply regulations in compliance with those international human-rights instruments to which Canada is a signatory. Some of the strongest international language on the subject of deportation is contained in the fourth Geneva Convention of 1949—a convention to which, as a signatory, Canada is obliged by its own law to adhere. The first paragraph of article 49 of the 1949 Convention states specifically that “individual or mass forcible transfers, as well as deportation of protected persons [...] are prohibited, regardless of their motive.” Article 147 of the same document goes on to list deportation as “a grave breach” of the convention, and thus tantamount to a war crime. In recognition of this, Article 146 obliges all states party to the convention to

> undertake to enact any legislation necessary to provide effective penal sanctions for persons committing, or ordering to be committed, any of the grave breaches of the present Convention defined in the following Article [...]

And yet, unambiguous as this wording may be, the 1949 Geneva Convention continues to suffer from the major failing of all international law: its application rests in the hands of individual states, and there is no clear measurement of whether these live up to their obligations. This is particularly true with regard to UN “declarations” (such as the UDHR), which are not legally binding and which simply provide general guidelines for state parties. And yet, while “conventions” do legally bind states from an international perspective and sometimes require them to implement legislation as part of their domestic laws, they are not immune to abuses. Abuse can certainly be seen in receiving countries’ current policies regarding non-status people, which are heavily weighted towards restrictive border controls, detention, and deportation. For example, in the UK, deportation orders are signed by the Home Secretary’s office and simply
require that a notice of the decision to deport first be provided to the individual or individuals. According to Clayton, such a notice “provides the reasons for the decision; indicates that country to which the person shall be deported; and notice of appeal rights” (2008).

Indeed, states have quite often been found to increase measures and restrictions with regard to deportation laws and regulations. Throughout Europe and most western states, the scope of the power to deport has significantly increased, even as the rights of individual claimants about to be deported have become more and more restricted. For example, in the UK, section 5 of the Immigration Act of 1988 restricted any grounds for appeal against deportation for those who had been in the UK for less than seven years. This was a significant development in the tightening of measures, as it demonstrated that those who violated the terms of their visas “could not argue their case on the merits of whether they should be deported, but only on whether there was power in law to deport them” (Clayton, 2008).

In many countries, including Canada, deportation orders are most commonly handed out to people who have been convicted of, or simply charged with, criminal offences. Such individuals are then deemed potential threats to the general public and to society at large. In this way, the state suggests that deportation is not direct punishment for crimes, but rather a guarantee of public safety in the face of any further activity that might arise if no immediate action were taken.

2.19 Non-status women and international law

Even though over fifty years have passed since the Universal Declaration of Human Rights was adopted by state governments across the world, more than 100 million of the people this declaration was specifically created to protect remain unaccounted for and without protection by any state (Helton, 2000). Included in this group are: non-citizens such as migrant workers; non-
status people (of whom there are currently 34 million worldwide); asylum seekers; and refugees seeking protection from abuse, genocide, and other serious violations of international human-rights laws. Liberal western states such as Canada, which seemingly champion the tenets of democracy and which are seen as welcoming sanctuaries for stateless persons, continue to turn many of these migrants away, thus denying them the protection required by international standards. And yet, these standards are themselves questionable and in need of reform. As Arthur Helton (2000) notes, “Non-citizens often seem to fall through gaps in legal frameworks designed to protect universal human rights. These gaps in protection have caused untold hardships and require serious remedies by the international community” (2000: 281). Generally speaking, greater effort must be made to protect the human rights of these neglected individuals; this effort will require rethinking at the theoretical and practical levels.

Since the beginning of modernity, the international legal and political order has been centered upon sovereign states, which use borders and territories as a means of exclusion to control the movement of people. When discussing the issue of sovereignty as it relates to migration, it is worth asking whether individuals in fact experience freedom of movement across borders under human-rights instruments such as the Universal Declaration of Human Rights. In any event, it is clear that Western democratic nations are cautious about granting admission simply to anyone who seeks it (Helton, 2000). Thus, it is important for us to take a moment to assess the concept of state sovereignty as it relates to power, before applying it to migration.

Historically speaking, international law emerged out of Western European ideologies. During the period from 1400-1600CE, which witnessed the expansion of European territory to include other parts of the world, the incorporation of the Other into mainstream narratives
occurred under the aegis of colonialism. Therefore, the universalization of international law is a result of colonial encounters, to which the idea of sovereignty is historically linked.

As a result, this fundamental principle, which defines the nature of relations as regulated by international law, never adequately took account of the Other. To be a participant in international law, one must be within a state. However, while occupying a new territory and enforcing itself as the sovereign, the colonial power was no longer obligated to abide by its own law; at the same time, it did not recognize the law of the people it encountered. It was this condition that justified the appropriation of the majority of the world by a colonial minority. This explains how concepts of colonialism, capitalism, and imperialism are woven into international law—and why it has been so difficult for non-status persons to find a voice within this system.

This problem has become especially acute in recent years, as changes in global migration have brought about changes in the composition of the class of migrants, as well as in individual states’ responses to immigration. Developed nations have begun to enforce new, more restrictive, migration policies to regulate movement across their borders. At the same time, international laws have created several categories of migrants, such as “refugee,” “irregular migrant,” “stateless person,” “displaced person,” and “migrant worker,” which are then used to define migrants’ rights, responsibilities, and entitlements. Conspicuously absent from view have been those categorized as non-status people, who fall through the cracks of the traditional sovereign system. There is neither a single widely-accepted definition for “non-status persons,” not is there any exclusive treaty or convention in international law that provides for them. Generally speaking, the international community’s attitude has conformed to the following statement by Brouwer (2003):

In view of the urgency of the refugee problem and the responsibility of the United Nations in this field, the Committee [on Statelessness and Related
Problems] decided to address itself first to the problem of refugees, whether stateless or not, and leave to later stages of its deliberations the problem of stateless persons who are not refugees (7).

This statement fails to acknowledge the human rights of non-status persons. Unfortunately, given the lack of international direction, individual states often question whether or not asylum-seeking non-status persons such as irregular migrants, stateless people, and rejected refugees should be the subjects or beneficiaries of human-rights provisions. Instead of focusing on the actual living conditions and daily lives of non-status people, many states, including Canada, are preoccupied with assigning them to categories and attempting to determine who should pay for their rescue. As result of this neglect, the living conditions of non-status people have deteriorated worldwide.

And yet, even though the majority of Canadian society has failed to recognize the plight of non-status persons, many activists and several academics have raised questions regarding the stratification of immigration status in Canada. In the past few years, numerous migration studies have closely examined the applicability of international laws as they relate to asylum seekers and have suggested reforms to these policies (Hathaway, 1996). In order to shed light on how diverse people are treated by global and local laws and therefore become, and remain, “non-status,” I will now explore several United Nations (UN) treaties and conventions: the Universal Declaration of Human Rights (UN’s Office of the High Commissioner of Human Rights, 1948); the Convention relating to the Status of Refugees (UN’s Office of the High Commissioner of Human Rights, 1951); the Convention relating to the Status of Stateless Persons (1954); the Convention on the Reduction of Statelessness (UN’s Office of the High Commissioner of Human Rights, 1961); the International Covenant on Civil and Political Rights (UN’s Office of the High Commissioner of Human Rights, 1966); and the International Convention on the Protection of
the Rights of All Migrant Workers and Members of Their Families (UN’s Office of the High Commissioner of Human Rights, 1990). I will also critically examine Citizenship and Immigration Canada’s policies as well as the Canadian Charter of Rights and Freedoms (Canada Act, 1982).

2.20 The Universal Declaration of Human Rights (UDHR)

On December 10, 1948, the General Assembly of the UN proclaimed and adopted the Universal Declaration of Human Rights. This document outlined the human rights that all persons in the world are entitled to, regardless of the nation in which they reside. Arising from this declaration are six UN committees overseeing major international treaties in the UN human-rights system: (1) the Committee on Economic, Social, and Cultural Rights; (2) the Human Rights Committee (UNHRC), responsible for civil and political rights; (3) the Committee on the Elimination of Racial Discrimination; (4) the Committee against Torture; (5) the Committee on the Elimination of Discrimination against Women, and (6) the Committee on the Rights of the Child (Goulet, 1994). Human-rights laws are generally grouped into two distinct categories: (1) civil rights; that is, freedom of expression and political rights, such as the right to vote, and (2) economic rights, such as social security, the rights to healthcare and education, and cultural rights such as language and religion (Goulet, 1994).

2.21 The Convention Relating to the Status of Refugees

In the aftermath of World War II, there was international recognition of the lack of response to the flow of refugees and other displaced people; this brought global communities together to draft multilateral conventions on stateless persons (i.e., refugees) (Brouwer, 2003; Henry et al., 2000). The Convention relating to the Status of Refugees (1951) is a key document used to
define “refugees,” their rights, and states’ legal obligations to them. Article (1) of the convention
states that the status of refugee applies to any person who,

owing to well-founded fear of being persecuted for reasons of race, religion,
nationality, membership of a particular social group or political opinion, is outside
the country of his [or her] nationality and is unable or, owing to such fear, is
unwilling to avail himself [or herself] of the protection of that country; or who,
not having a nationality and being outside the country of his [or her] former
habitual residence as a result of such events, is unable or, owing to such fear, is
unwilling to return to it.

This convention is limited in its application as it only includes those persons living outside their
country of origin that have subjectively defined “well-founded” fears of persecution (Brouwer,
2003). That said, in 1967, changes were made to the Convention, including the removal of
geographical and temporal restrictions. Canada acceded to the Convention in 1969 (Dench,
2005:12).

As Kumin notes, this Convention “established an obligation for states to protect refugees
from being sent to situations of danger and to grant them a certain basket of rights normally
reserved for citizens” (Kumin, 2004:3). Although the notion of rights normally reserved for
citizens requires further discussion, many receiving countries are now expressing concerns
regarding the definition of “refugee” and the existence of an international refugee regime
(Hathaway, 1996; Kumin, 2004). In any case, the Convention does not offer protection to
stateless persons who are not deemed refugees. Another problem stems from the fact that, while
international laws aim to protect all people in need, the written language of these laws often
refers to all people as male. In this vein, Nahla Valji (2001) criticizes the Convention for its lack
of response to gender issues. As she argues,

The refugee regime, built on the 1951 Convention Relating to the Status of
Refugees, has long excluded women from the international right to protection
from persecution. The gender-blind parameters of the Convention have been
exacerbated by the same qualities in the international legal system of which it is
a part; state practices toward asylum-seekers; and the dichotomous construction of the refugee regime as a whole, which has produced and reproduced victimizing identities of refugee women. Advances today, such as the adoption of gender guidelines in a number of states, have been more symbolic in effect than transforming (25).

### 2.22 The Convention Relating to the Status of Stateless Persons

In 1954, the *Convention Relating to the Status of Stateless Persons* was adopted in order to address the situation of any “person who is not considered as a national by any State under the operation of its law” (Article One). This document was created in recognition of the fact that “there are many stateless persons who are not covered by that Convention [*relating to the Status of Refugees*]” (Preamble). This controversial convention offers protection to those stateless people who renounce their state nationality, and is designed to ensure that their fundamental rights are upheld in the state in which they reside. Canada, however, did not endorse this convention, arguing that it duplicated the *Convention Relating to the Status of Refugees*, that Canadian law already adequately addressed the situation of stateless persons, and that the new convention encouraged stateless persons from other countries to come to Canada and Canadian nationals to renounce their citizenship (Brouwer, 2003:17).

Brouwer (2003) reminds that there is a correlation between statelessness and forced migration, since displacement can be both the cause and consequence of statelessness. He also reminds us that statelessness is an obstacle to the resolution of refugee problems. In recent years, there have been efforts to acknowledge the problem of statelessness and its impact on individuals’ daily lives. This problem of statelessness is compounded by the fact that citizenship and nationality are essential to the state protection of human rights. In Canada, however, “stateless persons who do not have authorization to stay in the country live in a condition of legal limbo” (Brouwer, 2003:2).
The 1954 Convention further recognizes the difference between *de jure* stateless persons and *de facto* stateless persons. Canada’s reluctance to adopt this convention is entrenched in its fear of new sets of migrants flowing to its door. That said, the 1954 Convention is not without its own shortcomings. For example, it can hardly be said to adequately address the issue of stateless persons, given that it does not have any supervisory body to monitor it (Brouwer, 2003). In any case, international and national law are set up to control national borders, and, as a result, those not deemed eligible are not granted status. Consequently, women become non-status because of the effectiveness of the law.

### 2.23 The Convention on the Reduction of Statelessness

The 1961 *Convention on the Reduction of Statelessness* sets international standards for national laws relating to both the attainment and loss of nationality. This document aims “at reducing further statelessness by setting international standards for national laws on the acquisition and loss of nationality” (Brouwer, 2003:10). Canada ratified the *Convention on the Reduction of Statelessness* in 1978.

However, since Canada has not signed the 1954 *Convention Relating to the Status of Stateless Persons*, its definition of stateless persons is deceptive. Every year, Canada grants status to stateless refugees but excludes stateless foreign nationals. According to Canada’s *Immigration and Refugee Protection Act* (IRPA) (2001), the term *foreign national* means “a person who is not a Canadian citizen or a permanent resident, and includes a stateless person” (Article Two (1)). This definition, however, leaves open a significant loophole, meaning that Canadian legislation provides *no* protection for non-refugee stateless persons (Brouwer, 2003). As is evident in the above statement, the IRPA clearly disregards the legal, political, social, and human rights of stateless persons, including non-status persons living within Canada’s borders.
The concepts of nationality and citizenship rights further exclude stateless persons from benefiting from the *Canadian Charter of Rights and Freedoms*.

### 2.24 *The International Covenant on Civil and Political Rights (ICCPR)*

According to Crépeau & Nakache (2006a), the *jus cogens* of the “nondiscrimination” principle included in the United Nations’ Covenant is the key to defining the human rights of migrants. This principle requires states to respect individuals’ equality before the law and their right to equal protection from the law, without discrimination. That said, it remains the case that

> A differential treatment between nationals and non-nationals is permissible where the distinction is made pursuant to a legitimate aim, where it has an objective justification, and where reasonable proportionality exists between the means employed and the aims to be realized (UN’s Human Rights Committee, cited in Crépeau & Nakache, 2006a:8).

Any state that is party to this agreement (including Canada, which acceded the Covenant in 1976) must ensure that the rights enumerated in the *International Covenant on Civil and Political Rights* are available to “all individuals within its territory and subject to its jurisdiction without discrimination of any kind” (Article Two (1)), including discrimination based on “national or social origin.” Crépeau and Nakache (2006a) discuss the distinctions the ICCPR makes in terms of rights afforded to migrants: essentially, ICCPR states that all migrants “are entitled to equal protection with respect to many civil and political human rights, especially those relating to security of the person and due process” (2006a:8-9), whereas other rights (i.e., access to public service, the right to vote) are not provided to them.

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23 The term *jus cogens* refers to “Principles of international law so fundamental that no nation may ignore them or attempt to contract out of them through treaties” (Nolo, 2006).
2.25 Conclusion

It is only recently that the notion of non-status-ness has come to the forefront of academic diaspora studies. For this reason, this chapter is missing an in-depth review of the literature on this topic and is solely aimed at drawing attention to the lived conditions of non-status women. That said, the writings of critical feminist scholars like Bannerji, Mohanty, Mojab, and Sharma have greatly contributed to my understanding of the historical causes of oppression and its impact on Third World women on the one hand and the policies of national borders on the other. It is through such dialectical relations that these women find themselves caught between the factors that push them out of their countries and those pulling them to Canada. I have explained in detail the enforcement of international human-rights laws and migration laws as they provide the state with the right to protect their national boundaries through the processes of detention and deportation. It is through this interrelated legal nexus that the notion of non-status-ness remains unchanged, both globally and in Canada. The next Chapter will explore ways in which feminist theories informed the methodological choice and data analysis process.
Standing by an ocean

I am a researcher

But before I became a researcher,
I was a social worker—
I listened to women’s stories
Dressed their injured souls—
Long hours of work in isolation
There, at the source of tears—
One by one,
Day by day,
Year by year.

And when I was a social worker,
I became an activist—
A stubborn insistence,
Attuning to group struggle—
I formed networks,
To reassert power,
Joined coalitions,
Navigating the unrelenting
Torrent of injustice.

One day—
Before I became a researcher,
Standing by an ocean of growing inequality,
I wondered what it would take
To bring all those women—
Their narratives,
Resiliency,
Struggles,
Victories,
And their witnesses
Together.

And it was then
That I realized
I was a researcher all along....
3.1 Introduction

Relying on feminist methodologies and critical feminist theories as a framework, this chapter will explore my methodological journey. In so doing, it seeks to gain an in-depth understanding of the following issues and questions:

(1) the living conditions of non-status women;
(2) how non-status women manage to negotiate their needs while facing the challenges of a lack of access to resources;
(3) how service providers and activists respond to the needs of non-status women while dealing with the challenges of limited resources; and
(4) how service providers and activists perceive, assess, produce, reproduce, and evaluate their professional involvement with non-status women through the mechanisms of service delivery, organizational policies, and systemic structures.

By gaining insight into the lives of these women from their perspective, the ultimate goal of this research is to challenge the deeply-rooted state power that is an integral part of the exercise of institutional power over borders and the migrants who cross them. Such control is conferred by both restrictive immigration policies and exclusionary policies with respect to access to human services and public resources. Given that little is known about the issue of non-status people in Canada in general and the discourse of gender roles in particular, this exploratory research probes the lived conditions of non-status women as they manage to live underground and navigate the system. It is important to note that, although lack of immigration status denies these women the “right” to have “human rights” in Canada, they are further affected by the intersection of race, gender, class, ability, age, status, and other social relations, all of which have colluded to silence their voices and obscure their existence.
To obtain rich data reflective of the voices of non-status women, I relied on both qualitative methods, in the form of gathering narratives from service providers and activists, and numerical and in-depth analysis of responses to survey questionnaires. All in all, the following sources of data generation were used:

1. my twenty years of frontline experience working with non-status women;
2. 155 survey questionnaires collected from non-status women by frontline practitioners across the GTA;
3. thirteen individual interviews with service providers, activists, and community members;
4. two focus groups with practitioners and activists;
5. ongoing informal interviews with key community-advisory committee members; and
6. textual analysis of printed documents reflecting the international, national, and grassroots organizational levels.

3.2 Qualitative research

Qualitative research, a widely used design within multifaceted fields, seeks to understand human experiences from the perspectives of those who experience them (Denzin and Lincoln, 1994:1; Yegidis, Weinbach and Morrison-Rodrigues, 1999:17). Raising the issues faced by research participants from their own perspectives and in their own words enables me to present a detailed view of the topic as an active listener rather than as an expert (Creswell, 1998); it also lends further support for unravelling the problems and multiple dimensions of reality that these women face (Yegidis et al., 1999; Creswell, 1998). This exploration embraces policy directives for those actively involved with social movements through gaining an understanding of and valuing non-status people’s voices while they learn to survive, form agency, and resist various forms of exploitation.
Furthermore, through the qualitative methods of individual interviews and focus groups, this thesis serves as a means of challenging the status quo of existing research on non-status people. Such research tends to contextualize the issue as one of amnesty, thus limiting advocacy work to calling for the enforcement of regularization programs or the implementation of DADT policies. This study, however, challenges the government to take responsibility for the human rights and dignity of non-status women, particularly as relates to their sexual health (especially in situations of rape or sexual abuse). This study has as its further aims the promotion of non-status women’s access to legal protection, including recourse to police assistance without fear of deportation.

By hearing the testimonies of non-status women through survey questionnaires and as reported by the practitioners who work with them, this research raises additional concerns over the health and wellbeing of these women that were not previously known to researchers, social activists, and practitioners. Qualitative research that engages in a dialectical relation with participants presents an opportunity to re-hear and re-present the voices of non-status women and provide comprehensive analysis of the issue. This is a crucial point particularly given that the issue of non-status women has long been neglected by academics and migration-studies researchers—even though, over the past decade, activists, practitioners, and policymakers have begun to explore the issue.

Since non-status women are at constant risk of arrest, detention, and deportation, their voices are largely absent from the public, legal, policy, and political arenas. This is partly due to activists taking a protectionist role in order to decrease consequential risks to these people. This research further explores whether the perceptions of activists are reflective of non-status
women’s lived realities and, if so, whether non-status women’s voices are incorporated in the activists’ work.

Knowledge produced using qualitative methods can fill in some of these gaps and generate insights into the unstudied area of Canada’s non-status women population. As Marlow (1993) points out, qualitative research brings the richness, depth, and diversity of peoples’ realities into an investigation. Despite its limitations, this research tends to convey knowledge that is transformative (Anderson, 2002) and brings social justice to the living condition of non-status people. Furthermore, Padgett (1998) notes that qualitative research allows for creativity and scholarship, maturity and self-discipline, flexibility and reflexivity, as well as empathy and sensitivity. All of these qualities which are necessary in this type of study. Qualitative research methods provide me with the flexibility and loosely-structured format that I need in order to adequately explore the many different aspects of non-status women’s lives. It also helps me to understand the meanings that these women make out of their experiences, cultural realities, cognitive schemes, and values.

Marshall and Rossman describe qualitative research as research that “entails immersion in the everyday life of the setting chosen for the study, that values participants’ perspectives on their worlds and seeks to discover those perspectives, that views inquiry as an interactive process between the researcher and the participants” (1989:11). Denzin and Lincoln (1994) further note that behind any research stands a researcher who “approaches the world with a set of ideas, a framework (theory, ontology), that specifies a set of questions (epistemology) that are then examined (methodology, analysis) in specific ways” (11). That is to say, regardless of their approach, qualitative researchers introduce various assumptions, rules, or paradigms to guide their inquiries (Creswell, 1998; Guba & Lincoln, 1998; Schram, 2003; Sullivan, 2005). Sullivan
addresses this issue through rules of rationality. From this perspective, researchers’ paradigms reflect their beliefs about ontology (reality), epistemology (knowledge), and axiology (values), as well as their notions of rhetoric (language) (Creswell, 1998).

Creswell (1998) additionally notes that, in qualitative research studies, ontology becomes at issue inasmuch as the researcher’s involvement in the research process partially shapes the construction of “reality” (as produced in the research report). Since multiple realities exist in any research process (that is to say, the realities of the researcher, the participants, and the general public), qualitative researchers should be conscious of relying on the voices of participants through extensive quotes, through presenting multiple perspectives within each theme (reflective of the words used by the participants), and through reporting realities as they are presented by the research participants (Creswell, 1998:77). It is therefore important for me, as a researcher, to explicate my own construction of “non-status women,” as it has been generated by my commitment to feminist epistemology (and in particular to critical feminism), and as it has been shaped by my personal experiences as a frontline social-work practitioner motivated by promoting social justice.

3.3 Feminist inquiry as a qualitative methodology

This research relied on critical-feminist epistemology to explore the lived conditions of non-status women in the Greater Toronto Area with the aim of gaining an understanding of how these women’s lives intertwine with state institutions through exclusionary policies, human-service organizations, and the formal and informal networks affecting their diasporic life in Canada. In particular, this research seeks to explore how non-status women learn to survive and resist economic, sexual, physical, and labour exploitation while navigating the system.
Researching non-status women requires an incorporation of qualitative modes that is dialectical and goes beyond simply describing non-status women’s conditions. In researching non-status women, one must rely on critical and analytical knowledge of how global inequality and capitalism have caused shifts in the labour market, the recruitment of human capital, and current political, economic (Olesen, 2005), and social conditions. Feminist research, as noted by Lupton (1995), focuses on “producing new syntheses that in turn become the grounds for further research, praxis, and policy” (Cited in Olesen, 2005:236). Feminist praxis for non-status women moves beyond borders and understands the intricacies of historic, economic, and social relations as these simultaneously enable them to survive and perpetuate violence against them.

Although, as Yen Le Espiritu has noted, “[w]omen of color have insisted that a social justice agenda address the needs of both men and women of color since they are linked to race and class” (Cited in Olesen, 2005:236), I argue that the issue of non-status women requires special attention in order to address gender violence that is specific to non-status women due to their vulnerable positions within both non-status and status communities. The problems faced by non-status women cannot be transformed in isolation and require commitment from all spheres of society, including all levels of government, social-justice activists, academics, social-service practitioners, and global human-rights bodies.

3.4 Studying “The Familiar”

I further believe that qualitative research is appropriate because its primary methods of data-collection are very familiar to the practices of social work (Rubin and Babbie, 1997). Padgett acknowledges that the study of a familiar situation is powerful and points out that social workers have an opportunity to study familiar persons or situations through the agencies or clients they
work with; as a result, the “pursuit of knowledge meshes with the goal of improving practice” (1998:26).

According to Padgett, studying a familiar situation is advantageous in two ways: first, it gives the researcher an easy entrée and allows for a smooth development of rapport, both of which provides the researcher with a high comfort level; and, second, it gives the researcher a head start in knowledge about the topic, as a result of both personal and professional encounters (Padgett, 1998:26). That said, Padgett also argues that studying a familiar situation comes with distinctive risk factors and disadvantages. For example, he warns that the researcher may become too close to the topic and blind to new perspectives. The remedy, in his view, is “to find a way to make familiar unfamiliar” (1998:27).

3.5 Researcher reflexivity

My profession as a social-work practitioner has had a profound impact on me as a person and on my understanding of social relations. I have empathy towards non-status women and am very committed to promoting their full inclusion in Canadian society. Stewart reminds us about the importance of acknowledging women’s agency, resisting oppression, and making choices; this also means that researchers need to understand each woman’s uniqueness and avoid homogenising women’s voices (Stewart, cited in Creswell, 1998:84).

Cole and Knowles suggest that “if we act in ethically and morally responsive ways, in the broadest sense possible, with those who live and work around us, then the chances are we will do the same with those people with whom we research” (2003:25). I feel competent in conducting qualitative research because my training as a social worker taught me to “start ‘where the client is,’ view clients as part of a wider social context, and favour individualized assessment and maximum detail in chronicling their lives.” (Padgett, 1998:13) In a similar way, my training has
made me aware that social workers “think inductively and flexibly, examining information from a variety of sources before drawing conclusions about a client’s problems and appropriate treatment, and responding to new information by modifying treatment approaches” (ibid.).

3.6 Insider niche to outsider role: Gaps, roadblocks, and the emergence of new ideas

Fetterman suggests that gaining entry into the research community requires “an open mind, not an empty head” (1989:11). I am both an insider and an outsider in relation to this research and its participants; of course, it remains the case that, as Naples notes, we are “never fully outside or inside the ‘community’” (1997:71). Throughout my twenty years of frontline work as a social worker and activist, I have provided social-work services to non-status people and have initiated or joined many community-based and activist movements. This insider role has equipped me with in-depth knowledge about existing resources within human-service organizations and the communities surrounding non-status women. For example, I am well aware of organizational structures and underground networks and have been able to gain trust among community members. This insider role has given me the opportunity to generate data that is more reflective of the lived realities of non-status women. To be sure, my insider role was intertwined with the many privileges I possessed at the time, even as it facilitated a smooth data-collection process. That said, it must be remembered that an insider role is not a fixed identity; it can shift throughout the research process, and at times can act as a barrier in the data-generation process.

While my insider role provided me with an entry into community agencies and the recruitment of service providers and activists, in the context of non-status women it shifted my position to that of an outsider. This condition was embodied in four interrelated facets and prevented me from having any direct contact with non-status women as part of the research. First, during the data-collection phase, my position as a social worker entailed an obligation and
duty to protecting my clients and the organization in which I was employed.\textsuperscript{24} This relationship prevented me from recruiting potential clients from my workplace. Secondly, as a social worker, I was bound by my professional ethics, which prevented me from engaging in situations of conflict of interest as a researcher either with my organization or with the non-status women who used my organization’s services. This was in order to protect the women from any potential harm that my research might inadvertently cause. Thirdly, over the years, as a service provider and activist, I have gained a reputation among non-status women and in the community. This reputation, combined with the fact that services for non-status women are minimal, could increase the possibility of an individual interviewee approaching me to take her case. Fourthly, I had to satisfy the protocol of the University of Toronto Research Ethics Board, according to which posing any risk to research participants or the research community (including potential conflicts of interest) is taken very seriously.

However, when roadblocks occur, new ideas will emerge. To protect the dignity of non-status women, I relied on service providers to capture their thoughts through the distribution of survey questionnaires. That said, resiliency is ingrained in hope and hope never remains silent. Many women, including trafficked non-status women, managed to voice their concerns by writing side notes on their surveys, or by talking with the service providers responsible for collecting their surveys to elaborate their concerns. These women became agents of change by sharing their lives and opening up new possibilities for others in similar situations.

The next section will further address the crossroads between qualitative and quantitative methods. Through the use of survey questionnaires, I explain the relationship between lack of immigration status and its impact on the living conditions of non-status women. The use of multi-methods data generation provided me with a testable analysis of qualitative ideas and the

\textsuperscript{24} At the time of the research, I was employed by a Toronto-based Community Health Centre.
distribution of variables, while also identifying correlations between and among them. The parameters of quantitative research therefore served a broader purpose than one of simply translating the voices of non-status women into measureable statistical analysis.

While qualitative methods explore, describe, and interpret a particular phenomenon in order to gain in-depth knowledge about the underlying meanings and patterns of a behaviour or social issue, quantitative methods are explanatory and descriptive of such phenomena through precise and testable methods of analysis (Yegidis et al., 1999). Quantitative methods are also indicators of two important measurements: first, reliability, where variables produce consistent results under various situations and different conditions, and, second, validity, where one is successful in measuring what one originally aimed to measure (ibid., 198). This was achieved by the ways in which survey questionnaires were designed and distributed among non-status women.

3.7 Research design and process

3.8 Survey questionnaires

Survey questionnaires, are widely used by feminist researchers when studying social change and social problems (Reinharz, 1992). According to Reinharz, surveys’ ability to put a problem on the map and showcase its extent can often lead to social change. Surveys can further examine the similarities and differences between and within understudied groups. In particular, feminist researchers use surveys to confront the multiple sites of oppression faced by racialized women, immigrant women, queer women, and other marginalized groups. I used survey questionnaires because the option to conduct individual interviews with non-status women was not possible. Although I acknowledge that feminist criticism suggests that the survey form can limit or affect respondents’ answers, this was my best option given the circumstances.
In total, 200 survey questionnaires were distributed among non-status women by service providers (170 questionnaires) and activists (30 questionnaires) within the GTA. The overall return rate was 78% (155 completed survey questionnaires). Of the thirty surveys that were distributed among various activist groups, however, the return rate was 0%. This could be due to the fact that these activists had no direct contact with non-status women; or, it may have been because the non-status women they did contact were not comfortable with completing or returning their surveys.

The survey distributed to non-status women consisted of 96 questions organized into 12 subsections including: “Background Information,” “Coming to Canada,” “Household Information,” “Community Involvement,” “Family Relationships,” “Intimate Relationships,” “Health and Well-being,” “Emotional Health,” “Employment Activities,” “Learning and Knowledge,” “Activists’ Networks,” and “Overall Impressions.” The questions included multiple-choice, open-ended, and short-answer formats. It took approximately sixty minutes to complete the survey.

Overall, service providers played a vital role in recruiting and generating data from non-status women. The survey questionnaires were distributed through my contacts and networks with service providers and activists (for a copy of the survey questionnaire, see Appendix 11). As mentioned earlier, I did not personally distribute survey questionnaires among non-status women. I refrained from doing so in order to respect my professional ethics, to protect the non-status women who use my services, and to avoid any conflict of interest at my place of employment. After distributing the surveys to service providers, I had no control over to whom and how the surveys were distributed, or over how they were collected. This process was left to the professionalism of service providers, whom I recruited and selected with great care. These
professionals distributed the surveys in the following manners: (1) by relying on their own professional caseloads of non-status women; (2) by recruiting through snowball sampling among the service providers within their professional networks with whom they were in close contact; and (3) through snowball sampling among the non-status women who completed their surveys; these women informed service providers that they knew other non-status women who might be interested in participating. In this way, these women became a bridge to recruiting their acquaintances and further arranged for the details of telephone interviews, gift exchanges, and any other emerging issues.

These methods made it possible to reach a large number of non-status women encountered in a wide spectrum of the human-service field: from health to housing, to the law, to parenting programs, child-welfare agencies, and settlement sectors. Similarly, by relying on non-status women to distribute surveys to their own informal networks, I captured the voices of marginalized non-status women who may or may not have access to formal human-service agencies. This sampling tactic assisted with the recruitment of women dealing with sex-trade work and trafficked women. It therefore increased the reliability of the sample.

Taking the size and methods of sampling into account, the survey findings can be considered representative of a larger population of non-status women for the following reasons: (1) 200 surveys in total were distributed among non-status women within the GTA with a return rate of 155 surveys; (2) service providers were recruited from multifaceted fields who directly or through their professional networks distributed surveys among non-status women; (3) the snowball sampling methods allowed for the recruitment not only of non-status women who have access to formal networks (professional services), but also of those with no access to formal networks. This method not only confirms the fact that non-status women have strong informal
networks; it further diminishes the risks of biased sampling when findings are limited to the voices of those connected to formal resources. Therefore, the sampling is representative\(^{25}\) of the composition of non-status women in the GTA.

3.9 **Locating service providers and activists**

To obtain permission for distributing survey questionnaires among service providers, I contacted the Executive Directors (EDs) of agencies serving non-status women. I also contacted potential service providers and activists who participated in individual interviews, as well as my numerous contacts in the community (service providers and activists). For a copy of the flyer for survey questionnaires, see *Appendix 12*. All of the service providers and activists interested in assisting with the distribution of the survey questionnaires were asked to connect with me in person by phone for a conversation regarding the steps involved in maintaining confidentiality, employing interpretation services, participant compensation, and all the procedures involved in this aspect of data collection. (See *Appendix 13* for the invitation to the information session.)

In order to ensure the safety of non-status women, I relied on my community-insider expertise while approaching service providers and activists. This network consisted of those equipped with professional knowledge and a sense of relevant organizational policies in dealing with a vulnerable population including non-status women. When necessary, I used my social-work background to assist with the process (see *Appendix 14* for a copy of the agenda of the information session). I further reviewed all the processes involved in the survey part of the study, including an overview of the survey questionnaires, the issue of compensation (for more

\(^{25}\) Determining whether a sample is representative, as noted by Yegidis et al. (1999), means assessing the “degree to which a research sample is similar to the population from which it was drawn” (175). In this research, I used both convenience and purposive sampling, by relying on my professional networks to recruit service providers and activists for individual interviews and focus groups, as well as for distributing survey questionnaires among non-status women. I also used the snowballing method of sampling, by relying on service providers and non-status women to recruit other individuals by referring to their own professional and personal networks.
information about the compensation, see p. 117 of this chapter), interpretation services, emotional support, resource kits, confidentiality, the right to withdraw, verbal consent, survey collection, and any other part of the research process.

Service providers and activists were also provided with a copy of the survey questionnaire for their review in person or via email, in order to familiarize themselves with its contents. Subsequently, they were offered a list of existing resources available to non-status women, should the need for referral arise (see Appendix 15).

3.10 Ongoing negotiation

The survey questionnaires for non-status women were either completed by the non-status women themselves, or were filled out with the help of the recruited service providers or, in the case of language barriers, of a paid interpreter. The interpretation service was arranged by the service providers or by the non-status women themselves. Once a non-status woman identified herself as requiring interpretation, she was given the option of using her informal networks and/or professional interpreters to find one. I provided the necessary funds and information regarding interpreters’ methods of payment to the service providers and activists. In situations where the recruiting service providers and activists needed to employ interpretation services, they contacted trained interpreters through a respected organization (see Appendix 17). All interpreters were asked to sign a confidentiality-agreement form (see Appendix 18). Finally, all survey questionnaires were completed at the offices of the service providers, or at pre-arranged locations, such as non-status women’s homes. This process provided non-status women with the opportunity to access assistance in completing the survey, or to have the privacy they needed, according to their individual wishes.

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26 A copy of this list was also available to non-status women in order to expand their access to resources.
The threat of coercion, of any kind, is a major concern in research (Padgett, 2008), particularly when studying vulnerable populations such as non-status women. In order to reduce the possibility of non-status women feeling coerced when approached by service providers and activists to complete their survey questionnaires, I put the following procedures in place:

1. I provided the option of a self-stamped and addressed envelope with each survey questionnaire;
2. Service providers and activists were asked to inform non-status women of this option; and non-status women received a copy of the Information Letter containing a description of their rights as research participants.

Similarly, in order to reduce the possibility of non-status women feeling obligated to complete their survey questionnaires, they were given the option of:

1. Direct mailing;
2. Not returning surveys at all; and
3. Returning a blank, partially completed, or completed survey in a sealed envelope.

The overriding hope was to reduce non-status women’s fears about losing their limited resources and/or disturbing their relationship with their service providers and activists. Overall, when ethical considerations minimized my options for direct contact (such as through individual interviews or focus groups with non-status people), I relied on survey questionnaires to capture women’s voices and gain an in-depth knowledge about their lived conditions.

3.11 Interviews with service providers and activists

For feminists, the use of the semi-structured interview is pivotal when actively seeking the involvement of research participants in the construction of data (Reinharz, 1998). That said, even though the in-depth semi-structured interview is inclusive, it nonetheless requires a set of
techniques and flexibility while exploring understudied phenomena. Through key informant interviews, I engaged in dialogue with practitioners who work directly and indirectly with non-status women. This method of information gathering raised my potential to generate important data about various facets of non-status women’s lives; it also contributed to the in-depth exploration of the topic. Some limitations of in-depth interviews, however, include a timely data-gathering process and the subjectivity of the resultant information (Yegidis et al., 1999). By relying on my insider role as a frontline service provider and activist, I used convenience sampling to recruit service providers and activists. In total, thirteen service providers and activists participated in interviews. The breakdown of the interviews was as follows:

(a) six individual interviews with service providers (one social worker, one nurse, one lawyer, one child-protection worker, one community health promoter, and one community worker);

(b) one academic/activist/service provider;

(c) three individual interviews with service providers/activists; and

(d) three individual interviews with activists (one member of a faith group and two members of activist networks).

3.12 Recruiting interview participants

To recruit service providers, I mobilized my massive contacts working as a social worker in various Non-Governmental Organizations (NGOs), the criminal justice system, and the healthcare system in Toronto. All service providers/activists that I approached instantly agreed to participate in an individual interview. I am certain that this can be attributed to my connections within the community.
As people from within the community began to hear about my research, I received many requests from others who wanted to participate in an individual interview. From these conversations, I gained the sense that people working with non-status women really wanted to contribute to my research. However, I had purposely chosen to interview a diverse group of service providers and activists working in multifaceted fields in order to gain rich and in-depth data that is reflective of different types of services and expertise offered to non-status women. As a result, I was unable to include all of those who were interested in participating.

Qualitative research relies on the recollected memories of experience and context, which, as Cole & Knowles (2001:33) note, is an oversimplification of the retold life, often distorted or removed from the richness of emotion or the pain of lived conditions. In the context of this research, I was well aware that representing the voices of non-status women was a big responsibility. As a frontline practitioner, I was familiar with the heavy caseload and high level of work-related stressors that frontline workers faced. As a result, I took various measures to make the interview process as easy as possible. I emailed or hand delivered all interview questions one week in advance for individual participants to review so that they could familiarize themselves with, or reflect on, the questions (see Appendix 10).

Many service providers working within community-based organizations were restricted by their organizational guidelines and were bound to seek permission prior to committing themselves to a research project. Respecting this situation, I sent an email with an attached Letter of Information and Consent Form to the executive directors (EDs) of agencies serving non-status women located in the Greater Toronto Area for their review and distribution among their staff members (see Appendix 4 for the email sent to the EDs and Appendix 5 for a copy of the Letter of Information and Consent Form). My contact information was clearly provided to the EDs for
future inquiries. Over the years, I have had a good professional relationship with many of these organizations through my frontline and activist work.

The roles of the service providers and the activists were intertwined, inasmuch as some service providers were in positions of leadership or members of activist groups. As already mentioned, three service providers were active in activist groups and networks. I further recruited three activists through my personal membership and/or connections with various activist campaigns from 1980s to the present time in order to generate rich and in-depth information that is more reflective of the challenges and victories of each era of this particular struggle. There were people who were members of organizations and groups such as Vigil Toronto,27 faith groups,28 The Rights of Non-Status Women’s Network,29 and No One Is Illegal.30 Since activists’ membership in various campaigns and networks is voluntary, they were not bound by any organizational guidelines in their participation in this research. I approached activists directly following our regular network meetings or by telephone/email.

All potential participants were provided with my contact information (phone and email) for further inquiries and could meet with me at a time convenient for them. During these meetings, I reviewed the purposes and goals of the research. I also made myself available to respond to their questions regarding my research project. I connected with people to provide them a copy of the Letter of Information and Consent for their review. This was to be signed prior to the interview, indicating their agreement to participate in the study and attend an

27 Vigil Toronto was formed in the 1980s in response to mass deportations of rejected refugees.
28 They were led by the Anglican Church and included people from all faith groups.
29 The Non-Status Women’s Network was formed in 2005 by the Woman Abuse Council of Toronto.
30 No One is Illegal was formed in 2003 and has a broad mandate: it demands a national regularization program for non-status people; an end to detentions and deportations; an immediate end to security certificates and secret trials; an end to racial and/or religious profiling; recognition of the right to free movement; recognition of indigenous sovereignty; and an end to imperialist wars and occupations, including support for war resisters.
individual interview for a maximum of two hours in length that would be audio-recorded. (For a copy of the Letter of Information and Consent see Appendix 9).

With the exception of one activist and one service provider who requested to correspond via email with the possibility of further probing in person or by email and for whom there was no audio tape, all other eleven meetings were audio recorded and later transcribed. I divided the interview transcripts into two categories: (1) service providers and (2) activists. Once the data was collected, the interview transcripts were sent to the participants via email for their review and additional input. In order to honour confidentiality and the generated data, all of the data was kept in a secure and locked cabinet in my home office. The transcripts and audio recordings will be destroyed in the winter of 2014, four years after the completion of my doctoral thesis.

3.13 Focus groups

Although my intention was to rely on individual interviews with service providers and activists, two sets of individual interviews resulted in focus groups. The interviewees in both cases reported feeling very passionate about my research topic and for this reason invited their colleagues to attend our session. In other words, the focus group participants were recruited through “word-of-mouth” and through informal networking. The participants were all people who wanted to contribute positively to the lives of non-status persons. The focus group with service providers/activists took place at a refugee shelter; the focus group with activists took place at a community organization. Both focus groups were equally attended by male and female participants from diverse personal and professional backgrounds.

As mentioned earlier, I used convenient sampling to recruit participants for individual interviews; however, by inviting colleagues to the session, I felt that the trust had been further established between myself and the new participants. McSpadden & Moussa (1993) contend that
trusting the researcher when sharing life experiences is a critical factor in the politics of the research process. Focus groups are often desired because they allow the researcher to probe for additional information, thus gaining in-depth insights into participants’ feelings, thoughts, and experiences (Yegidis et al., 1999; Fetterman, 1998). Focus groups are distinctive for their data-collection procedures in that they allow informal interaction among the participants and between the participants and the researcher.

3.14 Ongoing informal interviews with key community-advisory committee members
As the data-generation process progressed, I came across individuals who showed a great deal of interest in supporting the research project. These individuals held expertise in various fields of law, policy, and human service programs. This interest coincided with my personal goal of learning about potential policy implications and policy recommendations. My connection with these people resulted in the formation of an advisory committee of key community informants (including prominent policymakers, researchers, social-justice activists, and international legal representatives). As a result, at various stages in the research process, I relied on informal interviews with these community-advisory committee members.

3.15 Textual analysis
In addition to the collection of data from service providers, activists, and non-status women, I gathered information through textual analysis. I collected and reviewed pertinent documents related to municipal, federal, and international polices regarding immigration issues. I also reviewed documents that examined organizational mandates, services, and programs, and their eligibility criteria. I categorized these documents based on various themes and highlighted the manner in which they impacted non-status women’s lives—including the ways in which non-
status women were constructed within these policies. Other documents related to services in the City of Toronto and local organizational funding allocation, mandates, and mission statements were also reviewed in order to explicate the political and social relations among the institutions involved with the lives of non-status women.

3.16 Compensation

Service providers and activists were not financially compensated. All non-status women who received survey questionnaires also received a token of appreciation for their time. These gifts were each $25.00 in value (for example: toiletries/personal products or non-perishable food products); the women received them when they received their survey questionnaires, regardless of whether or not they completed the survey. I chose this particular method in order to avoid potential coercion or feelings of obligation in completing the surveys. Non-status women were provided with the option of mailing or returning their blank, partially completed, or completed survey questionnaires in a sealed, self-stamped and addressed envelope.

Throughout the process of collecting the survey questionnaires, I was informed by service providers that some non-status women refused to accept the gifts, insisting that they wanted to contribute to the betterment of the lives of all non-status women. They donated their gifts to service providers for people in need of assistance, particularly as Christmas and the New Year were approaching.

3.17 Ethical considerations

The process of generating data began as soon as the project received approval from the Research Ethics Board at the University of Toronto. Although qualitative research is known to present minimal risks to participants, the sensitivity of the subject matter (Padgett, 2008) and the context
of this research (including the vulnerability of non-status women to potential arrest and
detention) could not be taken lightly. The process of honouring ethical responsibility towards
research participants was in fact twofold, since it included responsibility, first, towards non-
status women and, second, towards service providers and activists.

Consent for this study was granted by two sets of participants: (1) non-status women
completing survey questionnaires, and (2) service providers and activists attending individual
interviews and focus groups.

3.18 Ethical considerations regarding non-status women

Lack of immigration status has historically placed non-status women in a vulnerable category.
There are limited resources available to them and they access existing services only in situations
of emergency. To safeguard confidentiality and to minimize the potential risks this study might
cause to non-status women, I did not collect a written consent form from non-status women and
merely relied on service providers and activists who had already established professional
relationships with them.

To ensure this process, the recruiting service providers were asked, first, to inform non-
status women that completing the survey questionnaire was voluntary and that there would be no
consequences should they choose to withdraw from the study. Second, all service providers and
activists involved in the distribution of surveys to non-status women were required to attend an
individual information session with me, in which I reviewed the research procedures and forms
and emphasized the importance of handling data carefully and maintaining non-status women’s
anonymity and confidentiality. Third, a copy of the Information Letter was provided by service
providers to non-status women before they completed survey questionnaires (see Appendix 16).
The Information Letter provided a general overview of the study, outlining the maintenance of
participant anonymity, the maintenance of confidentiality, the right to withdraw from the study, the right to interpretation services, and participant compensation. It also clearly stated that no personal demographic or identifiable information was to be collected. A copy of the Information Letter was attached to the questionnaires; it was read to and/or translated for the non-status women by service providers and activists prior to completion of the survey.

The right to withdraw from the research was conveyed to non-status women in two ways: (1) service providers and activists were asked to read, explain, and/or translate the Information Letter and flyer for the survey questionnaire, and (2) copies of the Information Letter and flyer for the survey questionnaire were attached to the survey questionnaire to ensure that participants were informed of their rights. Non-status women could simply refuse to return their survey; or they could return blank, partially completed, or completed surveys in a sealed envelope.

3.19 Ethical considerations regarding service providers and activists

A written consent form was required from service providers and activists participating in this study. A Letter of Information and Consent and an Interview Guide were mailed/emailed to all participants for their review in advance and were signed prior to their interviews. Service providers and activists were also notified that their participation in the study was voluntary and that they had the right to withdraw at any time. This right was clearly stated in the Letter of Information and Consent. I emphasized this right during our in-person/telephone/email communications prior to our sessions and then again when we met for the interview. Participants were also invited to contact me over the phone or meet me for an individual information session to review the purpose of the study and the informed-consent process. They were encouraged to contact me with additional questions regarding the consent form or any other information they might require. At the time of the interview, I explained my research project, purposes, and goals,
as well as the process of informed consent. A copy of the signed consent form was provided to participants for their reference.

3.20 Confidentiality

3.21 Non-status women completing survey questionnaires

I had no direct contact with the non-status women completing survey questionnaires. Although I took care to make sure that their participation would not affect their immigration status or carry with it the risk of deportation, there were other potential risks. Completing the survey questionnaires and discussing personal stories and lived experiences carried the potential of contributing to the recollection of uncomfortable memories of traumatic or difficult events. I ensured the wellbeing of non-status women participating in the survey-questionnaire portion of the study by asking service providers and activists to contact non-status women and follow up with them, both prior to and following participation in the study. This allowed them to inquire about these women’s wellbeing and alerted service providers working with these women to their need for support or resources. I also compiled and distributed a list of resources, including various service providers’ names, contact information, and the scope of support they could offer to participants (see Appendix 15). This list was also provided to non-status women as a tool to link them with existing services.

3.22 Service providers and activists

It was conceivable that participation in the individual interviews and the discussion of non-status issues could evoke strong responses among some interviewees. I determined that the potential risk to service providers and activists themselves for their participation in the study was minimal. Service providers and activists have chosen to take a public position in their work with non-
status people, and this role often exposes them to public scrutiny while they are advocating with and on behalf of their clients.

Many of the service providers and activists participating in the research knew each other. I also knew many of the research participants through my personal and professional connections with the community. Throughout the process, I reminded participants that they did not need to disclose any information to me that might make them feel uncomfortable and that during individual interviews they could request to stop the audio-recording process to make additional comments. I also informed them that they would receive a copy of their interview transcripts for additional input. This information was clearly outlined in the Letter of Information and Consent.

3.23 Honouring the data

Survey questionnaires were collected from service providers in sequence and immediately after I was contacted by service providers. As I shared earlier in this chapter, with the exception of two cases, all individual and focus-group interviews were audio recorded. The recorder was turned off when a participant wished to disclose confidential information. During the interviews, I asked participants not to use community members or non-status women’s names or any identifiable information. I also committed myself to maintaining strict confidentiality, safeguarding participants by using pseudonyms, and not identifying organizations or workplaces by name. During each interview, I assigned a number or pseudonyms to each research participant. The same name was applied during data transcription and all written documents related to this research.

Raw data for this study includes audio tapes of interview sessions, interview transcripts, a master list of interview participants, and my personal notes and observations; the survey questionnaires; and other relevant identifiable documents, including consent forms,
confidentiality forms, and request-for-study summary forms. All of this raw data will be retained in a secured cabinet in my home office and will be destroyed four years after the completion of my doctoral thesis (December 2014).

3.24 Expecting the unexpected: Underground resilience

All of the service providers who assisted with gathering completed survey questionnaires were female. Throughout the process of data generation, many service providers asked to meet with me for debriefing sessions because of the stories they heard. They were overwhelmed by the living experiences of non-status women, particularly around the issues of sexual abuse, trafficking, and reproductive health. Service providers reported an overwhelming number of women who wanted to tell their stories, often over the phone. These groups of non-status women consisted of those who had been forcefully trafficked/smuggled into Canada, who were brought in under work visas and forced to participate in the sex-trade, and who were infected with HIV and other sexually transmitted infections. The service providers completing surveys over the phone felt powerless because they weren’t in the position to make personal contact. Other service providers reported feeling helpless for not being able to save the women they were working with. In particular, one service provider who collected survey questionnaires of women reporting sexual abuse said she felt overwhelming anger as she heard story after story of sexual exploitation and wasn’t able to take legal action or report these crimes to the police. Another service provider reported that her way of coping was to block her emotions, numbing herself to the pain of the women’s stories.

I relied on my two decades of social work/therapeutic skills and made regular phone or in-person debriefing sessions with service providers in order to provide them with emotional
support. I also provided the service providers with the option of contacting an experienced therapist if needed. To the best of my knowledge, none of them pursued this option.

Other issues that emerged during the service-provider debriefing meetings included reports that a high number of non-status women needed constant reassurance that their information would not be disclosed to the police or immigration officials. This shows the level of vulnerability among non-status women and further reminds us of the risk that is involved in researching them. Although I was well aware of the underground nature of non-status women’s informal networks, I was unaware of the strength of the network of non-status women.

Throughout this research I witnessed incredible generosity in women who donated their gifts to other non-status women more needy than themselves. These women referred other women and acted as mediators to arrange details. It became evident to me that non-status women, despite their deplorable living conditions, have incredible tenacity and strong underground networks. They know each other and assist each other in the different situations they encounter. Although I always honoured non-status women, after reading their words and hearing their incredible stories, their level of hope and resiliency has become more clear to me.

There were a number of unexpected findings in the process of my research. First of all, while analyzing survey questionnaires, I found one that had been completed by a non-status man. Attached to his survey, there was this note, “How about me! I am a non-status man with a family of six. I have four disabled children. I work long hours to support them. Please survey us too!” This case reminded me that, although research concerned with the discourse of gender is very important, there is still other work to be done. We need to pay attention to the conditions of all non-status persons: women, children, men, and families.
Finally, I found the process of data generation and analysis very stressful. I supported the service providers as they helped non-status women to complete the survey questionnaires, but there was no one to support me in the process. While I analyzed the survey data, I found myself getting increasingly angry and frustrated. As a social worker, I am familiar with the exploitation of non-status women on a daily basis and, over the years, I have heard their stories case by case. However, as I read all of these stories and analyzed the data, I began to see collective pain and suffering. For example, of the 155 non-status women surveyed, over 140 reported experiencing some form of sexual abuse. I began to see this collective pain as a national shame and myself as a gatekeeper of this national shame. I felt angry, but my anger was directed toward the root causes that maintained a system of oppression, nationalism, patriarchy, misogyny, sexism, and classism.

### 3.25 Conclusion

This chapter provided a detailed description of the methodology and methods used in my journey of generating data. By relying on feminist qualitative methodology, I first located myself within the research project and further explored its various steps, ranging from the research design to the recruitment of research participants, compensation, ethical considerations, and confidentiality. As mentioned earlier, throughout my professional encounters with non-status women, I worked with many complex and multifaceted cases involving instances of gender, physical, and labour exploitation. However, through the process of data analysis of survey questionnaires, I realized that the problem is more widespread than I had previously thought. Therefore, I used survey findings (quantitative data) to raise non-status women’s voices and to frame and contextualize the issues raised by service providers and activists (through qualitative
data) (Stewart & Cole, 2007). The next chapter will present detailed background and socio-demographic information about non-status women as well as the challenges they face as they negotiate their needs while confronting multifaceted challenges in living underground without legal immigration status.
Chapter 4: Lives in Transition: Situating Non-Status Women

4.1 Introduction

Due to their lack of legal status and position as underground residents, non-status women live lives that are entwined with a set of complex state rules and regulations; at the same time, they have the power of resiliency, hope, and survival skills learned informally and through everyday experiences. Such dynamic and complex living conditions have encouraged the state to hide the existence of these women in Canada. Throughout my professional work as a social worker, I have always worked with non-status women; however, working with individual cases denied me the opportunity of seeing these women and their voices as a group. In this chapter, I have attempted to bring in individual cases to represent a collective voice in order to initiate social action. Relying on feminist research methods, I present my data in combination with theoretical perspectives informed by non-status women’s stories and lived conditions.

There are many misconceptions about who non-status women are and where they come from. Many frontline practitioners and activists generalize non-status persons as economic migrants from Hispanic, Portuguese, and Caribbean backgrounds; my research, however, proved otherwise. These findings are shared with the reader in the hope of engaging in a critical dialogue that perceives the mass migration of non-status persons as a global concern caused by colonialism, imperialism, globalization, and the dispossession of natural resources, rather than a problem of a specific community. These are the complex conditions that result in the migration of Third World women to First World countries. In the diaspora, these women become transient residents, and hence become easy prey for the various forms of gender violence, labour exploitation, and abuse that are embodied in interrelated state policies and regulations.
Home

Season of lost memories,
Moments of doubt—
I pack my bag
And take leave
Of my dreams

The autumn wind
 Strikes my skin—
I travel alone
By day, by night—
Escaping demise
But leaving behind
Luminescent skies.

Shadows of fear
Follow me
Wherever I go—
And though I search
To grow roots
In new soil
Whenever
My eager taproot
Takes hold,
My bags are packed
To resume flight.

Season of lost memories—
When cherries
And apples,
Persimmons
And pomegranates
Hang, unpicked
And untasted
In my father’s garden.
I silently place
A basket of red roses
On the dining table,
And perfume my empty chair
To delude my mother
To think that I’m still there

Lies follow lies,
Line after line
Of my new life—
Home
Diaspora.
I hide shame
Known only to me.

Will silence deceive time?
Will time bridge past to present?
I seek clarity—
Though what is clear?
So much to say—
But will I stay here?

4.2 Situating non-status women as transient women

Non-status people have always lived in Canada, but they have remained invisible to the public and the state. There is one good reason for this: their fear of deportation. Today, more than ever before, we are witnessing the emergence of transnational migrants: those displaced by the impact of global relations and by the political formation of states that are beginning to assert themselves on the global stage. Some non-status women’s countries of origin have histories as the dominant powers involved in colonialism, capitalism, globalization, and imperialism, and are called the “First World,” or developed countries. These women often come to Canada to escape their countries’ oppressive policies that have widened the gap between rich and poor, resulting in violations of their human rights, mistreatment, and an increased level of poverty; others come simply to explore a new life. This group includes American war resisters and visitors from Israel, the United Kingdom, and other countries. But even though the First World rules the global order and is the host to millions of transient non-status persons, it is not without responsibility in the making of non-status women.

Women from these countries (for instance, women from Sweden, Denmark, Israel and the UK) have stronger niches in the diasporic community, where they can enjoy partial protection, employment, and access to professional support through their informal networks,
which might have strong community niches. They are also more likely to live in neighbourhoods
that are less known to be targets of random raids by immigration law enforcement.

Some non-status women come from Second World countries. This is the world of people
who lack the freedom to move entirely freely, but who are not entirely territorialized either; first
and foremost, they find their place within a framework of control. These women fall through the
immigration-policy cracks: poor and lacking in sufficient skills to qualify under the legal Point
System, their countries are also considered sufficiently “safe” to disqualify them from the
refugee-claimant process. Based on my survey findings, some women from the Second World
are caught in a vicious web of traffickers, smugglers, and immigration policies.

Finally, some non-status women come to Canada from countries whose social, political,
and economic structures have been distorted by a history of racism, colonialism, capitalism,
imperialism, and war; these women often migrate under short-term visas, such as those granted
to temporary migrant workers, in order to escape these atrocities. However, they do not have the
necessary skills or education to fall under the category of skilled workers or entrepreneurs.
Despite what survey results have revealed about these women entering Canada with some form
of legal visa, they are not eligible to gain legal status.

The contrast between the notions of “place” as a sign of one’s country of origin and
“space” as where one migrates indicates that the concept of “equal humanity” is problematic and
tends to be defined in accordance with the interests of dominant powers. Thus, as “transnational
migrants” and “transient non-status persons,” these women can neither claim the right to be
“human,” nor are they seen as deserving of it automatically as residents. They are categorized as
a singular group despite the diversity of their humanity and the richness of its plurality. And yet,
non-status women’s experiences and struggles in Canada are still significantly influenced by
their countries of origin and pre-migration experiences, as well as by their knowledge of the official languages, and their marital and economic status. These factors have an impact on their access to services as well as their social, legal, and personal rights. While their lack of legal immigration status in Canada makes all non-status women more vulnerable to exploitation, not all non-status women suffer equally from abuse and mistreatment due to their race, economic position, language ability, class, gender, sex, and other similar factors.

In short, there is no easy way to define non-status women, nor is there any precise estimation of their numbers, the average number of years they have lived in Canada, or their precise demographics in terms of race, class, age, faith, and culture. That said, having now provided an explanation of their pre-migration conditions, one can conclude that, aside from Canadian citizens (naturalized or by birth) and most permanent residents, all other migrant women are at risk of becoming non-status women. This reality raises concerns regarding the vulnerability of migrant women in general and non-status women in particular.

Overall, the lives of non-status women are transnational in that they leave behind family members, including children, in their home countries. They may marry or engage in new relationships in transition countries, where they may have children. Then, they may travel with their partners or as single parents with at least one child from their own nationality and another child born elsewhere. While living in Canada, non-status women may marry or engage in new relationships for convenience or love. These relationships could be with men from their own culture, but there are also cases where those relationships are with men from outside their culture. They raise their children who are Canadian citizens along with their other, non-status children. Throughout, they are vulnerable to arrest, detention, and deportation, with or without their partners. If non-status people’s relationships are not legally registered or their legal papers
are not filed as a family, individual members risk being deported to different parts of the world. In such cases, children are caught in the middle. Non-status women may be deported with or without their non-status children, though in situations where child-welfare agencies become involved, children who are Canadian citizens may become Crown Wards.

After being deported, non-status women and their children may remain in their home countries or try emigrate again. The lives of non-status women, with all their complexities, are substantially shaped by the actions of the Canadian state, which determines whether or not they may remain in Canada, whether or not they may maintain their family unit, and who will take care of their children. This relationship is further complicated by the law of their home country, which also rules over their foreign marriage and children. As a result, non-status women may never again be able to reunite with their families.

Some non-status women are married by common law to a Canadian citizen and the Canadian-born spouse offers to sponsor their immigration. This does not always protect them when they are waiting to hear about their sponsorship applications or when their sponsorship applications break down. Often, when women are deported, their partners engage in new relationships or renege on their sponsorship applications. An anxious woman may wait for years not knowing what to expect.

4.3 (Re)defining non-status women

For the purposes of this study, I refer to non-status women as women who reside in Canada without any form of legal immigration status, and who are hence at risk of arrest, detention, and/or deportation at any given moment. The following groups are covered by my understanding of the definition of non-status women:
(1) Women who have applied for legal status in Canada, but whose cases have been rejected due to their failure to meet eligibility criteria or lack of access to legal representation. This category includes refugee claimants, women sponsored through family-class sponsorship, and women applying on Humanitarian and Compassionate grounds. This category also includes non-status women from moratorium countries whose refugee claims have been rejected, but whose countries of origin have been deemed unsafe by Canada, with the result that they have not been deported and remain in Canada.

(2) Women who have lived in Canada for a number of years and who at some point have held status in Canada, but who, prior to becoming permanent residents, had their status revoked by Canadian immigration officials for such reasons as: a sponsorship breakdown; a criminal record; security reasons (or involvement with a social or political organization that Canada recognizes as endangering Canadian society); medical inadmissibility; inability to meet required immigration criteria (such as those relating to finances, employment, documentation, and language) and/or inability to prove the merit of their cases; and/or other reasonable grounds found by Canadian officials for dismissing their claims.

(3) Women who entered Canada holding visas (such as those visitors, workers, tourists, international students, migrant workers, and live-in caregivers), but who overstayed their visas.

(4) Women in the process of applying for Canadian citizenship (through the naturalization process) but due to a previous conviction or criminal record their permanent residency is revoked.
(5) Women who have gone through the Pre-Removal Risk Assessment (PRRA) process and have been unsuccessful, but who have no further pending applications.

(6) Women who have never applied for status for various reasons. For example, such women may have been born to non-status parents and became Crown Wards of child-welfare agencies, who then never helped them apply for status in Canada. Or, such women may have been forced to come to Canada without any legal documentation to engage in indentured labour, the sex trade, or domestic servitude; serve as mail-order brides; or perform other work.

Some naturalized Canadian citizens, though previously non-status women, have been able to gain legal status in Canada through various government regularization programs, changes in immigration policies, and by meeting specific eligibility criteria (for example, through inland application under the Point System).

4.4 Demographic information

4.5 Countries of origin

My research findings suggest that non-status women come from diverse backgrounds (from sixty-eight different countries) in South Asia, Africa, Europe, the Caribbean, Asia, North, South, and Central America, and the North Atlantic Ocean. Of the 155 non-status women who participated in my research, approximately 60% were single, with 70% reporting having a somewhat good knowledge of the English language. Most of the surveyed non-status women arrived in Canada between 1999 and 2005 (80%). At the national level, this period was one marked for immigration reform, including more restrictive immigration and border-control policies, as well as a higher recruitment rate of temporary migrant workers. The following table
will clarify the countries of origin of the 155 non-status women who responded to the survey questionnaires.

Table 3

<table>
<thead>
<tr>
<th>Division by Region</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>South Asia (43):</strong> India, Pakistan, Afghanistan, Sri Lanka, Tibet, Bangladesh, Burma</td>
</tr>
<tr>
<td><strong>Africa (31):</strong> Ghana, Zambia, Gambia, Congo, Nigeria, Malawi, Mauritius, Liberia, Cameroon, Tanzania, Zimbabwe, Sudan, Burundi, Madagascar, Rwanda</td>
</tr>
<tr>
<td><strong>European (24):</strong> Romania, Sweden, Russia, Kosovo, Hungary, Ukraine, Serbia, Bulgaria, Denmark, Finland, Cyprus, Armenia, Gibraltar</td>
</tr>
<tr>
<td><strong>Caribbean (21):</strong> Grenada, St. Vincent, St. Lucia, Dominican Republic</td>
</tr>
<tr>
<td><strong>Asia (11):</strong> China, Thailand, Philippine, Singapore, Vietnam, Indonesia, Bangkok</td>
</tr>
<tr>
<td><strong>North America (8):</strong> Mexico</td>
</tr>
<tr>
<td><strong>South America (6):</strong> Brazil, Ecuador, Columbia</td>
</tr>
<tr>
<td><strong>Central America (4):</strong> Costa Rica, El Salvador, Guatemala</td>
</tr>
<tr>
<td><strong>North Atlantic Ocean (1):</strong> Bermuda</td>
</tr>
</tbody>
</table>

These results contradict the prevalent stereotype that holds that non-status women are predominantly Mexican, Caribbean, and Portuguese.

4.6 Age groups

The survey findings reveal that 51% of non-status women are in their early adulthood (from 19-29 years of age), 35% are in their adulthood (30-39 years of age), and the remaining 14% are in the older age categories (over 40 years of age). However, this statistic might be limited to the nature of the population sampled, since my research is geared towards surveying women over the age of 19. In any case, these numbers do suggest that these women’s migration coincides with their most productive years. They have the physical and mental energy and capabilities to fill
many niches in the community. Without official immigration status, however, they are relegated to the margins of society. Table 4 further specifies non-status women’s age groups by decade.

<table>
<thead>
<tr>
<th>Age Group by Decade</th>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>19-29</td>
<td>79</td>
<td>51%</td>
</tr>
<tr>
<td>30-39</td>
<td>54</td>
<td>34.8%</td>
</tr>
<tr>
<td>40-49</td>
<td>16</td>
<td>10.2%</td>
</tr>
<tr>
<td>50-60</td>
<td>6</td>
<td>3.7%</td>
</tr>
</tbody>
</table>

4.7 *Levels of education*

Table 5 shows that nearly 70% of non-status women have completed high school or some form of post-secondary education (college and university). Unfortunately, these women’s education does not satisfy the requirements of the immigration Point System for the independent class. As a result, they begin their lives in Canada behind others with comparable educational achievements.

<table>
<thead>
<tr>
<th>Education level</th>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>High school</td>
<td>80</td>
<td>51.6%</td>
</tr>
<tr>
<td>College</td>
<td>23</td>
<td>14.8%</td>
</tr>
<tr>
<td>Primary</td>
<td>19</td>
<td>12.3%</td>
</tr>
<tr>
<td>Incomplete primary</td>
<td>10</td>
<td>6.5%</td>
</tr>
<tr>
<td>No formal education</td>
<td>8</td>
<td>5.2%</td>
</tr>
<tr>
<td>University</td>
<td>5</td>
<td>3.2%</td>
</tr>
<tr>
<td>Incomplete high school</td>
<td>4</td>
<td>2.6%</td>
</tr>
</tbody>
</table>
4.8  Marital status

Of the 155 non-status women surveyed, 42% reported being married, while only 15% reported living with their partners. Overall, Table 5 suggests that 50% of non-status women are currently single. However, in total, 85% of them live without their partners, regardless of their marital statuses. This is a result of the transnational nature of their lives, which forces women to leave their partners behind while they work in Canada, hoping to send money back home or establish better lives. This condition corresponds with the changes in global migration trends suggested by the 2005 ILO report.

As already mentioned, the migration of young and healthy women outnumbers that of men—in spite of the fact that migratory policies (whether those granting temporary visas or permanent visas) demand men over women. This imbalance makes the discourse of unauthorized migration highly gendered and centered on two conflicting gendered roles: one that promotes patriarchal family unity, and hence forces women to submit to heterosexual marriage and common-law relationships as care-givers and mothers, and another that pushes these women outside of family relations by forcing them to migrate and become transnational wives, partners, mothers, and care-givers. In both conditions, however, women occupy two positions that challenge the very patriarchal nature of family unity: transitional women—whether as mothers, as wives, or in other roles—are both family caregivers and breadwinners. The feminization, racialization, and shift in gender role experienced by transnational women has an impact on the migrant-producing countries through the money these women send home in remittances to support their families. These factors also benefit the migrant-receiving countries, where these women are employed within the cheap and unregulated private and domestic spheres.
Table 6

<table>
<thead>
<tr>
<th>Marital Status</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single</td>
<td>49.7</td>
</tr>
<tr>
<td>Married</td>
<td>27.1</td>
</tr>
<tr>
<td>Live with Partner</td>
<td>9.7</td>
</tr>
<tr>
<td>Widowed</td>
<td>6.5</td>
</tr>
<tr>
<td>Separated</td>
<td>3.9</td>
</tr>
<tr>
<td>Divorced</td>
<td>3.2</td>
</tr>
</tbody>
</table>

Table 7 further examines the survey findings, indicating that nearly 80% of non-status women have travelled alone, leaving only 20% who travelled together with their family members (husband, children, and family and friends).

Table 7
4.9  *Knowledge of English*

As frontline professionals, many of us held the common misconception that non-status women are illiterate in English and have low levels of formal education. Table 8, however, shows that a majority of non-status women are equipped with knowledge of English. Contemporary neo-capitalist society has witnessed a major shift from physical labour to knowledge production and information technology; where women are now seen as intellectual assets, non-status women are used to ease the restructuring of female labour power from the domestic sphere to that of private enterprise. In particular, there is a demand for the cheap labour of non-status women as nannies and caregivers by those who prefer the labour power of non-status women, which tends to be cheaper than that of legalised nannies or caregivers as well as the city’s child-minding facilities (which at times can cost over $1500.00 per month per child). This condition is only made possible by the disproportionate value placed on the work of Canadian women at the expense of that of non-status women, where the latter are dehumanized as uneducated and incapable of learning English. As Mojab notes, these women find themselves pressured into unskilled jobs which demand “the use of their hands rather than their minds” (Mojab and MacDonald, 2008).

**Table 8**
Table 9 further indicates that, contrary to widespread belief, most non-status women learned English prior to coming to Canada. It is important to note that, due to the limitations of the survey, no question was asked about non-status women’s first languages. The survey simply asked whether non-status women spoke English, and if so, where they learned English. However, while such questioning collects data on these women’s current English-language ability and identifies the geographical location of their learning, it neglects to generate accurate data on whether they were native speakers of English or learned English as a second language.

Table 9

4.10 Coming to Canada

As Table 10 shows, most non-status women arrived in Canada between 1999 and 2005. At the national level, this period is notable for featuring immigration reform, particularly after the events of 9/11, when the world witnessed global aggression towards Third World immigrants and those considered Middle Eastern or Muslim. At the national level, major immigration-policy changes included: the securitization of borders, tighter immigration policies, lower rates of acceptance for refugee claimants, a narrowing definition of refugee status, higher annual numbers of migrant workers, and a move towards showing preference for immigrants of the independent and entrepreneur class. While exclusionary policies at the national level prevented
the legal migration of non-status persons, at the international level, more than ever before, the military forces of imperialist power invaded Third World countries and dispossessed them of their natural resources. This created a group of migrants caught between the forces pushing them to leave their homelands and those limiting their movement through the creation of new legal restrictions. These migrants are the victims of imperialism and capitalism, which has created global disparities ranging from gaps in income to unequal access to natural resources; from environmental degradation to health problems and the dislocation of goods and labour power.

Table 10

4.11 Why Canada?

Of the 155 non-status women surveyed, nearly all of them came to Canada by personal choice. Despite their poor living conditions in Canada, as Table 10 shows, these women held one thing in common: they all saw coming to Canada as an opportunity to create better lives for themselves or their families and children; to obtain higher educational opportunities; or to join family members already in Canada. This table also shows that a large number of women saw migration as a tool to escape war, violence against women, or political conflict in their countries of origin. These factors, based on international human-rights laws, should make them eligible to apply as
refugees. Obviously, these women are victims not only in their countries of origin, which denied them protection as citizens, but also in Canada, because Canadian law disqualifies them from applying as refugees or on Humanitarian and Compassionate grounds.

<table>
<thead>
<tr>
<th>Reason for coming to Canada</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>To create a better life for myself</td>
<td>122</td>
<td>85%</td>
</tr>
<tr>
<td>Economic/financial difficulties</td>
<td>81</td>
<td>56%</td>
</tr>
<tr>
<td>Educational opportunities</td>
<td>64</td>
<td>44%</td>
</tr>
<tr>
<td>For my children and family to have a better life</td>
<td>44</td>
<td>31%</td>
</tr>
<tr>
<td>To escape abuse and/or violence against women</td>
<td>41</td>
<td>28%</td>
</tr>
<tr>
<td>To escape a political conflict</td>
<td>34</td>
<td>24%</td>
</tr>
<tr>
<td>To escape war</td>
<td>26</td>
<td>18%</td>
</tr>
<tr>
<td>To join a family member already living here</td>
<td>23</td>
<td>16%</td>
</tr>
<tr>
<td>Other</td>
<td>3</td>
<td>2%</td>
</tr>
</tbody>
</table>

4.12 Immigration conditions before coming to Canada

The Canadian government has never acknowledged the existence of non-status women in Canada, let alone their atrocious living conditions. Instead, it has exploited the absence of international guidelines that would hold Canada accountable for the human rights of non-status people living within its borders. The Canadian government, through the media, the legal sector, immigration laws, and various other policies, has constructed negative images of non-status people, portraying them as “illegal,” “criminals,” and “law-breakers.” Such images have found a receptive audience due to widespread ignorance about immigrants and racialized groups, including non-status persons, combined with systemic racism, sexism, and classism towards all immigrants (Henry et. al., 2000). The resulting marginalisation and criminalisation of non-status people not only silence those who are exploited; they also make them vulnerable to mass raids, arrest, detention, and deportation.
An added problem, attested by the findings of my 155 survey questionnaires, is that this tactic of criminalisation has impeded many Canadians from taking political action against the state’s oppressive immigration policies. By confronting Canadian neoliberal democracy, Sharma (2006) sheds light on how the state uses restrictive border controls and discriminatory immigration policies to objectify people and create the idea of nation-ness. This concept, in turn, reinforces nationalist ideologies. Nationalism, when combined with the notion of “citizenship rights,” justifies prohibiting non-status women from gaining legal immigration status and allows for the ongoing exploitation of their bodies and labour.

As Table 12 shows, of the 155 non-status women surveyed, 112 came to Canada with some form of legal immigration visa. In contrast, only 31 non-status women came without a visa (although this might be due to the fact Canada required no visa or official legal entry for their admission). And yet, regardless of whether these women entered Canada with legal visas, or lured by promises of employment, marriage, or better lives, they have one thing in common: they live in Canada as non-status persons. Some women also reported that they came to Canada legally with work visas to serve as nannies or semi-skilled workers in small businesses; however, they then became victims of local traffickers and pimps and were forced to engage in sex-trade work. Such exploitation took place within their home living environments, in massage parlours, or through more informal sex-trade industries, such as strip-clubs. This finding contradicts the widespread misconception that locates non-status persons as “illegal border crossers,” and recommends that they should simply cross Canadian borders legally. In point of fact, it is the racist, sexist, and discriminatory immigration system that has pushed these women to the margins and denied them rights as citizens, immigrants, and residents.
<table>
<thead>
<tr>
<th>Way of entering Canada</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Visitor visa</td>
<td>67</td>
<td>46.5%</td>
</tr>
<tr>
<td>Came without any form of visa</td>
<td>31</td>
<td>21.5%</td>
</tr>
<tr>
<td>Refugee claimant</td>
<td>24</td>
<td>16.6%</td>
</tr>
<tr>
<td>Work visa</td>
<td>12</td>
<td>8.3%</td>
</tr>
<tr>
<td>Don’t know</td>
<td>8</td>
<td>5.6%</td>
</tr>
<tr>
<td>Student visa</td>
<td>6</td>
<td>4.2%</td>
</tr>
<tr>
<td>Sponsored</td>
<td>3</td>
<td>2.1%</td>
</tr>
<tr>
<td>Other</td>
<td>1</td>
<td>0.6%</td>
</tr>
<tr>
<td>Landed Immigrant</td>
<td>0</td>
<td>0%</td>
</tr>
</tbody>
</table>

4.13 Current immigration conditions

By considering essential “push factors” such as poverty, violence, war, inequality, and environmental destruction as the driving forces behind the migration of non-status women to Canada, one can predict the role such important conditions will play in shaping these women’s life-chances in Canada. It is therefore unsurprising to find that, of the 155 non-status women who responded to survey questionnaires, 144 reported applying for some sort of legal immigration status in Canada, such as refugee status (34) or on Humanitarian and Compassionate grounds (10). All of their applications were turned down by the Canadian immigration system.

As Table 13 shows, 50% of non-status women found no other option for achieving legal immigration status than overstaying their visas in Canada. At the time of the survey, 21% of these women were waiting to hear the results of their applications. In total, only 10% of the non-status women surveyed have never applied for a visa in Canada. This group consists of women who were trafficked internationally by traffickers, or nationally by pimps, for sex-trade work, during the course of which they were infected with a sexually transmitted disease that would exclude them from acquiring legal immigration status on the grounds of medical inadmissibility.
What is your current immigration status?

Table 13

<table>
<thead>
<tr>
<th>Category</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overstayed visa</td>
<td>77</td>
<td>49.7</td>
</tr>
<tr>
<td>Waiting for refugee decision</td>
<td>23</td>
<td>14.8</td>
</tr>
<tr>
<td>Rejected refugee</td>
<td>16</td>
<td>10.3</td>
</tr>
<tr>
<td>Don’t know</td>
<td>11</td>
<td>7.1</td>
</tr>
<tr>
<td>Never applied for status</td>
<td>9</td>
<td>5.8</td>
</tr>
<tr>
<td>Waiting for H&amp;C result</td>
<td>9</td>
<td>5.8</td>
</tr>
<tr>
<td>Overstayed deportation order</td>
<td>2</td>
<td>1.3</td>
</tr>
<tr>
<td>Other</td>
<td>2</td>
<td>1.3</td>
</tr>
</tbody>
</table>

4.14 Employment

Considering that non-status women’s lack of political rights and economic equality results in poorer health, other factors are also worth mentioning. For instance, the dangerous or unfavourable employment conditions where women with low levels of skills or educational qualifications are confined contribute to the development of social inequalities in health (Siegrist & Theorell, 2006). Inadequate employment conditions further result in poverty and the widening of gaps in social class, where non-status women are ghettoized within poor housing situations, resulting in high rates of relocation and dislocation and unhealthy and unstandardised housing conditions. The cycle of poverty is further perpetuated by the fact that non-status women are not eligible to pursue adult education and training programs due to the eligibility criteria attached to legal status. This compels them to remain in the sphere of private and domestic work, including care giving.

Life in Toronto without access to formal support systems leaves non-status women in a situation where they have to care for themselves, their children, and other underground community members. Through migration, non-status women are often left without partners.
and/or extended family members upon whom they formerly relied for support. This lack of an extended support system moves non-status women from their roles of woman/wife and/or mother to that of head of the family in charge of providing for, as well as caring for, their offspring without social or other assistance. This condition is similar to that of women in post-conflict zones, who will accept any job in order to care for others (Mrvic-Petrovic & Stevanovic, 1995). Despite their educational attainments or experience from previous professions, non-status women often end up working as domestics or in factories with deplorable conditions. This employment results in impoverishment, making them vulnerable to mistreatment and exploitation. In a related context, Mrvic-Petrovic and Stevanovic (1995) note that refugee women respond to this condition in various ways by smuggling, by working in the “black market,” by selling a part of their humanitarian aid, or even by prostitution. Even if they succeed in finding employment, these jobs are usually precarious—temporary, unofficial, without social benefits and with insufficient and irregular incomes. Moreover, in such working conditions women are frequently exposed to mistreatment and exploitation. Therefore, attempts to integrate into the new environment bring women into a position where they can easily become victims of subtle forms of violence and exploitation which they must accept in order to secure the essential conditions for life (152).

On average, at the time of the data-generation phase, most non-status women were employed, with 41% holding more than one job. Table 14 portrays these conditions.
While most women were employed, some reported working over 60 hours per week. Table 15 further explicates this situation.

Table 15

Non-status women approach employment with both fear and risk. Many non-status women are “marginalized in the labour market, earn low wages, work long hours and face abuse from employers” (Douglas, 2005:7). Additionally, as Vosko (2004) puts it, “Marginalized workers are distinguished by their powerlessness to effect changes with respect to poor work conditions” (22).
Furthermore, Table 16 speaks volumes about the feminisation and racialization of the labour power of non-status women in Canada, where, due to the state’s socially constructed fears of deportability and deportation, non-status women are often forced to change jobs. They are also paid low wages due to their vulnerable immigration conditions. This form of “Othering” reminds me of Bannerji’s earlier point, in which she mentioned that sex as a woman, the gendered division of labour, patriarchal social forms, sexist experiences, and, in the case of non-status women, lack of immigration status position these women as what Sharma (2006) suggested constitutes a cheap labour force within the domestic industries—where these women are “Othered” without any form of entitlement to the land or legal protection.

Similarly, the working conditions of non-status women are very unstable. For instance, as Table 16 showcases, of the 155 non-status women, 83% reported changing jobs a few times a year. Reasons for these changes range from work environments in which people take advantage of them (51%) to being exposed to difficult work conditions (40%). This confirms the ILO (2005) findings, according to which non-status people were forced to occupy so called “three ‘D’” jobs; that is, those that are “dirty, difficult, and dangerous.” Despite this, of the 155 women, 52 reported not being paid well. The exploitation they endure is economic, physical, psychological, and sexual. For instance, of the 155 women, 36 reported being sexually abused by their employers, while 2 reported being abused by their co-workers.

<table>
<thead>
<tr>
<th>How often do you change jobs and why?</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>I change jobs</td>
<td>119</td>
<td>83%</td>
</tr>
<tr>
<td>People take advantage of me</td>
<td>74</td>
<td>51%</td>
</tr>
<tr>
<td>Difficult job conditions</td>
<td>58</td>
<td>40%</td>
</tr>
<tr>
<td>Fear of immigration</td>
<td>56</td>
<td>39%</td>
</tr>
<tr>
<td>Experience abuse</td>
<td>54</td>
<td>38%</td>
</tr>
<tr>
<td>Not getting paid well</td>
<td>52</td>
<td>36%</td>
</tr>
<tr>
<td>Under-employed</td>
<td>27</td>
<td>19%</td>
</tr>
<tr>
<td>Health issues</td>
<td>25</td>
<td>17%</td>
</tr>
<tr>
<td>Other</td>
<td>4</td>
<td>3%</td>
</tr>
</tbody>
</table>

Table 16
Therefore, it is not surprising to find that the average income of non-status women is from $7.00 to $10.00 per hour. Those who are engaged in informal care-giving work, however, make less than $5.00 an hour, while those involved in the sex-trade make over $100.00 an hour. Table 17 provides more detailed information about the hourly rates of non-status women.

Table 17

On average, how much money are you paid per hour?

Table 18 further explains the annual incomes of non-status women. Regardless of their family size, their annual income varies from $15,000 to $20,000 per year.

Table 18

For more information on women involved in sex-trade work, see Table 19, under the category “Other.”
Non-status women are often placed in low-wage but high-risk jobs through their limited social networks. The risks in these jobs are both physical and psychological (Bruckert & Parent, 2004), and may involve arrest, deportation, criminalisation, discrimination and racism, subjugation, isolation, abuse and harassment, exploitation and dehumanisation. In accordance with the findings of Bruckert & Parent, my research proved that informal social networks are an important survival mechanism for non-status women. Most non-status women find employment through their friends, other non-status persons, and faith groups. Table 19 further elaborates on this issue.

<table>
<thead>
<tr>
<th>Means of finding work</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Friends</td>
<td>63</td>
<td>44%</td>
</tr>
<tr>
<td>Other non-status people</td>
<td>59</td>
<td>41%</td>
</tr>
<tr>
<td>Faith groups</td>
<td>50</td>
<td>35%</td>
</tr>
<tr>
<td>Family members</td>
<td>29</td>
<td>20%</td>
</tr>
<tr>
<td>Service providers</td>
<td>25</td>
<td>17%</td>
</tr>
<tr>
<td>Private employment services</td>
<td>5</td>
<td>3%</td>
</tr>
<tr>
<td>Other</td>
<td>2</td>
<td>1%</td>
</tr>
</tbody>
</table>

73% of the women reported no difficulty in finding jobs. 50% reported the presence of other non-status people working in their workplaces. This is in spite of the fact that, in recent years, Canada has faced high unemployment rates and economic turbulence.

As mentioned earlier, 22% or 30 women identified themselves as being involved with sex-trade work. As Table 19 indicates, these women considered their occupation under the sub-category of “Other.” However, this number does not include women who might have reported working in various positions (see Table 20), but who further engage in casual sex-trade work in order to support their families. In fact, throughout my professional work, I have had many women in my caseload who worked at homecare, cleaning, or care-giving jobs and were further involved in casual sex-work to afford their rent and other basic expenses. The conditions of such
women has been concerning—to the extent that my agency decided to make free condoms available for these women, in order to decrease their chances of receiving sexually transmitted infections.

These findings support the fact that most non-status women are situated within the domestic sphere, where they are exposed to higher rates of various forms of abuse, and thus little or no access to medical care or state protection. Table 20 provides details of non-status women’s employment types.

<table>
<thead>
<tr>
<th>Employment type</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cleaning</td>
<td>90</td>
<td>63%</td>
</tr>
<tr>
<td>Homecare</td>
<td>73</td>
<td>51%</td>
</tr>
<tr>
<td>Cooking</td>
<td>73</td>
<td>51%</td>
</tr>
<tr>
<td>Caregiving</td>
<td>65</td>
<td>45%</td>
</tr>
<tr>
<td>Factory job</td>
<td>43</td>
<td>30%</td>
</tr>
<tr>
<td>Sales</td>
<td>43</td>
<td>30%</td>
</tr>
<tr>
<td>Other</td>
<td>31</td>
<td>22%</td>
</tr>
<tr>
<td>Private office</td>
<td>4</td>
<td>3%</td>
</tr>
<tr>
<td>Computer</td>
<td>1</td>
<td>1%</td>
</tr>
<tr>
<td>Clerk</td>
<td>1</td>
<td>1%</td>
</tr>
<tr>
<td>City of Toronto</td>
<td>0</td>
<td>0%</td>
</tr>
</tbody>
</table>

Non-status women, especially those who are also single parents, are forced to work in dangerous and insecure flex jobs with odd hours, low wages, and no insurance coverage or benefits. Non-status women often work at jobs that do not enable them to pay for food, shelter, and other necessities, let alone save for the future. At the same time, despite the risks, engaging in paid employment offers non-status women a sense of pride and self-worth, while allowing them to purchase the commodities necessary for survival.
4.15 Housing conditions

Poverty is a political and social problem that directly impacts people’s housing conditions. “At last count, some 1.7 million households in Canada, or about one in five, could not find adequate and suitable housing without spending 30 per cent or more of their pre-tax income” (TD Economics, 2003:1). In Canada, over 75% of low-income families’ earnings go towards housing costs; many of these families rely on food banks and live in overcrowded apartments, often in poor conditions and without tenant protection (Oliphant & Thompson, 2004).

Although, according to a UN resolution to which Canada is a signatory, all persons should be guaranteed “the right […] to an adequate standard of living for themselves and their families, including adequate housing” (United Nations General Assembly, 1986:sec. 2), many non-status women are unable to provide food and safe shelter for themselves and their children due to their low economic status. In fact, the United Nations has labelled Canada’s condition “a national emergency” and a “national crisis,” since one in eight children live in poverty; Olivia Chow has called this problem a “national shame.” The Colour of Poverty report on Housing & Homelessness (Fact Sheet #9), however, further indicates that racialized groups are at higher risk of becoming under-housed. They are also at higher risk of being exploited by landlords and living in unsafe and substandard housing. The Equality Rights in Accommodation and Social Reality Advocacy Centre (Right At Home, 2008) also suggests that the growing housing crisis represents a deliberate act by the Canadian government through the introduction of such policies as cutbacks to social programs and the lack of national housing programs. Furthermore, a 2008 report, Better Off in a Shelter? A Year of Homelessness and Housing for Immigrant, Non-Status, and Canadian-born Mothers, unveils other social relations of power, namely, race, gender, class, and, more importantly, immigration status. Non-status women, according to the report, were
more likely than other group to live in unstable housing, with many women couch-surfing and
moving too often. Most non-status women became homeless in order to escape abuse or due to
pregnancy or the presence of their children (for example, because they were considered too
noisy). Other factors, such as low income (that is, less than the Low-Income Cut-Off) and
discrimination based on their immigration statuses, were also listed as significant. These findings
are consistent with my own research’s findings.

Based on the survey-questionnaire results, a majority of non-status women live in busy
household settings such as rooming homes. In total, 60% of them reported having housing
problems. The relocation rate among non-status women is inordinately high. Of all 155 non-
status women, 47% live in transient situations, moving a few times a year, while 46% reported
living in more stable housing conditions. In order to reduce their rental costs, non-status women
often cohabit with other non-status persons. For instance, out of the 155 women, 144 reported
sharing their units with another adult over the age of 18. Those with whom they shared their
unites included: family members (51), other non-status women (39), and friends (21). In
situations of conflict, non-status women are forced to move to another rental unit, thus creating a
pattern of displacement that leaves them without access to mainstream processes for conflict
resolution, such as settling landlord-tenant disputes in court. Furthermore, as Zeheri reports,
“Women are often the targets of landlords who want to increase the rent or evict them, so they
report the women to immigration” (cited in Padgham, 2005). These irregular and unstable living
conditions have a direct impact on non-status women’s wellbeing, as well as on the wellbeing of
their children, creating attachment difficulties and a sense of confusion. It further has negative
effects on school-aged children’s educational performance. Almost two thirds of non-status
women reported having some difficulties with their landlord/lady. Table 21 further explores this condition.

<table>
<thead>
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<th>Table 21</th>
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<tr>
<td><strong>In general my landlord/lady:</strong></td>
</tr>
<tr>
<td>Doesn’t fix my unit</td>
</tr>
<tr>
<td>Charges me high rent</td>
</tr>
<tr>
<td>I have no privacy</td>
</tr>
<tr>
<td>Harasses me</td>
</tr>
<tr>
<td>I don’t have any problems</td>
</tr>
<tr>
<td>Treats me well</td>
</tr>
<tr>
<td>Threatens to deport me</td>
</tr>
<tr>
<td>Other</td>
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While female gender roles and caring responsibilities increased the likelihood of relocation for non-status women, other factors such as sexual abuse and sexual harassment were also problems for non-status women. For example, of the 155 women, eleven reported being sexually abused by their landlord/landlady, and one woman reported being sexually abused by her roommate. This is partly due to the misogynist, racist, sexist, and discriminatory laws in Canada that do not accept non-status women as worthy of accessing protection from law-enforcement institutions. Due to the intersection of immigration law with criminal law, women are discouraged from reporting sexual-abuse incidents. Similarly, non-status women are not eligible to apply for housing subsidies, nor, in many situations, can they develop official renting contracts to hold their landlords or property-management companies responsible for the lack of protective measures in their units, such as separate doors to their rooms for privacy. Instead, as Table 21 shows, these women are often faced with the threat of deportation or harassment.

However, in situations where non-status women were faced with abuse or homelessness, many—especially women with children—find temporary shelters a haven. And yet, in recent years, shelters for abused women have become a site of state raids, where non-status women and their children have been faced with arrest and deportation. This violation of women’s right to
safety and dignity, regardless of their race, class, ability, age, and immigration status, has enraged feminist and shelter activists, inspiring them to form a collective campaign against the policies of the Canada Border Service Agencies (CBSA). Within a short time, these activists have managed to advance their concern for policy change: a draft policy that has now been submitted to CBSA officials for approval would bar CBSA officers from “entering spaces designated as safety resources for women surviving violence” and “from waiting outside of those spaces and from making any enquiries to staff/volunteers and other users of such resources” (email circulated by sheltersanctuarystatus@googlegroups.com, July 10, 2010).

Despite all of these issues, women manage to live thanks to their informal social networks. That said, such relations are not without their own potential risks, inasmuch as they are often occupied by other non-status people with limited access to external resources. In their responses to 155 survey questionnaires, 80% of non-status women reported that, in their journey to Canada, they carried with them hope for better lives. They hope to rebuild ties in their new homeland and eventually gain citizenship status. In a way, hope provides non-status women with the strength to move across national borders and find niches for building new networks, seeking employment, falling in love, and caring for their children and family members. More importantly, hope permits them to heal and move forward from the pain of the abuse they have endured. It is imperative to note that, despite their deplorable living conditions, when non-status people were asked to compare life in their home countries and in Canada, 60% responded that they preferred their living conditions in Canada. One may wonder how the hope for achieving a better life in fact makes these women better equipped to deal with their oppression.

Although the high number of non-status women in Canada could be taken to indicate a large population that is isolated and cut off from society, a majority of the 155 women
responding to my survey questionnaires imagined themselves as vibrant and contributing members of Canadian society. Based on these findings, I found that a strong sense of resiliency and desire for resettlement has inspired these women to consider Canada as their new home. Ironically, this is a home that, due to its neoliberal democratic immigration policies, simultaneously propagates violations of their rights and the exploitation of their labour.

4.16 The forgotten generation: Children of transnational non-status mothers

As mentioned earlier, many non-status women have children. Children born to transnational non-status mothers face multiple and severe violations of their basic human rights, including deprivation of their rights to freedom and liberty, to healthy growth and access to basic necessities for thriving, to family unity and family reunification, to citizenship, and to residence in the state. These invisible children often end up as “stateless” persons: denied legal rights in Canada, they can find themselves deported to countries where citizenship rights are acquired through *Jus Soli* or paternal *Jus Sanguinis*, or simply where single citizenship is the law, all of which brand them as “foreigners.” When Canada ignores the rights of these children within its dominions and disregards its international and institutional obligations to those it deports, it is as if Canadian borders cross these children, rather than the other way around.

What makes this mistreatment particularly shocking is the fact that Canada is a signatory to the 1989 *Convention on the Rights of the Child*, which proclaims that children have rights of their own. As Castelle (1990) indicates, the rights enshrined in this document include:

**The Right to Survival** – through the provision of adequate food, shelter, clean water and primary health care;

**The Right to Protection** – from abuse, neglect, and exploitation, including the right to special protection in times of war, and;

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32 Birth-right citizenship.
33 Citizenship rights provided to children based on their fathers’ citizenship status.
The Right to Develop – in a safe environment, through the provision of formal education, constructive play, advanced health care and the opportunity to participate in the social, economic, religious and political life of the culture – free from discrimination (5).

As a signatory to the 1989 Convention, the Canadian state is responsible for ensuring that its domestic laws meet the standards set forth therein. The state is furthermore obligated always to pursue the best interests of the child. Determining the best interests of the child, however, is left in the hands of adult family members, of politicians who administer public programs, and of child-care professionals, such as those employed in the field of child welfare. Unfortunately, as Castelle (1990) notes, these professionals often neglect to engage children in the major decision-making processes that affect their lives (10). Such neglect is not only in conflict with Articles 3 and 12 of the Convention, which provide states with the power to “ensure competent supervision of personnel of institutions directly responsible for the care of children,” but also with Canadian law, which stipulates that respect for the best interests of the child “must never be disassociated from respect for his or her rights—including the right to be heard—to prevent decisions based on possible subjective interpretation of ‘best interests’” (ibid.). When neglect is the result of discrimination based on categories such as race and gender, it is not only in violation of the Convention, but also of the Canadian Charter of Rights and Freedoms. Thus, when it comes to the Canadian-born children of non-status mothers, Canadian immigration law can be said to go in the opposite direction from both domestic and international norms. This is especially evident in the case of minor citizens facing deportation along with their parents.

The advancing forces of globalization and the feminization of poverty have pushed many Third-World women to leave their families behind in search of better living opportunities abroad. Children of transnational mothers are often left in the care of their extended families or are separated from their siblings to accompany their mothers. Travelling children face risks similar
to those of their mothers; they too are subjected to incarceration and discriminatory treatment in the host country, where they are forced to live underground with little or no access to social, health, education, and public services. They live in poverty and deplorable conditions, are denied access to special-needs services, and are detained and deported along with their mothers. Most dreadful of all is the risk that child-welfare agencies will forcibly separate these children from their mothers, making them Crown Wards. Citizen children born to non-status women face the same consequences as non-status children. The rise in the number of non-status children and citizen children born to non-status transnational mothers has pushed the discourse of citizenship in a new and vicious direction—one that legitimates violations of the basic human rights of children.

Based on my twenty years of professional work as a social worker, and on my overall knowledge of cases dealt with by my widespread network of colleagues, I have come to the realization that, as transnational mothers, non-status women can be single or involved in intimate relationships; they may live with their intimate partners, with other family members, or both. The children of non-status women can be characterized as follows:

(a) Canadian-born children whose fathers have legal status in Canada;

(b) Canadian-born children whose fathers do not have legal status in Canada;

(c) children born in home countries who do not have legal status in Canada, but whose fathers have legal status;

(d) children born in home countries who do not have legal status in Canada, and whose fathers do not have legal status;
(e) children born in transient countries whose fathers have legal status in the transient country but not in Canada;

(f) children born in transient countries whose fathers have no legal status in either the transient country or in Canada, and who may or may not accompany their non-status children into Canada.

Children born to non-status mothers are often dislocated from their mothers, siblings, and other members of their extended families. These children may have siblings remaining in their maternal country of origin from the same or different fathers; have siblings in transient countries from the same or different fathers; have siblings in Canada who are also non-status children from the same or different fathers; have siblings in Canada who are Canadian citizens from the same or different fathers.

### 4.17 Transnational parenting and children’s issues

[To Emily for her beautiful drawings!]

*Children run around,*
*little toys for play*
*no crayons to draw*
*no classroom*
*no fresh air*
*only a hallway to run around*
*Everything is watched!*

*Mother[s] gather in the hall,*
*little subject to talk*
*no recipes to cook*
*no dishes to wash*
*no book to read*
*only a hallway to walk around*
*Everything is watched!*

*Fashion magazines on the table,*
Transnational mothers experience two contrasting sets of emotions: feelings of guilt at being unable to afford basic necessities for their children, and feelings of joy at the hope these children provide during the daily struggle to survive. Some families experience additional pressures, such as long work-hours that entail leaving diasporic children in the care of informal child minders, or the need to send money to provide for exile children in the care of extended families. As they toil to meet these challenges, these families are at constant risk of arrest, detention, and deportation.

Lack of legal immigration status is the common thread uniting these problems and raises serious concerns for non-status women with children. Like their parents, non-status children suffer from post-migration stressors, including fear of deportation, feelings of hopelessness, and experiences with sexual and physical abuse and childhood trauma.

Although Canadian citizenship law purports to follow the principle of *Jus Soli* in offering citizenship to everyone born within its political borders, including children born in Canada to non-status parents, these children are nonetheless considered “outsiders” and “foreigners,” in contravention of the rights guaranteed to them by the Charter of Rights and Freedoms. The discourse of citizenship, as a constitutive social facet governing the relationship between the individual and the collective, evidently fails to create a legal or emotional sense of belonging, nor does it provide any guarantee (either material or political) that individuals’ voices will be heard at the local and national levels (Bhabha, 2009). For instance, although they are Canadian nationals, children of non-status parents are not eligible for social insurance numbers (SIN), bank accounts, the Canada Child Tax Benefit, publicly funded childcare, and social assistance, among
other rights held by the children of Canadians. Because of their parents’ circumstances, these children are, as Bhabha (2009) suggests, considered “parcels” that are removable across borders and within neighbourhoods, leaving caregivers, friends, and schools behind.

Non-status families whose children were born abroad face additional health challenges, since these children are often not eligible to access public services. The issue becomes more complex when non-status families have both diasporic and Canadian-citizen children: while the latter are eligible for government-paid health care (such as OHIP), the former are deprived of this basic right (Pashang, 2008). By separating children of the same family into the categories of deserving and not-deserving of access to public services (Pashang, 2008), the discourse of citizenship rights creates serious dilemmas and feelings of guilt for parents.

That said, the challenges faced by children born to non-status families do not always stem from lack of access to public services; after all, the Ontario government promotes equal access to formal education regardless of a child’s race, gender, ability, and immigration status. And yet, even though this policy is in place, the discourse of “access” as an integral part of state power requires further discussion. The next section will discuss this notion.

4.18 Education as a site of exclusion

In Ontario, under the Ontario Education Act, all children under the age of 18 are eligible to attend public primary and secondary schools, regardless of their immigration status. In recent years, however, schools have become a site of immigration and police raids against children born to non-status parents. For instance, in April 2006 alone, four children were apprehended by immigration officials and subsequently deported along with their parents (Sidhu, 2008). Since then, more students have faced the risk of deportation or been denied access to public education while in detention. One recent example reported by No One Is Illegal is the case of an eighteen-
year-old high-school student in the Parkdale area of Toronto. The exclusion of non-status children and Canadian-born children of non-status parents from the educational system contradicts the inherent rights set out in the Canadian Charter of Rights and Freedoms, as well as various international laws to which Canada has committed itself, such as the *Universal Declaration of Human Rights* (1948), the *International Convention on the Elimination of All Forms of Racial Discrimination* (1965), and the *Convention on the Rights of the Child* (1989).

Given that the functioning of the capitalist economy is based on the location and dislocation of non-status persons across state borders or within state boundaries, exclusionary policies governing non-status children’s access to learning opportunities and the education system can be seen as a mechanism for maintaining the status quo by producing a new generation of unskilled, mobile workers. Such policies also serve to promote nationalism and social control. State control over the learning and healthy growth of non-status children extends beyond the educational system: it is also embedded in child-welfare agencies, human-service organizations, formal and informal community agencies, and non-status children’s own families. In any event, simple access to education cannot eliminate all barriers to learning. Factors such as the child’s age, psychological, social, physical, and developmental ability, as well as his or her parents’ race, class, marital status, language, immigration status, and employment conditions all act as mechanisms determining success or failure to thrive.

As an example of the problems that non-status children regularly face in the public education system, consider the 2008 report *The Right to Learn: Access to Public Education for Non-Status Immigrants*. This report found the following two categories of indicators that current policies regarding non-status children’s access to public education are inadequate. First, there are barriers to these children’s access to schools: enrolment may be denied on the basis of
immigration status, due to documentation requirements, due to lack of information regarding the Right to Education policy, or simply because the school administration reports such students to the CBSA. Second, there is the discourse of safety and engagement with school activities: non-status children tend to stay under the radar of teachers and administrators, particularly when it comes to extra-curricular activities, and their inability to meet OHIP requirements frequently prevents them from taking part in school activities and trips.

And yet, learning does not begin merely when a child is eligible to enter elementary school; it begins much earlier, and continues throughout one’s life. Consequently, the discourse of learning is an integral part of state power over non-status minors. At the early stages of their development, non-status children and Canadian-born children of non-status mothers are ineligible for subsidized childcare. Their parents often work dangerous and insecure jobs with odd hours, low wages, and no insurance coverage or benefits (Mojab and Pashang, 2006). The intersection of class with gender and marital status forces these children to rely on informal childcare with multiple caregivers, who often provide them inconsistent stimulation or limited interaction. Based on my frontline professional experience with non-status children, as well as my interview findings with human service professionals, I believe that lack of stimulation puts non-status children at higher risk of developmental delays and speech and language problems.

Access to public education often has little to no effect on such problems, such that the extent of the social, economic, and developmental challenges faced by these children often goes unnoticed by school administrations. Behavioural, developmental, and physical challenges also go unaddressed because most assistance is based on OHIP eligibility criteria, or else operates on a fee-for-service basis. While working with non-status families and their children, I often found myself intervening with the school system on their behalf, fighting against the trend that makes
so many of these students misdiagnosed, over-diagnosed, erroneously labelled as special-needs learners, or else suffering from genuine developmental needs (e.g. speech and language needs, mental-health needs, physical disabilities, etc.) that are neglected.

Once they have completed secondary education, non-status children are unable to receive government funding to attend post-secondary programs—unless they can afford costs designated for foreign students. This leaves them unable to develop skills needed for employment. Contrary to their mandates, which assert that they are “built on the principles of accessibility for and inclusion of all adults” and designed to “help immigrants improve their level of language skills and their integration into […] economic and social life” (Ontario Ministry of Education, 2005:12), adult-education programs exclude these young adults. This is a process where adult education (including vocational training) becomes intertwined with the discourse of citizenship and eligibility criteria in such a way that it not only contradicts its own fundamental principles, but also helps define exclusionary boundary lines, in an instance of what Mojab (2006) calls “Closure, Opening, Closure Syndrome” (2006:168). In the context of Kurdish women living in Sweden, Mojab further notes, “It is not possible to treat each of these instances separately; it is the totality of all that pushes us to rethink some of our assumptions about learning and lifelong learning” (ibid.). In Canada, inaccessible public education, lack of access to basic developmental necessities, and the exclusion of young adults from adult-education programs not only raise ethical, political, social and human-rights concerns: they also prevent non-status children from thriving. This creates the potential for socio-academic poverty.

Although in recent years public concern over equitable access to education has led to a push for policy changes, it is important to link the discourse of education to that of nationalism; this is because, in the presence of the former, other forms of exclusion emerge. For instance,
CBSA raids on schools and the detention of non-status minors not only creates fear among pupils; it also constructs a hierarchy between children with status and non-status children. After all, the exclusion of non-status children from formal learning is an integral part of the exercise of capitalist power over the labour of non-status persons. When state power and the power of nationalism combine with class power and the power of classism, they not only deny children access to education, but also limit their participation as minor citizens or minor residents. These children are denied access to both formal and informal power, and, in situations of deportation, they are denied any ability to increase their power in the future. They are destined to remain semi-unskilled workers regardless of the borders they may cross or their immediate social location.

4.19 Behind state walls: Children in detention

In the spring of 2004, I met Maria, a twenty-eight-year-old Salvadorian mother. Maria was a rejected refugee living with her Salvadorian-born daughter Carla. After her second pregnancy, Maria’s common-law partner, a Canadian citizen, left her and shortly afterwards rescinded his sponsorship application. Fearful of family court and the risk of detention, Maria worked several underground jobs to pay her expenses and to save money for her hospital fees. Through my networks, I arranged for basic maternity needs for mother and son. Maria loved her partner very much, and, after the birth of their son Luis, made many efforts to bring about his return—from cooking his favourite dishes to quietly submitting to his demands. A short time later, however, Maria was informed about Luis’s health complications. He had a serious medical condition that required ongoing treatment and, potentially, surgery.

In response to this revelation, Maria made an application under Humanitarian and Compassionate (H & C) grounds in the hopes of being able to afford care and treatment for her
son. At a young age, Luis underwent few surgeries. Each time, Maria found herself alone by his bedside. But she remained unconvinced that her partner had no interest in her or their son. When Luis was released from the hospital, Maria invited her partner for dinner. That night, an argument ensued over the issue of child support. As the tensions escalated, Maria found herself severely beaten—with his belt, with the phone receiver, and with her shoes. She gathered herself to avoid objects being thrown at her and her children. Wishing to stop her partner’s violent behaviour, Maria ran to the phone and dialled 911 for help. That was the last Maria saw of her partner. She would have no time, however, to heal from her ordeal. Soon enough, she found herself confronted by CBSA officers. The following brief note is based on Maria’s testimony, which I documented in the summer of 2006, prior to her deportation:

“Let me be with my baby, I want my baby,” she yelled. She was very frightened by the immigration officers who had invaded her home. She should have known better than to call the police. She should have known to change her address after calling the police for help.

“I said let me hold my baby! He’s just had surgery: let me hold my baby!” Her son was frightened and was pleading for his mother.

“Don’t you see that he’s sick? Don’t you have children of your own? Let me be with my baby!”

Frustrated by her resistance, one of the officers looked at her. He looked into her eyes with much anger. “Your child,” he said, “is a Canadian citizen. He can stay here, we can keep him here, but you—you will be deported to your home country!”

“No, he’s my baby, you can’t take him away from me! I’m his mother—don’t you see that he’s sick?” But in his mind the male officer needed to carry out his orders. Those orders told him to arrest an “illegal woman.” He could not see her vulnerability.

Then his female colleague interjected, “It’s okay, her child is sick: let her hold her baby!” Maria reached gently for her baby and held him close to her body. As she held the child, her resiliency and anger turned to fear: fear of uncertainty, deportation, and her unknown destiny. Deeply preoccupied with her thoughts, she suddenly realized that her daughter Carla was fearfully staring at her.

Based on my frontline work with non-status mothers, I recognize that Maria’s story is by no means unique. When subjected to male aggression, transnational non-status mothers fight
back and resist in the hopes of providing for their children—yet they face serious hurdles. At the community level, these women are scapegoated by human-service organizations, who deny them the basic support necessary in order to survive and raise their children. At the institutional level, they find themselves the targets of state aggression through such instruments as criminal, family, and immigration law; child-welfare agencies; and the state’s power of arrest, detention, and deportation.

At the detention centre, Maria was visited by a CAS worker. In Canada, children’s place of birth and the citizenship status of their parents have a significant impact on their rights; nonetheless, when a non-status mother faces deportation, her children also face deportation, whether born in Canada or abroad—unless they have become Crown Wards. Like their mothers, these children remain in detention centres, for periods ranging from a few days to few months, under restricted and confined conditions that have detrimental impacts on their psychological, social, and emotional growth, as well as on their general development. At these detention centres, children born to non-status women, whether they are Canadian citizens or non-status, may:

(a) be kept in their mothers’ units, unless they are from the opposite sex and over the required age group, in which case they are kept in male units;

(b) be kept with their siblings in their mother’s unit;

(c) have some siblings who are kept in detention and some who remain outside of detention with friends and family, with whom they may or may not have any physical or emotional connection;

(d) have siblings who are Crown Wards, with whom they have no physical or emotional contact;
(e) have fathers who are also kept at the detention centre and with whom they may have short-term visits;

(f) have fathers outside of detention who are non-status persons and who are unable to visit them;

(g) have fathers outside of detention who have legal immigration status but who are neither interested in visiting them nor concerned with their well-being;

(h) have fathers or family members outside of detention centre who visit them regularly or take them outside to attend medical appointments, or, occasionally and with official permission from CBSA, leave detention for visitation; or

(i) have fathers who refuse to sign passport documents or pursue legal avenues to obtain custody; the children of these fathers often remain in detention for long periods of time until their parents’ legal affairs are resolved.

During her meeting with the CAS, Maria was extremely fearful of losing Luis. Due to his illness, he required regular medical attention and, as a mother, Maria felt a loss of control over her son’s well-being. The medical staff held Luis’s medications; this meant that Maria had to visit their office several times per day to procure his medication. To access medical appointments outside of detention, Maria had to undergo a process of filling in forms to receive approval from CBSA for supervised transportation. Maria felt embarrassed having to attend these meetings in the presence of uniformed guards. Most embarrassing, however, was the waiting area of the hospital, where people stared at her as if she were a criminal. Unlike Maria, Luis loved the waiting area because there he finally felt free.

The CWA enables the Canadian State to exercise control over children’s right to family unity. Indeed, the concept of a “child in need of protection” empowers CWA workers to override
the authority of the police and the CBSA. Through such interventions, the bond between child and parent can be permanently shattered. McKay considers such practices “parenting by the state and the imposition of their value system on other people” (cited in Libin, 2009). According to this article, legislators grant CWA workers license to enter individuals’ homes, without a warrant, to apprehend their children. Due process is non-existent, and police officers are commandeered to enforce the CWA workers’ decisions. In this power dynamic, the CWA worker dictates how the child should eat, dress, be medicated, and receive visitation from their parents.

Maria was aware that separation occurs when mothers are accused of being “unfit” parents. Criteria for deeming mothers “unfit” are highly subjective and include substance use, poverty, abuse, and neglect, as well as bogus allegations surrounding legal status, where, instead of providing mothers with status, resources, or parental education, the state punishes them with separation. Given the statistics indicating high rates of sexual abuse, neglect, abandonment, caregiver turnover, and mental-health problems facing children under foster care, the state’s rationale for separation is highly questionable. Why are non-status mothers singled out or “Othered”? What gives the state the power and right to assume the parental role under the guise of looking out for the “child’s best interest”?

Maria’s fear was exacerbated by the fact that she was now in detention, confined within the walls of the state. She was retraumatized as her CAS worker interrogated her about her relationship with Luis’s father, her living conditions in El Salvador and Canada, and her immigration case. According to Maria, not only did the interrogation occur in an isolated room, but even its outcome was kept silent, supposedly for reasons of “confidentiality.” Throughout, Maria feared contacting with her allies in the outside world, including her doctor, myself (her
social worker), child and family lawyer, and her friends. She also refused seeking free legal advice from the members of TRAC office stationed at the dentition centre. Her immigration case had been negatively affected by an “Immigration Consultant” who charged her over $10,000.00 legal fees, thus neglected to file her case appropriately. Maria was suspicious of legal representatives or her immigration officer at the detention. Therefore, no one was present to question the CAS worker’s professional competence or experience; Maria reported that the worker was much younger than she was. No one was present to advocate on her behalf. Maria’s pain was considered irrelevant to her case. There is a high certainty that her case will remain concealed, with no accountability for the state or its agents. After all, despite its good intentions, the child-welfare system is implicated in the oppressive treatment of marginalized groups, including non-status, racialized families. This mistreatment represents a discourse that Dumbrill (2003) believes is proof of the ways in which differences are defined as inferiority.

Although the notion of a “child’s best interests” provided the worker with the power to intervene, she did nothing to ensure that Luis could remain in Canada when Maria’s H & C application was rejected, nor did she refer the family to a safe shelter for better access to medical treatment or school. The discrepancies in Maria’s case stem from the fact that, while the Convention on the Rights of the Child obliges the state to protect children through the law and other institutions, in reality, the Pre-Removal Risk Assessment (PRRA) officer, as a state agent, is not judicially responsible for addressing the best interests of Canadian-born (or non-status) children who may be adversely affected by parental removal. PRRA officers are not even bound to comply with the Canadian Charter of Rights and Freedoms when assessing the risks involved in removing the child’s parent. The contradiction in Maria’s case lay in two opposing discourses: on the one hand, immigration enforcement views the family as illegal, irrespective of the child’s
legal status; on the other hand, the CAS assumes a protectionist role, treating these children as powerless and in need of state care. As a result, Maria and her peers are caught in a conflicting dichotomy that lacks a procedural framework for effectively addressing the rights guaranteed to children.

In her third month at the detention centre, a frustrated Maria was aware of her perceived inferiority as a transnational mother; now, she no longer desired to be released from the detention centre: her wish was to leave Canada permanently. Her partner, however, refused to sign Luis’s passport application, nor was he interested in accepting his custody. Under Canadian family law, parents are allowed visitation rights. Hence, in the absence of parental permission, the passport office can become a tool to delay deportation or prevent children from leaving the country unless official permission is issued. Of course, it should be noted that, under the family and criminal law, Luis’s father should have been considered an unfit parent, since he used an extreme form of violence against Maria.

For Maria, navigating the state’s contradictory rules and regulations was extremely difficult while living in a confined environment, with limited knowledge of English. At some point while meeting with the CAS social worker, it crossed Maria’s mind to give up; what kind of future could she provide for Luis in El Salvador? At the same time, Luis was acting out; he was agitated, threw objects at other children, and refused to use the washroom facilities.

Unfortunately, throughout my frontline professional work, I have frequently encountered mothers in situations of impending deportation—particularly to Third World counties—who face a Faustian dilemma between abandoning their children to state care, or taking them back to home countries where they faced potential danger due to poverty, war, violence, and conflict. My observations have revealed a bitter reality: when women’s options are too narrow, they
frequently choose to leave their children behind in Canada in the hope of providing them with better lives. Maria felt conflicted about these options when she finally left Canada without her son.

According to Interviewee#10, the state takes advantage of non-status women who lack systemic avenues for voicing their concerns, cannot hire a children’s or family lawyer, and who are constrained at detention centres with little access to outside world:

They [non-status women] are scared. If they have two children apprehended and have one left at home, they are threatened that they will lose this last child. They are powerless. They say parents are abusing the children, and I would say that I believe them in about half the cases.

Indeed, in my frontline work, I have observed many desperate transnational non-status mothers who, due to extreme poverty, contact child-welfare agencies for assistance with meeting their children’s basic needs for food, physical and mental growth, and overall development. Instead of receiving support, however, these women are labelled “unfit,” and their children are apprehended. Interviewee #10 confirms this observation, noting, “I have a client that took her children to the Children’s Aid Society (CAS) because she was worried about her husband hurting her children; they said they would help her, but it didn’t work out that way” (Interviewee #10).

According to Interviewee #10, when CAS intervened, they apprehended the two Canadian-born children and placed them in foster care. After three years, when the client was about to be deported, the foster parents applied for adoption and the court awarded them permanent custody.

The law does not always take biological rights into account and tends to view parental rights as based on a child’s economic interests and access to care. Lack of legal immigration status obviates the existing biological ties between transnational mothers and their children. It diminishes their social position as transnational mothers while constructing them as powerless
and incompetent. It prevents mothers from raising their children, and children from forming identities through familial bonding. Overall, it reinforces nationalism over humanism.

Throughout her work, Interviewee#10 has met many parents who turned to drugs, alcohol, or suffered from mental health problems—including major depression and suicidal ideation—after the loss of their children. These parents’ experiences illustrate the failures inherent in the state’s lack of a policy framework and intervention strategies. In situations of deportation, the Canadian state provides no protection for the human rights of Canadian children born to non-status mothers. These children thus become victims of state repression in both Canada and their mothers’ countries of origin, which view them as foreigners and deny them access to basic human rights and protections.

4.20 Health as a matter of human rights

‘May God bless our beloved Keisha as she is committed to the earth....’ And so concluded the minister’s eulogy. The humble coffin bearing the remains of young Keisha was quietly lowered into the hard Toronto clay. Several members of the Evangelical congregation wept quietly. I looked at Keisha’s family, in particular at her mother, her sister Andrea, and her brother Chris. Their eyes were sad, but inscrutable, as their beloved daughter and sister was laid to rest.

I found myself suddenly and unaccountably angry. No one, save the family and me, was aware of why and how this bright, lovely nineteen-year-old girl had been taken from this earth so prematurely, like an abortive spring. It seemed so unfair, that this hopeful and optimistic young person should live and die, her life and fate so anonymous to the world. Somehow, I felt that, if her community only knew, they might rise in anger and act to prevent another such tragic death. Then again, perhaps they would ostracize her and her family altogether. Either way, Keisha could have been saved.

A hospital report: “Admitting Diagnosis: end stage HIV disease. Cause of Death: Multi-organ failure secondary to disseminated HIV disease.” Cause of Death in the minds of all family and friends, except for the immediate family and me: Leukemia.

I first met Keisha two years previously. I knew her then as the daughter of a single mother, with two siblings. They were all undocumented immigrants. I remember the first time she came to the office: a pleasant, shy, and bright teenager, she was complaining of severe eczema. I had never seen eczema as severe as Keisha’s, but she stated that she had had it for years, and was very prone to allergies. It was a plausible history, and she was recommended allergy medications.
The condition, however, continued to worsen. After several futile treatments, she returned to the office with unimproved eczema—as well as weight loss and enlarged lymph nodes. Fearing a cancer diagnosis, I ordered a battery of blood tests, including HIV serology. Two weeks later, I was sitting before Keisha, with a positive HIV test result in my hands. It was then that she shared with me a history of sexual assaults and rape by a man who had subsequently died of what sounded like a wasting disease.

I was faced with a dilemma. Before me was a very ill, undocumented immigrant. She desperately needed antiretroviral treatment: her symptoms and low CD4 count supported a diagnosis of full-blown AIDS. The successful use of triple antiretroviral therapy was just emerging, and I believed that this young patient deserved to have access to the best standard of care. The medications would cost over one thousand dollars per month. Keisha’s mother was holding down three jobs to support her three school-aged children and could hardly afford this cost. I decided that the only expedient solution was to purchase the medications for Keisha.

We started her on triple therapy and Septra, and, after two months, Keisha returned to the office much improved: her eczema was clearing, her lymph glands had returned to normal, and she was gaining weight. Her CD4 counts had likewise improved. I was ecstatic and very optimistic that we could render this dreaded illness a chronic condition for Keisha, similar to diabetes or hypertension. We prescribed more medication and, when she left the office that day, I was filled with hope for this young patient.

When I saw Keisha two months later, she was clearly unwell. She had lost weight, her eczema was running rampant all over her body, and she felt very weak. I wondered whether Keisha was taking the medication, but she quickly reassured me. Two weeks later, I received Keisha’s new test results: her blood counts had reverted to full-blown AIDS levels, even lower than her pre-medication counts. I tried to call her, but her number was out of service. The family had moved several times over the past three months. Later that afternoon, I received a call that Keisha was desperately ill, with fever, chills, and a cough.

Late that evening, I visited Keisha at her home—a tiny basement apartment in west-end Toronto. Her mother greeted me at the door. She was due to be at work for the night shift on her third job, but she escorted me into the kitchen where Keisha lay on a small, portable cot. I examined Keisha, and found her to have pneumonia. I informed her of her blood results, and puzzled over her rapid decline. I asked her again whether she had been taking her medications. She nodded weakly at me, but averted her eyes. A tear welled up and traced a wet path on her parchment-dry skin. Then her mother interjected: “Doc, may I show you something?” She led me to a cabinet and opened it to reveal row upon row of antiretroviral medication, perhaps three months’ worth, all unopened. Keisha had apparently been taken under the wing of her Evangelical Church, whose minister told her that her illness was not one amenable to medication, but only to moral certitude and finding oneself with God. She had promptly stopped taking her medications.

That night, Keisha was admitted to my hospital. She received a diagnosis of PCP pneumonia and AIDS. Thankfully, my hospital was generous and willing to admit a patient without a health card. Unfortunately, it was too late to save Keisha: in spite of our best efforts, she succumbed to her illness two weeks later. My hospital waived all fees to the family.
Keisha supposedly succumbed to “leukemia,” but, in reality, she succumbed to a complex web of gender and sexual violence, lawlessness, exploitation, and a system of abandonment that undocumented immigrants face when choosing to come to this “land of opportunity.” As I walked away from her burial service, I fervently prayed that Keisha had a last found some comfort from her torment (Dr. Q., December 2008).

Although it has been many years since Keisha’s death, I sensed a great deal of dismay and guilt in Dr. Q’s testimony. I had felt the same way many times. Both Keisha and Feather were forced to leave earth at a young age; how many more women have the same ending? A report by the Non-Insured Services Task Force of Community Health Centers of Greater Toronto (May 2007) suggests that, out of all uninsured individuals in the GTA, only 12,000 have access to primary healthcare at Community Health Centers (CHC). Many healthcare providers either reject non-status persons or, like Dr. Q., personalize their treatment out of the goodness of their hearts; even so, however, they continue to face institutional barriers to the complex journey of healing.

“Compassion,” as Shlim (2007) notes, is a strong desire to help people in need; however, this desire is not enough on its own to address systemic problems, given that, over time our ability to maintain compassion eventually erodes.

Health must be contextualized beyond charity and compassion, as a matter of human rights and a determinant of equity. In reality, the healthcare system is a crossroads of race, class, gender, culture, religion, sexual orientation, and (dis)ability—relations that are further ruled by institutional power and immigration status. The right to access care therefore divides healthcare to a two-tier system: one that is inclusive yet inequitable due to the socially constructed discourses of racism, sexism, ableism, ageism, and classism, and another, that is exclusive and ingrained in an artificial sense of nationalism that undermines humanity by placing various restrictive conditions on access to care and healing.
Such a divide is purposely orchestrated by the state through various migration policies, as well as through provincial and federal policies that ensure the categorization of non-insured persons, giving rise to three-month wait times for new immigrants, non-status persons, the homeless, and those without a valid identification card. This is done in order to achieve two goals: first, to avoid acknowledging that these people live in Canada and, second, to avoid taking responsibility for their health and well-being. As Jiwani (2002) notes, people’s access to services is therefore impaired by the degree of legality ascribed to their status. On top of this, segregating people into legal, insured, and deserving groups—in contrast to those that are illegal, uninsured, and undeserving—promulgates an artificial fear presenting the latter as a health threat to the public. This discourse further convinces taxpayers that the healthcare system suffers from the burden of non-insured patients; as a result, it justifies the privatization of health on the one hand, and racism and hate against racialized people, new immigrants, and non-status people, on the other.

Relying on my personal experience as a social worker within the healthcare sector and as a health activist, on 155 survey questionnaires completed by non-status women, and on extensive individual and group interviews with service providers, this chapter places particular emphasis on the exclusionary policies that force non-status women to navigate the healthcare system as outsiders.

4.21 The Canadian healthcare system

Canada has received worldwide recognition for offering publicly funded healthcare, known as Medicare, to all its citizens. Each year, Canada spends about 10 percent of its Gross Domestic Product (GDP) on healthcare; nonetheless, disparities and discrimination in healthcare continue to affect marginalized groups, particularly uninsured patients. In recent years, however, the
healthcare system has become the subject of a reformist push—one that simultaneously promotes the individualization of illnesses and the privatization of healthcare.

Since the 1980s, Canada has been the host to over 5 million new immigrants in order to sustain the country’s economic and demographic growth. Immigrants, particularly those arriving from Third World countries, are believed to be carriers of infectious diseases such as Intestinal Parasites, Hepatitis B, and Tuberculosis (Walker & Barnett, 2007). This belief has been found in Canada. And yet, research suggests that, upon their arrival, new immigrants to Canada have better health than the average Canadian (Laroche, 2000), since the Immigration Act requires strict medical examinations in order to determine immigrants’ medical admissibility to the country. At the same time, studies show that, despite the “healthy immigrant effect,” immigrants’ health declines by 30% - 40% six months after their arrival (Access Alliance CHC, 2006). This finding is further supported through the data generated from the 155 survey questionnaires completed by non-status women. As Table 22 indicates, 90% of all non-status women in the GTA reported being very healthy prior to their migration to Canada.

**Table 22**

![Pie chart showing very healthy (blue), moderate (red), and unhealthy (green) categories.]

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34 According to section 19(1a) of the Immigration Act, the category of inadmissible immigrants includes those causing danger to public safety or health, or who generate excessive demands for health or social services.
Inadequate healthcare directly affects mental, physical, reproductive, and sexual health. As Table 23 shows, the health and wellbeing of the women—90% of whom reported being very healthy prior to their migration to Canada—has declined drastically shortly after their migration. In comparison, only 22% of these women reported still being very healthy, 40% reported being healthy, 22% reported being just okay, and 10% reported having major health complications. In particular, the latter group consists of those women who reported being forced to perform sex-trade work.

**Table 23**

4.22 *Factors contributing to health disparities among non-status women*

Jiwani (2002) calls healthcare a social institution that is raced, classed, and gendered. While the state individualizes the health conditions of non-status persons, service providers and activists engaged in individual interviews located their concerns at the community level, pointing to hospitals’ and community health centres’ lack of willingness to extend their care or come up with new funding possibilities for serving non-status persons. However, one must further analyze
the health conditions of non-status persons within the framework of state power and the institutions of health, where policies are formulated (or neglected to be formulated) over issues ranging from control of funding allocation to the implementation of accountability procedures, to the collaboration of services and the administration system.

For instance, to date, there exists no consistent policy or administration process across Ontario hospitals regarding the admission of uninsured patients (Gardner, 2010). While, according to the Public Hospital Act, no patient is to be turned away due to financial constraints, throughout my frontline work I came into contact with many non-status persons—including pregnant women—who had been turned down by the administration staff. This condition has been noted in Michaela Hynie’s (February 2010) recent research, in which she found that uninsured patients have more serious health conditions, are thus classified as low priority during triage, and are at a higher risk of being turned down for admission. Many leave hospital without receiving treatment. According to Hynie, the refusal rate is higher among non-status women than men, despite the fact that women are further faced with gender-based health challenges.

The health decline of non-status women therefore represents the state’s failure to respond to the “diasporic and gender health effect” of these women, resulting in a situation where healthcare is only accessible through fee-for-service means. Within such a system, public healthcare becomes part of the market economy, a development that clashes with the socialist principles that led to public healthcare’s inception. It is within this context that healthcare is regulated under the national plan for citizens and other legal residents, and unregulated and commodified for uninsured and non-status residents. As ever, this system must also be viewed in light of non-status women’s fears of state power as represented both by enforcement agents
holding the power of arrest and detention, and by the healthcare system holding the power of refusal, admission, or treatment.

Health policies leave certain ethical responsibilities to healthcare providers; these fall under the “duty to report.”35 Fear of objectification may silence non-status women from reporting their agony and pain to the practitioners, even as it can place healthcare providers in the assumed role of saviour and expert on non-status women’s lives, parenting style, and health-related decision-making processes. This discourse, however, is further entwined with the notion of class, which provides practitioners with discretionary power over non-status women’s health, allowing medical decisions to be made without much consultation. It is through this class divide and citizenship entitlement that practitioners assume the role of state protectionism, causing them to report non-status women, particularly women with minor children, to child-welfare agencies while they are under treatment, or shortly thereafter. In keeping with its dominant policies and institutional obligations, child-welfare agencies may become involved with cases where no intervention or investigation is necessary. The process of “duty to report” therefore means that non-status women may be falsely considered as “unfit parents” who are responsible for their own lack of ability to provide a standard level of care.

This situation leads to a new source of oppression, which, according to Ahluwalia and MacLean, creates a hierarchical system in which power inequalities between patient and practitioner are reinforced. Furthermore, such a system ensures the submission of non-status persons to the institutions of the two-tier healthcare system with limited or no standardized

35 Healthcare policies require healthcare providers to report cases of women’s abuse, child abuse, suicidal risk, and other risk conditions. This policy can cause a state of fear among non-status women. They fear: first, losing their children to child-welfare agencies; second, forced hospitalization that can cost thousands of dollars; and, third, police involvement in cases involving criminal activities—such as when the police’s investigation of women’s abuse results in their being mandated to report non-status persons to immigration officials.
guidelines, regulations, or accountability surrounding the admission, optional treatment plans, discharging, and (extra)-billing of uninsured patients.

The impact of the two-tier healthcare system mentioned earlier is a violation of the health and human rights of non-status women from their port of entry into the healthcare system to their exit. These women become “hostages” of their need for care if financial resources are not provided before or after treatment. The problem of hospital costs is clearly addressed in the following statement by a nurse practitioner:

The hospital fees are enormous, and this is devastating for families. […] There is a general thought that these bills are buried within the system. They aren’t. Hospital billing departments do expect people to pay. If people are late on payments, they are sent to collection agencies. People are harassed and they are very scared. We can easily say, “Don’t worry about the collection agency, hang up on them.” But it’s very frightening for them. I work in pediatrics and so I see people whose children have gotten sick—fallen and broken a leg or gotten chickenpox and ended up having meningitis. The hospital bills that they have are unbelievable, unrealistic. Some are waiting their 3 months to get their OHIP while they are accruing these bills and they really leave without this being resolved. There isn’t a good support system for people who are non-status within the hospital system. It’s a good opportunity for people to connect with services, but even to get interpreters can be a stretch for these families. They don’t know what is happening to them while they are in the hospital, they don’t know why their baby is sick, they don’t know what is going to happen to them or what the long-term outcome is. As stressful as it is for anyone to have a child in the hospital, it’s tenfold for non-status families (Interviewee #12).

High hospital costs further contribute to the feminization of poverty among non-status women, particularly those with children. Poverty is exacerbated by other factors, including lack of accessible publicly funded childcare, difficult employment conditions, poor housing, settlement and adaptation obstacles, and other factors that negatively affect women’s mental health, leading to potential depression and/or suicidal ideation. In Ontario, however, Bill C-68 provides police with the power to execute Community Treatment Orders (CTOs); that is, to enforce treatment and medication for persons with mental health issues (The Two Faces of
Canada: A Community Report on Racism, 2001). The enforcement of this legislation, however, has a strong impact on non-status women, who are hospitalized by law and end up with large hospital bills.

While social factors such as immigration status, poverty, fear of arrest and deportation, and housing conditions have a direct impact on the health and wellbeing of all disenfranchised people, as patients, non-status women are often diagnosed as being part of a high-risk population. Similarly, when working as a social worker, I accompanied many clients to their medical appointments; there, I discovered that healthcare providers may not have the necessary skills and knowledge for dealing with the health conditions of these women, or they may have little understanding about the root causes and social factors affecting their overall health. As a result, they over-medicated them with anti-depressants or over-diagnosed them with mental-health illnesses. To most practitioners, these women are not seen individually, but are rather identified and categorized as members of the non-status group; this diminishes their voices, dignity, and pride, while ignoring their diverse needs and social locations.

The most disturbing situation of health disparity is that encountered by pregnant non-status women. In their case, the foundational principle of the healthcare system—to serve all citizens—is completely compromised due to its intersectionality with immigration status. As a result, pregnant women are ineligible for healthcare services, even though their Canadian-born children will be considered Canadian citizens. This suggests the lack of a health-promotion strategy to invest in non-status pregnant women and their children. However, considering the high poverty rates among racialized communities and the fact that non-status people are not entitled to social services, many pregnant non-status women may choose to invest in providing for their families’ basic needs—such as food, housing, and clothing—before spending money on
medication or other health factors. In my professional experience, I have seen many Canadian-born children of non-status women face physical and developmental issues, a condition that perpetuates these children’s exclusion from social investment.

At the community level, a lack of adequate funding, as well as long waitlists for Community Health Centers (CHC) and hospitals, are also considered contributing factors excluding non-status women from accessing medical care. Gardner’s (February 2010) report suggests that, due to a lack of a systemic policy, hospitals often deal with uninsured persons on a case-by-case basis with no clear or consistent billing system. Based on the findings of survey questionnaires completed by 155 non-status women, fear of being reported to child-welfare agencies, the police, or immigration officials (which could lead to subsequent deportation), as well as of excessive healthcare costs and subsequent harassment by collection agencies are also considered detrimental factors.

Despite the fact that the process of emigration has a negative health effect on various immigrant groups, we as a multicultural society have yet to consider immigration status as a determinant of health. As indicated in Table 24, most survey respondents reported that living without legal immigration status has a severe effect on their overall living conditions. At the same time, it is important to note that 14% of non-status women suggest that living without immigration status has no negative impact on their health or overall life conditions. This group consists of women who reported being healthy, women with extensive social and economic support, women who have supportive family members and/or a supportive partner, and women with limited caring responsibilities.
Based on the survey results, the health decline of non-status women has resulted in depression (67), drug and alcohol use and smoking (50), engaging in intimate relationships (24), and learning new skills to cope (50). Table 25 (see next page) details these conditions.

<table>
<thead>
<tr>
<th>The mental health impact of lack of immigration status</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low self esteem</td>
<td>95</td>
<td>66%</td>
</tr>
<tr>
<td>Fearful or afraid</td>
<td>77</td>
<td>53%</td>
</tr>
<tr>
<td>Angry</td>
<td>74</td>
<td>51%</td>
</tr>
<tr>
<td>Sad</td>
<td>67</td>
<td>47%</td>
</tr>
<tr>
<td>Mood changes frequently</td>
<td>54</td>
<td>38%</td>
</tr>
<tr>
<td>Feeling anxious or fearful about something bad happening</td>
<td>45</td>
<td>31%</td>
</tr>
<tr>
<td>Sleeping problems</td>
<td>40</td>
<td>28%</td>
</tr>
<tr>
<td>Eating problems: weight loss or gain</td>
<td>36</td>
<td>25%</td>
</tr>
<tr>
<td>Flashbacks about traumatic experiences</td>
<td>35</td>
<td>24%</td>
</tr>
<tr>
<td>Depression</td>
<td>32</td>
<td>22%</td>
</tr>
<tr>
<td>Nightmares</td>
<td>26</td>
<td>18%</td>
</tr>
<tr>
<td>Happy</td>
<td>20</td>
<td>14%</td>
</tr>
<tr>
<td>Harming myself</td>
<td>10</td>
<td>7%</td>
</tr>
<tr>
<td>Other</td>
<td>1</td>
<td>1%</td>
</tr>
</tbody>
</table>

Such health conditions are manifested in the following categories of problems affecting the overall living conditions of non-status women:
(a) **emotional/mental:** low self esteem, anxiety, depression, fear, feeling stressed out, addiction (to forget the pain), self hate, overreaction or worry, feelings of worthlessness, feelings of guilt, mental-health problems, nightmares, mood changes, anger, insecurity, hopelessness, unhappiness, lack of confidence, sadness, inability to enjoy life, lying;

(b) **sexual:** sexual exploitation by men, sexually transmitted infections, abortion, miscarriage;

(c) **parenting:** no quality time with children, feelings of guilt because of inability to provide for children or separation from them (such as during the migration process), children disobeying, more anger at children;

(d) **physical:** smoking, poor diet, weight loss, weight gain, poor health, headaches, psychosomatic pains, lack of sleep, ugly appearance, poor hygiene;

(e) **spatial:** living in prison, lack of adequate basic necessities (such as food and transportation), housing problems, living on the edge, lack of information, living in secret, having two lives (reality and lies about one’s conditions that are told to others);

(f) **employment:** poor employment, inability to keep a job; and

(g) **networking:** limited friends and networks, isolation, missing family members, can’t keep a friend, inability to trust.

Traditionally, healthcare providers are among the most trusted professions. While lack of access to basic healthcare services causes tremendous amounts of guilt and dilemmas for non-status women, the healthcare system is often considered as the first place for many to disclose their hardships. As Table 26 shows, in general, non-status women trust other non-status people the most (75), followed by healthcare and social workers (55).
<table>
<thead>
<tr>
<th>Most trusted people</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other non-status people</td>
<td>75</td>
<td>52%</td>
</tr>
<tr>
<td>Health care/social worker</td>
<td>55</td>
<td>38%</td>
</tr>
<tr>
<td>Partner/husband</td>
<td>51</td>
<td>35%</td>
</tr>
<tr>
<td>Other professionals</td>
<td>46</td>
<td>32%</td>
</tr>
<tr>
<td>Family members</td>
<td>43</td>
<td>30%</td>
</tr>
<tr>
<td>Friends</td>
<td>39</td>
<td>27%</td>
</tr>
<tr>
<td>I don’t trust anyone</td>
<td>19</td>
<td>13%</td>
</tr>
<tr>
<td>Other</td>
<td>3</td>
<td>3%</td>
</tr>
<tr>
<td>Neighbours</td>
<td>1</td>
<td>1%</td>
</tr>
<tr>
<td>Activists</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>Police/government</td>
<td>0</td>
<td>0%</td>
</tr>
</tbody>
</table>

As noted in Table 25, the sexual impact of living without immigration status is enormous, with many non-status women reporting being subjected to sexual exploitation, sexual abuse, and consequent high rates of sexually transmitted infections, unwanted pregnancy, miscarriage, and abortion. However, during the data-analysis stage, I realized that most non-status women reporting sexually transmitted infections such as HIV and AIDS were trafficked women and women who were forced (due to poverty or coercion) into sex-trade work. The next section will explore the issues of trafficking and sex-trade work.

4.23 Honouring voices, recognizing bodies

At one of the conferences of the Ontario Coalition of Agencies Serving Immigrants (OCASI), activist Loly Rico held a workshop on the issue of the trafficking of women and girls. Her aim was to raise awareness among settlement workers and their agencies (Lecture Presentation, October 22, 2010). Unfortunately, only two people attended the workshop. Many settlement workers had never encountered trafficked persons, or believed that the issue of trafficking does not exist in Canada or within their communities. Since then, however, many activists have managed to raise public awareness and push for policy reform. One new development is a book
by Benjamin Perrin (2010), entitled *Invisible Chains: Canada’s Underground World of Human Trafficking*.

On September 29, 2010, the Superior Court of Justice in the Province of Ontario struck down three key provisions in Canada’s Anti-Prostitution Laws, which dated from 1985. These included prohibitions on keeping a common bawdy house, on communication for the purposes of prostitution, and on living on the avails of the sex trade, all of which were suddenly ruled to violate the *Charter* rights to security of the person and freedom of expression. The ruling does not concern provisions affecting people under the age of 18 years. Justice Susan Himel suspended the effect of the decision for thirty days, during which time the federal government must respond to the decision.

This decision was widely hailed by sex-trade practitioners as being a potentially emancipating ruling, liberating them from the risks associated with the street sex trade; if upheld, it is seen as potentially opening the door towards a greater degree of regulation of the sex trade. Opponents of the ruling fear that the liberalization of Canada’s Anti-Prostitution laws will make Canada an attractive jurisdiction for the world sex trade, including the trafficking of people from the developing world for the purposes of exploitation within the trade. They fear that this ruling will simply move the “sex-trade cartel” further into the underground. The decision has also garnered increasing opposition by Federal Justice Minister Rob Nicholson and the leaders of the Ontario Liberal and Progressive Conservative Parties, who support a likely appeal to strike it down on the grounds that it is the government’s key function (as opposed to that of the judiciary) to decide on matters relating to prostitution.

Justice Himel finds that her ruling will offer a step in the right direction for sex workers who are routinely faced with violence under the current laws, even though these were supposed
to protect them in the first place. It is argued that prostitutes will now no longer need to engage in swift and hurried transactions conducted in dangerous areas that may compromise their safety. Clearly, the ruling will not change the deplorable conditions of trafficked non-status persons entering the province, since the lives of these women are affected by criminal, immigration, and international anti-trafficking laws, which place particular emphasis on the punitive measures of arresting, detaining, and deporting trafficked persons.

As previously suggested, this section is devoted to the trafficked non-status women who courageously completed their survey questionnaires with a side note drawing my attention to their living conditions. In total, out of 155 women, 31 identified themselves as having been trafficked or forced to engage in sex-trade work. Unfortunately, as mentioned earlier, the limitations of the survey questions leave unclear the specific breakdown of these 31 women, including how many were trafficked by national or international traffickers but not forced into sex-trade work, how many had the opposite experience, and how many had both experiences.

Throughout my professional practice, I have worked with a number of trafficked women who approached me for physical and mental-health support. However, while conducting this research, I too was neglectful in acknowledging their existence as non-status persons. The trafficking of persons is a situation in which individuals (60% of whom are women, and 13% of whom are girls) are recruited, transported, controlled, and harboured for others’ financial gain. In most cases, they suffer from sexual, labour, and physical exploitation—including recently reported incidents of organ removal for sale on the black market. These situations often involve active chain operations that originate from the source country and that subsequently carry over to the transit country and ultimately the country of destination. Unfortunately, since my survey did not collect any data on the issue of trafficked women, this research is limited in its ability to
provide adequate information about the ways in which survey respondents have found
themselves in Canada.

The trafficking of women is widely referred to as “modern-day slavery” or “sex slavery,”
while trafficked persons are considered to be “trafficked victims.” While the notion of “modern
slavery” is questionable and the discourse of “victim” presents the individual as docile, the
resiliency of trafficked persons who manage to survive, and at times escape, their ordeals is
something worthy of praise. That said, one cannot dismiss the role of states in perpetuating their
situation through exclusionary and punitive immigration policies.

4.24 Prostitution, sex-trade work, and the trafficking of non-status women

In capitalist societies, the processes of patriarchy and the commercialization of sex have
promulgated a conflicting notion of sexual desire that has given rise to a belief in (male) sexual
rights that justify access to (undocumented) women’s bodies, as well as to their unregulated
services as sexual commodities to extract additional profits (Pateman, 1988). This situation
creates new commercial markets for a wider sex industry, including the demand for “bondage
and discipline” or “fantasy slave contracts” as symbols of domination, all under the auspices of
sexual rights and freedoms. Of course, this culturally and morally determined notion of a “right”
both continues the process whereby Third World women’s bodies are transformed into objects,
and reproduces trafficking by turning the sexual system into an economic system (Pateman,
1988).

Caught in the middle of a wide range of “push” and “pull” factors (including the negative
consequences of globalized capitalism and its resultant socio-political upheaval, with economic
inequities in Third World nations and the need for unregulated labour in those of the First
World), trafficked women endure additional violence and exploitative working conditions at the
hands of abusive employers. This dilemma is further embedded in a profession that is both culturally construed as immoral and officially illegal. The political significance of the interrelationship between criminal law and immigration law gives trafficked women no choice but to live underground as non-status persons. Once underground, these women have little or no guarantee of their independence or civil, legal, and human rights. Their bodies are left for prostitution and sexual exploitation.

The exchange relationship by which women’s bodies are exploited for profit is orchestrated by both large and small trafficking networks, as well as by individuals both within and across national borders. This leaves women with no control or rights over themselves or their bodies. It was once believed that trafficking was an act of kidnapping, whereby individual, mostly white, females were coerced. It has since become clear, however, that the current discourse surrounding this industry is flawed and open to criticism. Such a narrow definition of the problem suggests a lack of protection being extended to racialized trafficked persons, or to those who were deceived by false promises. It is equally clear that current governmental responses to this problem, which range from inaction to deportation, to criminalisation (of traffickers, trafficked women, or both), to the implementation of prohibitionist policies, are ineffective. This is, of course, in spite of the fact that many of these same countries have adopted the 2000 United Nations Convention Against Transnational Organized Crime by enforcing national policies or building transnational collaborations.

Stalker (2008) considers trafficking to contain two distinct components: coercion, whereby young girls are sold to traffickers, kept in brothels, and re-sold to other brothels or traffickers abroad, and deception, whereby women are promised positive employment opportunities abroad, but instead find themselves employed in the sex trade (Stalker, 2008).
Thus, trafficking for the sex trade is gendered and differs from human smuggling in that the latter usually transfers willing clients, especially men, who pay the smuggler to be transferred (Stalker, 2008). Upon arrival, trafficked women are further enslaved, whereas smuggled men are freed. From a legal perspective, although the same perpetrator is often involved in the smuggling and trafficking of women and children, the distinction is vital both from the perspective of accurately categorising the crime of trafficking, and, more importantly, from that of providing protection to its victims (Stalker, 2008).

The 2005 report of the International Labour Organization (ILO) estimated that about 2.5 million people (almost half of them children) are trafficked across national borders. Other reports suggest that over one million women and children are trafficked annually for the purposes of sexual subjugation, coerced prostitution, domestic servitude, sweatshop labour, and debt bondage, as well as other slavery conditions (Upala Devi Banerjee, 2006). Aside from international trafficking, Ellerman (2003) also suggests that as many as 27 million people are trafficked within national spaces worldwide. In Canada, estimates vary from 8,000 to 16,000 (Coalition Against Trafficking of Women, 1996); the RCMP estimates that up to 800 foreign women are trafficked into the Canadian sex trade annually (CBC News, 2008). Such reports may just be the tip of the iceberg, however, since only 1% of victims agree to come forward or testify against their traffickers.

The business aspect of trafficking is highly significant. A 2005 ILO report estimates that the profit per victim is $23,000, yielding an industry total of $218 billion annually from sex trafficking. That said, if we consider the total value of victims’ labour services, it exceeds $32 billion (Delaney, 2008). For the trafficker, profit is represented by the number of women he manages to capture and sell for effective wages and incremental gain. This becomes part of the
profit nexus as middlemen continue to resell and relocate women until they reach a final destination; at this point, each woman’s employer—perhaps more properly designated as her “owner” or “pimp”—sells her sexual services for wages until the profit exceeds the total value for which he purchased her (Rubin, 1975; Pateman, 1988). When Canada’s CBC News reported that a convicted trafficker admitted to having made over $400,000 by selling two underage girls for sex (October 28, 2008), no one familiar with the industry could have been surprised.

Southeast Asia, especially the Mekong Delta area, is known to provide upwards of 250,000 women and children annually (Derks, 2000). Such a widespread exchange of women for profit further enforces the submission of women within this region. And yet, the trafficking of women and children is not merely a Third World phenomenon located outside of Canada. Given its status as both a source of transit and destination country for sex-trade work, Canada’s intervention strategies have been criticized by anti-trafficking activists as well as by the US State Department. As the Calgary Herald reports, it remains the case that “Canadian women and girls, many of whom are aboriginal, are trafficked internally for commercial sexual exploitation” (Arab, 2009). In spite of these ongoing internal problems, on the rare occasions when the subject of trafficking in Canada has come to public attention, the news media have focused primarily on moral concerns, or on organized crime committed by racialized or Asian traffickers forcing young Asian victims into prostitution.

For the purposes of this dissertation, I define trafficked women as those who have entered Canada through violence, deception, coercion, debt bondage, or voluntarily, with or without an immigration visa, who have found themselves trafficked prior to, during, or upon arrival. I also include women who have become victims of internal (that is, within the national space) traffickers, as well as women who for any other reason are forced by their employers, traffickers,
pimps, or owners to offer sexual services, and who may or may not have control over their personal documentation. This means that trafficked women are both status and non-status persons who have been forced into the sex-trade and whose wages, personal documentation, and daily lives are controlled by their employers, traffickers, pimps, and owners. Trafficked women are at risk of arrest and deportation. They have no access to human rights, social services, healthcare, legal assistance, or other public resources, and are vulnerable to sexual exploitation and violence by both their customers and their employers. Additionally, they are at high risk of contracting sexually transmitted infections, and of experiencing unwanted pregnancy and abortion.

Based on my findings from the survey questionnaires collected from 155 non-status women, of those 30 women (28%) who identified themselves as having been trafficked both internally and from overseas, all reported entering Canada with valid immigration visas through the coercion and deception of Canadian recruiters, whether men, women, or couples. Upon arrival, these women were denied access to their documentation, were threatened with deportation, and were forced to perform sexual services against their will and under deplorable working conditions inside homes, at various care facilities, and within establishments owned by the entertainment industry.

4.25 The case of Julia

During my twenty years of professional frontline work with non-status women, I have met many women who revealed that they engaged in sex-trade work in order to support their families. That said, I have only come across a handful of women who have identified themselves as victims of trafficking. One of these women was Julia.
She was well-dressed, tall, and slim, with beautiful sky-blue eyes and long blond hair gathered neatly with a golden clip at the back of her head. She introduced herself politely as Julia. In a calm voice she said, “My lawyer has asked me to see you.” She then gave me a sealed envelope. It was a letter from her lawyer and in it he referred to Julia as uncooperative and unwilling to share her personal story. Her refugee hearing had been cancelled twice, and a new court date was pending. Despite her lawyer’s statement, I found Julia responsive to my initial questions, until I asked about her occupation. Then, she smirked and said, “Oh, you don’t want to know that.” At that, she quickly turned her eyes to the painting on the wall.

As a social worker, I had seen this kind of behaviour many times before. I let the silence take its course, and then said to her, “Julia, I am not here to judge you or make any presuppositions about your profession. I just want you to know that I have worked with many women who, either by choice or by force, have ended up using their bodies to support their families.”

From the corner of my eyes, I could see her blushing: she was shocked at my abrupt comments. At last, she spoke: “So, you’re saying I’m a prostitute?”

“No, Julia,” I said. “In fact, I don’t like the word ‘prostitution’ when it is used in such a negative way to dishonour women’s work. On the contrary, in my opinion, it is those who forcibly satisfy their sexual desires by gaining control over women’s bodies or abusing them that are undignified.”

Even though I could tell she felt uncomfortable discussing this with me, I could also tell that she felt relieved to be talking to someone about it. “Well, yes,” she said, “I do get paid for my sexual services.”

That day, our session was brief. After Julia left, I wondered if she would be willing to see me again. I was lost in thought when she appeared at my office door and said, “Don’t you want to see me again? When’s my next appointment?”

At our next appointment, Julia told me about her childhood. She had been about six years old when civil war and extreme poverty forced her mother to send her to an orphanage. Julia stayed there for a while, but eventually her beauty came to the rescue—or so she thought—when she was adopted by a childless couple.

This couple had later travelled to Portugal and sold her to a middle-aged pimp, who kept her at a local brothel. Suddenly, Julia’s entire world was shattered: she was trapped by her painful past, bitter present, and unknown future.

Her first sexual encounter was shortly after her arrival in Portugal, with an old man willing to pay a hefty sum to have sex with a young blond virgin. Julia often referred to her journey from girlhood to womanhood as “heinous torture.” Her pimp never allowed her time to recover; she was forced to serve as many men as her body could handle. Then, at around the age of sixteen, Julia found a customer who regularly asked for her. She pretended to fall in love with him and eventually used him to run away from the brothel. She lived with him for a short while, but her pimp soon found her and took her away. In his anger he sold her to a trafficker who brought her
to Vancouver Island in Canada. She couldn’t speak English, but her body could speak louder than words, and so her new pimp put her to work as a private escort. Eventually, she made her way to Toronto, where she got a job at a strip club.

After Julia left my office the second time, I never heard from her again. Months later, I ran into her lawyer at a meeting. He told me he had informed Julia that her case was a trafficking case, and that he would have to inform the RCMP. He had explained to her that, according to Canadian law, victims of trafficking are given a six-month visa, after which, if their application for refugee status is declined, they can be deported to their home country. Fearful of the outcome of her case, Julia had once again gone underground. No one knows her whereabouts.

Trafficked women rarely come forward to seek help; on the rare occasions when, like Julia, they do, they become vulnerable to punitive legal measures supported by the UN and by Canada’s immigration policies. Julia was worried about deportation since she had nothing to look forward to in her home country. Yet she could not continue to endure the harsh violence and sexual exploitation she experienced at the hands of her pimp and her customers. In her mind, seeking refugee status was the only way out.

Currently, as a signatory to the United Nations Convention Against Transnational Organized Crime, Canada has adopted national policies to address the problem of trafficking. In the next section, I will analyse the policies of the UN and the Government of Canada in response to the discourse of human trafficking for the purpose of sex slavery. For this reason, I wish, first of all, to pose an immediate challenge to the notions of “illegal migrants” and “illegally trafficked” women and sex-trade workers. I argue that non-status women are not illegal, but rather that discriminatory immigration policies have constructed them as such in order to benefit materially from their labour production and sexual services. Secondly, by reviewing the anti-trafficking policies of the United Nations and the Canadian government, I argue that the existing harshly punitive and moralistic policies not only portray non-status women working in the sex-trade as illegal, immoral, and sexually submissive, but further create a dichotomy between positively valued illegally trafficked “victims” employed in the sex-trade, and negatively valued
“criminal” and “immoral” non-status women employed in the sex trade. Thirdly, based on my exploration of the lived experiences of non-status women who have been trafficked or who have engaged in sex-trade work to help support their families, I will provide concrete policy recommendations.

4.26 Situating non-status women in the sex-trade industry

Of the 155 non-status women who responded to my survey, 70% reported coming to Canada with some form of immigration visa. The remaining 30% were either from countries that did not require entry visas, or were simply uninformed or unsure as to the status of their visas. 90% of survey respondents reported that, over the course of their stay in Canada, they had continued to apply for various types of legal immigration status, despite continued rejection. In this section, I will analyze the lived experiences of non-status women as trafficked persons and as individuals engaged in sex-trade work, including prostitution, whether by choice or by force. Generally speaking, I found the conditions endured by non-status women to be very complex, due to the intersectionality of various interrelated discourses. The results of my survey suggest the validity of Wijers’s (1998) broad perspective, when he argues that the reality encountered by trafficked women is shaped by such factors as:

(a) their position as women who migrate from one country to the other, regulated by migration laws;
(b) their position as women who migrate for work, regulated by policies and laws dealing with migrant workers;
(c) their position as women who work or worked in prostitution, regulated by prostitution laws;
(d) their position as victims of internationally organized crime, regulated by criminal policies on trafficking; and
(e) their position as women in their home countries and the receiving countries, which is reflected in the first four areas (70).
As mentioned earlier, the data presented in this section suffers from various limitations arising out of ethical considerations. Notably, the survey avoided asking direct questions regarding the discourses of trafficking or engagement in sex-trade work. In any case, building a sense of trust in service providers was a very important factor in encouraging women to come forward. As the following statement indicates, most non-status women live in isolation, and experience extensive fear of their employers and the violence they might inflict:

[M]y friend who gave me your phone number told me you are trustworthy person. I feel I want to run away but where! My German friend [a trafficker] has involved me in a sex trade work (Survey Questionnaire Respondent #78).

Based on the data findings at the time when the survey questionnaires were completed, all of the women surveyed were non-status persons without immigration visas. Regardless of their port of entry or method of travel (including smuggling, trafficking, and travelling with legal visas, either voluntarily or by force), these women encountered a common set of outcomes, which, in turn reflect a common set of underlying conditions. These conditions, both before and after migration, may be summarized as follows:

(a) Most trafficked women arrived with legal visas.

(b) Prior to their migration, most of the women were caught between the forces of capitalism, globalisation, and the feminisation of poverty. These forces made them vulnerable to the orchestrators of the sex trade, who employed various means of control, including coercion, deception, debt bondage, and violence.

(c) Most women were recruited by Canadian employers, traffickers, and smugglers.

(d) Once the women arrived in Canada, the smugglers, traffickers, and employers had full control over their passports and other identification documents.

(e) Most women had no idea about the status or expiration-date of their visas.
(f) The conditions of these women’s work were similar across the board: as “sex-trade workers,” they were enslaved, exploited, and abused by their recruiters and employers.

(g) The women were forced to comply with their customers’ wishes, even when they expressed their desire not to.

(h) The women were regularly threatened with deportation or being turned over to law-enforcement agents.

(i) The women were forced to work long hours and serve customers in private homes, commercial sex industries, care facilities, and strip-clubs.

(j) Since most women were denied access to healthcare, some reported suffering from sexually transmitted infections (STIs).

(k) The women had little access to money or any sort of social support system, and were highly isolated or kept under the surveillance of their employers.

(l) All of the women referred to their trafficker, owner, or pimp as their “friend.”

The non-status women’s position as undocumented sex-trade workers with little control over themselves or their bodies had dire consequences for their health and wellbeing. Some were forced into drug addiction in order to ensure their dependency on their employers for substances; others turned to illicit drugs and alcohol abuse as coping mechanisms. The following remarks by one survey respondent provide some insight into this situation:

A Portuguese male [trafficker] brought me to Canada and promised he will pay for my college. He holds all my documents. I work in sex-trade and he makes money out of me. I don’t have access to health care system […]. I am always with this Portuguese guy so I don’t run away […]. I get free accommodation, clothing, food, and free drugs etc and pocket money […]. I am sure that I will be shipped back to other countries to work (Survey Questionnaire Respondent #150).
The women also reported feeling frustrated, depressed, anxious, angry, and sad, and many suffered from low self-esteem. Some also indicated their intention to harm themselves. These findings are analogous to those of Carol Pateman’s 1988 study, in which she positioned the discourse of prostitution as an integral part of patriarchal capitalism and of the “male sex right” that provides access to women’s bodies by subordinating prostitutes to their clients. Since trafficked women serve as a sex slaves operating under the control of their employers, they must be prepared for their role (Pateman, 1988). Upon arrival in their destination countries, trafficked women immediately find themselves in difficult situations in which they have no choice but to comply with traffickers, brothel owners, or pimps in performing sexual services against their will. Of course, the capitalist structure of this relationship means that these women’s employers are more interested in the commodities they produce for profit (i.e. sexual services), rather than in the women per se, despite having to maintain their appearance in order to attract more customers and extract further profit (ibid.). The following quotation sheds light on these immediate post-arrival conditions:

This so called Canadian friend [trafficker] owns a strip-less club—he never mentioned the type of business he owns when in Singapore. [...] He promised me a better life in Canada with better pay. [...] I cannot change job as this Canadian friend has my documents and threatens me with deportation. [...] I do lap dancing (Survey Questionnaire Respondent #122).

As indicated by Stalker, many trafficked women are deceived into thinking that they will have well-paying jobs to support their families back home. As the following two women report,

I was brought here by a Chinese business couple. They both used me as their sexual partner. Sometimes I sleep in their bed and have threesome sex. On the weekends they invite their friends and have group sex. I was in a sex trade in Thailand but I have never had group or threesome sex. Since I need money to send to my family abroad I have no choice but to remain with this employer. (Survey Questionnaire Respondent #158).
I agreed to come to Canada with a Canadian friend [a trafficker] as he promised me a better job as he is a business tycoon and promised me that I would make more money and be able to buy a house in Thailand for my family (Survey Questionnaire Respondent #123).

It is important to note that most women had no idea they were being trafficked, since they travelled with valid visas. Many were also unable to identify that they were involved in the sex-trade industry, as their traffickers kept them inside the house, and forced them to perform sexual services for men whom they designated as “friends” rather than customers. As one woman explained,

I met a Canadian [trafficker] in Indonesia and he promised me a better life and a job. He uses me like a sex symbol and expects me to satisfy all his friends sexually and wants me to dance naked and have sex in foursome or threesome. My partner [a Canadian “friend”/trafficker] supports me and gives me little money to spend because I provide services to his friends and possibly he keeps the money (Survey Questionnaire Respondent #124).

It is the dichotomous relationship between the owners of the labour power (pimps, employers, or traffickers) and their property (women’s bodies) that allows them to subdue these women and compel them to labour for as long as they maintain their power. This power relation is different from that of the customer who contracts women’s sexual services, inasmuch as he only has one interest: women and their bodies, since it is the body and sexual access to it that becomes the subject of such contracts (Pateman, 1988).

Since trafficked women are rarely paid any wages, the goal of their pimp, employer, or trafficker to produce surplus value mainly depends on keeping potential customers fascinated. Thus, pimps, employers, and traffickers are always searching for new workers: young and often underage virgin girls who are prepared for their role from girlhood to womanhood through physical and mental abuse and torture, in which they are locked up in isolated rooms and drugged for submission (Duon Bach le, 1999). According to recent reports, children make up
more than half of the trafficked population. Trafficking Third World children generates new customers such as pedophiles, who would otherwise travel overseas. Thus, the in-house sexual services of a child not only generate customers and profit, but also exceed the expected profit.

The following quotation relates the experience of one child sex worker:

My parents are poor in China and could not afford us. They sold me to a Chinese man who took me to Singapore. I was forced into the sex-trade. Another Chinese man brought me to Canada and also in Canada I am sex-trade worker and also do odd jobs to support my child. I feel my life is torn apart and if deported I cannot go back to my parents as I have no contact with them (Survey Questionnaire Respondent #156).

Unfortunately, the class struggle and excessive poverty in some regions have made women’s bodies, particularly those of young girls, accessible for sexual exploitation. Often, families are left with no other option than that of selling their children, either in the hopes of offering them better opportunities or of meeting the living expenses for their remaining family members.

After being forced into prostitution, women reported losing their self respect and sense of personal identity. They also indicated that this emotional turmoil was accompanied by feelings of guilt and disgust with respect to their bodies. In all cases, women were aware of being constructed as criminals for creating moral panic at their immigration status and the supposedly wicked sexual acts they performed. As Sidanis and Pratto (1999) point out, their lack of legal immigration status puts trafficked women at the bottom of the social hierarchy (117). Of course, any notion of immigration status is highly political; the enormous difficulty women face in gaining citizenship status impinges on their likelihood of gaining employment, obtaining protection, and accessing resources and security. It is unfortunate that, as women negotiate improving their lives, such discussions become diverted into the discourse of illegality rather than that of human rights. These are precisely the conditions that permit non-status women to
lose their independence, inasmuch as their wages, earnings, and general health are in the hands of their employers. As one woman explained,

I was brought here from [redacted] by a business man [a trafficker] who promised me a job in his private long-term care. Once I came here my job was to service seniors to satisfy their sexual desires in his long-term care. I do blow job, I masturbate men and women and also provide oral sex. I just cannot get out of this job as my employer has all my documents (Survey Questionnaire Respondent #157).

Under the temporary-migrant-worker and live-in-caregiver programs, nannies and domestic workers have played an important role in the Canadian economy, particularly after women with citizenship began to participate in the public workforce and domestic servants slowly disappeared from Canadian homes. The Canadian government further promotes such programs in order to justify cutbacks to social-service programs and daycares, making such care a personal problem rather than a public concern. Due to the ever-restrictive criteria attached to live-in-caregiver contracts, as well as the extent of the abuse that, in some cases, they endure at the hands of their employers, some of these women ended up losing their legal status. In order to support themselves, many engaged in the sex-trade. Some of the perils associated with work in domestic contexts are revealed in the following quotation:

I came to Canada to work as nanny for an Indian couple. I was raped by my employer and got pregnant. My employer was caught red-handed and I was thrown out of the house overnight and went to live in shelter. The employer’s wife has called immigrating officer and reported me. I fell prey of sex-trade work (Survey Questionnaire Respondent #155).

In understanding how women become sex trade workers, one must add another layer of analysis: official immigration status, and the lack thereof. This is because, as we have seen, the intersectionality of immigration status with the criminal-justice system, especially when combined with issues of sex, race, and class, along with other spoken or unspoken social relations, sets the stage for violations of gender rights, including by violence and rape. Through
this dialectical relationship, the consequences for trafficked women become excruciating: if a woman escapes her employer, she falls prey to punitive law; if she escapes from the law, she is left with no choice but to go underground. The following case is another example of the situation causing woman to engage in the sex trade:

I was hired by a Canadian couple who had a business in Taiwan. They brought me to Canada with them on a work permit. I have no idea whether my permit is expired or not as my documents are with my employers. I am sexually abused by my employer. I got pregnant and he told me to get an abortion. He also threatens me not to disclose this information to anyone (Survey Questionnaire Respondent #159).

Of the 155 non-status women who completed survey questionnaires, 23% (35 women) reported performing sexual services as a means of supporting their families. While sex-trade workers are exposed to danger from their clients, their pimps remain outside of the contract between the sex-trade worker and client; this parallels how the capitalist state remains ostensibly neutral, simply regulating and enforcing contracts. The capitalist state’s supposed neutrality with respect to ordinary contracts also characterizes its stance with respect to the relationship between sex workers and their clients; thus, the state takes no responsibility for protecting sex-trade workers or for committing to long-term prevention strategies (Pateman, 1988).

Indeed, as Crépeau (2003) argues, the Canadian government has played a rather hypocritical role, which, according to Sharma (2004), “makes the fact of migration an overriding concern and problem” (54). At the same time that the Canadian media have portrayed immigration as a security threat, the government has further constructed immigrants as criminals by raiding racialized brothels and reporting racialized people who commit crimes against humanity, including trafficking and sex-trade work. These actions create a dichotomous relationship that both increases the need for policing and police power and justifies heightened police presence on borders or in arresting traffickers and trafficked people. This is paradoxical
because, once migration is regarded as a crime, trafficked women come to be seen as the cause of the problem. The government reasons that, once this cause is removed, the problem is bound to disappear. This notion, which constructs artificial fears against both traffickers and trafficked people, is also used to justify controlling movement across borders, and the deportation of trafficked persons.

In November 2009, The Lawyers Weekly published an article entitled “Confronting human trafficking in Canada,” in which Benjamin Perrin named China, Moldova, Romania, and the Philippines as the main sources of human trafficking into Canada. At the same time, he recommended that Citizenship and Immigration Canada and the Canada Border Services Agency proactively prevent the movement from these countries of suspected victims holding fraudulent documents and bogus employment offers. Will the securitization of national borders as suggested by Perrin put an end to the trafficking of Third World women? Or will it simply “Other” the “trafficked victims” of the sex trade?

I would like to conclude this section by referring to Sharma’s 2003 essay on “No borders movements and the rejection of left nationalism.” In it, Sharma warns the left to reject nationalist endeavours and recognize nation-building projects and the broader processes of capitalist globalisation for what they are; after all, globalisation emerged out of undemocratic practices of nation-building. The nation-building process, Sharma argues, is a historical process arising from the oppression of existing communities. As she argues,

Rather than national states being a refuge from the ravages of capitalist globalization, their very formation—in Canada and elsewhere—has been a result of the violent imposition of a certain style of centralized, always extra-local power over many diverse systems of localized governance (37).

The following section will further explore the conditions of women who engage in sex-trade work.
4.27 Non-status women and sexual abuse

According to a 1993 Statistics Canada survey, just over half (51%) of all Canadian women have experienced at least one incident of sexual or physical abuse. Of all sexual-assault incidents against women, less than 10% are reported to the police (Statistics Canada, 1993; Ontario’s Women Directorate, 2002). “It is estimated that [most] women who are sexually assaulted do not report it due to feelings of shame and humiliation or fears of re-victimization through the criminal trial process” (Ontario’s Women Directorate, 2002, para. 6).

Aboriginal persons, immigrants, and racialized women are at increased risk of sexual abuse (Amnesty International, 2004; Federal-Provincial-Territorial Ministers Responsible for the Status of Women, 2002) due to issues of poverty, unemployment, underemployment, sexism, racism, stereotyping, and stigmatization from the criminal-justice system, service providers, and the general public (Amnesty International, 2004; Canadian Research Institute for the Advancement of Women, 2002; Jiwani, 2002; Federal-Provincial-Territorial Ministers Responsible for the Status of Women, 2002). Barriers to accessing services prevent racialized women from reporting incidents of sexual assault (Canadian Research Institute for the Advancement of Women, 2002). This situation is further influenced by women’s educational level, socio-economic status, and employment factors (Jiwani, 2002; Johnson, 1996; Khosla, 2003).

As is the case with other marginalised groups of women, sexual abuse is one of the most concerning problems that non-status women endure both prior to and during migration, as well as in their new life in Canada (Bruckert & Parent, 2004; Douglas, 2005). This issue has not been well-addressed because these women’s fear of deportation ensures that their trauma will be kept silent (Friedman, 1992; Hobbs & Sauer, 2005; Padgham, 2005). The sexual abuse of non-status
women often occurs when women have limited access to social safety, particularly when the abuser is well aware of the vulnerability of these women. Therefore, it is not surprising to find that out of the 155 non-status women who completed the survey questionnaires, 143 reported having been sexually abused or forced to perform unwanted sexual acts. Table 27 (on the next page) provides further detail on this issue.

<table>
<thead>
<tr>
<th>Unwanted intimacy</th>
<th>Frequency</th>
<th>Percentage</th>
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<tbody>
<tr>
<td>Have you ever been forced to have unwanted intimacy in Canada?</td>
<td>143</td>
<td>99%</td>
</tr>
<tr>
<td>My employer</td>
<td>36</td>
<td>25%</td>
</tr>
<tr>
<td>My partner</td>
<td>31</td>
<td>22%</td>
</tr>
<tr>
<td>A stranger</td>
<td>25</td>
<td>17%</td>
</tr>
<tr>
<td>My close family members</td>
<td>14</td>
<td>10%</td>
</tr>
<tr>
<td>My landlord</td>
<td>11</td>
<td>8%</td>
</tr>
<tr>
<td>My friend</td>
<td>5</td>
<td>3%</td>
</tr>
<tr>
<td>My roommate</td>
<td>1</td>
<td>1%</td>
</tr>
<tr>
<td>My co-worker</td>
<td>2</td>
<td>1%</td>
</tr>
</tbody>
</table>

Because of their underground existence, the sexual abuse of non-status women occurs in covert ways. Non-status women’s bodies are targets of abuse by their friends (5), family members (14), employers (38), colleagues (2), landlords (11), partners (31), and/or strangers (25). Sexual abuse and rape are weapons of terror and intimidation, used both to prove superiority and to seek revenge. The sexual abuse of non-status women occurs at random, in social isolation, and in situations where their financial vulnerability makes them subordinate to other people.

Within my professional practice, I have encountered women who have been raped in front of their partners and/or children. In one instance, the abuser and his friends raped my client to prove to her male partner that he was powerless and had to choose between calling the police for help (which would result in deportation) or witnessing this horrific torture. All parties involved knew that the criminal-justice system could not be used to stop the crime and enforce justice.
Police power, especially militarised power, fulfils notions of masculinity and masculine fantasy through the unleashing of aggression and rage, and by proving the dominance of one male over another male.

Patricia Hynes (2004) states that women in war zones are reluctant to report rape for a variety of reasons, including:

- fear of the rapist,
- fear of being socially ostracized,
- and internalized shame induced by traditions which blame women for sexual exploitation. Even when they seek medical assistance (which would be near impossible in situations of conflict and health resource scarcity), women often do not disclose having been raped (434).

Since most sexual abuse experienced by non-status women remains unreported, like women living in conflict zones, many non-status victims face a high probability of becoming targets of re-traumatisation by the same perpetrator or his friends. These women may also become the targets of gang-rape and/or be forced into sex-trade work by their abusers. The cycle of traumatisation and re-traumatisation, with its resultant feelings of guilt and self-blame, causes serious emotional trauma for non-status women. This often results in depression and/or suicidal thoughts or attempts. Abused non-status women therefore face higher risks of self-injury, alcohol and drug abuse, and mental-health challenges.

Often, these women’s abusers walk free on the street even as they suffer from severe physical, emotional, and sexual diseases. Because of their economic situation, these women often cannot afford medical services and fail to receive the support of social workers. As indicated by the women who responded to survey questionnaires, the physical impact of sexual abuse on non-status women is severe. Of the 155 women, 30 reported not being able to seek medical attention due to their financial situation or fear of the police and potential deportation. Similarly, 13 non-status women reported becoming pregnant and perhaps carrying their rapist’s child. 16 women
reported being able to manage paying for abortions and 12 women reported having had miscarriages. In the following table, we see that, in addition to sexual abuse, non-status women are subjected to sexual violation due to their limited access to preventive medicine for sexually transmitted infections, treatment, family planning, abortion, and maternal and supportive social services. Criminal-justice intervention is punitive towards non-status women and, therefore, many cases of sexual violation are kept secret and remain unreported. Abusers go free and pose a risk to other women.

<table>
<thead>
<tr>
<th>Physical impact of sexual abuse</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>I got a sexually transmitted infection</td>
<td>29</td>
<td>20%</td>
</tr>
<tr>
<td>I was afraid that health care professionals involve police</td>
<td>17</td>
<td>12%</td>
</tr>
<tr>
<td>I got an abortion</td>
<td>16</td>
<td>11%</td>
</tr>
<tr>
<td>I could not afford it</td>
<td>13</td>
<td>9%</td>
</tr>
<tr>
<td>I got pregnant</td>
<td>13</td>
<td>9%</td>
</tr>
<tr>
<td>I had a miscarriage</td>
<td>12</td>
<td>8%</td>
</tr>
<tr>
<td>Other</td>
<td>3</td>
<td>2%</td>
</tr>
</tbody>
</table>

Table 28

In situations of sexual abuse, non-status women are not eligible to access healthcare services in order to treat the resultant emotional, psychological, and medical issues. Sexually abused women have no access to HIV, STD, and/or gynaecological testing. Likewise, when a non-status woman is pregnant (whether she has been raped or not), she cannot access free abortion services.36

Choices for sexually abused non-status women who also live in poverty become very limited: a woman must choose between keeping the child and paying for the abortion by working longer hours in a low-paying job or becoming involved in the sex trade or other unlawful activities. In order to give birth, women must go to the hospital (or risk further complications by

36 In the City of Toronto, an abortion procedure costs up to six hundred dollars for those who do not hold an Ontario Health Insurance Plan (OHIP) or other type of health-insurance coverage.
giving birth without professional supervision). This generally costs over one thousand dollars, meaning that non-status women end up owing money to the hospitals where they give birth.

The violation of non-status women’s sexual rights in Canada is a national shame caused by the state’s inaction through its major institutions, such as the criminal-justice system and immigration laws. Canada is recognized as one of the top ten nations in the world for providing health and protective policies around the abuse and sexual violation of women and children. Paradoxically, however, certain women’s lack of immigration status provides license for sexual abusers even as it prevents their victims from accessing services.

The sexual abuse of non-status women is related to the intersectionality of health, immigration status, and the criminal justice system. The interplay of race, class, gender, and fears of deportation has a devastating effect on non-status women in that their sex and sexuality are often used to gain further control over their lives and bodies. Non-status women are denied essential civil liberties as the government fails to provide them with access to justice, medical care, gender-based services, and protection, to the point that these women become further targets of abuse.

In comparison to other countries, Canada has at least witnessed partial victories around policies regarding women’s reproductive power. Over thirty abortion clinics operate in Canada; that said, the costs of such services are not yet fully covered. Non-status women, in particular, are denied reproductive freedom and continue to suffer from oppressive federal laws that exclude them from accessing free abortion services, even in situations of sexual abuse.

Healthcare expenses and the high cost of living hinder the healthy settlement of non-status women and prevent them from improving their life conditions. At the heart of this problem, non-status women learn to improve their lives by locating themselves within their
surrounding environments through their informal networking and labour contributions. Knowledge, according to Lauder et al. (2006) “plays a decisive role in maintaining material and social progress both within developed and developing countries” (17).

I have heard non-status women’s testimonies of sexual abuse and rape and have observed both their pain and their strength. Although these women report feelings of abandonment, destitution, and exclusion from economic and social security, their resilience is admirable. The world of non-status women is not harmonious; instead, it is based on structural, gender, class, and immigration-status hierarchies that are structured around the police or state power to prevent their recourse for protection against sexual crimes. Non-status women’s agency and experience is thus obscured, resulting in the Canadian public’s perception of these women as “illegal” rather than as survivors of horrific crimes against their bodies and souls.

4.28 Deportability: “Fears of Vampire Prison”

In late 2001, I was providing social-work support to one of my non-status clients, an articulate and educated South Asian woman named Sara. Sara had lived in the US for a short while, until the imposition of mandatory registration policies in the wake of 9/11; thereafter, she managed to escape to Canada. She once told me that she suffered from insomnia, because her fears about deportation kept waking her up with nightmares about vampires. Sara later shared with me the following story, which she called “Fears of Vampire Prison”:

*In its mythical sense, a vampire is a dark-haired, mysterious man with a pale complexion, covered in shrouds, who craves seeing the blood seeping from his female victims. The vampire has managed to create a culture of fear for generations past, present, and future. For the vampire never dies; instead, he fulfills his desires by creating fear and death in his neighbourhood and by drinking the blood of his lovers. The more he kills, the more he feels guilty, and the more he feels the rush of killing. The vampire in my dream—Vampire—is consumed by misogynist fantasies. He wishes to imprison, seduce, and hypnotise his powerless and obedient female victims and mistresses, who willingly engage in masochistic sex-slave performances. In particular, Vampire assumes that none of his victims has any*
willpower or control over her body, mind, and sexuality. And it is true: each woman who fails to escape will lose her life to her master Vampire.

I am so saddened because, despite such tragic and graphic scenes, Vampire has managed to gather such a high turnout of satisfied viewers who are willing to pay a fortune to watch his horror movies. The men who pay to watch Vampire are voyeurs; they fear the criminal consequences of possessing women’s bodies the way Vampire does, but they don’t fall short of imagining themselves as vampires. They imagine that they are the ones torturing the bodies of the women in the film. In doing so, not only do they became the agents of Vampire, but they further manage to build masculine solidarity within the borders of their social location: they reproduce Vampire culture. These agents never deceive or report on the Vampire; their sexual pleasure depends on the survival of Vampire—and, in my dream, Vampire never dies! But one night, as I woke-up, I felt my soul dissociating itself from my body. I was shivering but wasn’t able to scream for help. As I looked more carefully, I felt the presence of Vampire in my room.

For Sara, Vampire represented the state’s power over her life in the atmosphere of post-9/11 anti-terrorist fever, in which she was constructed as a deportation threat. By means of storytelling, Sara disclosed to me what she would not have otherwise: her experience of sexual abuse and its resultant self-blame, self-hate, depression, emotional pain, and, most importantly, silence. Sara felt silenced because threats of deportation prevented her from living peacefully and seeking justice in her country, whether in the US or in Canada.

Deportability, or the fear and risk of deportation, is one of the most compelling conditions affecting non-status women’s health, opportunities, and life-chances. Deportability, however, does not necessarily result in detention or deportation; instead, it exposes women to various forms of labour and gender abuse, as well as exploitation. Deportability is purposely institutionalized by the Canadian government through its immigration and border control policies, as well as through the police force. It is spread through various means, including random raids, the media, word of mouth, and through personal connections with deportees.

As fears of deportability become embodied in the everyday living conditions of non-status women, they internalize such fears to the point where the mere threat and possibility of
arrest can give rise to mental effects equal to, or more severe than, actual deportation orders. These psychological effects cause exploitative outcomes for as long as the memory of this possibility remains in the psyche. Even if the state is not actively looking to arrest non-status women, the fear of this possibility, of unknowns, and of people within their social network or community fills their lives with illusion. The dialectical relationship between the internalisation of fear and the institutionalisation of deportability revitalises itself through random immigration raids and arrests. As Sara mentioned in her narrative, the fear of Vampire and the possibility of his victimisation made Sara more vulnerable. Her vulnerability caused her fear and her fear silenced her, both personally and with respect to the system.

Fanon adeptly talks about how the fantasies of the oppressed group often involve acts of rape and violence. This notion takes me back to Sara, whose life had been affected by the men who legitimated their acts of rape through the inaction of institutional policies, including those of the criminal-justice system. Despite the fact that Sara’s story is only one example, throughout my professional work, I have heard from many other non-status women whose lives have been profoundly affected by state inaction. This inaction essentially makes the state a perpetrator in producing and reproducing rapists and pedophiles.

The violation of non-status women’s rights is profound and widespread in our economy, social and political institutions, and everyday practices. Any attempt to analyze the extent of such violence must explore issues of race, gender, and class as they relate with one another. This analysis must not omit the problem of immigration status and the lack thereof, since these complex social relations of power justify violence, violation, and societal silence.

The criminalization of non-status women as illegal persons who endanger public safety, combined with these women’s internalisation of their deportability, seriously affects non-status
women’s identities. This, in turn, reinforces their sense of inferiority as they are forced to prove themselves by increasing their productivity under harsh working conditions, in which they lack opportunities to complain. Non-status women endure work-related harassment and sexual abuse without reporting them to the authorities. Their increased productivity increases employers’ profit, while the harassment serves male sexual domination. Meanwhile, such criminalization and the internalisation of its ideology further leads to non-status women’s submission to landlords, who demand more rent for deplorable living conditions. Unsurprisingly, this also affects non-status women’s relationships within their social networks.

Deportability can result in arrest and detention. Many of the non-status women I have worked with have informed me that accessing bail requires both a guarantor and a large sum of money, usually between five hundred and over ten thousand dollars. Most non-status women have limited financial resources and little access to guarantors; this results in them remaining in detention for long periods prior to their deportation. There are also women who remain in detention with their children because their partners refuse to bail them out, using this as an opportunity to escape from their responsibility of child support. Visitation while in detention is also limited, inasmuch as visitors are often required to have official identification documents along with their residency address. The effect of these policies is that, as Reiman posits, “social institutions work to maintain rather than to eliminate crime” (cited in Henry et al., 2000:168).

While in detention, non-status women are entitled to a detention review within forty-eight hours of being arrested. Thus, the Canada Border Services Agency holds the power of releasing detainees. Detention reviews occur before a member of the Immigration Division of the Immigration and Refugee Board; there, non-status women have the right to legal counsel. At the present time, community and legal assistance is available through the coordinated program of the
Toronto Refugee Affair Council (TRAC). Although private counsel is also available, financial pressure can make obtaining such services difficult if not impossible. Similarly, while in detention, some women feel desperate and seek assistance from immigration consultants, who command large fees, but often do not properly address their cases. Some women may end up paying up to two thousand dollars to these consultants, when in reality they have no access to the outside community to ensure that in fact their legal representatives have filed their case as they promised to do. Non-status women can be discharged from detention under various circumstances, as per the conditions set during their bail hearing. The bondsperson or guarantor must be a Canadian citizen or permanent resident living in Canada; he or she must know the detainee, and must be able to prove that the latter can obtain a performance bond by virtue of, for example, being employed, owning property, or having savings. These bail conditions, however, can become a barrier to non-status women’s release, since many of these women have only limited social support networks. For instance, 90% of the non-status women I surveyed disclosed that their friends are also non-status persons.

4.29 Conclusion

By relying on survey-questionnaire findings, I challenged and complicated pre-existing socio-demographic knowledge about non-status women. For instance, many people assumed that non-status people were predominantly of Latino, Caribbean, or Portuguese background. My data, however, suggested a greater diversity of backgrounds and experiences leading to these women’s migration. My data also contradicted the state tactic of claiming that non-status women are illegal border crossers, since it revealed that over 80% of these women entered Canada legally. Additionally, my data proved a correlation between the lack of legal status and negative health outcomes. The issue of sexual abuse, of course, was the most alarming revelation, with over 90%
of respondents reporting some form of unwanted sexual encounters. Through a feminist lens, I situated non-status women as transient migrants influenced by various state laws and policies ranging from those of immigration to human services and the criminal justice system. The production of non-status women as a category is not an accident, but rather a purposeful act in order to use these women’s sex, sexuality, and labour power to benefit the patriarchy and stabilise racism, sexism, and classism. The institutionalisation of state control over non-status women, therefore, shapes these women’s choices as they organize their lives in an underground manner while claiming a voice by navigating the system to access human-service resources. In reality, lack of legal immigration status increases fears of deportability, while at the same time denies these women the right to human rights.
Chapter 5: The Paradox of the Helping Professions: Human-Service Agencies and Advocacy Groups for the Rights of Non-Status Persons

5.1 Introduction

Most human-service agencies in Canada, including those performing mainstream social work (such as family and child-welfare agencies), settlement agencies, and the healthcare system, come under governmental control due to the process of funding allocation. This relation of power often constructs artificial “eligibility criteria” that perpetuate notions of inclusion or exclusion. Such notions can be gendered, classed, racialized, or geared towards various legal immigration categories. For this reason, publicly funded organizations retain little control over their own activities unless they manage the delicate dance between satisfying funders and meeting client needs.

This situation, however, can have an adverse effect on radical practitioners who want to practice within an anti-racist and anti-oppression framework. These people often find themselves forced to create invisible caseloads for their unqualified non-status clients, or to come up with creative forms of service delivery to assist their clients. Such practitioners are also obliged to follow the regulations of their professional and regulatory bodies, as well as the internal policies and procedures set by their agencies. These institutionalised systems of control, although under the guise of professional ethics, can constrain helping professionals and limit their abilities to provide equitable care, access to intervention and prevention strategies, and dignified treatments.

At the same time, individual practitioners’ ideologies and practices directly affect the modes of treatment offered to their clients; this can either further the marginalisation of disenfranchised people, or open a gateway to equity and access. In other words, practitioners are vested with the professional power that often decisively influences the lives of service recipients.
Such discourse, however, is regulated as a mechanism of unspoken rules organized by a set of interrelated social relations that are both professional (healthcare practitioners vs. settlement workers) and organisational (mainstream organizations vs. not-for-profits). As Nahla Abdo (1993) reminds us, one needs to question the ways in which racial hierarchies have historically excluded racialized and immigrant women from gaining key positions within mainstream organisations, or, as Lee (2000) suggests, have racialized and feminised the settlement sectors.

In this context, it is notable that, over the last three decades, many professionals (and, in some cases, their organisations) have become leading voices advocating for social justice and equitable access to public services. This coincides with an increase in the number of rejected refugees and non-status persons turning to faith groups, human-service agencies, and the healthcare system for help. Although this radical shift remains at an early stage, frontline practitioners have already joined various campaigns and networks to confront neoliberal state policies, funding control, and organisational limitations. This growing resistance movement is rooted, for the most part, in the actions of formal and informal social-justice activists from those faith-based, legal, and ethnic communities that have regularly assisted refugees and non-status persons.

This struggle first found its way into the public forum during the 1970s, when many churches became involved with refugee work, and immigrants, activists, and practitioners began to demand that the state address “refugee” issues. These voices remained a strong presence until the late 1990s, when, as a result of funding cuts, program restructuring, and the expansion of neoliberal ideologies, churches ceased taking a public interest in refugee work—though many remain silently supportive. Since 2000, however, thanks to the advocacy work and coalition-building of human-service practitioners, social-justice activists, and academics, new social
movements for the rights of non-status persons have once again emerged. In the present era, when the government places more emphasis on shrinking public programs than on addressing systemic social problems, radical movements from below play a vital role in demanding the legalisation of immigration status, and promoting access to public services as a human-rights concern.

These movements did not re-emerge unchanged from their period of marginalisation. There is a disconnect between those involved in such work during the 1970s, 80s, and 90s, and those who have joined the movement since 2000. As a result, there is a lack of history and continuity on the issue of non-status persons and the issues they face.

However, all past and present practitioners and advocacy groups for the rights of non-status persons have made important contributions. Some claim a radical stance resisting local and global inequalities, while others operate within the micro- and mezzo-level context of resource mobilization. While the former challenges border control and claims freedom of movement, the latter promotes the expansion of non-status people’s horizons in accessing health, education, affordable housing, and legal services.

While it is essential to address the global and historical context of colonisation and capitalism that has resulted in the exploitation and mass migration of non-status persons to developed countries like Canada, it is also critical to conceptualise how such conditions manifest themselves in the everyday lived experiences of non-status persons. Based on the findings of thirteen individual and group interviews with practitioners and activists, as well as 155 survey questionnaires gathered from non-status women, the question of power dynamics such as class, race, citizenship status, and gender relations is important. This question is a site of conflict between, on the one hand, activists and academics who claim to represent the voice of non-status
persons and, on the other hand, non-status women who proclaim the lack of representation of their voices by these groups. These conflicts are especially dispiriting because non-status people themselves have been silenced through fear of arrest and deportation, leaving advocacy work in the hands of activists and human-service practitioners.

When the state fails to protect its residents, it is necessary to take political action to confront the law. Despite their limitations, activist groups are still important as a place to raise frontline frustration, build allies, confront discriminatory immigration policies and the eligibility criteria attached to these services, and raise state accountability towards its human-rights obligations.

My purpose in this chapter is twofold. First, I want to find out how service providers and activists respond to the needs of non-status women while dealing with the challenges of limited resources, as well as whether their services are reflective of the needs of these women. Second, I want to explore how service providers and activists perceive, assess, produce, and replicate their professional involvement with non-status women as mediated by various organisational policies, mechanisms of service delivery, and systemic structures.

Because little has been written about the historical discourse of advocacy on behalf of non-status persons, I will be relying heavily on individual and group interviews with practitioners and activists from both historical-political eras (the 1970s to the 1990s and the post-2001 era), as well as on various newsletters and reports I have gathered over the years. I will also be drawing on my two decades of experience as an activist and frontline social worker and therapist with various NGOs and settlement agencies, the criminal-justice system, and the healthcare sector. Additionally, I will be referring to the results of 155 survey questionnaires completed by non-status women (as discussed in Chapter IV). I want to determine not only how
non-status women negotiate between their needs and the challenges posed by lack of access to resources, but also whether service providers and activists have been able to respond to such needs. I have organized this section chronologically, focusing on four distinct historical eras: first, the period beginning in the early 1970s and extending throughout the 1980s; second, the 1990s, when major policy shifts occurred at both the federal and organizational levels; third, the period of silence beginning in the late 1990s and lasting until 2001; and, fourth, the period from early 2001 to the present day.

5.2 Data collection

For the purpose of this thesis, I interviewed a total of thirteen human-service providers and activists representing a variety of fields. These included: one social worker, one nurse, one lawyer, one child-protection worker, one community-health promoter, and one community worker. I also interviewed one academic who held the additional roles of service provider and activist. In addition, I conducted three interviews with service providers who were deeply engaged in activist movements, as well as three interviews with activists who were involved with non-status persons from the 1970s to the late 1990s. The latter group included one member of a faith group and two members of different activist networks. Although I only planned to conduct individual interviews, on two separate occasions, interviewees invited their colleagues to participate in my research project. For this reason, I collected further data from two focus groups: one with social-service workers from diverse fields, and one with activist groups from various networks and coalitions. All social-service providers who participated in individual interviews and focus-group participants worked within the GTA. The activity of the activist groups, however, were mainly centered within the downtown and west end of Toronto.
Of these thirteen participants, one activist and one service provider requested to correspond via email, with the possibility of further discussion in person or via email; all other interviews were conducted in person, and recorded on audio tape. These interviews took place from May to December 2007. To recruit these participants, I relied heavily on my insider role as a social worker, activist, and academic. My community affiliations were my entry point to professionals who worked both directly and indirectly with non-status women. This process was further facilitated by my contacts with organizations.

5.3 1970s-1980s: The rise of faith-based groups

Although the 1960s feminist movement in Canada confronted gender inequalities, it remained racially blind. As we reached the 1970s, however, the voices of racialized and immigrant women found a political forum. That said, rejected refugees and non-status women remained silent. Categorised as “undeserving and illegal” immigrants, many non-status women and their families lost the opportunity to gain legal immigration status; they were deported to the very countries whose human-rights violations they had initially escaped. Over time, however, many faith groups began to offer sanctuary for rejected “refugees,” regardless of the claimants’ religious beliefs. The late 1960s and 1970s, in particular, are considered a landmark period in the life of churches and other faith groups in Canada. During this period, the Canadian Council of Churches recruited numerous activists, academics, volunteers, and staff to build the Refugee Concerns Project, later renamed the Inter-Church Committee for Refugees (ICCR).

At the outset, the main focus of the Committee for Refugees was on refugee policies. They responded to the flow of Chilean refugees and their resettlement issues, as well as, later on, to the flow of Vietnamese refugees formerly known as “Boat People.” These interventions were not without their own challenges. The Committee soon realized that, in order to address the
needs of these refugees effectively, it needed to engage in further international human-rights work, while also confronting the Canadian system of refugee determination. After facing numerous challenges presented by the Canadian government, the Committee settled upon the following stance:

Canada does have the right to control its borders, but [...] where Canada is a ‘logical and accessible’ haven, that is, where it is within geographical or airline proximity [...] a visa should not be required (Thompson, 1994:205-206).

Paradoxically, for the first time, such a debate caused public concern over the balance between the right of the state to control its borders and the right of refugees to find protection. Although it is beyond the scope of this section to provide detailed information about the activities of the activist groups in general and the ICCR in particular, it is important to note that the local Inter-Church Committees for Refugees was closely linked to national and international committees, as well as to the United Nations High Commission for Refugees, Amnesty International, and other human-rights organizations. This made the impact of their work more effective. The Committee managed to have an active influence on the refugee-determination process by broadening the definition of a “refugee,” presenting regulations for full refugee hearings and appeals, effecting changes to sponsorship processes, and developing national and international programs for monitoring human rights. It was also responsible for creating refugee resettlement programs and bringing about modifications to the “designated class” category and “safe country” provision. As one activist reported:

At the time, society was based on humanitarian and companionate ideology [...] it was a “global village.” The era of post–Point System demanded population growth, there were less immigration policy restrictions. As a society, we also had more compassion towards refugees, more open door policy (Interviewee #1).

37 For this reason, Fred Franklin of the Society of Friends in Toronto worked closely with Fran Arbour of the Latin American Working Group, Tim Draimin of the Jesuit Centre for Social Faith and Justice in Toronto, George Cram of the Anglican national office, and John Foster of the United Church national office.
The activist groups were also involved in working with rejected refugees. In 1985, for example, the Inter-Church Committee for Refugees and the Canadian Council of Churches took positions on the case of Singh et al., which concerned rejected refugees who challenged the court for not providing them with a full oral hearing. The claimants won the right to appeal, and brought about the landmark agreement that everyone physically within Canada’s borders would fall under the Canadian Charter of Rights and Freedoms (Thompson, 1994).

As the immigration system became more interested in the independent class, however, the new Point System policy saw a shift towards less inclusive refugee processes, as well as an increase in the number of rejected cases and deportation orders. As a result, practitioners witnessed an increase in the number of non-status persons living underground. This trend resulted in the creation of new strategies:

I learned a lot from Quakers, Sisters of St. Joseph, and many others. Our job was to protect people who were at risk of imprisonment, torture, or death if they were returned to their country of origin. There were some cases that we all believed in so intensely. We would go in front of the Immigration Office for demonstrations, embarrass Immigration through the media, and get everyone to write a letter and fax it to Immigration (Interviewee #1).

In response to these discriminatory immigration policies, the activities of activist groups became more organised at the local, national, and international levels. At the local level, community members helped provide sanctuary and assisted with the relocation of non-status persons. They addressed settlement needs through a variety of informal means, including housing individuals in their own homes, accompanying them to appointments and hearings at the Immigration Office, assisting with Humanitarian and Compassionate applications, giving financial support, teaching English as a Second Language (ESL), and providing follow-up at detention centres.
Other activities included maintaining political engagement and collaborating with settlement agencies, academia, the media, faith groups, refugee activists, and other marginalized communities. These political activities were retooled in order to attract more public attention; for example, several groups produced regular, widely distributed quarterly or monthly newsletters with detailed information on rejected cases. Comedy and the arts were also marshalled in support of the cause. Throughout these activities, the goal was to create a sense of national shame in order to push for policy changes. This local movement eventually gave birth to *Vigil*, an organization assisting rejected refugees and non-status persons. As Interviewee #1 recalled,

One of the issues that came up was the case of Mohammed. The Jesuit Social Justice Centre was in touch with what was going on, and they heard about this man that was being turned back at the border of the United States without a hearing. They called everybody that they knew. A whole gang of people got in cars, made placards—didn’t know what we were doing. We got newspaper, radio, and TV coverage; and then *Vigil* was born. […] We gathered up at Mama Nancy’s house, which was a growing place (refugees in and out, cats in and out), and we started to work (Interviewee #1).

In early 1989, as the number of rejected refugees being deported rose, several refugee activists formed a group in order to protect rejected refugees in danger of deportation. The birth of *Vigil*, a Canada-wide network of activists, resulted in an effort to apply national pressure on behalf of individual cases. The Vigil Toronto Action Committee was formed in March 1989, while the Jesuit Centre helped coordinate the national network and produced the journal *Refugee Update* to share information across the country (*Vigil’s Nameless Newsletter, Spring 1995*). At the international level, the Refugee Committee took the lead in following the individual cases of

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38 Nancy Meek Pocock (1910-1998) was an artist, a Quaker, and a pacifist. She supported many refugees in Canada and overseas, and was the recipient of numerous awards, including the Pearson Peace Prize, the Order of Ontario, an honorary doctorate of divinity from Queen’s University, and the Medal of Friendship from the Socialist Republic of Vietnam, among others.

39 It was named *Vigil* by Nancy Pocock. As she explained, “We went to Niagara Falls or other Canada-US borders to hold vigils in order to stop deportations and to save lives—this is no different.” For Nancy, the name carried overtones of religious belief.
deportees, as well as producing regular reporting through local newsletters and other publications.

5.4 The 1990s: Community mobilization

My first professional encounter with non-status persons came in early 1990, when I became involved with an Iranian family facing deportation. Immigration officials had arrested the woman at her home and she was now being held in a Toronto jail. Her husband had managed to escape with their two young children, but soon they too were arrested and placed in the Toronto West Detention Centre.

This incident followed a sharp increase in the number of deportation cases under the leadership of Barbara McDougall, then minister of Citizenship and Immigration Canada. According to official documents, the span of time between 1989 and 1990 saw over five thousand deportations from Canada. In response to these practices, many Toronto activists organized public demonstrations protesting the deportations and calling for the detainees’ release.40 Active among the organizers were state-funded settlement agencies that, under essentialist and Eurocentric rules and relations of power, were segregated from mainstream organizations to deal with the concerns of immigrant and refugee clients. Highly controlled by state and nationalist ideologies through citizenship discourse, the field of human services therefore as Lee (2000) suggests ‘created its own exclusions’, mediating who should serve who while simultaneously dictating the notion of eligibility criteria based on immigration statuses excluding non-status persons from the right to access services.

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40 Progressive organizations such as the Canadian Council for Refugees (CCR), Vigil Toronto, the Jesuit Centre, the Toronto Refugee Affairs Council, and the United Council of Churches promoted open-door policies for the protection of those considered “real refugees”; these groups were joined by various refugee-law offices, ethnic-specific agencies, and other refugee-advocacy groups.
Meanwhile, there was also great concern about the treatment of rejected refugees during their arrest and throughout the process of deportation. For example, at one point, Minister McDougall openly acknowledged that sedatives were used on “uncooperative” deportees. In May 1990, the House of Commons banned the use of sedatives, thanks to the support of NDP Member of Parliament Daniel Heap. To combat such mistreatment, many practitioners and activists also relied on the media for public attention. For instance, in 1991, the *Globe and Mail* published an article entitled “Some deportees shackled: Unwilling passengers gagged after sedation banned.” This article contained the revelation that “Canada is deporting people in shackles and in some cases with tape over their mouths to keep them quiet on commercial flights as an alternative to sedation.”

The late 1980s and early 1990s witnessed dramatic shifts in immigration policy. The Point System, although aimed at eliminating hierarchical, raced-based policies, ended up adding a class-based system. This resulted in an ever-growing number of “unqualified” migrants entering Canada either “illegally” or with legal visas—which then disqualified them from satisfying refugee criteria. And there were other problems. In 1989 alone, there were over 100,000 backlogged cases awaiting immigration hearings. And yet, even after the refugee-determination process received a facelift in the form of the Clearance Program, Minister McDougal drew criticism from the *Toronto Star* (Hall, 1989) and the *Toronto Sun* (Guidoni, 1989) for reviewing only 5% of refugee cases.

It is important to note that, although discriminatory immigration policies played a central role in creating and perpetuating the discourse of rejected refugees and non-status persons in Canada, there were other important factors. Despite a radical movement towards calling for a just immigration system, this movement was itself limited in its ideological approaches. First of all, I
found the notions of “real refugee” and “real rejected refugee” to be problematic. In the public consciousness, real refugees were poor, racialized individuals from Third World countries escaping war, political persecution, or torture. Therefore, there was little empathy for those considered “economic refugees” or “economic migrants.” These individuals were detained and deported without much legal or political intervention. One practitioner framed the problem as follows:

The first question that is asked is, “Is this person a refugee under the Geneva Convention?” And, of course economic refugees are not. […] Churches and other religious organizations tend to be quite conservative—that’s a vast and sweeping statement, but they don’t want to operate outside of law. If they are helping to hide economic refugees, they are going to have to break the law (Interviewee #2).

This statement indicates the limitations of international migration laws that have so far been unable to address the movement of over 30 million people worldwide, leaving them with little protection. It also indicates the perpetuation of systemic racism against non-status persons in Canada through the mechanism of criminalizing them as undeserving immigrants. The biggest question, however, remains: why must defending the lives of individual non-status persons be left to faith groups or individual practitioners and activists?

A second problem concerned Canada’s failure, prior to June 1993, to recognize sexual orientation as reasonable grounds for claiming Convention Refugee status, because sexual orientation is not a race, religion, or nationality, nor is it categorized as a political opinion. Canada refused protection to many whose claims were based on sexual orientation. The category of “membership of a particular social group” yielded mixed results. For instance, in 1992, a Polish refugee who claimed to be subjected to severe beatings and rape, by both youth gang members and the police, was turned down. The Immigration and Refugee Board believed the claimant’s story, but did not consider him to belong to any “particular social group.” Such
discriminatory and homophobic policies resulted in gay, lesbian, bisexual, and transgender refugee claimants having to live underground without socio-political support.

A third problem that surfaced in the 1970s to mid 1990s was that the immigration system processed female cases as part of applications filed by their male family members. This was in spite of widespread global reports and statistics suggesting that women comprise 80% of the world’s refugee population and that they are at higher risk of abuse during pre-transition and post-migration processes. Despite their large numbers, less than 30% of these women arrived in Canada—not to mention their lower acceptance rate after arrival. As one practitioner reported:

I think generally it’s easier for men to travel and to live in very rough conditions than it is for women to come with children. Often the men came to make a place for their families to join them when they had regularized their lives—assuming that they ever did. [...] Mostly, I remember the cases that we didn’t win, because they were so awful. I would say that one third won their status and two thirds didn’t—roughly (Interviewee #2).

Women’s lack of a voice affected their life chances, including their ability to gain legal status. Female applicants also had fewer opportunities to fit the eligibility criteria attached to various immigration statuses or regularization programs (such as the Point System and legal visas). For these reasons, many rejected female refugees and non-status women had no option but to live illegally. To meet their basic needs, many of them sought support from faith groups, social-service agencies, community activists, and individual activists.

5.5 Gambling: A source of protection?

In November of 1992, as the deportation of rejected refugees loomed, representatives of various human-rights organizations (including Vigil Toronto, Romero House, and Amnesty International, and supported by religious leaders and the sanctuary movement) took collective action, demanding protection for at-risk deportees. That said, those stuck in the system continued
to pay a high price in the form of lengthy wait times. The delays were especially arduous for children born to these families in Canada. During this time, settlement-sector funding shrank, and many agencies became dependent on short-term and project-specific grants and volunteers (Lee, 2000). These developments affected the provision of services and programming; at the same time, they increased government control over clientele-eligibility criteria. As a result, agencies lost the flexibility to offer assistance for rejected refugees and non-status persons, including children.

The problem of shrinking funding constructed a hierarchy of oppression in the context of client care. This resulted in a politics of difference where racism and nationalism merged with the issue of immigration status to exclude refugees and non-status persons. To address the needs of their marginalized clients, many agencies were forced to rely on private fundraising and charity—to the point where some settlement workers and staff began working in bingo halls and casinos to make extra money. As one practitioner recounted:

The problems were financial. For a long time, we raised money to do our work through the roving casinos. It was a horrible way to raise money, but we could raise a lot of money in a very short time—especially if we didn’t need to sleep very much. When the government set up permanent casinos and the roving casinos stopped, there were no options for us but to go to the Trillium Foundation or other provincial foundations that were taking money from the lotteries and casinos and then distributing it to community organizations. We did get some money from them, and we were in a bind: we had to tell them what we wanted to spend it on (Interviewee #2).

At the time, the Lottery Department granted licenses to non-profit agencies with a registered charitable number. In the late 1990s, however, the government took over the casinos and bingo halls and opened the Niagara Falls Casino. This change not only centralised governmental control over the gambling business; it also enabled the new Ontario Lottery and Gaming Corporation to deny non-profit organizations permission to gain profit. As result, many
small organizations lost their salary and program funding; some were dismantled, some turned to
other methods of fundraising. Another practitioner recalled the situation as follows:

We lost a great amount of funding to bingos—it was paying a full-time staff
lawyer for me to assist non-status persons. I survived by getting money from the
Maytree Foundation for one year, and, after that, all my funding died. I had to
fundraise twice to pay the taxes. Revenue Canada was after us. […] I had to do
other types of fundraising. […] Finally we paid all of the taxes. I didn’t close the
agency; I kept it open (Interviewee #3).

Turning to charities, however, was as difficult and problematic as requesting project
money from the government itself. Organizations had to convince charity foundations as to how
the money would be spent. As Interviewees #2 and #3 recalled, “They would say, ‘No, you can’t
serve non-status, it doesn’t fit our purposes.’ […] Even Canadian Auto Workers turned us down.
[…] At the time, they were not interested in the issue of non-status.” Due to such restrictive
criteria, many agencies were turned down and many had no choice but to cut down their services
and programs. Also, agencies had to present their charitable number—in spite of the fact that
most advocacy groups were not provided with this privilege:

We removed the word advocacy from every document that we had, because we
thought that was the reason that they weren’t granting us status. They knew us,
 knew that we were the “burr under the saddle,” and they didn’t want us to have a
charitable number. That was the way that they closed us down: by apathy
(Interviewee #2).

5.6 A new approach: Organizational reform

As the mid-1990s approached, however, most agencies faced proposed organizational reforms
and new technological requirements that impacted their service provisions and silenced them.
Settlement agencies, for instance, were now provided with computers, while simultaneously
being asked to submit detailed monthly statistics containing their clients’ personal information,
including their immigration statuses.
Although this approach presented itself as a way to stop so-called shopping around (accessing the same service at two different organizations), in reality, it was more concerned with gaining control over immigrants and excluding those considered ineligible. At the organizational level, clients’ failure to provide proof of their identities resulted in a variety of measures, including denial of access to services. Such exclusionary reforms disqualified rejected refugees and non-status persons from accessing services. Rooted in a historical process of nation building and a cultural process of racialization, such categorisation simultaneously strengthened the domination of citizens over immigrants and treated non-status persons as a subordinate group even among those considered as subgroups. In other words, the discourse of service fraud enabled the state to raise the spectre of possible immigration fraud as a means of making legal immigration status into a category of inclusion or exclusion for exercising power over all aspects of non-status peoples’ lived conditions.

It is important to note that, during this period, most human-service organizations faced drastic cuts in funding introduced by Mike Harris’s provincial Conservative Government. Social assistance (formerly known as welfare) was no exception. In their book Criminalizing Race, Criminalizing Poverty: Welfare Fraud Enforcement in Canada, Mirchandani and Chan (2007) demonstrate how a shift towards surveillance, policing, and harsh reforms, compounded with the inadequate income afforded by welfare, left many marginalised people with few options for survival. The authors further remind us that such policy changes “have always occurred alongside other practices of surveillance [for instance] since September 11th that negatively affect people of colour, such as the restriction of refugee claim acceptances and the tightening of borders, which allow for the blatant exercise of racism in the name of national protection” (Mirchandani and Chan, 2007:21).
The policy reforms of the 1990s not only widened the class gap; they also further silenced the lived experience of non-status women who were now criminalised by social programs, the immigration system, the media, and the public. At the same time, many settlement agencies and programs were fighting to increase their funding, or competing with one another for smaller project funding. During this time, there was a shift in settlement agencies’ advocacy work. Interviewee #3 explained the situation as follows:

Settlement organizations’ mandates had limitations. However, people who were working at settlement agencies at that time had this notion that they were helping newcomers and refugees. They had this radicalism about them wanting to provide care and help. It wasn’t administration work; it was the whole notion of wanting to take care of a person who was in need and arrived and needing to settle, and if that process required—how to say it?—activism, exposure, extra work, volunteer work, then so be it (Interviewee #3).

Reflecting on the work of McKenzie and Wharf (2010), one can argue that the drastic political and economic inequalities surrounding class, race, gender, and legal immigration status are the product of society’s dominant ideology, as systemically reinforced by its institutions, and hence serve the interests of neoliberal capitalist democracy. There is no question that it is such reforms that push many non-status persons to accept unstable and dangerous employment conditions. That said, in my own experience as a social worker, I was faced with multifaceted challenges in dealing with the complex living conditions of non-status persons, while also negotiating between their needs and the criteria for accessing public resources. This complexity was exacerbated by various other conditions, such as organisational politics and policies, fears of funding cutbacks, inadequate resources, and governmental pressure—for instance in the form of privatisation. As a worker, I felt tremendous pressure from a relentlessly demanding workload and high degree of work-related stress, combined with the employment insecurity of contract positions.
The government’s growing control over agencies’ clientele and funding provided very limited opportunities for workers who believed in practicing from within an anti-oppressive framework; indeed, many workers who were considered radical were fired from their positions (three of my colleagues among them). Agencies had no problem replacing workers—either by hiring new staff on short-term contracts, or simply by increasing the workload of the remaining workers. This dynamic resulted in an increase in my own productivity: I now had more cases per month and new responsibilities, such as facilitating more groups and attending drop-in programs, to name a few. At the same time, since I continued to support “unqualified clients,” I was often faced with hidden caseloads or “invisible clients,” who were not reflected in my monthly statistical reports, but who nonetheless received regular assistance. I felt the burden of the conflict between my professional ethics that made me strive to serve vulnerable populations and the governmental pressure in favour of exclusionary policies. In many ways, I acted as a buffer for the government’s lack of responsibility towards disenfranchised people, including non-status persons. I carried additional guilt for serving an unwanted population, and thus placing my position, and the organization, at risk.

It is important to note that, even in the midst of these organizational reforms, non-profit agencies resisted neoliberal restructuring and pushed to find alternative sources of funding or programming. For instance, at one of my agencies, we partnered with libraries to offer settlement services, and with public and community-health centres to offer parenting and educational programs. At the time, the idea of partnership was reinforced by funders, whose next item on the agenda was restructuring organisations with a view towards amalgamation.

It is similarly important to note that, in the late 1980s and early 1990s, the government provided some advocacy groups with secure funding. Ultimately, however, due to proposed
reforms, they too fell prey to downsizing and funding cutbacks. In 1996, Vigil suffered a severe funding crisis when its casino funding was dismantled. Vigil’s office space was donated by Shalom House, and 90% of the private donations it received went to pay the salary of a staff lawyer. This period coincided with cutbacks to the casework of the Toronto chapter of Amnesty International, the Jesuit Centre for Social Faith and Justice, and the Centre for Refugee Studies at York University. This left Vigil with a heavy caseload.

5.7 Pushing from both ends

During this period of extreme governmental control over agencies, activism was not considered part of the staff job description; this was because many of the NGOs, settlement agencies, and organizations for which I worked were presented with restrictive mandates for serving particular populations. This left us workers to pursue activism on a voluntary basis; we were faced with forming ad hoc networks in response to particular situations. The death of Vigil Toronto (where I served as a board member) led to a period of silence in overt activism about non-status issues. As Interviewees #2 and #3 recalled,

The financial squeeze was very hard on us, especially in the last three years or so. The other issue was, when we lost the office space […], we really couldn’t function after that, we couldn’t really bring people to our houses (Interviewee #3).

We were meeting people in coffee shops and places like that. We were trying to do it but we were doing it in our spare time and we all had jobs. We were meeting people here and there when we had the time to meet them. It was very difficult (Interviewee #2).

And yet, such silence eventually gave birth to a new movement in the 2000s. Various groups began their activities in an ad hoc manner by responding to various social problems faced by non-status persons. In reality, the call for justice never dies!
5.8 The late 1990s to the early 2000s: A period of silence

During the late 1990s and early 2000s, after a decade of continuous struggle against challenges ranging from funding cuts to organisational restructuring, the nature of frontline practice and social-justice work changed dramatically. During this period, the immigration system was haunted by a transition from a humanitarian approach to neoliberal and anti-immigrant sentiment. As a result, non-status persons and those assisting them became objects of suspicion—to the point that the government not only deported non-status persons en masse, but even permitted itself to enter shelters, churches, and places of sanctuary in search of them. These developments occurred during a period of relative silence for organised activism. At this time, practitioners were extremely frustrated by a high volume of complex cases involving non-status persons, as well as by the organisational limitations imposed by new eligibility criteria. Their ability to serve these clients became highly intertwined with their ability to manipulate the system. These challenges eventually led to a profound re-conceptualisation of the field itself and of collective activism in particular. Overall, the decline in activism undertaken for and with non-status persons gave rise to the work of individuals concerned with human-rights issues.

5.9 Every individual story suggests mass struggle

From the late 1990s to the early 2000s, I held a position in an organisation that exposed me to some of the most glaring and disturbing forms of institutional and structural discrimination. This discrimination was directed towards racialized Middle-Eastern men charged with using violence against their intimate partners. While I strongly believe in holding men accountable for abusive behaviour, the discourse of justice at this time—particularly during the post-9/11 era—presented me with a profound professional challenge. As I was teaching men alternatives to violence through a psycho-educational model, I was able to witness the state’s own violent treatment of
them. This violence began with the men’s port of entry into police involvement and continued all the way to their exit, upon completion of their probation. Men told me about the aggressive treatment they received from their arresting officers. Many were charged with a harsher crime than appropriate, or received custodial sentences instead of community service. These sentences were frequently longer than those given to others committing the same crimes. Many of the men experienced racial and religious discrimination and victimisation while in prison.

What made these men especially vulnerable before the justice system was the intersection of their position as “immigrant men” with their position as “criminals.” This was due to the fact that, in Canada, the criminal system often intersects with immigration status. Then, after the completion of their sentences and probationary requirements, the men’s new label as “convicts” provided Immigration Canada with the legal authority to deport them. In particular, I recall some group sessions in which I discussed non-violent behaviour; during one session, Abdul, one of my Afghan clients, suddenly burst into tears. He revealed that American occupying troops had bombed his village the night before, killing eleven members of his close family. This man received a deportation letter from Immigration officials the very next day. His landing status was revoked, and child-protection agencies contacted his wife and threatened to apprehend their children if she returned to him. Ultimately, Abdul was deported to Afghanistan.

Abdul’s experience was not unique. During my five years working with the Violence Against Women Project, I witnessed many men face deportation, leaving many women without support. I saw children taken away by child-protection agencies, and whole families become non-status persons. My frustration was amplified by a lack of community support. Throughout this period, public activism for non-status persons in general, and for those with criminal records in particular, was practically nonexistent.
Solidarity among non-status persons, practitioners, and activist networks can increase non-status persons’ access to community resources and political forums, while at the same time providing practitioners and activists with inside information about the living conditions of their clients. Together, they can resist, make their voices heard, and bring about social change. During the early 2000s, however, the absence of organized networks created a vacuum in which not only non-status persons, but also practitioners and activists found themselves silenced.

5.10 Justice knows no silence: Independent networks

Independent networks have always been a crucial element in the survival of non-status persons. The term “independent network” describes a person or several people directly assisting an individual, their family members, or all of the above by providing sanctuary, financial and legal support, emotional help, attending to basic needs, and sometimes helping with group sponsorship. There is no formal membership structure within independent networks, and they operate on a case-by-case basis. Most independent networks exist informally in an underground manner, and many members of such networks are connected through faith groups or other organizations with similar goals of achieving social justice for individuals and families through advocacy and direct practice. One practitioner shared his experience of this time period:

I think that our strength was finding people who had a passion for social justice. [...] They were people who wanted to donate their time and expertise to benefit society. They were people who disagreed with the injustice that happened to refugees and their families. There comes a moment in life when you have to say, “Enough is enough.” Even though we live in a democratic society with all of the rules and regulations to protect refugees, sometimes you need to say, “You need to improve, and if you don’t improve, we need to let you know what the mistakes are” (Interviewee #3).

Independent networks were limited, however, by their isolation and lack of strong coordination with other movements and networks. Not only did such movements fail to exploit
political possibilities, they also had little connection with community and public organizing around non-status issues. In the early 2000s, as the number of non-status persons in Canada rose, practitioners and activists found a new podium for once again mobilizing broad communities. And yet, due to state control over agency funding, and in order to avoid the potential arrest and detention of non-status persons by the Canada Border Services Agency and police, human-service practitioners continued to serve non-status persons in an underground manner. We have come a long way since that time: from doing charity work to claiming rights and entitlement.

5.11 Battling on two fronts: Oppression and resistance in the early 2000s

After these years of silence about non-status issues, the post-9/11 era managed to bring together a group of activists concerned with anti-globalisation movements. Among the organisers were women’s organisations and young second-generation activists in leadership roles. The post-9/11 fever deeply affected the political, social, and human rights of non-status persons, as hate towards “illegal immigrants,” particularly those from the Middle East, echoed in the broader social arena. At the same time, human-service practitioners began to note the relationship between the global and national socio-political conditions of irregular migration, ever-increasing material inequalities, and the changing demands of their frontline practices.

At the same time, immigrant communities, activists, and academics held various meetings around the city to contextualise the September 11th attacks and provide a framework for resisting the inevitable racist backlash. The challenge, however, remained whether to accept the Liberal Chrétien Government’s claw-back on civil liberties (among other regressive policies in the name of national security), or to resist. In reality, resistance was the only option for racialized communities who had become the targets of state repression.
5.12 Activism from below

In response to such concerns, a group of self-organized refugees in Montreal, called the Action Committee of Non-Status Algerians (CASSA), successfully resisted government decisions regarding their deportation orders. CASSA managed to raise the issue of non-status people to a national level. In 2002, Canada and the government of Algeria signed a trade deal making Canada a principal economic partner in the region (Lowry & Nyers, 2003). Shortly after signing this deal, Canada issued a group deportation order against Algerian refugees in Montreal, an action that was against international law, given that Algeria was a moratorium country. At the same time, Canada continued to consider Algeria unsafe for travel (Berenstein et. al., 2004; Nyers, 2003). The lives of many of the Algerian refugees were similar to those of non-status people in Toronto: many had lived in Montreal for years and had established themselves there, some had Canadian-born children, and others were married with extended families. CASSA was originally formed to demand access to services, along lines similar to the Don’t Ask Don’t Tell (DADT) policy in Toronto. It was later successful in demanding an end to their deportation, bringing about a regularization program for all non-status Algerians, and re-establishing the moratorium that automatically prevented their deportation (Nyers, 2003). Among the demonstrators was Mohamed Cherfi, an Algerian refugee who had been snatched out of Saint-Pierre United Church, swiftly placed in US custody, and later deported. Such an unprecedented atrocity and violation of church sanctuary angered the community. A major rally was called across the country.

Over time, repressive immigration policies and an increased number of non-status persons seeking assistance from human-service practitioners resulted in the creation of more activist groups. For instance, in the winter of 2003, a group called Status Now partnered with
Avvy Go to host a conference at Ryerson University demanding that the government regularize non-status persons, stop their deportations, and increase their access to resources. Later that same year, No One Is Illegal (Toronto) began its operation. The No One Is Illegal (Toronto) and DADT campaigns were formed by members of the anti-capitalism and anti-globalisation movements in order to resist the exploitation of migrants and the imperialist forces that caused their migration. They were part of a national and international movement against borders and deportations, which promoted the freedom of movement for all people.

The Rights of Non-Status Women Network (RNSWN), an alliance of several social-service agencies, legal services, and community-health workers, was also formed in June 2005 by the Woman Abuse Council of Toronto. Over time, activists and frontline practitioners formed new groups on an ad hoc basis, or in response to particular socio-political concerns. Subsequent to these events, various public rallies and demonstrations were also called into being. The involvement of practitioners with academics and activists brought these networks into partnership with community agencies standing for political action. Among these were the Coalition Against the Deportation of Palestinian Refugees, the Filipino Workers Committee, Justicia for Migrant Workers, Solidarity Across Borders, as well as newer groups such as Health for All, the Women’s College Hospital Network on Uninsured Patients, and Shelter Sanctuary Status.

5.13 Longing to move forward: Reaching the political forum

At the outset, even though practitioner and activist networks were becoming more organized, there was scant literature available on their struggle; what little research there was lacked in-depth theoretical or methodological foundations. Academic research regarding non-status persons focused on explaining the factors contributing to illegal migration (Kapur, 2003; San
Martin, 2004), and neglected the voices of non-status persons. Studies conducted by frontline workers were limited to explaining issues surrounding access to services, and hence lacked a theoretical framework. The efforts of social-justice activists were mainly geared towards advocacy in changing regularization policies (Berinstein et al., 2004; Mojab and McDonald, 2008; Nyers, 2003, 2006; Wright, 2003) or implementing DADT policies.

The lack of coordination among social-justice movements, coupled with limited official understanding of the issue, paved the way for the dominant ideology to define non-status persons as “illegal” immigrants (email from Immigration official, Access Not Fear conference, December 1, 200641), while Immigration Canada continued to enact deportation policies. For example, on November 29, 2006, the Canada Border Services Agency announced that non-status people were a “potentially serious risk to public safety” (Huffman, 2006); subsequently, the government demanded that people hold legal immigration status in Canada before being granted access to federal, provincial, and municipal services (other than primary and secondary schooling). At the same time, the City of Toronto deflected the role of advocating on behalf of non-status people to the federal government, arguing that they did not have a budget for this task, and that further research needed to be done (consultation with service providers for Access to City of Toronto Services by Residents without Status and/or Documents, Metro Hall, November 30, 2006). This was in spite of the fact that almost half of all non-status people in Canada reside in the City of Toronto, making their health and wellbeing directly affect the wellbeing of all residents.

Given that program funding is shared among all levels of government, and that eligibility criteria are attached to official immigration status rather than to residency status, many non-status people, along with various other immigrant categories, end up disqualified from access to

41 This was a conference held by the Joint Centre of Excellence for Research on Immigration and Settlement (CERIS), Toronto, ON
resources. In addition, there is a lack of clear guidelines for city staff, frontline practitioners, and other service providers, who not only deny services to non-status people, but also often use their authority to report non-status persons to Immigration officials. Activist Avvy Go (2006) points out that inclusive policies should take into consideration the rights of non-status people in the context of the city as a service provider, enforcement agency, and intermediary with other levels of government.

Through their everyday work, many service providers, practitioners, members of faith groups, and people concerned with human-rights issues became aware of the atrocities non-status people regularly face; these witnesses brought their accounts of exploitation into the public arena. An example of the public recognition that the issue has received is the DADT policy that was partially passed on February 15, 2006 at the Toronto Police Services Board. This policy directs the Chief of Police to develop procedures to ensure that victims and witnesses of crime shall not be asked their immigration status, unless there are *bona fide* reasons to do so.

On that day, Ward 21 City Councillor Joe Mihevc requested that the Community Services Committee develop a DADT policy for the City of Toronto’s Agencies, Boards, and Commissions (ABCs). In May 2006, the Toronto District School Board passed a DADT policy of its own, which it implemented during the 2006-2007 school year.

### 5.14 Resource mobilization: The stories of human-service practitioners serving non-status women

Over the years, many individuals and groups have motivated the community to take political action against the state’s failure to protect non-status persons. Among them have been practitioners, who have used their access to, and control over, their privileges as citizens as well as their professional resources to help mobilize their organisations. Practitioners focus on two
elements: the micro-level issues of increasing access to social resources and the mezzo-level issues of organisational roles; however, they tend to devote little or no critical attention to macro-level analysis of historical and structural contexts at the national and international levels (Buechler, 2000). For this reason, despite a proliferation of research vis-à-vis advocacy networks and campaigns, forums and conferences, public demonstrations, and media reports about various aspects of non-status people’s lives and realities, activism and activists’ resource production have taken an ad hoc approach to systemic issues. As a result, they have not moved beyond micro-mezzo resource mobilization, nor have they developed critical methodological and theoretical epistemologies.

Despite this, various health, settlement, legal, and social-service organisations and activists advocate for access to essential services, while claiming these as human-rights concerns. Regardless of funding and resource limitations, practitioners working within these organisations carry on dual caseloads to address the needs of their non-status clients. The question remains however: are practitioners’ perceptions of the relevant needs and barriers reflective of the perceptions of non-status persons?

To answer this question, the next section will rely on the findings of thirteen individual interviews and two focus groups with service providers and activists in the Greater Toronto Area (GTA) in order to reveal how service providers and activists respond to the needs of non-status women while dealing with the challenges of limited resources. This section will further explore how service providers and activists perceive, assess, produce, reproduce, and evaluate their professional involvement with non-status women through the mechanisms of service delivery, organisational policies, and systemic structures. Despite the multitude of challenges faced by organisations, practitioners, and activists alike, it is necessary to reflect on whether or not such
challenges are in fact reflective of non-status women’s lived conditions and their needs and realities. For the reasons explained above, I will incorporate the voices of non-status women gathered from 155 completed survey questionnaires.

These interviews are discussed in terms of four subsections: (1) practitioners’ experience with and background knowledge of non-status women, (2) their professional work with non-status women, (3) their individual caseloads, and (4) their organisational support. The second part of this section will explore, first, advocacy groups and, second, systemic barriers.

5.15 Practitioners’ experience with and background knowledge of non-status women

At the time of the interview process, all of the interviewees were working directly and/or indirectly with non-status women. It is therefore not surprising to note that the majority held a wealth of knowledge about these women’s living conditions. The length of the interviewees’ professional involvement with non-status women varied from two to twenty years. The interviewees’ first professional contacts with, and acquisition of information about, non-status women took place on the job (at their present or previous places of employment); two of the interviewees indicated having had prior knowledge about, and professional encounters with, non-status women in England:

I worked for Intercede that supported migrant women—mostly temporary workers. Some had no documentation. [...] I really didn’t understand the concept before I worked at Intercede—I had just assumed that everyone came in the same way (Interviewee #4).

One contrast, however, could be discerned between the knowledge-base of frontline practitioners and that of activists. Whereas all the frontline practitioners learned about the lived experiences of non-status women through direct practice at their workplaces, activists’
information came through their contacts with practitioners, community organisations, grassroots advocacy groups, volunteer groups, and faith groups. As one interviewee reported,

I started my work as grass-roots activist building No One Is Illegal-Toronto. Around the same time I began to work at an organization where I met non-status youth. I learned how to navigate the immigration system and other services (Interviewee #5).

Generally speaking, all interviewees reported having extensive background knowledge about non-status persons’ socio-demographic information, such as their ages, countries of origin, family relationships, and levels of education. However, through the process of data analysis, it became evident that such knowledge is limited to individual interviewees’ personal perceptions, based on the type of contact they have had with non-status women or the professional domain and/or ethno-specific community in which they work. For instance, a faith-based activist thought that non-status persons are either rejected refugees or economic refugees, whereas a Child Protection Worker envisioned non-status people as single mothers with a few children. A Spanish-speaking worker assumed that most non-status women are from a Hispanic background and are pregnant, while a nurse assumed that most non-status women are sick and physically and/or mentally fragile. A lawyer thought that most non-status people are from South Asia and are rejected refugees and/or in the process of pursuing legal status, including people awaiting the results of their status applications. This fragmentation of information reflects the lack of accurate demographic information about non-status persons in Canada. In any case, it is clear that practitioners’ perceptions are not necessarily consistent with the overall population of non-status women in Canada.

It is important to note that, at the time of their first encounters with non-status people, many interviewees assumed non-status persons to be males, even though they had come into contact with many non-status women and their children as they worked in the community. For
example, most media coverage on non-status persons focuses on non-status male workers in the agricultural and construction sectors, where a high value is placed on labour contributions and economic growth. The rare media coverage on non-status women typically portrays them as victims of massage parlours and/or sex traffickers.

5.16 Problems faced by non-status women

The vast range of knowledge provided by interviewees about the problems faced by non-status women was similarly based on the specific fields in which individual practitioners were employed. For instance, a practitioner involved predominantly with Hispanic families reported that

[n]on-status women, in my experience, tend to have partners. Often their partners are the ones who are working. Many times the women stay home to care for their children and they become very dependent on their spouses. They have no access to any kind of social assistance or any kind of protection for women when there is abuse. Because there is so much stress in their living conditions […], constant fear, there tends to be more aggression in the home (Interviewee #6).

Overall, practitioners suggested that the main challenges faced by non-status women are induced by employment, childrearing and childbearing, housing, abuse, and poor health. In the same vein, activists saw issues such as poverty, poor health, and the lack of adequate work, housing, affordable childcare, healthcare, education, and language skills as the main barriers faced by non-status women. Although both practitioners and activists are right about the challenges confronting non-status women, my survey findings suggest additional issues that they have not emphasized to the same extent as non-status women themselves. For instance, many service providers and activists were, like myself, unaware of the extent of the sexual exploitation of non-status women. Although most non-status women (65%) reported being affected by
extreme forms of poverty, a greater number are dealing with sexual exploitation and physical abuse (see Table 29).

Furthermore, while the individual interviewees and focus-group participants expressed a great deal of concern over the essential and basic needs of non-status women, little attention was paid to the issue of sexuality and intimacy. The survey findings show that 125 non-status women reported that intimacy plays an important role in their survival. Perhaps this finding suggests the need for a paradigm shift toward placing greater emphasis on the issue of gender and sexuality while working with non-status women. Similarly, the discourse of sexuality must be reflected in the services offered at the frontline level and in the redirection of organisational strategic planning and health promotion towards prevention strategies. One such service can include attending to sexual health and sexual education.

The essential difference between the concerns put forward by practitioners and those put forward by activists lies in the fact that practitioners are able to provide clear articulations of the barriers faced by non-status women, especially as they intersect with other social conditions affecting their daily lives. As one practitioner put it,

[w]ork is the main issue and when they aren’t able to work legally, there is a problem […] they realize that they are unable to stay in Canada legally, they are scared to do different things, they feel very vulnerable […] frustration and anxiety that affect them emotionally. They are especially anxious if they have children. The first thing that they ask you when they come is how they can get health services if they don’t have status. The other big problem that they have is with housing. They come here looking for a reference because when they go to the landlord, they have no way to explain their income and so they look for a reference. If you have a job, at least you have a way to pay for the walk-in clinics. You have a way to pay for your medicines (Interviewee #7).

Those practitioners who were simultaneously involved in activist groups were similarly able to link the specific barriers faced by non-status women with the larger challenges in the community:
They also face racism from the community. [...] They are going from one stigmatic society to another one. They aren’t ready to face this in Canada because, in the rest of the world, there is an understanding that Canada is very fair and that circumstances will be very good. They come with these kinds of dreams and then they are shattered (Interviewee #8).

Many frontline practitioners also expressed concerns about non-status women and the issues of sexual abuse and sexual exploitation. These workers often felt helpless to assist other women, either due to lack of resources or because of barriers within the women’s cultural belief systems:

I see contradictions, you see these women struggling but they are afraid to go for help. Even if we try to connect them with those places, they aren’t ready to go to them. Those places are not the places that they would like to go to culturally. There have been situations where they think that you are mad; they say, “Why did you send me there? That place is for psychotherapy. I don’t need psychotherapy” (Interviewee #8).

The government’s tactics for silencing the voices of non-status persons have continued along the path of denying their very existence or arresting and deporting them. And yet, whatever the consequences, we can no longer ignore their voices and lived conditions. At the same time, however, in attempting to oppose a system of oppression and repression in which the voice of the marginalized is absent, we cannot simply claim speak on these people’s behalf, since we might risk the domination of their voice. In attempting to overcome this paradox, I found the survey questionnaires, whatever their limitations in terms of providing in-depth information, to be useful for painting a more accurate picture of these women’s lives from their own perspectives. In this vein, Table 29 reveals what non-status women identified as the major challenges facing them in Canada.
Table 29

<table>
<thead>
<tr>
<th>Major challenges while living in Canada</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Poverty</td>
<td>101</td>
<td>65%</td>
</tr>
<tr>
<td>Mistreatment</td>
<td>85</td>
<td>55%</td>
</tr>
<tr>
<td>Emotional Abuse</td>
<td>85</td>
<td>55%</td>
</tr>
<tr>
<td>Physical Abuse</td>
<td>67</td>
<td>43%</td>
</tr>
<tr>
<td>Sexual Abuse</td>
<td>54</td>
<td>38%</td>
</tr>
<tr>
<td>Used my sexuality as a means of supporting my family</td>
<td>36</td>
<td>23%</td>
</tr>
<tr>
<td>Unwanted Pregnancy</td>
<td>22</td>
<td>14%</td>
</tr>
<tr>
<td>Abortion</td>
<td>20</td>
<td>13%</td>
</tr>
<tr>
<td>Other Problems</td>
<td>2</td>
<td>1%</td>
</tr>
<tr>
<td>Problems with the police</td>
<td>1</td>
<td>1%</td>
</tr>
<tr>
<td>Problems with the criminal justice system</td>
<td>0</td>
<td>0%</td>
</tr>
</tbody>
</table>

According to the survey findings, the most pressing issues facing non-status women are poverty (101), followed by emotional abuse (85), mistreatment (85), physical abuse (67), sexual abuse (54), reliance on sexuality as a means of support (36), unwanted pregnancy (22), and abortion (20), among many others. In view of these findings, it is unsurprising to note that, while non-status women manage to navigate the system, they continue to rely on help from other non-status people (68), friends (59), faith groups (58), family members (54), healthcare and social workers (51), and other professionals (40). All told, 52% reported receiving professional help, while 26% reported receiving no help. Table 30 details the level of non-status women’s involvement with frontline and professional workers.

Table 30

<table>
<thead>
<tr>
<th>Who do you rely on for help?</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Other non-status people</td>
<td>68</td>
<td>44%</td>
</tr>
<tr>
<td>Friends</td>
<td>59</td>
<td>38%</td>
</tr>
<tr>
<td>Faith group leaders</td>
<td>58</td>
<td>37%</td>
</tr>
<tr>
<td>Family members</td>
<td>54</td>
<td>35%</td>
</tr>
<tr>
<td>Social/Health worker</td>
<td>51</td>
<td>33%</td>
</tr>
<tr>
<td>Other professionals</td>
<td>40</td>
<td>26%</td>
</tr>
<tr>
<td>No one</td>
<td>3</td>
<td>2%</td>
</tr>
<tr>
<td>Neighbour</td>
<td>4</td>
<td>2%</td>
</tr>
<tr>
<td>Other</td>
<td>1</td>
<td>1%</td>
</tr>
</tbody>
</table>
5.17 Working with non-status women

Existing reports and research tend to focus on the multifaceted needs and barriers faced by non-status persons while accessing human-service agencies. Little information exists, however, about frontline practitioners themselves, even though these people often carry the burden of complex and heavy workloads in assisting non-status persons. Through individual interviews and focus groups conducted as part of this research, it became evident that the working conditions of practitioners are highly dependent on their organisational mandates, funding, and the specific fields and/or positions in which they are employed. Healthcare practitioners, in particular, reported challenging work conditions. As one nurse stated, “for someone in my particular role, getting any kind of services for someone without OHIP is extremely difficult” (Interviewee #12).

Despite these challenges, practitioners reported that their work was rewarding and that they felt satisfied helping marginalised and disadvantaged populations. At the same time, however, restrictive organisational and immigration-policy rules and regulations were reported as the main concerns preventing many practitioners from performing their professional duties. In particular, many found it frustrating to carry a heavier workload without being able to report it. As one practitioner noted,

I work for an organization that is funded by Immigration Canada, and you can’t count the actual number of [non-status] clients that we support. You have a quota that you have to fill, but you can’t put that population in as part of your quota because it’s “illegal” to serve them. That funding is not for that population. That’s really hard because it puts you as an individual in a difficult position […] you, as an individual, have a decision to make: do you want to support his population or do you just want to say, “No, you don’t fit the mandate of our organization”—just turn your back on them. That’s really challenging—referrals are really challenging (Interviewee #9).

Practitioners also find it frustrating when their organisations or other referring organisations show no or little interest in supporting non-status persons. As the same interviewee reported,
I think that a lot of people in the field don’t think that these people are deserving of services and they have these really horrible classist and racist attitudes towards the population—this was my experience when I was working on the frontline (Interviewee #9).

For the reasons presented above, practitioners identified a lack of education within the field of human services (including among staff, management, funders, and other stakeholders) as the major gap hindering their work. Others suggested that most of their time is spent fighting or advocating on behalf of their non-status clients with other professionals or management at their current employment. These practitioners reported that their colleagues held different visions about non-status persons. This gap, according to the interviewees, resulted in some practitioners turning to activism, and/or joining coalitions and networks on their own spare time; others found the direct practice of helping non-status persons to be itself a form of activism. As one interviewee explained, even though

You might be a part of an organization that doesn’t share the same vision […], you can find ways of advocating. […] A lot of it is work that you do on your own time so you are making a huge commitment towards that. That’s difficult because we are also people with lives who have families (Interviewee #9).

Another healthcare practitioner directed her frustration at not being able to help her clients in a systemic way, stating that

What is difficult for me is to be in a position where I want to do more but I can’t even use my own resources (and I do that all the time, use my own money and time). Even then the problem is so huge—I wish that I could do more. When I see a woman who is eight (8) months pregnant and has never been to see a doctor and is terrified of going to the hospital because she feels that she is going to be deported, I get very angry and I wish I could do more (Interviewee #10).

This concern was shared by a child protection worker, who mentioned that

It has been frustrating because it takes so long to address any issues due to the lack of status, they are not eligible for many supports and resources that would help alleviate their struggles (Interviewee #11).
Despite their positions and professional expertise, human-service practitioners expressed extreme dissatisfaction with their overall work conditions. Their frustration ranged from their inability to address gaps and barriers, their need for constant macro-level advocacy, their lack of proper referring organizations, the agony they suffered at hearing their clients’ stories of sexual abuse and not being able to do anything about it, their lack of resources, and problems with cultural understanding and cultural differences, including those relating to the addressing of mental-health issues.

In particular, many practitioners found referrals to healthcare facilities very difficult. Some practitioners indicated feeling ethically obliged to help their clients in spite of heavy workloads combined with lack of appropriate resources. The affliction of such conditions has different implications for healthcare practitioners, whose work extends beyond triage and dealing with the social aspect of their clients’ cases. As a nurse indicated,

I feel the extra burden since the health complications and needs of individual [non-status women] is complicated and beyond triage; what do you do with pregnant women? Who is covering the medical expenses (Interviewee #12)?

Similarly, frustration stems from the fact that practitioners find their non-status clients very capable of helping themselves, yet their position as non-status persons ultimately places them in a vulnerable category that depends on the mercy of practitioners and community members at large. As was pointed out by a member of the focus group, “The hardest thing for me is to help people who need help even though they are capable of doing things” (Interviewee #13). Practitioners also talked about the vicarious stress they experience in working with non-status women. As a community health worker explained,

The first thing is to build rapport, but they always live in fear. Even if they are coming to my office or I am meeting with them somewhere outside, they always have this fear that someone may see them or they may be arrested on the street. If they see a police officer, they become very anxious (Interviewee #4).
The complex living conditions of non-status women add another layer of stress on practitioners, because it increases their workloads and can often lead to work-related burn-out. Unfortunately, practitioners who receive little to no support from their colleagues or managers are at a higher risk of this. That said, many practitioners continue to find their work rewarding despite the challenges they face at the individual, organisational, and systemic levels. This point is clearly articulated by a community-health-centre nurse as follows:

Once you see people get more settled, create network and start hearing some positive results from immigration […], that one piece of paper, that one positive response, they just do so much better. It sounds funny, but they’ll call us less and they’ll need less support. They can deal better with crises, they have more resilience. They become more resilient as the system supports them. They are able to have better tools, better coping skills. They begin to have much more confidence (Interviewee #13).

5.18 Beyond superficial helping relations: Overcoming professional barriers

Although professionals could find themselves alone when dealing with complex cases and complicated institutional boundaries and regulations, they overcome these barriers by relying on their networks and allies for support. Some have also aligned themselves with various coalitions and networks to take the issue beyond their office doors and into the public arena. One community health worker in particular stated that, since she has less personal responsibility, she intentionally chooses to work at an organization that assists non-status people:

I realize that I come from a place of privilege; that is, I don’t have a family to support. I can look around and find the job I want and if the salary is less, I can still take it because I’m not supporting anyone else. […] It’s hard to find progressive work—especially with this government (Interviewee #4).

Like their clients, practitioners have responded to the lack of adequate resources in their community by developing additional skills to navigate the system. First of all, they are able to conceptualize the value of their work. As one social worker puts it, “I would say that the fact that
I am here contributes a lot” (Interviewee #10). Secondly, they gain a reputation in the community, which in turn acts as a tool for building relationships with various organizations, professionals, and activists for potential referrals and advocacy work. This professional networking and exchange has two implications: first, it provides community members with additional referral sources and, second, it offers non-status women an entry into the organization. For these reasons, explains one social worker, most referrals take place through word of mouth: “When they call me, I often hear things like, “So and so gave me your phone number” (Interviewee #10). A lawyer also found that networking benefited clients: “We have our own little network of agencies […]; we build a two-way relationship with those workers” (Interviewee #8).

However, the downside of building a good reputation is increasing one’s caseload. Practitioners who are open to serving non-status persons were typically overwhelmed with the amount of regular referrals made by other service providers and by non-status women themselves. Some practitioners felt that they were being used as a quick fix. For instance, instead of learning how to deal with complex cases or showing flexibility towards their organisational mandates and policies, other social-service members continually referred their own non-status cases to practitioners who were known to have taken such cases before.

Like their non-status clients, practitioners’ networking and referrals take place in an underground manner; this is because they are afraid of funding cuts and raids on their agencies by the Canadian Border Service Agencies (CBSA) and the police. While practitioners see networking as a crucial component of their work, they realize that it is only a band-aid solution. As one community worker posits, “It’s helpful to know of other workers, other community centres that can offer access to non-status people. Without it, we don’t know who is offering
which services. Most people don’t want to say that they offer services to non-status. Again, that’s just a band-aid solution” (Interviewee #6).

Practitioners use various ways and means to find allies in the field. The most crucial means of all was summed up by one social worker as: “Connections. I go to any workshop that has anything to do with non-status. I like to learn anything that I can. I like to keep networking, getting together with people who are also advocates for non-status people. I also network with people who offer services—it’s not easy, but sometimes I can make a connection with someone who can provide a service for one of the women that I am working with” (Interviewee #10).

Other practitioners mentioned that they use networking as a means for sharing the lived experience of their clients and educating their colleagues: “I tell the stories of these women because most people think that non-status people are criminals who don’t have the right to services” (Interviewee #10).

The referral procedure is challenging, in that many practitioners find themselves engaged in constant battles to find referral sources, even while having to endure more work to compensate the referral when they do find one (for example, by learning more about the criminal-justice system, child-welfare agencies, and family and immigration laws, or by accompanying clients, etc.). Challenging as this is, however, it responds to a genuine need: those in need of referrals for medical attention, for instance, find themselves utterly desperate. Some workers even find themselves dealing with a single case over an extended period, often years. Once a particular case reaches a closing point, practitioners often retain the file, because past clients inevitably return with new crises occurring in their lives.
5.19 Judging oneself: Practitioners’ perceptions of their professional work

Being desperate to help people on the margins of society with limited resources can lead to negative psycho-emotional distress and cause vicarious stress. Overall, many practitioners reported feeling helpless in their professional capacities as workers. The tension only increases as practitioners find themselves caught between the need to satisfy their managers by carrying on with their regular workload on the one hand, and the duty they feel toward their underground or invisible caseload on the other. In this situation, some practitioners reported feeling uncomfortable, but found themselves with no other option than to change the details of their client’s case or story in order to bypass the organisational eligibility criteria:

I am doing the best I can. [...] Obviously you need to be very creative with the kinds of resources that are out there—you have to change things here and there that aren’t supposed to be changed, just to get access to a needed resource. All of this is to help a human being who is in great need. I think to myself, “I just need to do this a little bit differently and I can get services for this person.” They need those services and I don’t think that I am the only one doing it. I think that people who really care about non-status are doing as much as they can. You go as far as you can to provide services because very often you are their only hope. You can do something so that they can change their situation (Interviewee #10).

The challenges of systemic manipulation are felt more strongly among healthcare practitioners who are bounded by OHIP or a particular catchment area. Practitioners reported being caught between their professional and organisational ethics (which allow them to turn down their clients) and their personal ethics, which impel them to save the life of a vulnerable individual. Others reported feeling helpless for not being able to change their clients’ immigration status; as result, they felt the urge to influence the areas they might have more power in, such as geographical information:

It is usually logistics issue, especially geographical logistics that I can’t attach people to a doctor as well as I could. If they are in a neighbourhood where the community health centre is not taking any more patients or not even adding patients to their waitlist, I’m really stuck. There aren’t many more places that I
can go. I can try, keep being persistent but I can’t get them the immediate service that they need and I especially feel it with the prenatal clients (Interviewee #12).

5.20 Angry and frustrated: Responses to the stories

I have already discussed the fact that practitioners working with non-status people carry higher caseloads than their counterparts. While some practitioners personalise and internalise their oppressive working conditions, others turn to activism, to the manipulation of their cases, or even to various coping mechanisms for dealing with their frustrations. All in all, practitioners are left feeling angry and frustrated. This anger can be both constructive (by mobilising the community and opening new paths for their clients) and destructive (to practitioners’ mental health and wellbeing). Practitioners’ anger is particularly destructive when an organisational level of professional support is nonexistent.

Throughout the numerous individual interviews with practitioners, one systemic question seemed prominent: “Why do I have to face the consequences of a lack of funding or immigration eligibility criteria?” Unsurprisingly, almost all the practitioners expressed their anger about this:

I know my client is here and the service is available but they just can’t access it. All it takes is for someone on the other side to say, “Yes, this child can have the service.” I get upset when I know they need something and I realize that it is not going to happen (Interviewee #11).

Practitioners deal with their anger and frustration in different ways. For instance, one social worker found that expressing honesty within her capacity was the best tool to help avoid raising any false expectations for herself or her clients. As this individual stated, “From the beginning, I have told myself that I need to be honest. This person is already depressed and in bad circumstances. I am not going to give any hope if I can’t do something. I am very frank in telling the family or the woman, ‘This is what I can do for you and I might be able to do that but
we’ll have to see how it goes” (Interviewee #10). Some practitioners engage clients with every step and process so that they too can learn necessary survival skills. “I involve the client as much as I can in the process. I give the person as many tools as I can” (Interviewee #11).

However, practitioners serving particular communities or ethno-specific communities are faced with additional challenges, such as language barriers. “In my particular case,” one interviewee reported, “when the client doesn’t speak English, it makes my work double. Whether going to a lawyer or hospital, I have to go with them; I have to make the phone calls. I have to find interpreters. I don’t think that it is fair to give them hope” (Interviewee #11). Generally speaking, in order to cope with their work conditions, many practitioners have learned various survival skills. Such skills range from talking to family members and friends to joining advocacy groups, returning to academia for higher education, attending workshops and rallies, taking on more cases, or simply helping their clients more passionately and effectively.

5.21 Caseloads

5.22 How heavy is a heavy caseload?

Regardless of whether an organisation is receiving funding to serve non-status persons or not, practitioners working within these organisations face the burden of heavy caseloads. For instance, a social worker at a community health centre reported dealing with over 100 active non-status cases, whereas her colleague within the same organization is carrying 20 to 30 active clients, none being non-status persons. “At the Community Health Centre we end up taking the lead on non-status cases, which can become overwhelming” (Interviewee #9). Despite such obvious differences in workload, practitioners made it very clear that their concerns go beyond the quantification of their cases, and rather pertain to the complexity of each case. As one social worker put it,
It is very difficult for me to take on a new family. Every family has an emergency but as a Social Worker, I have to look at things in a different light. A woman who is suicidal, I have to find services for her right away. A woman who is 8 ½ months pregnant and hasn’t yet seen a doctor, I find her services right away (Interviewee #10).

As I mentioned in the previous section, practitioners serving non-English-speaking clients reported heavier caseloads, since services are less accessible for ethno-specific communities, even among agencies receiving funding to serve non-status persons. As one Spanish-speaking social worker stated,

I have a lot of cases specifically because there are so many people who don’t speak the language. The reality is that there are only a few Social Workers around the city that are doing the work that I do. […] I have to try and get an interpreter but it is hard, so I end up doing everything myself. That is how I manage my case load. It is really hard (Interviewee #10).

Furthermore, practitioners working at organisations that receive public funding to serve non-status persons reported dealing with heavier caseloads due to overwhelming external and internal referrals. For these reasons, they reported higher rates of work-related stressors and burn-outs. They also felt that their work was not properly validated by their managers. These practitioners often reported feeling agitated and short-tempered as they worked overtime without being compensated to deal with their cases. These practitioners also showed less interest in attending organisational gatherings and staff development meetings:

I have lots of clients. I get burnt out because there are so many people who need my help. Sometimes you go beyond what you are supposed to do. You need to make sure that they are also able to maintain their mental health. […] I have lots of clients who are suicidal, so I have to act as quickly as possible to make sure that they don’t harm themselves. […] It’s quite a heavy case load but you don’t have a choice because there are lots of agencies who don’t want anything to do with non-status people (Interviewee #4).
As a response to their heavy caseloads, some practitioners avoid responding to phone calls. They rely on their answering services to monitor, prioritise, and respond to urgent calls and cases. As one faith and community worker revealed,

I have up to 10 new enquiries a day but I can only help a handful of them. I work four days a week but in reality I am doing my 5 days load in 4 days which means that I stay longer hours and sometimes on my day off, I end up working too. I have a message on my voice mail which asks people to tell me a little bit about the situation so that I can answer according to priority. It’s only when people are in desperate situations that I call them. People who want individual or family counselling, they are also needy but I can’t help them (Interviewee #6).

This lack of adequate time to care for their caseloads results in practitioners feeling guilty or internalising their caseloads. The more they feel guilty, the more they internalise their caseloads, resulting in extreme frustration, dissatisfaction with their work conditions, anger, and psychosomatic reactions.

In contrast, practitioners working in organisations that receive no funding for assisting non-status persons reveal that they are constantly working in fear; this makes them resort to concealing their caseloads or clients. These practitioners reported feeling frustrated for doing their work in an underground manner; as one intake worker put it, “Sixty percent of the people that I see in the intake each week come to ask questions about regularization. […] I provide them with information but I don’t have the resources to help them” (Interviewee #13). These practitioners feel that their work is not validated, acknowledged, or recognized. Aside from their heavy caseloads, they reported feeling constant fear and uncertainty about what would happen to their positions if their funders or managers caught them serving non-status persons.

Serving non-status clients has additional problematic implications for practitioners. Throughout their interviews, many practitioners discussed their frustration with organisational hierarchies not only in terms of workload, but also in terms of class divisions between those who
serve non-status persons and those who do not. For instance, due to the nature of their work, which includes home visits, accompanying clients to various appointments, and other potential risk factors, these practitioners are at higher risk of health-related hazards—yet they receive no additional support from their organisations. As a result, these practitioners express the feeling of being treated like second-class citizens, at the bottom of the organisational-stratification spectrum.

5.23  **Coping with demands: The caseload dilemma**

Working from within anti-oppressive and social-justice frameworks while responding to the complex needs of non-status women has placed concerned practitioners in disadvantaged positions within their organizations and among their colleagues. In order to survive, practitioners rely on their own networks and acquaintances for support. Higher caseloads also increase the amount of administration that is required. While some practitioners take their work beyond the boundaries of their offices and into their homes, others stay at work for longer hours, prioritising their work based on the nature of the case or issue at hand, or multitasking to deal with cases as they arise. These demands can affect practitioners’ mental health and wellbeing. As a social worker at a community health centre revealed,

> Paperwork takes up a huge chunk of my time. My phone is constantly ringing but I try not to answer it if I can. At the end of the day when I am finished all of my other work I know that the person is waiting by the phone for me to return their phone call. The reality is that sometimes I take 2 days to return the phone call but I do return every phone call that I get (Interviewee #10).

As this interviewee went on to say, “I have to find ways to balance my life—with family, exercising, going out so that I can recharge and come back again” (Interviewee #10). Having supportive teams or managers also proved to alleviate the tension between one’s mental health and one’s caseload.
Gender differences also impact the ways in which practitioners understand their stressors, respond to work conditions, and cope with heavy caseloads. For instance, male practitioners struggled to name the underlying causes of their agitation while at work or their depressive feelings while at home. Like their female counterparts, male practitioners envisioned their tasks and roles as fulfilling a responsibility towards humanity and social justice; they felt guilty for allowing themselves to become stressed-out. However, male practitioners tend to externalise their agitation by exhibiting overt behaviours through the use of strong language, objects, expressing anger, employing an angry tone of voice, or engaging in political activism, whereas female practitioners tend to internalise their stressors by working longer hours, taking work home, crying at work or at home, experiencing nightmares, worrying about their cases, and debriefing with family members and acquaintances, as well as joining advocacy groups. Female practitioners who provided intensive trauma recovery counselling reported experiencing psychosomatic pains.

Stresses also arise from fears of losing clients due to the precarious nature of their statuses. Almost all practitioners reported working with clients who had been arrested, detained, or deported. As one community worker stated,

My stress comes from a very particular situation. In the civil war in El Salvador, when we were doing political work [...], if you said goodbye to someone, you didn’t know if you were going to see them again. For me it is so traumatic because when you work with non-status people, you have that feeling. You say goodbye to someone and you shake their hands, and you see their faces and there is this uncertainty—am I going to be able to come back again and see the application that you are filling out for me or not? [...] This is a very traumatic experience (Interviewee #13).

Several practitioners witnessed their clients being arrested at nearby coffee shops while waiting for their appointments, or on their way to medical appointments and even while picking up their

42 Even throughout the interview, male interviewees used stronger language to express their anger or disappointment.
children from school. The practitioners considered these arrests as capricious acts by the police—and as some of the most devastating and traumatizing experiences of their lives. Others shared their stress after a client had been deported: “It’s over—you don’t even know what is going to happen to them because their country conditions are so bad. That’s the most stressful situation for me” (Interviewee #13).

The impact of professional uncertainty varied from feelings of hopelessness and helplessness to directing one’s anger towards social change. As one practitioner puts it, “Sometimes you end up feeling hopeless because there are so many closed doors. Sometimes you keep banging your head against the wall. At the same time, if you keep banging on the wall, you will break the wall. If you lose that perspective, then you are lost” (Interviewee #7).

Aside from providing individual and group practice, practitioners resist their clients’ oppression and gain strength to fight against their struggles through advocacy work. As they suggest, “If you just provide services and you don’t go out, that’s when you start feeling stressed and depressed” (Interviewee #7).

5.24 Trust me! I’m here to help!

Building professional trust with non-status women is a challenging task. Due to their vulnerable positions, including recurring abuse and physical, sexual, labour, and financial exploitation, non-status persons have difficulty trusting service providers: “By the time they come to your office, they have been promised so many things—everyone was offering them the moon. They know that it isn’t possible—they have been scammed” (Interviewee #7). Non-status women’s lack of trust is more acute in the case of social workers, since non-status women relate social workers with child-protection workers or consultants.
The discourse of trust and access to human services, however, cannot be discussed without problematising the relations between the social policies that shape human-service agencies, their internal practices, and the lived experiences of service recipients (Callahan, 2010). While the hierarchical notions of citizenship rights and eligibility criteria attached to such rights exclude non-status women from accessing social and public resources, human-service providers—from health-care professionals to social workers, including child-protection workers and settlement workers—have always affected non-status persons through their practices. Reflecting Callahan’s 2010 analysis of working with Aboriginal communities, when non-status women are denied access to services through such dichotomous relations, this only increases their presentation as a “high risk” population in the eyes of helping professionals, the police, and immigration officials. This means that, instead of questioning the conditions causing the high rate of poverty among non-status women, these workers question certain of these women’s behaviours or their lifestyles in relation to their families and their surroundings.

From my professional experience and upon reflection on the individual interviews, it is evident that non-status women with caring responsibilities experienced higher rates of poverty. Not surprisingly, the poverty rate is higher among non-status single mothers without any community support. In general, these women are more likely to be reported as unfit mothers; they are less likely to resist or challenge their label as “unfit” due to limited economic resources and social citizenship rights; and they are also at higher risk of being arrested, detained, or deported when taking their children to public school or other human-service practitioners. This raises two overlapping concerns: first, the notion of urgency in gaining access to basic services, and, second, the fear of rejection. In essence, this discourse is influenced by race, gender, age, ability, mental health, sexual orientation, cultural practices, and, more importantly, immigration
status. Inequity within the provision of human services is therefore maintained through systemic, cultural, and individual practices (Henry et al., 2000; Mullaly, 2002). The police response to the rape and sexual abuse of non-status women has been the women’s immediate detention, even as the rapists remain free. These conditions further silence women and increase the possibility of more victim-normalising misogyny. Instead of critically challenging such normalcy and seeking justice, many workers are caught between the desire to report abuse to the police and the fear of placing non-status women at risk of deportation. Often these workers are themselves faced with the challenge of serving non-status persons in a covert manner.

Non-status women have had to pay a fee for everything they have received; as a result, when they are given a free service, they aren’t sure how to accept it. As one activist/practitioner shared,

“When we tell them that the service is free for political reasons, they don’t understand. They ask us if we are charity people, if we are the church and we tell them we’re not. It is very confusing. They ask us how we live, where the money comes from. They keep asking questions. There is another systemic barrier that we have. They can’t believe that we are giving them something for free. People ask us if they can clean our house for us—we receive all sorts of offers because people can’t believe that we are doing it for free (Interviewee #7).”

While the aforementioned statement suggests the vulnerability of non-status women, it further reinforces the need to rebuild distorted trust when helping non-status people.

5.25 I feel guilty even though it’s not my fault!

During the interview process, practitioners used the term “guilt” very often. Some guilty feelings were related to nationalistic ideologies that place one person as non-citizen and allow another to occupy a privileged position as a “practitioner” or legal “citizen.” The effect of the state’s intervention on the issues of non-status persons has been punitive through the mechanism of the CBSA and the police force; this has created a major socio-emotional crisis for non-status persons.
to live with—one that the practitioners working with these people must also deal with. This discourse exacerbates the historically rooted potential for the exploitation of non-status people. After all, when the state fails to protect its residents (non-status women), practitioners themselves feel the burden of unjust immigration laws and institutional barriers. Based on individual and group interviews, such systemic guilt is stronger among practitioners working with high-need clients, including victims of sexual abuse, children with special needs, and pregnant women. As well, organisational limitations and colleagues’ refusal to accommodate non-status people profoundly affects practitioners—to the point that many reported feeling hopeless and isolated. As one social worker summed up the matter, “I feel guilty even though I know it isn’t my fault” (Interviewee #6).

Furthermore, practitioners labelled as “radical” were made to feel guilty or were victimised by their organizations and colleagues when they advocated on behalf of their clients. The impact of such treatment manifested itself in the form of isolation and guilt. Many practitioners also reported finding themselves isolated even among their acquaintances and family members. “I am very radical in my view but I come from a community that nobody talks about status—they go along with the main discourse of society. They question why immigrants stay here without status. I feel isolated from the rest of the people that I belong to” (Interviewee #6). As is evident in this statement, this practitioner holds the hope of alleviating institutional, community, and individual unjust treatment and social delinquency towards non-status persons.

5.26 Organizations

The organisations that assist non-status people vary across the board, including:

(a) agencies that receive annual public funding or are allocated project-based funding to serve non-status people, such as community health centres;
(b) agencies that rely on private donations or take a political stance to serve non-status persons, such as shared housing facilities, parenting programs, drop-ins, and food banks; these organisations show more flexibility with respect to addressing non-status people’s needs and/or restrictive eligibility criteria;

(c) agencies that do not serve non-status people, but that have practitioners serving non-status people in an underground manner; and, finally,

(d) agencies that are mandated to assist people in need regardless of their immigration status; these organisations include child-protection agencies and city shelters for abused women.

Funding criteria affect non-status women’s ports of entry into organisations and the type of services they receive there. Other factors include organisational and practitioner reputations, neighbourhoods, catchment areas, and accessibility, particularly for non-status women with children. Needless to say, the aforementioned conditions are intertwined with the practitioners’ caseloads and with agency waitlists. As one CHC nurse noted, “There are many non-status people living in our catchment area who need to access healthcare facilities, which increases our caseload” (Interviewee #12).

While some organisations—such as CHCs, hospitals, settlement agencies, and shelters—are known for offering assistance to non-status persons, or publicly advocating for their rights, others—like child-welfare agencies, have merely remained silent. As noted by one child-protection worker, “my office just deals with ‘neglected children.’ I have no support for myself and am unable to support non-status families beyond my tight mandate” (Interviewee #11).

At the same time, there are various organisations within which the discourse of access to resources is determined. First, divisions are based on organisations’ relationship to the means of production—in this case, funding. Second, there are the issues of the type of organisation (e.g.
mainstream vs. ethno-specific and settlement agencies and agencies providing services to the homeless, addicts, and other marginalised populations) and of the class-divides among workers occupying various positions. This class divide directly affects service users. For instance, workers’ biases against immigrants or non-status persons may result in their refusal to offer services or cause them to pass stereotypical judgments. Thirdly, the organisational eligibility criteria attached to the distribution of resources are highly hierarchical, placing preferred citizens ahead of immigrants ahead of non-status persons.

Therefore, even as social policies directly affect organisations, their internal policies, staffing, resources, and relationships with funding are further mediated by various social relations. These social relations, which cover a wide range of issues, including organisational geographical location and organisational political stance, have in common the fact that they are determined by the class divide between dominant and marginalized groups. For instance, the availability of agencies and resources in the Jane and Finch area of Toronto differs from that found in other parts of the GTA. In these ways, discriminatory social policy and organisations create conflict within communities already disenfranchised by harsh historical, geographical, and economic realities (Callahan, 2010).

5.27 Letting go and holding on: Unspoken problems

The recent report Moving Towards Visibility: Non-Status Immigrants and the Social Service Sector (April 2009) identifies legal obligations, funding problems, and lack of information as major gaps facing the social-service sectors that are preventing them from assisting non-status persons. Despite this, the sector has been able to build cohesive national lobbying efforts to confront municipal, provincial, and federal governments for failing to initiate accessible public services. This gap is felt by practitioners, who further raised concerns over unspoken and often
invisible relations such as funding monopolies, which offer project grants to organisations and researchers with little or no knowledge or expertise in working with non-status persons. As one practitioner in a managerial position pointed out,

They got funding from the […] Foundation—but they never worked with people who are non-status and they are getting funding! You realize that you are the one who have been working forever and someone else gets the money, “Since when?” (Interviewee #7)

Aside from systemic indicators such as funding, practitioners raised concerns over organisational mandates that further limit their capacities for serving non-status clients—even when these agencies permit their staff to serve people without status. That said, practitioners emphasized that particularly negative consequences arise when they are forced to endure double workloads, one of which is secret. As one community worker noted, “We don’t hide it. Some other organizations do. […] I believe hiding affects people without status. It just denies that they exist” (Interviewee #7). The provision of underground services also diminishes the importance of the professionalization of help, leaving non-status persons vulnerable and reliant on individual workers’ mercy, instead of being able to treat access to professional help as their human right. When the survival of non-status women depends on the professional ethics of a handful of radical practitioners, this means that there is still a need for advocacy for a more systemic ethics in order to overcome the charity model of help. In other words, the helping profession is supposed to ensure justice for all, regardless of the eligibility criteria currently attached to this right.

The eligibility criteria attached to services—whether at the level of funding or of service provision itself—cause the unnecessary burdens of finding and relying on referral sources as the only option. The negative consequences of this limitation are extensive and bring about a tremendous amount of confusion for practitioners who must network and find referral sources.
Their clients are also forced to visit too many agencies simply in order to meet their basic needs. As one community worker noted, “You have to go to so many different places to meet your needs, everything is spread out and you need to take a bus. You have to spend time and money to get to all of the places” (Interviewee #13). Of course, systemic barriers can also motivate and mobilize the community. In order to address the needs of their non-status clients, various organizations have come up with creative ideas, such as developing drop-in programs, that further enhance both practitioners and non-status women’s ability to network with community organizations and other disenfranchised members of society. As a CHC nurse noted,

I tend to meet non-status women at drop-ins. They are seeking out things for their kids and then I am able to start a conversation about providing health. I can begin to ask them about their own health and about their relationships and about what they need. After that you can go to a deeper level. It’s really interesting the way that things work. You can go to a meeting, meet a mom and you really don’t know anything about her except that she is a mom. You can suggest an early childhood screening and then she comes to the screening and tells the immigration worker that she is here without status and doesn’t know what to do. That’s part of my job that I really enjoy (Interviewee #12).

That being said, practitioners complained about a lack of integrated approaches to address the needs of non-status persons. Similarly, since there is no system of accountability in place, practitioners are left to develop their own system of services and programming in an ad hoc manner. These services are scattered across various organisations without systemic sharing of information or coordination of the services that they offer. In a way, practitioners feel that they themselves are caught in the middle of reproducing a “system” that is not transparent or holistic in addressing the multifaceted needs of their clients. For instance, community health workers or nurses at CHCs may be able to address the basic emotional needs of their clients without the capability of referring their clients for treatment of chronic depression or suicidal ideation due to extensive hospital fees. As a result, while individual practitioners carry feelings
of ethical and professional guilt for not adequately responding to their clients’ mental-health needs, their clients themselves feel more depressed and fearful as a result of being unable to afford treatment. This condition may provide some explanation for why certain practitioners take ownership of their cases or express an unwillingness to share their caseloads with colleagues. When faced with limited options, non-status women tend to stick to those very few practitioners who are able to help them. Unfortunately, a lack of systemic policies in place to offer non-status women adequate protection or appropriate resources creates the risk that they end up being told what to do by practitioners, rather than being provided with the option of choosing what to do.

5.28 Naming our oppression

I have realized that, as radical practitioners, we sometimes personalise our employment-related oppression. Heavy workloads deny to us the possibility of systemically connecting clients’ lives to one’s working conditions and to broader societal inequities. As workers, we witness the pain and suffering of non-status women and children and we support them. However, we also carry the pain of silence, as we are torn between reporting crimes, which would make non-status women vulnerable to arrest, and remaining silent, which would protect the rapist and abuser. Over time, I have realised that, as a social worker, I was subjected to violence, violation, and vicarious trauma. Throughout my interviews, I was aware that my colleagues understood the extent and severity of this type of violation that we collectively encountered in our workplaces. I was also aware that they internalised their oppression into feelings of guilt regarding all aspects of their professional lives.

Someday, I hope to champion Chandra Mohanty’s (2003) call for solidarity across borders. Researching non-status women in solidarity means reaching out to non-status women and their allies. It also means working towards understanding non-status women’s locations,
realities, experiences, and struggles, both locally and globally. I contend that achieving global solidarity involves holding international regulatory bodies responsible for the enforcement of global policies that hold host states accountable for ensuring the human rights of all residents, regardless of their gender, race, age, class, religion, immigration status, sexuality, ability, and access to resources. This solidarity further works against the conditions that assign or deny status to people. When the state fails us, we cannot fail our clients: solidarity is only achieved through the formation of collective agency to work towards a just society. However, this commitment should not be kept alive solely on the shoulders of a handful of practitioners, social-justice activists, and researchers.

Despite the challenges practitioners face while dealing with the organisational limitations and complex cases involved in serving non-status women, many of them consider these women as resilient fighters. The following section will treat practitioners’ perceptions about non-status women’s social-support networks as they navigate through the system.

5.29 Practitioners’ perceptions of non-status women’s social-support networks
All practitioners working with non-status women saw them as hard-working contributors members to the social-economic growth of Canadian society. As one community health worker noted, “They are doing the jobs that Canadian citizens and permanent residents don’t want to do. They play such a fundamental role in our society—they are taking care of our children, [they] cook, clean our homes, […] [and do] all the work that has been devalued” (Interviewee #4).
Practitioners pointed out the paradox that, even as non-status women are devalued, we nonetheless trust them to care for our children and elderly. Others raised the fact that, as contributing members of our society, and despite their deplorable living conditions, many non-status women volunteer their time—not necessarily to break their isolation, but often simply to
feel useful. As a social worker noted, “I see them often having a great sense of unity. They are so helpful—I have some women here who are volunteers and they are so willing to give back to the community” (Interviewee #6). This social worker also shared the fact that these women care for families with the hope of keeping them together, yet maintain close contacts with their relatives in their countries of origin in order to avoid extreme shock in situations of deportation. Such a sense of unity and solidarity is also evident when non-status women attend communal gatherings or connect friends and family members to existing social-service resources.

Many practitioners observed their non-status clients’ willingness to help other non-status people. These women collect money to help those in need, selling their belongings to fundraise for those facing deportation, and provide childcare for other women who are in detention, at work, or attending various appointments. Service providers are often humbled by the ways in which their clients, who have so many needs, are so generous in meeting the needs of others. The investment of non-status women in the lives and needs of the community of other non-status women is completely necessary, inasmuch as service providers very often feel that they are limited in their official and institutional capacity to meet the needs of their non-status clients.

5.30 Current advocacy groups

5.31 Advocacy groups: From early 2000 to the present day

Throughout the interview process, I learned that the roles of practitioners and advocacy groups are highly intertwined. Eleven out of the thirteen people that I interviewed reported doing advocacy work at the individual level or being involved with advocacy groups and coalitions with other practitioners, either in a leadership role or as members (both active and inactive). The practitioners’ frustration at witnessing the deplorable lived conditions of non-status women have taken them outside of the frontline and into the political arena, which serves as a mechanism of
debriefing, and where they act as insider informants. It was also evident that the practitioners’ professional relationships with non-status persons directly affect their engagement with activist groups. For instance, six practitioners who have worked with non-status people for over a decade reported attending or leading at least two different advocacy groups.

For practitioners, advocacy goes beyond joining a network: it means navigating the system to expand non-status people’s resources, build allies, educate the public, join larger resistance groups, and initiate social change. At the same time, advocacy groups have been subject to critiques by practitioners and non-status women for their lack of flexibility; their inconsistency in pursuing immediate and long-term policy change; their inability to reflect the voices of non-status women; their sometimes excessively broad mandates; and their ad hoc nature, among problems. This section is divided into three subsections: the first will briefly highlight the dynamics among existing advocacy groups; the second will explore practitioners’ involvement with and perceptions of various activist groups through narratives obtained in individual interviews and focus groups; and the third part will look at the results of 155 survey questionnaires to find out whether activist groups have been able to respond to the needs of non-status women.

5.32 The dynamics of activists’ networks

Activism for the rights of non-status persons has come a long way. Starting in the 1960s as a congregational prayer in church for the betterment of rejected refugees’ life conditions, it moved from there to the more organized faith-based Inter-Church Committee for Refugees in the 1970’s, to the formation of Vigil Toronto, which was active in the late 1980s and the 1990s. There followed a period of silence in early the 2000s, after which came the rise of disjointed and individual action in 2000s, which in turn finally yielded the present situation, in which we are
faced with a proliferation of radical movements declaring the mantra of access to public resources as human rights.

Despite these changes, however, in analysing the past few decades’ activism for the rights of non-status persons, recurring themes appear. First, current activists have no historical knowledge about the work of previous activists—to the point that many assume that activism for the rights of non-status persons is a new phenomenon specific to our time. This gap suggests that the learning and knowledge of past activists has not been transferred to the activists of the present. Second, previous activists were often members of influential faith groups or simply people concerned with social-justice issues; these activists were typically interested in collaboration between settlement workers, legal professionals, academics, and non-status persons themselves. Recent activists, however, are typically practitioners, individuals concerned with social-justice issues, second-generation immigrants, or young radical students. Third, the spectrum of activists’ activities differs. For instance, while previous activists merely focused on the discourse of refugees and rejected refugees or non-status persons at the local and international levels, recent activists tend either to have broader goals and mandates or be exclusively concerned with one aspect of non-status issues (such as health, shelter, and so on).

Another major difference between the groups active before the late 1990s and those active since 2000 lies in their strategic methods. For earlier groups, activism was a lifestyle; despite their professional backgrounds and interests, they worked more collaboratively together and were highly involved with individual casework. Based on such close dialogue, they held public-education workshops and pushed for changes to immigration policy, or both. As one practitioner reported,

One of the differences that I find between Vigil and recent advocacy groups is that Vigil did public and individual cases, whereas most of the advocacy groups
now are mainly doing public cases and education—rather than going case-by-case. It makes a big difference because the cases are not organized in the same way. Vigil used to be very aware of how cases were organized; they could maintain statistics and bring more focus to the problem (Interviewee #2).

Early practitioners and activists formed various national subcommittees addressing a wide range of social issues facing non-status persons, such as the experience of children born to non-status persons, the experience of gay, lesbian, and bisexual non-status persons, and gender issues. While major policy changes occurred as result of these efforts, recent activists have yet to address such issues in their work. Similarly, earlier activists received more funding to cover their staffing, caseload, and overhead costs; most post-2000 activist groups, however, are not funded at all, or else rely on fundraising events to achieve a limited amount of support. For this reason, they operate on a voluntarily basis, making their approach less systematic and more ad hoc. This shortcoming has not been lost on non-status women, who have suggested, in response to survey questionnaires, that activists need to be united with one another and build coalitions with other groups (such as faith groups, other activists, and service providers). Non-status women have also indicated that the shift in focus away from individual casework is contrary to their wishes. Of the 155 women who responded to the short-answer section of the survey questionnaire, an overwhelming number said that they hoped activists would provide them with more information about their rights. Others suggested that activists should organize more regular public meetings and forums at different locations across the GTA. They critiqued the practice of holding activist meetings exclusively in downtown Toronto, and requested simply, “reach out to us.”

It is also worth observing that, in the 1980s and 1990s, the voices of refugees and immigrants were prominent in the movement, alongside those of social-justice activists and practitioners. Today, however, most activists are second-generation immigrants, or simply
people concerned with human-rights issues. One practitioner-activist who was highly involved with the movement in the 1980s and 1990s put it as follows:

If you take a look at all of these people who were here to help, they were coming from societies where all of their rights and liberties had either been abolished or violated. In some cases, their rights and bodies had been violated. Therefore, they had unwritten motivation to start a movement to gain what they had lost. It was like a re-establishment of their rights. [...] Here in Canada, they had the opportunity to provide these people who had been violated with the things that they did not have back home (Interviewee #3).

In contemplating this historical gap, I began to wonder: is it really important to acknowledge history? Based on my experience of being involved with both movements, I strongly believe that it is. Despite changes in the makeup of social-justice movements, and in the involvement of powerful institutions like churches, present patterns of behaviour remain rooted in the past. These patterns are the product of two overlapping forces: first, Citizenship and Immigration Canada instituting exclusionary and racist immigration policies and, second, social-justice activists and practitioners pressing for inclusionary policies and practices. How activists have responded to the ideological climate in each historical era is therefore worth careful analysis.

Despite the fact that current activist networks and coalitions are criticized for lacking a clear direction and theoretical and methodological framework, the importance of their work must not be minimized. This can be seen in the positive stance that their members have taken on issues ranging from promoting inclusive policies for non-status people in Toronto to establishing intense dialogues with the media for public attention; they can also be credited with leading to an increase in academic research on the subject matter. Unfortunately, the recommendations of these groups have not been addressed by the state, even though some discretionary changes have been made in the fields of education and the criminal-justice system.
Recent activist networks, by their very nature, gain membership on voluntary and ad hoc bases; among the few exceptions are the Women’s College Network on Un-Insured Patients and the joint CHC and Hospital coalitions led by practitioners, community members, academic, and social-justice activists in more organized and systemic fashion. Within a neoliberal political climate, in which every effort is made to criminalise non-status persons, activist networks such as No One Is Illegal tend to have broad mandates with limited resources. Whether the broad mandate of these networks obfuscates the issues faced by non-status women raises a valid concern. A further concern is that most members of activist networks simultaneously participate in, or hold membership in, other networks. This may cause the domination of a particular voice among diverse networks, thereby affecting the direction of these networks.

Because of the risk of being identified, the presence of non-status people in these networks is almost invisible. When non-status people are absent, their vulnerable social and political conditions provide activists—some of whom are also practitioners—with an assumed role as leaders, making existing hierarchical relations more pronounced. The crux of the problem seems to be that, while activists’ networks appear to link very well with other local, national, and (often) international campaigns and networks, they largely fail to engage with the people and communities that are directly affected by the issues they address. Conversely, practitioners have a wealth of knowledge about the lived conditions of non-status women; and yet, as previously mentioned, this knowledge is limited to practitioners’ own individual experiences and lacks a broader context beyond that of their contact with particular groups of non-status women.

Among social-justice activists and community practitioners who work with non-status people, concerns have also been raised regarding the orientation of recent activist campaigns. Many community activists and practitioners question the legitimacy and applicability of the
DADT policies when the City of Toronto and the federal government have not allocated the necessary funding and resources to the healthcare system, to Immigrant Settlement and Adaptation Programs (ISAPs), and to the education system. Two main questions are currently being asked regarding DADT policies: (1) By failing to learn people’s immigration status or lack thereof, are we dismissing the fact that non-status people live in the City of Toronto? (2) When we fail to learn that these people do not hold legal immigration status, are we dismissing their lived conditions?

Mohanty (1991) has raised awareness among feminist scholars about the importance of including women’s praxis in research; however, she has also noted the difficulties in theorizing their experiences. This suggests a need for considering ways of reconciling the divergent goals of non-status women’s social networks and social-activist networks, since non-status women use their networks to survive and fulfill their basic needs (i.e., housing, food, health), whereas activists build networks to engage in social-justice work in order to effect policy change and bring about global justice. This discrepancy raises several questions: (1) How to engage non-status women? (2) Are non-status women aware of various activist networks and, if so, how can their voices be incorporated into activist networks’ activities? (3) Do non-status women agree with activist networks’ approaches, and are activist networks willing to take these women’s choices into consideration (and, if so, how)? (4) Would activist networks be willing to compromise and change direction if necessary in order to achieve political gains for non-status women?

5.33 Activist networks and practitioners

The activist groups give me a sense of belonging—they are a great source of community for me. I can talk about my struggles in working with non-status people with others like me—we have become friends. I don’t know what I would do if I didn’t have these communities. Otherwise I would be alone and not really belonging. It would be tragic to continue this work alone. I don’t think that you can work in isolation—you need a community to even have fun with (Interviewee #6).
While practitioners’ role as insiders is key in providing first-hand information about the lived conditions of non-status persons, they themselves heavily rely on activists and academics to raise awareness, pursue policy change, and provide public education on the one hand, and to help them balance their frustrations and complex work conditions on the other. It is such exchange and commitment that has led many practitioners to implement or join resistance forces made up of activist coalitions and groups. Throughout their interviews, practitioners and activists embraced the discourse of “voice” and representation, both on behalf of their clients and of themselves while serving disenfranchised populations. When their position as radicals and social-justice practitioners has placed them as powerless in their workplaces, it has inspired them to become mobilizers in the larger community. As one practitioner has put it,

it is that sense of powerlessness that originally brought us together, but we find “voice” and through that voice, we empower each other and push for social change. I feel like I am contributing to non-status people and to the issue of bringing rights to non-status people. So that, with the groups, I feel like I am empowered (Interviewee #6).

Summing up, practitioners rely on activists to continue the fight for the rights of non-status people. This fight, however, should hold the potential of increasing accessibility to a broader array of city services, instead of leaving it up to a handful of organizations to carry the load. Similarly, practitioners expect activists to move beyond their militant stances and initiate open dialogue with various levels of government about the importance of public services for non-status persons and the regularisation of immigration statuses.

5.34 **Whose voice is it anyway?**

Practitioners found some activist mandates and slogans unpractical. Concerns were also raised around activist groups’ political upheaval. Rather than working closely together, some groups suffer from internal politics and split leadership, while others fail to implement decisions and
therefore face difficulties in terms of retaining community members and groups. Practitioners also felt that,

'It seems like these groups are not about the people that we are serving but they are about the people who are running them. I think that it’s frustrating for us because that’s not why we are here—there’s a lot of gossip and it is a toxic environment. It always the same people, and now it seems with these groups that are fighting for the same thing—it loses why we are a part of these groups in the first place. As a result, we aren’t actually active with these groups. My co-worker is more active with this than I am—I think that we are just trying to figure out where we want to go next and how we can use our resources in the best way (Interviewee #9).

Another major criticism of activist groups is that some activists attend multiple coalitions and groups, and this tends to affect the circulation of knowledge production, leading to the predomination of certain voices that claim ownership of the movement and take credit for the efforts of other individuals and groups. Whether attending several different activist groups represents impetus or domination, the fact remains that, over the past years, many new groups have evolved from within multidisciplinary professional teams; these have shifted the power of advocacy groups in a new direction. The focus of these groups is on social concerns such health, housing, and shelter, in order to balance the voices of individual members and groups with the lived reality of non-status persons.

Throughout the interviews, practitioners showed concern about the limited spectrum of outreach to non-status persons among activist groups at the macro level. As one community health worker noted, “[there is] the need to provide information to non-status people; they are often taken advantage of by lawyers or employers” (Interviewee #10). The same interviewee noted that this provision of information “can be done through Church and other places.” This observation resonated with comments made by other interviewees: it was highly recommended that activist groups ally themselves with churches since, for many non-status persons, faith-based
groups are an entry point to community organisations. As one social worker mentioned, “I know that they go to church for a sense of community and for support. They want their families to have connection with the religion that is important to them” (Interviewee #10).

**5.35 Activism! Aren’t we all activists?**

Throughout their interviews, practitioners defined activism in many different ways. For some, activism entails joining radical groups such as No One Is Illegal, Don’t Ask Don’t Tell, Status Now, educational groups such as The Rights of Non-Status Women, or grassroots community groups such as the Women’s College Network on Un-Insured Patients, Health for All, and Shelters for Sanctuary. Others saw informal and invisible groups such as churches and other individual or human-rights groups as very critical. Without much publicity, practitioners working at various hospitals have managed to waive mandatory identification cards or fixed deposit money for pregnant women. Similarly, with much effort, shelter workers working with abused non-status women have managed to attain affordable social housing for them. As one activist posits,

> We provide services, we are activists, and we are front line workers. We share their realities and do things that people might consider them against the law. We violate the law in different areas. We house them, we harbour them, we feed them, we work with them, and we open jobs for them. They don’t have status and we pay them and try to have insurance for them. We feel that the only way that we can change the system is to break the system by ourselves, right from the beginning. We do everything and we advocate for them (Interviewee #13).

Practitioners can see activist groups as a bridge between themselves and the lived realities of non-status persons. Activist groups can speak to issues and provide perspectives that practitioners do not have access to.
5.36 Non-status women and the activist movement

In retrospect, non-status women’s opinions about activist groups differ from those of frontline practitioners. For instance, of the 155 women responding to the survey questionnaires, a majority (106) had no information about the existence of activist groups. As is evident in Table 31, only 27% of the women were aware of activists’ networks and their work, 18% were aware of individual activists, and 17% were aware of faith-based groups supporting non-status women.

<table>
<thead>
<tr>
<th>Awareness of activist networks</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>I don’t know anything about activist members</td>
<td>106</td>
<td>74%</td>
</tr>
<tr>
<td>Individual people helping non-status people</td>
<td>29</td>
<td>20%</td>
</tr>
<tr>
<td>Faith-based groups</td>
<td>26</td>
<td>18%</td>
</tr>
<tr>
<td>Are you aware of activists and their networks</td>
<td>15</td>
<td>10%</td>
</tr>
<tr>
<td>Don’t Ask, Don’t Tell (DADT)</td>
<td>9</td>
<td>6%</td>
</tr>
<tr>
<td>The rights of non-status people</td>
<td>7</td>
<td>5%</td>
</tr>
<tr>
<td>No One is Illegal (NOII)</td>
<td>4</td>
<td>3%</td>
</tr>
<tr>
<td>Other</td>
<td>0</td>
<td>0%</td>
</tr>
</tbody>
</table>

This information suggests that activists have yet to engage non-status women in their activities, from decision making to reflecting their voices. That said, those non-status women who had some form of knowledge of, or personal contact with, various activist groups reported finding out about them through their informal networks (such as friends and faith groups) or by seeing their flyers.

<table>
<thead>
<tr>
<th>Ways of learning about activist groups</th>
<th>Frequency</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>My friends</td>
<td>31</td>
<td>22%</td>
</tr>
<tr>
<td>Saw flyers</td>
<td>25</td>
<td>17%</td>
</tr>
<tr>
<td>My lawyer, health provider, social worker told me about them</td>
<td>11</td>
<td>8%</td>
</tr>
<tr>
<td>Internet</td>
<td>10</td>
<td>7%</td>
</tr>
<tr>
<td>Attended their workshop/meeting</td>
<td>8</td>
<td>6%</td>
</tr>
<tr>
<td>Saw/heard about their work</td>
<td>5</td>
<td>3%</td>
</tr>
<tr>
<td>Media</td>
<td>2</td>
<td>1%</td>
</tr>
<tr>
<td>Other</td>
<td>2</td>
<td>1%</td>
</tr>
</tbody>
</table>
One major limitation identified by non-status women is that most of the activities of these groups are concentrated around downtown Toronto rather than in the GTA. Furthermore, 83% (129) of non-status women indicated that activists have never asked their opinion, nor have they invited them to join their meetings. While 3% of women reported being approached by activist groups, this gap might partly be due to the fact that there are shared fears among practitioners and activists about the potential arrest and deportation of non-status people by CBSA and the police force. This fear is consistent with non-status women’s perceptions. For instance, 68% (106) of non-status women showed no interest in becoming involved with activist networks (for reasons including “Don’t know them,” “Too busy,” “Can’t trust them,” “Lack of resources”). At the same time, however, it is important to note that of all the non-status women completing survey questionnaires, 62% (92) believe and are hopeful that activists will be able to help them. Also, 64% of respondents think that activists are able to make positive changes to improve their conditions (including increasing access to services, stopping exploitation, helping with gaining status, performing advocacy, providing legal help, engaging in dialogue with government, and stopping sexual exploitation). That said, 23% of the respondents do not trust activists at all.

<table>
<thead>
<tr>
<th>Attitudes towards activists</th>
<th>No</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Have they ever asked your opinion or invited you to their meeting?</td>
<td>129 (83%)</td>
<td>5 (3%)</td>
</tr>
<tr>
<td>Are you interested in being involved with them?</td>
<td>106 (68%)</td>
<td>33 (21%)</td>
</tr>
<tr>
<td>Do you think activists can help you?</td>
<td>35 (23%)</td>
<td>96 (62%)</td>
</tr>
<tr>
<td>Do you think activists are able to make positive changes?</td>
<td>114 (64%)</td>
<td>15 (10%)</td>
</tr>
</tbody>
</table>

5.37 Conclusion

In this chapter, I have argued that the state has direct power over human-service organisations and the practitioners working within them; this power is exercised through funding and through
sets of professional and organisational policies and procedures that define individuals’ functions. Despite such control, however, radical practitioners have pushed the voices of marginalised people to the forefront from many angles. Individual interviews and focus groups indicate that practitioners and activists are willing to take on heavy caseloads as they aim to expand the notion of access to services for non-status women while simultaneously claiming the role of advocate. On the other hand, the responses to survey questionnaires remind us that, despite this duality, we have not been successful in reflecting the voices of non-status women.

In view of these issues, I will end this chapter with Spivak’s (2000) reminder about the risk involved in claiming indigenous knowledge, in idolising a lost object, and in foreclosing the native informant’s perspective. Perhaps it is time for us to recognise and rely on the resilient power of non-status women and move from the discourse of representation to challenging the root causes of state laws that force these women to remain underground and silent. This new approach can start with a new slogan, “We will tell and we will ask,” as part of putting an end to forcible and oppressive arrest, detention, and deportation. This is not meant to suggest reporting individual names, but rather producing monthly statistics in order to challenge existing human-service policies and their funding criteria, which purposefully exclude non-status women from accessing resources.
Chapter 6: Resiliency: Discussion on Policy Changes Necessary to Meet the Needs of Non-Status Women in Canada

6.1 Introduction

In working with and listening to the voices of non-status women through the findings of 155 survey questionnaires, I learned that, despite their difficult life conditions while living underground with limited access to public, legal, and human-rights resources, non-status women do not perceive themselves as victims. They rely on the power of their resiliency to survive and to navigate the system. For non-status women, resiliency is learned from many sites, but it decisively depends on their informal networks and their hope to make Canada their home. Through their social networks, non-status women build solidarity as an effective strategy for resisting oppression and sharing their resources. This section will address the discourse of resiliency from the perspective of non-status women. It will also provide a summary of the thesis findings and recommendations for policy reform from the perspective of: (1) trafficked non-status women, (2) human-service organizations, (3) frontline workers, (4) practitioners, and (5) non-status women. The chapter will further provide a brief discussion of the benefits of the study and the avenues for moving forward.

6.2 Resiliency: Building networks and learning to resist oppression

This thesis helped me to understand resistance and resiliency from the perspective of non-status women, activists, and service providers. It helped me to locate similarities and differences in the ways in which members of each group learn and interpret their social locations and political ideologies. For instance, non-status women see resiliency in bonding with one another and reaching out to service providers while dealing with the everyday challenges of living without legal status. For service providers, achieving social equality through frontline practice, relying on
their own professional networks for referrals, and joining activist groups serve as the basis of resiliency. This resilient power has further acted as a coping mechanism in dealing with socio-political pressures. These workers also expect activists to take a political stance in changing the lived conditions of non-status women and their own work-load related dilemmas. Activists, on the other hand, saw resiliency as a tactic for confronting injustice and achieving social change. In a variety of ways, activists, service providers, and non-status women saw resiliency and resistance as taking the focus away from a sense of victimization and hopelessness and shifting attention towards strength in their sense of belonging, agency, and their ability to achieve socio-political change. Based on Fanon’s explanation of oppression and its impact on marginalized groups, the following section will first discuss the impact of oppression on non-status women and then argue that resilient power assists non-status women in learning how to rely on each other (through their informal networks) while navigating the system and making Canada their home—even if only temporarily.

According to Fanon (1961), oppression often frustrates the basic needs of the oppressed. The resultant struggle to provide for the basic needs of children, family-members, and oneself comes to take priority over morality and other higher ideals. Since this oppression happens every day, individuals personify the oppressor, as image and as reality; this relieves the oppressed of the need to face their “true protagonist.” Applying Fanon’s notion of oppression to the present case reveals this dynamic as non-status women may hurt each other when they feel the threat of losing their only source of support—their own friends and networks. And yet, when this competition leads to conflict, it can result in profound self-hatred and the overpowering sense that one has hurt a member of one’s own community. According to Fanon, each time an oppressed person hurts his or her own family and friends, it is really an act of suicide.
Building on Fanon, I further argue that the common experience of oppression—in this case exclusionary immigration policies—does not necessarily cause social immorality and crime. In fact, according to the findings of 155 survey questionnaires gathered from non-status women, their deplorable living conditions did not cause them to violate the law. Of all these women, only one reported encountering the criminal justice system. This statistic itself, however, is not an indication that even one woman has actually violated the law; the woman who reported this contact may in fact have been the victim of the crime. It is possible that gender plays an important role in the internalization and expression of oppression. What my research has found is that the gender, physical, sexual, and labour oppression of non-status women has permitted the government to impose its power through acts of law such as deportation. It has also permitted society at large, including citizens and those with status, as well as other non-status people, to take advantage of these women. And yet, what helped these women to resist was their resilient power.

For instance, my research has shown that, while their position as non-status women has exposed them to high rates of unwanted sexual encounters (90%); being forced into sex-trade work (28%); engagement in casual sex-work in order to provide for their families (24%); and dependence on self-harm in order to cope with the pain and challenges of living without legal immigration status (24%), non-status women have nonetheless managed to learn new skills and live independently while simultaneously supporting their families both in Canada and in other countries through remittances.

6.3 Resiliency by sharing resources

She left me a message begging for food. She had run out of potatoes, she explained, and for the last two days had not had any money for groceries and other basic necessities. “What an awful mother I am,” she choked out through her tears.
Before her arrest, Shad and her two young daughters managed to live in a rooming home shared with people they barely knew. Shad was always worried about her daughters’ safety and she made sure they stayed in the room. Whenever she left to work odd shifts at a local factory, her best friend, Nadia, looked after the children. Life was very difficult, but Shad never complained; she was just happy that her children were Canadian citizens—one day they would grow up and sponsor her. In this way, Shad held on to a measure of hope. It was not until the day she was arrested that this hope deserted her. This was not only because of the arrest itself—Shad always expected the worst—but because it suddenly seemed that she had lost her only friend.

Some time before, Nadia’s boyfriend, Greg, himself a non-status person, had become obsessed with Shad. This obsession grew in intensity until the day he finally made his move—through an act of rape. Ashamed of what had happened, and tormented by guilt at what felt like betraying her best friend, Shad was unable to seek police protection out of fear of deportation. With nowhere to turn, she became depressed. Mutilating her body became Shad’s only means of relieving the constant tension in which she lived.

But Nadia could not bear the thought of losing Greg, especially now that she was far in her pregnancy. So she acted on impulse: she called the police and reported on Shad’s immigration status. Shad was eventually arrested and put in detention. Shortly afterward, Greg left Nadia for another woman. He never contacted her again, nor did he bother to visit their child.

When Shad was released under peace-bond conditions, I helped her find a new place to live and assembled some basic resources for her children. It was after this that I received her message. Feeling worried for her, I stopped to purchase some milk, bread, and vegetables before making my way to her home. When I arrived and delivered these items, I witnessed Shad open her fridge—it was empty—and carefully place the groceries inside. Then, she picked up the phone and dialed a number. As I moved into the next room, even though she spoke in a soft voice, I was still able to hear her say, very slowly, “My social worker brought me a pack of three bags of milk, come and take some.” Then I heard the receiver click. The next moment, Shad came out of the kitchen and joined me in the living room.

While we were talking, the doorbell rang, and in walked Nadia, holding her newborn baby. The women looked at each other, giggled, and shared their resources, celebrating now that they could feed their children. Shad was especially proud of providing for her friends.

In the meantime, I was sitting silently in the living-room, embarrassed by such festivity. Shad gave me a priceless gift—her love for humanity. She has had an incalculable impact on my career; she taught me that even though donations of food take care of immediate crises, the long-term solution for problems such as hers is advocating for social change.

As is evident in Shad’s case, the moment a non-status woman manages to gain access to resources, even a limited amount, she is suddenly able to love herself and support her community. She shows remarkable generosity by sharing milk, vegetables, and other resources.
Having friends with similar living conditions is an important survival mechanism in the lives of non-status women. The need for bonding with friends is highest among newly arrived non-status women, those with children, and individuals who are engaged in abusive relationships. This is because these women’s vulnerable conditions further expose them to the attention of authority figures, potentially leading to their arrest and detention. Based on the findings of 155 survey questionnaires collected from non-status women, nearly 60% reported the importance of having networks of friends; of these, 90% indicated that their friends are also non-status persons.

And yet, while non-status women teased out the important role of networks of friends in their lives, they simultaneously reported having difficulties in maintaining positive and long-term relationships. This takes us back to Fanon’s notion of the impact of oppression. According to my research findings, conflicts among friends arise from the psychological impact of living without legal immigration status. For instance, women reported suffering from problems including low self-esteem, anxiety, fear, depression, stress, self-hate, anger, mood changes, guilt, lying, hopelessness, insecurity, lack of confidence, and sadness, to name a few. These conditions affect their mental health and sense of well-being. Since fears of deportation prevent them from taking systemic action to change their living conditions, they unleash their frustrations onto themselves by mutilating their bodies, engaging in sexual activities, submitting to addiction, or engaging in conflict with their networks of friends. Based on the existing research and the findings of survey questionnaires, one can conclude that legal immigration status and a sense of belonging directly contribute to a sense of well-being and positive mental-health conditions. Keeping in mind the alarming psychological impact of oppression, this section moves towards exploring the discourse of resiliency and learning to resist—themes explored throughout this dissertation.
Belief in the legitimacy of the immigration system as an institution and immigration policy as a means of legalizing one’s existence under the category of immigration status have long been entrenched in Canadian society and its political system. It is through this paradoxical process that these women learn in different ways and find different modes of survival and resistance. As Cynthia Enloe (2003) notes, “We failed to realize that the resistance had not disappeared; it had changed.” Based on their needs, common interests, shared immigration status, and social locations, these women resist by forming informal networks to live in Canada for many years.

Tina Sideris (2003) argues that “the complex interplay between vulnerability and resilience that characterizes the lives of survivors is firmly located in context” (p. 715). As formal institutional channels are closed to non-status women, they learn to find informal ways of surviving. Mojab and McDonald (2001) refer to informal learning as the ways “individuals learn at work and through daily interactions, which can occur on a continuum of intentionality and consciousness” (p. 4). By bonding and relying on their informal networks, non-status women demonstrate a significant will and incredible capacity to survive. This is an historical and adaptive coping mechanism that non-status women use in various circumstances to form agency and to build social connections, so that they can live with dignity and pride. The survival strategies that these women create allow them to resist oppression, build solidarity, and form agency.

Social support networks have always been critical in the lives of women, particularly immigrant women, who lose their traditional sources of support through the process of migration. For non-status women who lack public support, reliance on social support networks is crucial for survival. In Toronto, however, non-status women’s current social-support networks
have limited links to outside resources and hold little influence within mainstream social and political alliances. Over the years, activists have assisted non-status people by providing them sanctuaries, helping with border crossings, and working towards achieving social justice. However, based on the findings of survey questionnaires, social activists’ networks need to further integrate the voices of these women into their activities. (This is particularly true in the current capitalist era, with its intensive exploitation of human capital, which directly affects migration and displacement.) As mentioned earlier, over 80% of non-status women reported lack of knowledge of the existence of activist groups or the nature of their activities. non-status women.

The intensity of a non-status woman’s relationships and ties within her informal networks can be determined according to her needs, her length of residency in Canada, her access to the labour market, and her knowledge of both formal and informal systems, including social-service resources. Most non-status women’s ties consist of informal circles of individuals, which usually include close friends or family members whom they knew in their homeland (and who may or may not hold status in Canada), as well as other non-status persons whom they have met since their migration. Their formal ties are generally limited to those persons encountered through employment.

Since the survival of non-status women depends on their underground social networks, it is important for their well-being that activists and service providers expand the breadth of these networks. And yet, no remedy has been implemented to address this issue, other than a few support groups and parenting drop-in programs. Perhaps this issue requires further reflection—particularly since limited access to community resources, especially when juxtaposed with
systemic barriers, racism, and discrimination, further isolates these women and exposes them to various forms of exploitation.

Through their networks, non-status women find ways to secure their niche outside of the underground world (e.g., by finding employment and seeking help from various practitioners). However, the collectivity of non-status women remains voiceless, given that its underground nature precludes it from inclusion in the political decision-making process. These women’s futures are decided in public, by governmental decree, with occasional input from activists. This condition creates power imbalances between non-status women and activists, leading to a situation where activists act as the voice for non-status people and as experts on their lives. I have addressed this issue throughout my dissertation, and in Chapter Five in detail. The next section will embrace the notion of resiliency through such women’s reliance on hope and the desire to make Canada their new home.

6.4 Resiliency continues: Making Canada home

Throughout my professional work as a social worker, I have encountered many non-status women who have shared with me their stories of human-rights violations including sexual abuse, rape, physical and psychological abuse, trauma, mental health issues, poverty, labour exploitation, and challenges resulting from parenting and care-giving responsibilities, to name a few. While exploring such violations through data has been a difficult task, learning about the extent of the strength and resiliency in these women has been a joyful journey.

Overall, non-status women have conveyed their resilient power through some of the following means:

(1) by showing a will to improve their lives and navigate the system in order to access services;
(2) by participating in my research and sharing their very intimate information in the hopes of changing the conditions of non-status women in Canada;

(3) by raising consciousness about other non-status women caught in the web of traffickers (both local and international), sex work, and the sex-trade through the distribution of survey questionnaires among their informal networks and friends (through snow-ball sampling);

(4) by keeping me as a researcher accountable for their voices through the process of writing side-notes on their survey questionnaires or exploring the issue further with the service providers responsible for collecting their questionnaires;

(5) by raising the need to engage scholarly work in epistemological dialogue with their voices and lived conditions;

(6) and, most importantly, by making us—that is, professionals, researchers, human rights activists, and, as Feather wished, the government—responsible for their ordeals and the violations of their human rights.

In fact these women have critically asked us to question our notions of just and democratic society. Should the right to have human rights be dependent on the discourse of citizenship status or residency status? Can a just society afford to allow state institutions such as the police to take forceful measures in the arrest of non-status women who are the victims of crimes? Shouldn’t a just society instead employ such force to support these women (since the crime has occurred within the boundaries of the state) and further keep rapists, abusers, and the thieves of their labour power accountable? Most importantly, how does the state explain the deportation of children born to non-status families and how does civil society address the violations these children experience while in Canada (since they have no access to public services other than
those covered under OHIP or the primary and secondary education system) and as they face deportation. Perhaps further research and advocacy work can uncover some of these challenges.

As discussed in Chapter VI, my data demonstrated that, of the 155 non-status women who completed survey questionnaires, 112 reported coming to Canada with some form of legal visa and 29 reported being brought to Canada by force for labour and sexual exploitation. Therefore the problem of non-status-ness is not simply a matter of illegal entry, but rather of exclusionary immigration policies that prevent these women from gaining legal status in Canada. Recognizing this reality, in Section 2 of the survey questionnaire I asked non-status women whether they were interested in participating in any potential regularisation program in order to remain legally in Canada. The two questions (questions #16 and #17) were presented as follows, with the displayed range of answers:

16) *Would you participate in these programs if they would give you legal permission to stay in Canada? (Please select all that apply)*

- [ ] Temporary visa to remain in Canada but would allow you to apply for permanent residency after 5 years
- [ ] Temporary visa to remain in Canada but would not allow you to apply for permanent residency
- [ ] Temporary work permit visa
- [ ] Regularization program

17) *How long you think you will remain in Canada as non-status person? (Please select all that apply)*

- [ ] For my entire life
- [ ] Two more years
- [ ] Ten more years
- [ ] Until I get my immigration documents
- [ ] As long as I can
- [ ] Until I am deported

My goal in raising these two questions was to be able to rely on these women’s voices and expertise while engaging in policy recommendations. As we have seen in the previous
chapters, the recognition of non-status women must go beyond the notion of them as “voiceless and powerless victims,” as these women have learned to use their agency to thrive and resist oppression. As service providers and activists, we need to ask ourselves: how can we go beyond service delivery and empowerment to generate new directions for our activities that make power more visible for non-status women? The centrality of this question was clear in Feather’s request, when she demanded that the Canadian government be held responsible for her trauma and that her story be made known to the world.

Keeping this in mind, it is interesting to note that nearly all of the non-status women completing surveys shared that they wanted to participate in programs that would allow them to remain in Canada legally (Survey Questionnaire, Section 2, Question #16). Regardless of their living conditions, non-status women further indicated that they plan to remain in Canada for as long as it takes to gain legal immigration status (Survey Questionnaire, Section 2, Question #17). These findings first challenge the existing racist, sexist, and classist discourses that represent non-status persons as “illegal border crossers.” Second, they show that merely creating inflated fears of arrest, detention, and deportation does not put an end to the problem of Canada’s ever growing non-status population. Third, they show that restrictive immigration and border control policies do not and will not eliminate illegal migration or the trafficking of individuals to Canada. Fourth, they show the need to reflect on the existing immigration policies both globally and nationally in order to address the realities of the current mass movement of irregular migrants.

Moving forward, however, is only possible if the issues of non-status people are addressed at various levels. First, international bodies must acknowledge the increased migration of non-status people by creating a new convention specific to non-status people. Second,
international laws must form regulatory bodies to oversee and monitor the treatment of non-status people by all states. Third, states hosting high numbers of non-status people must ratify the convention on non-status people and obey its regulations. States must also afford non-status people basic human rights—including the social determinants of health, such as physical health, employment, housing, and social and legal services—without fear of arrest, detention and deportation. Above all, states must take measures to address the gender issues and gender violation of non-status women. The extent of the gender exploitation of non-status women revealed by my research is a national and international shame that not only indicates the extent of women abuse at the global and national levels, but also shows that women are not immune from violations of their rights and sexual rights in First World countries like Canada—even though such countries claim to be champions of democracy, gender equity, and women’s rights.

States that rely heavily on the human capital of non-status people must further provide non-status people the option of acquiring a work permit with all the rights guaranteed to workers regardless of their immigration status. They must also, and within a reasonable time-frame, entitle such workers to regularization programs or a new category that would provide these people with a right to remain legally. That being said, the deeper argument of this thesis is that the right to have human rights should not be bound to the discourse of citizenship or various legal statuses but rather be simply that: a human right.

As global gaps and disparities increase, so does the migration of people who do not fall under the traditional migrant categories recognised by the UN and international human-rights laws. Lack of reform exacerbates the re-production of non-status-ness in general and of non-status women in particular. The historical notion of illegality is a tactical construct to portray non-status people as temporary and unlawful visitors, thus further erasing the history of their
disenfranchisement within developed countries like Canada. In fact, eliminating the records of non-status people and their movements from history has been deliberately attempted by developing states in order to avoid recognising these people’s contributions to nation building. However, even when the government refuses to acknowledge the existence of non-status people, society will. Social movements organized for and by non-status people attest to the resiliency of these people and to the commitment of social activists.

It is my belief that achieving global solidarity will involve holding international regulatory bodies responsible for the enforcement of global policies that hold host states accountable for ensuring the human rights of all residents, regardless of their gender, race, age, class, religion, immigration status, sexuality, ability hegemony, and access to resources. This solidarity will work to eradicate the division between persons with status and those without it.

6.5  From idea to research: Summary of findings and recommendations

The purpose of this thesis was twofold: first, to explore the living conditions of non-status women and, second, to find out whether the activities of service providers and activists respond to the needs of these women.

I began this journey by assuming that my position as a front-line worker and activist would make the exploration of this thesis more tangible. Perhaps this understanding was rooted in my social location as an “insider,” “voice,” and “expert”—the very notion that I went on to critique (in Chapter Two and Chapter Five). However, I was soon faced with multifaceted barriers ranging from the theoretical framework to methodological and ethical considerations involved in researching vulnerable populations.

The topic of this dissertation stems from my professional frustration at observing the deplorable living conditions of the many women that I worked with over the years. In a way, this
interest is a result of my professional resiliency, which has been deeply rooted in my commitment to an anti-racist and anti-oppression framework that sees the helping profession on a level beyond individual and group work, as a site of social transformation.

The title of my thesis is also heavily linked to my perception of these women from two interrelated viewpoints: first, their location as underground residents as created by exclusionary citizenship and immigration policies and civic law, and, second, my personal observations of these women as they show a strong desire to strive and live with dignity while holding onto the hope of making Canada their new home. Through this resilient power, these women learn to rely on their strength and their informal networks of friends.

As I began the process of the literature review, I was faced with the challenges of limited Canadian-based scholarly work and textual documentation. Searching for print and electronic information, such as related books and book chapters, journal articles, governmental reports, and newspapers, became a lengthy process. These difficulties progressed to the point where I decided to rely on an informal way of gathering information, including organizational reports and the memoirs of staff and activists. Looking back, I realize that such complex conditions had resulted in letting me locate individuals who were highly involved in the lives of non-status people in the past. This, in turn, contributed to the research as a means of bridging the historical gap.

Writing Chapter Two turned into a complex theoretical dilemma. On the one hand, I was faced with limited relevant Canadian scholarly work on which to base my theoretical framework. On the other hand, due to the multidimensionality of non-status women’s conditions and the interconnectivity of their lives with history, state law, and state institutions (ranging from citizenship and immigration policies to civic laws and public policies), my theoretical framework had to engage in dialogue with all the aforementioned facets.
However, the process of discovery can also turn into a process of self-reflection. For this reason, I relied on post-colonial thinking to critique the notions of voice and representation. Through this process, I learned about the dynamic between the roles of the helper/expert and helped/non-status women—in which the former holds the position of power as an expert and the latter is perceived as voiceless. This discursive realization starts with self discovery, and can further be transferred to analyses of other professionals/activists working with non-status women as well as other disenfranchised communities. Indeed, the lack of such self-discovery can lead helpers to collude with the marginalization of those they intend to help.

I further relied on the work of postcolonial and feminist scholars to gain a first understanding of the factors contributing to labour migration. Similarly, Marx provided me with an understanding of the factors resulting in labour exploitation. Allman (2007) has also called our attention to the historical relationship between the commodification of human labour and the accumulation of capital, where precondition factors such as capitalism result in the dispossession of Third World countries and the dislocation of their labour power. This is consistent with my findings: of the 155 non-status women responding to survey questionnaires, over 90% come from countries and regions where they have experienced colonization and are caught in the web of global disparities. They have experienced militarization, war, and internal armed conflict; their national law does not protect against gender-based violence; and they lack social and political opportunities.

Thanks to the work of post-colonial feminist scholars such as Mohanty and Bannerji alike, my knowledge about the historical and material reality of Third World women was further expanded. I learned how capitalism relies on the labour power of these women who are cast out as migrant workers and non-status in order to gain surplus value and survive global competition.
In doing so, borders become sites of contradiction that simultaneously allow the flow of goods and labour power (both legally and illegally) and act as mechanisms to control such movement, both nationally and internationally. This contradiction has been strongly felt by non-status women: of the 155 women who filled out questionnaires, 112 were granted official permission/visas to cross Canadian borders, even though they had to live in an underground manner in order to avoid forceful deportation.

In order to engage in a further theoretical discussion that would understand the discourse of labour power in relation to immigration policies, I reflected on the need to historicize such discourses both in terms of their intersectionalities and their interconnectivities. For instance, I could not explain the labour exploitation of non-status women without addressing deportation policies at both the local and international levels. In fact, a high number of non-status women have reported that fears of deportation have silenced their voices and compelled them to tolerate various forms of abuse (including sexual). Sharma (2006) has further reminded us that categorising people based on their immigration status raises a fundamental division between “Us” (legal citizens) and “Them” (illegal residents) that is used to justify the latter’s exploitation.

I have also relied on the neoliberal theory of pull and push factors in order to explain the material reality attached to the lives of these women. In fact, these women’s lack of legal immigration status benefits both migrant-producing countries (through the remittances these women send home) and the host country, through its access to cheap and unregulated labour power. That said, in retrospect, even though this theory helped me to understand global relations in the era of globalization, perhaps I should have framed this notion from a post-colonial standpoint, in order to provide a critical explanation of its root causes and its current impact. Furthermore, the challenges experienced by these women go far beyond the notion of labour.
Critical feminist scholars have further discussed the discourses of gender, race, class, and ability hegemony, resulting in new sets of complex relations that cause and reinforce marginalization and the exploitation of women’s sexuality and parenting and care-giving responsibilities.

Throughout this process, the state plays a vital role in the production and reproduction of power by attaching eligibility criteria for accessing basic social, legal, and human-service agencies, as well as education, safety, and human rights. Chapter Two briefly provided a theoretical framework for such notions and reviewed immigration policies in detail in order to further explain how such categorisation has been legitimated.

By situating non-status women as transnational women, Chapter Four explored the gender implications of living without immigration status. The findings have been rather disturbing. For instance, nearly 80% of non-status women have travelled alone, leaving their families behind without any chance of reunification. They work long hours and multiple shifts with limited access to safe working conditions or fair wages that could lift them above the poverty line. Their housing conditions are unsafe, with over 60% reporting having housing problems where they share their living quarters with other people whom they barely know. They also experience a high rate of sexual abuse. All of these factors have directly impacted their health and well-being and the quality of their lives.

Since non-status women are confronted with fears of arrest, detention, and deportation, as well as caring responsibilities for their families, the price of seeking help has been unbearable. On the one hand, due to funding constraints and fears of immigration-enforcement retaliation through raids and individual arrests, many professionals have provided services to non-status women in an underground manner. On the other hand, agencies have remained silent, first, to their funders about serving non-status persons, and, second, to the authorities about the incidence
of abuse and exploitation experienced by these women. The outcome is not surprising: the Canadian government has taken no steps towards acknowledging the existence of non-status persons in Canada, let alone its responsibility for protecting their basic human rights.

The Canadian government has also taken no responsibility regarding the organisations that serve non-status women in terms of the allocation of funding, human resources, and staffing. This issue is compounded by fact that no legal protocol exists for confronting the exploitation of non-status women at the individual, community, or institutional levels. These factors influenced my political decision to rely on multiple sources of data generation in order to find patterns, themes, and statistical measures for critically exploring and challenging multifaceted policies as they pertain to the living conditions of non-status women.

Through the use of qualitative methods such as individual interviews and focus groups with service providers and activists, emerging themes such as funding restrictions and problems with organisational structure made it possible to identify barriers to non-status women’s access to services, as well as such problems experienced by workers as heavy caseloads and high burnout rates. The use of quantitative measures such as survey questionnaires helped frame the qualitative findings and further confirmed the extent to which such problems directly affect non-status women’s general and sexual health, as well as their parenting, employment, and overall living conditions. Moreover, multiple sources of data generation assisted me in understanding the ways in which individuals’ professional practices are influenced at the micro, mezzo, and macro levels. The qualitative and quantitative data therefore revealed a pattern of the marginalisation of non-status women caused by the state’s immigration and enforcement policies, as well as its civil laws and human-rights initiatives, all of which are conditioned to view humanity based on existing hierarchical categories of legal status. As a result, social, political, and policy changes
must occur at multiple levels and within interdisciplinary and multifaceted fields in order to abolish this marginalisation and exclusion of disenfranchised people from all segments of our society.

In summary, one cannot assume that non-status women are victims, since such a depiction oversimplifies the situation and dismisses the resiliency and survival mechanisms of these women. In responding to 155 survey questionnaires, even as the non-status women shared the agonies of their lives underground, they also taught us about their resiliency. In difficult situations, these women form agency and continue to navigate the system, learn new skills, and, more importantly, resist their oppression.

Overall, my contribution to the existing theoretical knowledge has been to argue for lack of legal immigration status as another key component shaping the reality of over 30 million transnational non-status persons around the globe. While all immigrants—including racialized citizens, permanent residents, and those, such as migrant workers, who have legal visas—face multifaceted challenges, the nature of the lack of status, especially when this is compounded by issues of gender in the case of non-status women, places those who experience it among the most marginalized communities.

Another contribution that my research has made is to counter the earlier notion, according to which non-status persons were considered as simply that: a “person,” rather than a man, woman, or child. I chose to research the conditions of women because, throughout my frontline work, I had witnessed the complexity of the discourse of gender in relation to state laws and policies. This, in turn, reminds me of something that happened during the data-analysis process. As I was reading the side-notes on the questionnaires, I came to see the following note: “I am a
man but decided to respond to this questionnaire – please do not forget to research non-status men.” This note strongly suggests the importance of further research!

1) Trafficked women:

The power of resilience was evident in the situation of women who have been trafficked—despite the fact that my survey neglected to seek out their voices. As Perrin (2009) argues, any effective anti-trafficking strategy must assist trafficked persons in coming forward, instead of forcing them further underground. The following recommendations are accordingly made in honour of the women who voluntarily came forward and disclosed their living conditions with the goal of improving the conditions of trafficked women:

(a) As is evident from my research, most of the trafficked women were recruited by Canadian traffickers. The Canadian government must be accountable to those who are trafficked by Canadians. Thus, it must guarantee both permanent residency to trafficked persons and criminal consequences for recruiters and traffickers.

(b) The existing six-month Temporary Resident Permit (TPR) should be made permanent and legislated as part of the Immigration and Refugee Protection Act (IRPA) in order to offer permanent status to women. In this respect, I follow the recommendations of Perrin (2009).

(c) Due to the underground nature of trafficking chains, individual traffickers, and the ways in which trafficked women are situated within the labour and service economy of destination countries, the discourse of female trafficking suffers from definitional restrictions. As noted by CNEW, definitional ambiguity has resulted in the misappropriation of justice. Therefore, the existing definition of trafficking must be
expanded to come to better grips with the complex and interrelated conditions of women’s lived experiences and their legal and socio-political realities.

(d) In their collaboration efforts, the Canadian state must take responsibility for its own contribution to global inequities and gender violations. It also must commit itself to dismantling the root causes of global disparities, including the feminisation of poverty, which make Third World women vulnerable to traffickers.

(e) Gender and race analysis should be brought to bear on any consideration of trafficking issues (Canadian Council of Refugees).

(f) The Canadian government should create a national database to share existing research and potential educational strategies on trafficking (CNEW).

(g) At the present time, due to existing punitive policies, NGOs avoid collaborating with the Canadian government or referring trafficked women. The government needs to work on building coalitions with NGOs through more effective and trustworthy policy formation.

(h) Trafficked non-status women have no access to health or other social programs. Access to healthcare, social programs, and legal and public services are human rights that must be guaranteed to all residents, including trafficked persons.

(i) For the most part, current Canadian policies are concerned with enforcing legal remedies to protect victims, prosecute traffickers, and prevent crime and human-rights violations; that said, the government’s attention has primarily been directed towards the securitisation of borders. This indicates the government’s assumption that the problem is an external threat. More acknowledgment needs to be made that Canadians are highly active in the recruitment of victims abroad and their exploitation upon arrival in Canada. Attention must also be paid to the issue of internal trafficking.
(j) The problem of trafficking is widespread; as a signatory to the UN’s *Convention Against Transnational Organized Crime*, the Canadian government must allocate more funding to critical research that reflects trafficked women’s voices.

(k) Women and girls find themselves in sex-trade work through the actions of organized businesses: smugglers, traffickers, pimps, and employers. If the law is to reduce their exploitation, then we need to put in place more progressive laws that go beyond enforcement: they must provide both protection and justice.

(l) Service providers must be sensitive to the notion of confidentiality while addressing the complex needs of trafficked persons. Appropriate referrals must be made to safe housing, financial assistance, language interpreters, food security, and health and legal services.

(m) Trafficked persons deserve respect. We need to include them in every decision-making process, from direct practice to law enforcement and local and international policy reform.

(n) Any policy address must encompass gender, class, and race as well as social, economic and political analysis.

Chapter V explored the paradox of helping from the perspectives of both service providers and activists. It is not ironic to note that service providers assisting non-status women feel the burden of additional caseloads and the challenges of a lack of resources while they witness their clients struggling for medical, legal, and social support. The following are recommendations suggested by service providers in order to adequately improve, first, their organisations and, second, their frontline work.

1) Organizations:
(a) All human-service organisations and their workers must participate and work with non-status persons. Practitioners must be provided with appropriate timeframes for dealing with non-status clients. Similarly, new hiring should be reflective of the skills necessary for addressing the needs of the community and the neighbourhood.

(b) Organisations that receive public funding to assist non-status clients must divide their workload equally among staff. The answer is not to overwork radical practitioners. Instead, educational workshops must be created for all staff in order to increase their capability of dealing with complex cases.

(c) There must be a decrease in the monopolisation of this sector (e.g. through amalgamation and exclusionary expansion) and an increase agency funding to serve non-status persons.

(d) There must be a more integrative approach in serving non-status persons. For instance, to confront systemic barriers, one can build a single national advocacy group that is composed of national sub-committees assigned to specific issues such as exclusionary immigration policies, health, social housing, detention reviews, and so on.

(e) Mandatory protective policies must be incorporated into the criminal justice system; these must be based on residency status rather than citizenship status in order to stop sexual and other forms of violation against non-status people.

(f) There must be the implementation of organisational-accountability procedures and protocols in serving non-status persons.

(g) Services must be offered openly. The underground manner of service delivery not only denies the existence of non-status persons; it also further increases the workloads of practitioners, while also creating greater potential for misconduct. Organizations must
share their experiences with what is working, what is not, as well as their challenges and successes.

(h) In order to reduce employment burnout, practitioners’ caseloads must be reflective of the complex and multifaceted clients they serve. Also, practitioners must receive debriefing support, either regularly or as needed.

(i) Organisations must rely on both public and external funding sources.

(j) Organisational mandates should not become limitations on serving non-status persons. Instead, they must acknowledge the existence and the needs of non-status persons within an anti-oppressive framework. Funders must provide organisations with new monthly quotas for serving non-status persons.

(k) Organisations must acknowledge the unique and complex needs of non-status persons and plan service delivery and resources accordingly. Such planning must take account of: individual and family programs, group and drop-in programs, advocacy work, public education, and broader local-national advocacy coalitions.

(l) Confidentiality policies at the organisational level must be restricted, with clear protocols for staff. Non-status people should not be discriminated against or reported to CAS, the police, and CBSA.

(m) Organisations must avoid double standards in service delivery and move towards the professionalization of help for non-status persons. Organisations must follow professional ethics and work within anti-oppressive and anti-discriminatory frameworks.
2) Frontline work

The following gaps currently affect practitioners’ frontline work:

(a) Limited referral sources result in additional work for practitioners in order to compensate for gaps in services.

(b) There is a lack of knowledge about legal issues surrounding non-status women’s lives through the criminal-justice system, CAS, family law, and immigration policies.

(c) There is the need to accompany clients, particularly those with limited proficiency in the English language.

(d) Practitioners are unable to respond to crises, for instance, in situations where non-status people need urgent medical attention.

(e) Some workers find themselves dealing with one case for a long period of time (up to a few years), since women continuously face crises that make them return to their caseworkers.

The following changes have been suggested for improving the situation:

(a) The immigration system needs to be overhauled. Necessary changes include: deleting the golden rule that makes it necessary to apply from overseas for various types of visas; offering protection to people while they are in Canada; allowing individuals to have flexibility of movement regardless of their immigration status; developing a special “category” in the immigration act for addressing the issue of non-status persons; making the refugee category more flexible; changing the temporary-visa policy such as by expanding its terms and conditions.

(b) There is a need for increased access to public resources and general information about the law and existing services.
(c) There is a need to develop poverty-reduction initiatives and provide more funding to agencies serving non-status persons, not only by the health sectors, but also in settlement, housing, shelter and other women’s organisations.

(d) Access must be provided to gynaecological, sexual-health, and reproduction services, including free abortion facilities and birth control.

(e) Special upgrading programs must be created for non-status women who lack high levels of education or professional skills.

(f) International human-rights obligations must be integrated into Canadian immigration policies as regards all treaties and UN Conventions—including those pertaining to economic and social rights.

(g) The environment must be recognised as a key factor (e.g. in the context of natural catastrophes) and included as an immigration category.

(h) Persons who have the courage to present themselves to Immigration Canada and make applications must have legal freedom of movement while their applications are processed.

(i) A system must be developed for monitoring the socio-demographic conditions of non-status persons in Canada.

(j) Immigration policy must be reflective of state responsibilities towards the global south (e.g. regarding environmental damages, resource relocation, investment, the creation of poverty, and the lack of development). One potential policy implementation is to designate a distinct “economic class category.”

Chapter V further provided background on the historical formation of activist groups within the last three decades. While activism with, and on behalf of, non-status people has been
very challenging in Canada, many practitioners and non-status persons rely on these activities for the betterment of their living conditions. In fact, it is because of the existence of these activist groups that one can hope for improvement in the direction of a just society. That said, activist groups focused on the rights of non-status persons are still in their infancy and lack systemic local and national collaborations. The following recommendations for improving the activities and mandates of activist groups are made by, first, practitioners and, second, non-status women:

1) Practitioners’ recommendations:

(a) There is a need to focus on inclusivity and the visibility of non-status persons and move away from the DADT slogan.

(b) Activist groups must review their mandates and mission statements annually. Groups must engage in ongoing evaluation of their activities, strategies, and vision.

(c) Networks must strategise for inclusive membership. Membership retention should reflect the reality of the community of practitioners and non-status persons. Similarly, recruitment should be further geared towards including the voices of those non-status persons who have managed to gain legal status.

(d) Activists’ meeting times and locations should be reflective of the geographical reality of the GTA, rather than remaining clustered within the downtown area.

(e) Activists should not compete with one another or dominate the meetings and other voices. They must compliment each other’s work. For instance, intra-group conflict must be resolved: the purpose is to fight for the rights of non-status persons, not to gain leadership power over other groups or ownership of the movement.

(f) Activists must advocate for fixed funding for various groups.

(g) There must be closer ties between faith-based groups, practitioners, and activist groups.
(h) There is a need to develop coordinating approaches with other groups: all voices and professional expertise are important.

(i) Activists must provide more public education about the conditions causing people to become non-status persons and the barriers faced by non-status persons, with particular attention to their socio-economic backgrounds, gender, age, marital status, engagement in the sex-trade, risk of contracting reproductive and sexually transmitted diseases, sexual orientation, and (dis)ability.

(j) The activity of activist groups must target systems and institutions, at the cultural and individual levels.

(k) Activists must offer more public forums where researchers can meet frontline practitioners. They must push for policy change at all levels of government, from immigration to health, to access to social insurance numbers, legal counsel, public childcare, education, affordable housing, and other social programs.

(l) Activists must address the needs of the Canadian-born children of non-status mothers and demand their equal rights as children born in Canada.

(m) Activists must become a bridge between practitioners and the lived conditions of non-status persons.

2) **Non-status women**

   Non-status women’s expectations of activists are simple and practical. The following recommendations were made by these women:

   (a) Activists must organise more regular public meetings and forums at different locations across the GTA.

   (b) Activists should create an information website.
(c) There is a need for accessible legal information, increased access to resources (such as about education, health and social services, and parenting), and more information about non-status women’s rights.

(d) There is a need for dialogue and advocacy with the government. Activists must pressure the government and fight for status.

(e) Activists must stop sexual, employment, and other forms of gender exploitation.

(f) Activists must reach out to non-status women.

(g) Activists need to be united with one another and build coalitions with other groups (including faith groups, other activists, and service providers).

(h) Activists must inform service providers and the public about non-status people.

(i) Activists need to be inclusive to non-status women; they need to listen to their stories, input, and experiences with exploitation.

(j) There is a need for more research (such as through focus groups and storytelling).

(k) Activists need to fight to give non-status women a better quality of life.

In summary, one major thread suggested by both service providers and non-status women was the discourse of representation and the claiming of a voice. This takes me back to Chapter II and the question raised by Gayatri Chakravorti Spivak (1988) about whether the voices of subordinates can be heard, or whether they are forever silenced by virtue of being represented within elite thoughts. This does not imply the need for silencing those activists and practitioners.
who claim the role of “informant”; rather, it demands that we find a way to create a condition in which women are able to raise their own political voice at the centre of the political arena.

6.3 Benefits

While participation in the research study didn’t directly benefit service providers, activists, or non-status women, it nonetheless served as a starting point to raise participants’ awareness and understanding of the ways in which non-status women live and survive in Toronto. Participation in the interview portion of the study encouraged service providers and activists to reflect upon their work and work politics as they relate to non-status people in Canada.

Participating in the research study gave non-status women the opportunity to raise their own voices and reflect on the challenges they have experienced. This research explored issues from their perspectives, revealing concerns, needs, or issues not readily perceived by the service providers and activists involved in their care. It can be empowering knowing that your stories and experiences are sought after and valued. As many of the women shared stories with service providers, they also wanted their stories to contribute to a body of knowledge that has the potential to benefit other women in similar situations in the future.

The study also benefited community members concerned with human-rights issues by bringing attention to the role of non-status women and the struggles and victories they face. The study has also been important by providing a repository for shared experiences and opening up an understanding of individuals’ means of coping with and overcoming challenges. Service providers and activists benefited through gaining an increased awareness and understanding of the needs of non-status women. The study’s findings have the potential to strengthen partnerships among stakeholders and facilitate the design of more relevant programs to address the needs of non-status women.
Finally, the findings of this research will offer policymakers, researchers, activists, service providers, and other stakeholders knowledge of the lived experiences of non-status women. It will contribute to the understanding of existing gaps in international migration regimes, in Canadian immigration policies, in the allocation of city services, and in activists’ movements; this will help create social accountability. The research findings will help promote discussion among all parties involved in the lives of non-status women, including the Canadian immigration system, municipal services, and organisations providing services to non-status women. Information about non-status women is not normally available to mainstream professionals due to the potential risks involved in collecting it and the issues of trust associated with its disclosure to professionals. This study will bridge this gap.

6.6 Dissemination: Moving forward

One transition that is experienced universally by non-status people is the change from being a citizen of their homeland to becoming a non-citizen of Canada. This experience affects their networks, social relations, and perceptions of power. Many non-status persons have lived in Canada for long periods of time and have become de facto residents without holding legal status. Living without legal immigration status, however, has serious consequences for the general health and wellbeing of all non-status people. This is because, in Canada, immigration status defines one’s rights with respect to social, health, and legal services.

In spite of their complex living conditions, non-status women learn to improve their lives by locating themselves advantageously within their surrounding environments and by their labour. It is through this paradoxical process that non-status women learn different modes of survival and resistance. As Cynthia Enloe (2004) notes, one must realize that resistance does not disappear; it changes. Non-status women, based on their shared immigration status, social
location, needs, and common interests, form informal networks and manage to live in Canada for many years. Non-status women also learn to locate and share the limited service that exists in the community with other non-status persons.

Through their everyday work, many service providers and faith groups have become aware of the atrocities non-status people face. More recent campaigns by social-justice activists, NGOs, frontline practitioners, academics, and the media have generated a lot of publicity for the issue. These campaigns, however, are still in their infancy and lack coordination. Since the existence of non-status people has now been brought into the public arena and made into a public concern, and since the number of non-status people living underground in Canada continues to increase, the abuses and exploitation they face can no longer be kept secret.

In the end, I want to return to my initial purpose for conducting this research. I decided to direct my frustration with an unfair system towards systemic action by documenting stories and presenting them in a way that is aimed at initiating change. One way of reaching this goal was to reflect the voices of non-status women in a way that went beyond coding and statistical analysis. In each section of this thesis, my goal was to shed light to the living conditions of these women through storytelling, poetry, and an in-depth feminist analysis. Over the past two years, I have presented my research findings at numerous community and academic conferences; I have incorporated my knowledge into my teaching in the classroom, and have joined or implemented new networks and social-justice initiatives. My final hope is to publish my thesis findings in order to raise consciousness and to engage with policy makers. One thing I am sure of is that the exploitation will continue. Even as I write this final chapter of the thesis, I know that, as each day passes, more women will be raped, abused, and exploited. I am also sure that some of my survey respondents will be arrested, detained, and deported. Some will manage to gain
immigration status and start a new life, while others will continue to remain underground. This research is completed, but the story is far from over.
Epilogue

It was important for me to do this research and to write about it. This research represents the first significant research done in Canada on the lived experiences of non-status women. The completion of this research cannot be the end of attention being paid to this issue. The issue of non-status women continues to increase in volume and in urgency. With this in mind, I leave you with the story of one of the women who makes this research so essential.

Alien in a strange land

On the plane, I hold my daughter tight and dream of my new homeland. What does Canada look like? Is it really as cold as Aunty Muve told me? Aunty Muve went to Canada last Christmas to visit her daughter, Shine. Aunty and Shine are the only people I have ever trusted besides my Grandma. I met them when I was about thirteen years old, when my aunt kicked me out of her home back in St. Peter’s. That was when Aunty Muve gave me bus fare to Grandma’s town.

* * *

Every morning, while Shine and I met by the corner store before school, Aunty Muve helped Grandma tend to her garden. The garden was full of watermelons, tomatoes, and onions. Aunty and Grandma treated the onions like jewels. Grandma wouldn’t let me walk anywhere near them. I had to go all the way around the garden, by the shrubs, to reach the sweet sap and mango trees. Most of all, I loved to climb the mango tree that grew behind the water tank and shaded the family cemetery. Grandma said that this mango tree was nourished by the dead: its fruits could not be eaten or even touched. There were always lots of big yellow mangoes scattered on the ground and on top of the gravestones. Sometimes early in the afternoon, when Grandma was busy making her coffee, I climbed up the mango tree, looked down at the graveyard and furtively picked a mango—the ripest one. The distance between death and this fruit was unimaginable—so I couldn’t stop thinking about it. How could dead bodies transform themselves into something so vibrant and sweet? Many times, this thought has given me hope.

I felt so safe at Grandma’s. She was kind and caring, the only woman who ever comforted me. She would spend hours telling me about her youth on a sugar plantation. Grandma hated everything about the plantation, but forced herself to endure it to help support her family. I can still remember the Pathwa songs she would murmur in my ear. There was so much love in her voice. I don’t know why, but I never dared to ask her about my mother. I don’t even know her name. My father called her a “dark-skinned slut who went to live in America.” How could a mother abandon her newborn baby? For as long as I can remember, I vowed that I would never leave my children.
One day, when Shine and I were on our way to school, I asked her, “Have you ever felt like an alien?”

“An alien?” Shine responded.

“Yes, you know, like a stranger—in a strange place!”

Shine just looked at me for a while. Then she said, “Girl, you are weird.”

I had heard that before, from my aunt back in St. Peter’s. I had woken up in the morning to find my underwear wrapped around my doll. At first, I stared at it in confusion. Then I remembered what had happened. Terrified, I ran to my aunt’s bedroom. She was still sleeping, but I cried out, desperate for help: “Look what my uncle has done to me!” She woke up frightened and opened her eyes wide. All of a sudden, I realized what I had done. Is she going to kill me? I wondered. I wasn’t afraid of death—just embarrassed and ashamed at standing in front of her like this. Now my whole body was numb; I couldn’t feel my heartbeat. Was I dreaming? Was my soul leaving my body? I didn’t want to touch, hear, or feel anything; I just wanted to take away the memory of my uncle in my room. I cried out and said, “It was just a bad dream! Don’t worry, Aunty!”

But all she said was, “Bite your tongue, little slut!” Then she slapped my face several times, screaming, “You slut, you’re just like your mother! Are you trying to steal my husband, you little slut?” By now my cousins had woken up. They stood in the doorway staring at us.

Time passed, and my uncle kept forcing himself on me. When he held my thighs hard, I learned to gain power over my soul by separating myself from my body. I would close my eyes, hold my doll tightly in my hands, and imagine that I was in my own strange world that I controlled. Once I had entered this world, I let my imagination play. I was the heroine, the director, the queen—the pure thirteen-year-old playing in a field. I could even smell Grandma’s fresh ginger cookies. I learned not to remember anything in the morning, even when I had to sit next to him at the breakfast table. My uncle hated me once I stopped resisting his advances and begging him to stop. Then he was no longer a powerful man. By ignoring him, I gained power over him. He had my body, but not my soul—though my soul was already destroyed.

It was only at Grandma’s house that I didn’t felt somebody watching me. I don’t know why, but every day the tension inside me tells me I’m being followed. Not by ghosts, but by the men in my life: my uncle, my father. This is why I’ve always been afraid of the dark. When Grandma was in the field, I would hide in the bathroom. There, I could let my mind wander and take me back to my own strange, beautiful world. More than once, Grandma caught me in what she called “frozen mode.” Did she know what had happened to me? Whenever I had nightmares, she sat by my bed and comforted me. Then, in the morning, she would make tea to calm my headaches, using fresh ginger picked from her garden. I was so safe at Grandma’s; why did I still see my uncle’s shadow?

* * * *
Now I look at the sky from the window next to my seat. This is my first time on a plane, and I am very excited, even though I miss my husband very much. I met him about a year after Grandma’s funeral. He used to come to the bank where I worked and always talked to me. We have been married for a few years now. He and my daughter are the only hope in my life. For as long as I can remember, I have thought about death and killing myself. But soaring above the clouds makes me feel so close to God. I have lost my soul and body, but I still have my prayers. “Please Lord,” I say, “forgive me for trying to kill myself. Only You give us life and only You shall take us. Lord, give me the power to raise my daughter in peace. Lord, please forgive me for the shame I have hidden from others and the sins I have committed in the dark. Lord, do not separate me from my husband for too long, I only feel safe when I am with him. Lord, please forgive me my past. I shall obey You for all my life. Amen.”

I have so much to share with Shine. I have brought her a picture of my husband. I want to tell her about Grandma’s funeral. Shine is married now and has two children. Aunty Mave showed me her wedding pictures when I went to visit Grandma’s grave. The mango tree was full of big yellow mangos. Just like in the old days, I climbed the tree and picked a ripe mango. I found my usual spot. Just like before, I lost myself in thinking about our decay and later rebirth. Death never scared me: I knew that Grandma’s beauty would live on, appearing once again as a luscious mango, just like the one I was holding. I don’t know how long I sat in that tree, but suddenly I felt a sharp twinge in my nipples. My shirt was soaked. I heard my daughter crying, my husband calling me. He had looked all over for me—but he never looked up the tree. I think he knew I needed comforting.

* * *

I arrive at Pearson International airport on Wednesday afternoon. I am detained at Customs; they ask me a few questions and issue me a two-month visitor’s visa. Shine is there to pick me up. That night, we don’t sleep at all. We lie awake next to each other and talk about our lives; we are in such a hurry to know everything.

The next morning, Shine’s husband, Pat, goes to work. This makes me feel more at ease. I don’t like being around him. The way he looks at me reminds me of my uncle. When Shine isn’t around, Pat openly stares at my breasts. I can see the lust glittering in his eyes. When I wake up later that day, Shine tells me, “Hey, you’re still a weird girl. What were you dreaming of that made you howl like that?” All at once, I am frightened and embarrassed.

The week passes quickly, and Shine has to go back to work. As much as I can, I avoid contact with Pat. I don’t want to be alone with him at all. All the same, he makes every effort to ridicule me. One evening, while Shine is in the shower, Pat comes into the kitchen and squeezes my breast. I immediately push him away and tell him that if he doesn’t stop I’ll tell Shine. But all he says is, “Your resistance just turns me on more!” Later that day, I can’t breastfeed my daughter. Now I hate myself more than ever. I wish my husband were here to protect me. I cry all night, questioning God’s existence. Why do these evil men keep targeting me? The next day, I call my husband, asking him to come sooner. I need his protection so badly. I spend many hours longing for him.
After her death, Grandma’s property was divided between my aunt and other relatives. They asked me to leave. The money I made at the bank was barely enough to survive on, but I found a way. Shine was already in Canada by then, and Aunty Muve used some of her savings to visit her children abroad. Our town was quieter now; many people had left for the bigger cities, or even other countries, hoping for a better life. Even so, every Sunday, most of the men got up early in the morning, shaved their hair, ironed their suits, polished their shoes, and headed to Church. I used to visit Grandma’s gravesite, cover my hair in her black-and-white hat, and walk down to the Church with my neighbours. Church was the most soothing place in my life. Men spoke about the Lord Jesus, and about the greatness of life. The women sang prayers with them: “We need, and God gives us, a new revelation....”

I’m so afraid something bad is going to happen. I can’t stay at Shine’s any longer, but I have nowhere else to go. My visa has expired and now I’m a nobody. I have no status, no legal right to stay. Pat and Shine are my only hope. Pat’s the one who told me I’m “illegal.” Maybe I am illegal here, but I can’t bear the thought of going home. I must deserve to suffer. For years, I wanted to die, and now I want to raise my daughter. I can’t bear the thought of going home. I hold my daughter and lie on the bed. When I wake up, Pat’s hand is inside me. I hate him. I want to kill him. It’s all my fault. He is forcing himself on me. I think of fighting back, but it’s much safer to feel nothing. I am a master of the art of separation.

Even so, I can feel Pat’s hands on my back and shoulders. I must wash off this shame, but not with soap and water! I need to feel the pain in my body: no more running away, no more fear. I begin to cut myself with Pat’s razor. The pain gives me relief but no comfort. So I cut some more. I cut line after line, from my knees to my thighs and up to my shoulders and arms. The drops of blood land on my toes and fingers. I have never felt such a mixture of joy and pain. I feel the urge to cut, suffer, and cleanse. I even cut my stomach, the stretch marks that represent my motherhood. What about my daughter? She’s on the floor, playing with her toys.

I put my daughter in her stroller and wander around the park. I’ve lost all hope and don’t know what to do. Pat told me that if I don’t comply with his wishes, he’ll call the police and they will deport me because my visa is expired. He even threatened to contact a child-welfare agency, so that their social workers can take my daughter away and give her to a Canadian family. My daughter is everything I have left. I can’t leave before my husband gets here. God, please—I’m afraid of the police! I can’t go back to my country. I can’t face my past.

When I was in elementary school, my teacher told me that the police were there to protect children. I never trusted police. It was dark and my aunt was at work. I could smell my uncle’s body odour. He was drunk. He walked slowly toward my room. I pretended to be asleep. Then he closed my window. My heart was pounding and I broke into tears. He lashed me on both legs with his leather belt. I begged him not to hit me, but he just smiled and said, “Beg me more, little
slut, always beg me!” Then he threw me on the floor. I held my arms tight around my knees and put my head down. He kicked me onto my back, rolled me on the floor, and slapped me on the face. This wasn’t the first time—he used to hit all of us—but it was the worst time. In the morning, I escaped from school and went straight to the police station. The officer came by our house and drank beer with my uncle. They both laughed at me.

* * *

As I wandered around the park, pushing my daughter’s stroller, an elderly couple approached me. They asked me why I was crying. I wiped my face with my sleeve and told them I missed my husband. The officer came by our house and drank beer with my uncle. They both laughed at me.

I passed by many side streets and pedestrians on my way to the parenting centre. My daughter was asleep in her stroller. The early winter breeze strokes my face softly. I am illegal but I have a history. My grandmother was a slave on a plantation, my mother was a “dark-skinned slut,” and now I have a daughter of my own. She is teething; I breastfeed her. Yes, I have a history. My last name was chosen by our slave masters, but one of my great grandmothers resisted her master by jumping into the river when he killed her lover.

When I enter the parenting centre, they offer me a bagel with cream cheese, but I can’t eat it. I have never had enough money to eat, so I don’t let my body feel hunger. My father was always too drunk to remember mealtimes and my uncle used to starve me when I refused to let him into my room.

I gaze around the room, absorbing every sight and sound. Within the parenting centre’s walls, I detect the warm presence of Grandma’s spirit. I think of the difficult road that lies ahead of me in my new homeland. While my daughter plays with the colourful toys, I sit down and cry quietly, overwhelmed by the feeling that I have found a sanctuary.

Looking out the window, I wonder which way to go.
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Appendices
Appendix 1

Participant Recruitment Flyer

Are you a non-status woman
(without legal immigration status)
interested in participating in a study that explores the needs of
non-status women?

I am interested in hearing your stories

I am a Ph.D. student at the adult education department of the Ontario Institute of Studies in Education of University of Toronto. My research project explores the lived experiences of non-status women in Toronto trying to find out how these women survive with limited access to social services and whether or not they are aware of activists’ networks in Toronto.

You are invited to participate if:

- You are a woman living without legal immigration status in Canada
- You are a resident of Toronto
- You are over the age of 18

Your Participation:

- Does not require that you disclose your real identity (including name, address, phone number, or other personal information).
- Would involve an individual meeting or phone conversation with the researcher at a meeting place of your choice.
- The interview will take between 1-2 hours. You would be paid for your time ($30.00); and childcare, refreshments, and transportation costs.
- The researcher will ensure your confidentiality and will follow the University of Toronto’s Code of Ethics and will take all measures to protect your safety.

If you have any questions, or are interested in hearing more about this opportunity to share your stories, please call:

Soheila Pashang at (416) xxx-xxxx, at OISE, University of Toronto.
Appendix 2

Information letter to Participants

Project Topic: Non-Status Women: Invisible Residents and Underground Resilience

Graduate Student: Soheila Pashang, PhD Candidate

Thesis Supervisor: Dr. Shahrzad Mojab
Department of Adult Education and Counselling Psychology,
OISE/University of Toronto
Tel.: (416) 923-6641, Ext. 2242

Why This Research?

The purpose of this research is to explore the lived experiences of non-status women in the city of Toronto. The researcher is interested in knowing what it means for non-status women to live without immigration status and how they manage to survive without access to public services, including social, health, legal, and financial resources. She is also interested in finding out whether or not non-status women are aware and/or are involved with social justice activists’ groups.

What will happen if I participate in this study?

The researcher, Soheila Pashang, will interview you in person or by telephone. The interview will take between one (1) and two (2) hours and will be held at a place of your choice. You will be able to speak in any language. The researcher will make the necessary arrangements if you need an interpreter and you may choose to use your own interpreter. You will be paid $30.00 for your time and the researcher will provide childcare, transportation to the interview, and refreshments. If you have any questions regarding this research, please call the researcher, Soheila Pashang, at ________________ in English or another language (through an interpreter).
Appendix 3

Consent Form for Non-Status Women Participating in an Interview

I, _________________________________, agree to participate in the doctoral research study: “Non-Status Women: Invisible Residents and Underground Resilience”. I understand that I have no obligation to participate in this research or complete the research process and that I can terminate my participation at any given time with no consequences for me.

I understand that in order to participate in this study I do not need to disclose my real identity or the identities of other non-status women. This means that I can change my personal identification (including my name, date of birth, place of residence, employment, phone number, or other personal information).

The interview will take place at a place of my choice. I know that I can refuse to answer any questions that I feel uncomfortable with. I will sign two copies of this consent form (one for myself and one for the researcher) before the interview begins (using the name I have chosen for the interview).

I know that I can agree or disagree to the researcher audio-taping the interview. If I disagree the researcher will only take notes. If I agree, and the interview is recorded, the researcher will transcribe the audio-tape recordings following our meeting. I understand that only the researcher (Soheila Pashang) and, if necessary, her doctoral thesis supervisor, Dr. Shahrzad Mojab, will listen to the audio-tape recording. She will keep all of the audio-tape recordings and hard copies of the transcripts in a secured filing cabinet in her home. All electronic copies of the transcripts will be secured with passwords on the researcher’s computer. The audio-tape recordings will be destroyed within five years of the interviews and/or focus group and hard copies of the transcripts will be destroyed after ten years.

I agree that some of my comments will be quoted or summarized. The researcher may use my comments for her thesis and future publications.

I understand that the researcher will keep all of my personal information confidential, unless obliged by law to breach confidentiality, such as through disclosure of risks to a child, child abuse, risks to my safety or the safety of another individual, or if the researcher is subpoenaed to court.

I have read and understand this consent form and/or it has been explained to me. I agree to participate in this research project. I will keep a copy of this consent form.

Name: _______________________________ Date: __________________________

Signature: ____________________________

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Appendix 4

Information letter to Service Providers and Social Justice Activists

Project Topic: Non-Status Women: Invisible Residents and Underground Resilience

Graduate Student: Soheila Pashang, MSW, RSW, Therapist/Social Worker, Ph.D. Candidate

Thesis Supervisor: Dr. Shahrzad Mojab
Department of Adult Education and Counselling Psychology,
OISE/University of Toronto
Tel.: (416) 923-6641, Ext. 2242

Research Purpose
The purpose of this research is to explore the lived experiences of non-status women and to uncover the ways in which non-status women build underground social support networks in the City of Toronto. The study further examines whether or not non-status women are aware of and/or are involved with existing social justice activists’ groups. I am interested in your response to the following general questions among others: 1) What does it mean for non-status woman to live without immigration status? 2) How do they manage to navigate the immigration system and survive with limited access to public services (including social, health, legal, and financial resources)? 3) Are the voices of non-status women reflected in the activities of social justice activists (both practitioners and formal networks)? 4) What changes do you think should be made in order to increase non-status women’s participation in activist movements?

Participant’s Role
You will participate in an individual interview with the researcher and/or take part in a focus group with other participating service providers and social justice activists. You will be asked to share your experiences of working (directly or indirectly) with non-status women. The interview and/or focus group will take between one (1) and two (2) hours and will be held at _______________. The interview and focus group will be conducted/facilitated by the researcher, Soheila Pashang. If you have any questions regarding this research project and/or participation in it, please call or email the researcher, Soheila Pashang, at ________________.
Appendix 5

Consent Form for Service Providers and Social Justice Activists

I, _________________________________, agree to participate in the doctoral research study: “Non-Status Women: Invisible Residents and Underground Resilience”. I understand that I have no obligation to participate in this research or complete the research process and that I can terminate my participation at any given time without consequences to me.

I will sign two copies of this consent form (one for myself and one for the researcher) prior to my participation in the discussion.

I agree that the personal interview and/or focus group will be audio-taped. The researcher will ensure that my personal information remains undisclosed. Only the researcher (Soheila Pashang) and, if necessary, her doctoral thesis supervisor Dr. Shahrzad Mojab, will listen to the audio-tape recordings. The researcher will transcribe the audio-tape recordings following meetings. She will keep all of the audio-tape recordings and hard copies of the transcripts in a secured filing cabinet in her home. All electronic copies of the transcripts will be secured with passwords on the researcher’s computer. The audio-tape recordings will be destroyed within five years of the interviews and/or focus group and hard copies of the transcripts will be destroyed after ten years.

I agree that some of my comments will be quoted or summarized. The researcher may use my comments in her doctoral thesis and future publications.

The researcher will ask all interview/focus group participants to respect confidentiality; I personally commit to respect the confidentiality of others. I understand that the researcher is unable to control what is said outside of the focus group and that other participants may disclose information. For this reason, I will not share any personal opinions and/or information that I would not share in public; I may choose to contact the researcher privately to add additional and/or confidential comments.

I understand that participation in this research may not benefit me directly but will help the researcher (Soheila Pashang) to understand the condition of non-status women in Toronto, which may have larger societal benefits.

I have read and understand this consent form and agree to participate in this research project. I will keep a copy of this consent form.

Name: ______________________________ Date: __________________________

Signature: ______________________________
Appendix 6

Regularization Programs

Chinese Adjustment Statement Program

Between 1960 and 1972, the Chinese Adjustment Statement Program regularized about 12,000 Chinese people formerly known as “Paper Sons” (Berinstein et al., 2004) or “Paper Families” (Dench, No date). “Paper Sons” refers to those Chinese persons who came to Canada prior to 1960 without official papers, or who were assumed another identity, with no outstanding involvement in the “industry” of “illegal immigration” (Berinstein et al., 2004; Knowles, 1997). All Chinese applicants were asked to approach an immigration office in person and reveal their true identity and the way in which they entered Canada. In response, the Canadian government promised not to prosecute or detain applicants (Knowles, 1997).

Section 34 and Immigration Appeal Board Act

Section 34 and Immigration Appeal Board Act (1968-1973) regularized about 13,000 people who lived in Canada without legal immigration status. It permitted visitors to apply for permanent residency from within Canada. Section 34 was revoked in the early 1970s and non-status people were no longer eligible to appeal their deportation orders (Berinstein et al., 2004; Knowles, 1997).

Adjustment of Status Program

In 1973, the Adjustment of Status Program gave legal status to approximately 39,000 persons. This program benefited people from over 150 countries, including American Vietnam war resisters who escaped to Canada. Applications were considered based on length of stay in
Canada, economic stability, family relationships, and humanitarian reasons. All applicants had to apply in person between August and October, 1973.

**Special Regularization for Haitians Residing in Quebec**

The Special Regularization for Haitians Residing in Quebec (1981), aimed at resolving the problem of non-status Haitians who had overstayed their work or student visa and temporary workers, regularized about 4,000 Haitians in good health who held valid identification documents and no criminal or security problems. Other factors such as French language ability, job skills, and employment were considered as supporting factors. All applicants were required to apply in person.

**Minister’s Review Committee**

The Minister’s Review Committee (1983-1985) regularized about 1,000 people who had lived in Canada for at least five years and had “successfully established and integrated” without having any serious criminal record (Berinstein et al., 2004, p. 25). Factors considered for this program included employment, work skills, family ties or children in Canada, conditions in country of origin, and ways in which people became non-status. Applicants were provided with choice of applying in person or anonymously through a third party.

**Deferred Removal Orders Class**

Between 1994 and 1998, the Deferred Removal Orders Class regularized about 3,000 rejected refugees (especially those from China) who had received deportation orders within the previous three years but had not yet been removed from Canada due to security risks in their country of origin. Holding employment in Canada for at least six months was considered a supporting factor. This program excluded those with security/criminal issues and/or serious medical
conditions as well as persons receiving social assistance. All applicants were required to pay a fee and complete an application form.

Special Regularization Procedure for Algerians Residing in Quebec

In 2002, the Quebec government regularized about 900 Algerian refugees whose refugee claims had been rejected but who had integrated successfully into Canadian and Quebecois societies. Applicants could not have prior criminal records or deportation orders and had to apply in person.

Humanitarian and Compassionate (H and C) Applications

Since 2004, non-status persons seeking regularization are required to submit applications under Humanitarian and Compassionate (H and C) grounds; the vast majority of non-status persons are not eligible to apply. It is estimated that legal status is given to only five percent of applicants under this program (Berinstein et al., 2004; Bou-Zeid, 2005). Applicants must prove that they will suffer “undue hardship” if deported. Criteria for success include integration into Canadian society, employment and financial stability, community and volunteer work, education and skills upgrade, extended family in Canada, knowledge of Canadian official languages, good health, and no criminal record. Application forms are generally completed by someone who is familiar with the H and C process (such as a lawyer).
To be eligible for Canadian government immigration, a foreign national must apply for and be granted Canadian Permanent Resident (Immigrant) Visa. Individuals to whom an immigrant visa has been issued present themselves to an immigration officer at one of Canada's official ports of entry in order to be granted Permanent Resident Status.

Obtaining "permanent residence" or "permanent resident status" in Canada is also known as becoming a "landed immigrant."

Canadian permanent residents are entitled to live and work anywhere in Canada, enjoy most of the privileges of Canadian Citizenship. After 3 years of residence in Canada a permanent resident may be eligible to apply for Canadian Citizenship. Permanent residents may sponsor their non-Canadian family members wishing to obtain permanent resident status in Canada.

There are different ways to qualify for Canadian permanent resident status: as an Economic Immigrant; as a member of the Family Class; and, in certain cases, as a Refugee.

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>SKILLED WORKERS</td>
<td>Foreign professionals who can prove their ability to become economically established in Canada may obtain permanent resident status in Canada under the Skilled Worker Immigration Category.</td>
</tr>
<tr>
<td>BUSINESS IMMIGRANTS</td>
<td>Foreign nationals with business experience can obtain permanent resident status based on their intention and ability to set up a business or make an investment in Canada. The program managed by the Federal government and the program managed by the government of Quebec are the two major options for applicants who qualify for Business Immigration.</td>
</tr>
<tr>
<td>FAMILY CLASS</td>
<td>Certain non-Canadian relatives of Canadian citizens and permanent residents are considered by Immigration Canada to be Members of the Family Class. They can receive permanent resident status in Canada through Family Class Sponsorship.</td>
</tr>
</tbody>
</table>
Appendix 8

Participation Agreement for Service Providers
(Email script to the Executive Directors of agencies serving non-status women)

Dear ________________________

My name is Soheila Pashang, and I am a Ph.D Student in the Department of Adult Education and Counseling Psychology at the Ontario Institute for Studies in Education of University of Toronto. I would like to contact your staff members and invite them to participate in my research project which explores the lived experiences of non-status women in Toronto. Non-status people are individuals who reside in Canada without legal immigration status of any form. The study is scheduled to begin in the Fall 2007.

For your information attached please find a copy of the Letter of Information and Consent which will provide detailed information about my project. I am interested to interview ten (10) service providers who are currently working with non-status women at various agencies including health, legal, social work, food banks and parenting programs. I am also planning to distribute 200 survey questionnaires among non-status women. Survey questionnaires will be administrated by service providers and activists working in-directly with non-status women.

Participation in this project is voluntary and any identifiable information about your organization, participating staff members, or non-status women will be disguised in all manuscripts generated by this research.

After collecting and analyzing all data, I will hold a community forum where I will share my research findings and analysis and seek feedback from community members. Further information regarding this forum will be emailed to you. A final copy of the study summary will also be available to you upon your request.

At this point I am requesting your permission to contact your staff members who might be interested to participate in my project for, 1) individual interviews; 2) distributing survey questionnaires among non-status women. Attached please find a copy of the flyer for survey questionnaires. I would appreciate if you could kindly spread the word about my research project to your staff members (i.e., during your regular staff meeting) and provide them with my contact information. Please ask your potential staff member(s) to contact me directly unless you wish otherwise.

I will contact you by next week for follow-up purposes and to answer any questions you may have. Should you require further information, please do not hesitate to contact me by phone at: 416-575-5925, or by Email at: spashang@oise.utoronto.ca

Thank you very much for your time and for supporting my research project.

Sincerely,

Soheila Pashang, Ph.D. Student
Department of Adult Education and Counseling Psychology, OISE/University of Toronto.
Appendix 9

Letter of Information and Consent for Service Providers and Activists

Project Topic: Non-Status Women: Invisible Residents and Underground Resilience

You are encouraged to read this form carefully and to ask questions before you sign it. You will be asked to sign two copies of this consent form, one for your record and one for the researcher.

Dear: 

My name is Soheila Pashang, and I am a Ph.D candidate in the Department of Adult Education and Counseling Psychology at the Ontario Institute for Studies in Education of University of Toronto. I would like to invite you to participate in my research project which explores the lived experiences of non-status women in Toronto. Non-status people are individuals who reside in Canada without legal immigration status of any form.

Research Purpose
The purpose of this research is to explore the lived experiences of non-status women and the ways in which they learn to form underground social support networks. The study will further explore how service providers and activists perceive, assess, [re]produce, and evaluate their professional involvement with non-status women through mechanisms of service delivery, organizational policies, and systemic structures. I am interested in hearing about your experiences in working with non-status women. There are two parts to this research 1) individual interview with six service providers and six activists in the Greater Toronto Area; 2) 200 survey questionnaires distributed to non-status women by service providers and activists.

Participants’ Role
Your participation in this project is voluntary and you can withdraw your participation at any time without negative consequence. You, and the organization that you work for, will remain anonymous; any identifiable information will be disguised in all written manuscripts that come out of this project. Some of your comments will be quoted or summarized anonymously and may be used in future publications. While the researcher respects your confidentiality you are also asked not to disclose any identifiable information about service providers and/or activists, non-status women and/or the organization for which you work with. You are also encouraged not to answer any question that may make you feel uncomfortable.

You will be interviewed individually for a maximum of two hours. The interview is semi-structured and you will be provided with a copy of the interview guide in advance. The interview session will be audio-taped and will be held at a location convenient for you. Only the researcher, Soheila Pashang and her doctoral thesis supervisor, Dr. Shahrzad Mojab, will listen to the audio-recordings and review the interview transcripts. Soheila Pashang will keep all of the audio-recordings and hard copies of the interview transcripts in a secure and locked cabinet in
her home office. All electronic copies of the transcripts will be secured with passwords on her
computer. The audio recordings and electronic copies of the transcripts will be deleted and hard
copies of the transcripts will be destroyed in 2013, four years after the completion of the
researcher’s doctoral thesis.

You will be provided with a draft of the interview transcripts by E-mail/fax or in person for any
additional input. Should you decide to withdraw from the research all your transcripts and audio
recording will be destroyed in the presence of my thesis supervisor. You will also be invited to
attend a community forum where I will share my research findings and analysis and seek
feedback from community members. A final copy of the study summary will be available to you
upon your request.

Thank you for your interest in this research project. If you have any questions regarding the
project and/or your participation in it, please do not hesitate to contact me.

I, ______________________________________, agree to participate in the doctoral research study of
Soheila Pashang. I have read and understood this consent form and am aware of the purpose of
the study as well as my role in it as a participant. I will keep a copy of this consent form for my
record.

Name: ____________________________ Date: ____________________________
Signature of research participant: ____________________________

Graduate Student: Soheila Pashang, Ph.D. Candidate
Department of Adult Education and Counseling Psychology, OISE/University of Toronto,
Tel: 416-575-5925. E-mail: spashang@oise.utoronto.ca

Thesis Supervisor: Dr. Shahrzad Mojab
Department of Adult Education and Counseling Psychology, OISE/University of Toronto,
Tel.: (416) 978-0829. E-mail: smojab@oise.utoronto.ca

Office of Research Ethics
University of Toronto
Tel: 416-946-3273. E-mail: ethics.review@utoronto.ca
Appendix 10

Service Providers and Activists Individual Interview Guide

Question to Guide Semi-Structured Individual Interviews

A. Experience and background knowledge of non-status women

1. How long have you been working with non-status women and in what capacity?
2. What is your understanding of who non-status women are?
3. What are the channels through which non-status women come to Canada?
4. Based on your experience, what is the most common way people become non-status women? (For example, sponsorship breakdown, rejected refugees, overstayed visas, and others).
5. What are the most common demographic characteristics of non-status women? (For example, age, country of origin, financial situation, family structures, number of children, marital status, skills, employment, and education).
6. What type of problems do non-status women face? (For example, employment, abuse, health, access to services, children, intimacy, language, family, poverty, housing, finances, mental health, racism, and cultural differences). Which problems should receive priority?
7. In your view, why do non-status women encounter these problems?
8. What are some of the solutions you suggest to overcoming these problems?
9. If you agree that non-status women face multiple barriers, why do you think they stay in Toronto/Canada instead of returning to their country of origin?
10. What are some of strengths and contributions of non-status women?

B. Professional work with non status women

1. What has your experience working with non-status women been like? (both positive and negative experiences)
2. What do you, specifically, do to help non-status women with their problems?
3. Do you think you are able to effectively assist non-status women?
4. What do you do when you are unable to help non-status women?
5. Why do you think you are not able to help them?
6. What gaps exist and what changes would you suggest to improve this situation?

C. Caseload

1. How heavy is your caseload?
2. Based on your experience, since limited resources are in place for non-status women, do you see an increase in your caseload in comparison to other service providers and/or activists who work with other types of populations?
3. How do you cope with your caseload?
4. What can be done to reduce your caseload?
5. Does your organization provide you with special facilities to deal with your caseload? If so, what are they?
6. What gaps exist in this regard and what changes would you suggest to improve this situation?

D. Organization

1. Without mentioning the name of your organization, what is the role of your organization (e.g., NGO, VAW, advocacy group, health sector, legal sector)
2. Is your organization mandated to provide services to non-status women? If not, how does it adjust the work with non-status women?
3. Does your organization receive funding to serve non-status women? If not, how does it manage to provide services to non-status women?
4. Could you describe how your organization came into contact with non-status women?
5. Based on your organization’s data, what are the most common types of non-status women that your organization has assisted? (For example, sponsorship breakdown, rejected refugees, overstayed visas, and others).
6. Could you describe what your organization does to assist non-status women? (e.g., Services and programs, research, advocacy)
7. Do you think the support provided addresses the needs of non-status women?
8. If not, what are barriers that prevent your organization from providing more effective services to non-status women?
9. What gaps exist in this regard and what changes would you suggest to improve this situation?

E. Advocacy Groups

1. Are you involved in the advocacy work?
2. What, in your opinion, is the role of advocacy groups?
3. Do you think that advocacy groups are effective in achieving their goals (e.g., changing the life conditions of non-status women, policy change)? Why?
4. In your view, what are some of strengths/abilities of activist groups?
5. Do you think that advocacy groups reflect the needs and voices of non-status women? Why?
6. What strategies can advocacy groups employ in order to be more inclusive and effective in their role of bringing about social/policy change?
7. What challenges do advocacy groups face?
8. What gaps exist in this regard and what changes would you suggest to improve this situation?
9. Given the resistance advocacy groups face in mainstream society, what strategies do you suggest to increase their acceptance and success?
F. Systemic Barriers

1. How many non-status women (persons) do you think live in Toronto and in Canada?
2. In your opinion why are there non-status women (persons) in Toronto and in Canada?
3. In your opinion, how do municipal, federal, and international policies affect the lives of non-status women?
4. What gaps exist in this regard and what changes would you suggest to improve this situation?
Appendix 11

Survey Questionnaire for Non-Status Women

Survey Questionnaire

Thank you very much for taking the time to complete this survey. This survey is divided into 12 sections and it will take approximately one hour to complete. Please review related documents prior to completing your survey. Do not write your name or other personal information as this is an anonymous survey. Please note that you do not have to answer questions that may make you feel uncomfortable. You may:
1) Mail your blank, partially completed or completed survey in the enclosed self-stamped and addressed envelope, or
2) Put your blank, partially completed or completed survey in the enclosed envelope, seal it, and return it to your service provider and/or activist. Regardless of which method you chose to submit your survey, you will be equally compensated for your time. For interpretation support, please contact your service provider and/or activist.

Please note that the University of Toronto’s Ethics Review Committee has approved this study. If you have any questions, please contact my thesis supervisor, Dr. Shahrzad Mojab at 416-978-0829, or, Ethics Review Office at 416-946-3273.

SECTION 1: BACKGROUND INFORMATION

1) How old are you? ______________

2) Which country were you born in? ______________

3) Do you speak English? (Please circle your answer)

   Yes  No  Somewhat

   If yes, where did you learn English? ________________________________

4) What is your marital status? (Please select one)

   □ Single  □ Separated  □ Married  □ Live with partner  □ Widowed  □ Divorced

5) What is the highest level of education that you have completed?

   I completed grade, __________________

SECTION 2: COMING TO CANADA

6) What year did you come to Canada? ______________

7) Did you come to Canada directly? (Please circle your answer)

   Yes  No

   If No, were you also non-status person in the other country? (Please circle your answer)

   Yes  No  What was the other country? ________________________________
8) Who did you travel to Canada with? *(Please select all that apply)*

I traveled with my, _____________________________________

9) Do you have any family members in Canada? *(Please select all that apply)*

- □ Partner (husband/common law/female partner)
- □ Child(ren)
- □ Sibling (sister/brother)
- □ Parent
- □ Grandparent
- □ Extended family member (cousin, aunt, uncle)
- □ I don’t have family members in Canada
- □ Other:

10) If you have family members in Canada, how is your relationship with them? *(Please select all that apply)*

- □ They support me financially
- □ I support them financially
- □ I work in the family business
- □ I help out with their housework
- □ I offer emotional support
- □ I care for their children
- □ I care for an ill family member
- □ We don’t get along
- □ They live in another city
- □ I don’t know where they are
- □ They hurt me
- □ Other: ________________________________

11) What were your main reasons for coming to Canada? *(Please select all that apply)*

- □ To create a better life for myself
- □ For my children and family to have a better life
- □ To escape war conditions
- □ To escape abuse and/or violence against women
- □ Economic/financial difficulties
- □ To escape a political conflict
- □ Educational opportunities
- □ To join family member already living here
- □ Other:

12) Did you come to Canada by choice? *(Please circle your answer)*

Yes ☐  No ☐

If No, please state why you came:

13) On what basis did you enter Canada? *(Please select all that apply)*

- □ Refugee claimant
- □ Sponsored
- □ Landed immigrant
- □ Came without any form of visa
- □ Student visa
- □ Worker visa
- □ Visitor visa
- □ Don’t know
- □ Other:

_______________________________
14) Have you ever applied for immigration status in Canada? (Please circle your answer)

Yes  No

If Yes, under what category? (Please select all that apply)

___ Refugee  ___ Work permit  ___ Visitor permit  ___ Student permit  ___ Sponsorship
___ Humanitarian and Compassionate grounds (H&C)  ___ Other

15) What is your current immigrant status? (Please select one)

☐ Waiting for Humanitarian & Compassionate (H&C) application result  ☐ Rejected refugee

☐ Waiting for refugee claimant decision  ☐ Waiting for landed immigrant application result

☐ Overstayed visa  ☐ Have deportation order  ☐ Overstayed deportation order

☐ Never applied for status  ☐ Don’t know  ☐ Other:

16) Would you participate in these programs if they would give you legal permission to stay in Canada? (Please select all that apply)

___ Temporary visa to remain in Canada but would allow you to apply for permanent residency after 5 years

___ Temporary visa to remain in Canada but would not allow you to apply for permanent residency

___ Temporary work permit visa  ___ Regularization program  ___ Other:

17) How long you think you will remain in Canada as non-status person? (Please select all that apply)

☐ For my entire life  ☐ Two more years  ☐ Ten more years  ☐ Until I get my immigration documents

☐ As long as I can  ☐ Until I am deported  ☐ Other: ________________________________

SECTION 3: HOUSEHOLD INFORMATION

18) Including yourself, how many, of the following people currently live in your home? (Please select all that apply)

a) Adults 18 or older (including yourself): _____  b) Teenagers (ages 13 to 17): _____
c) Children 7 to 12 years old: ______
d) Children 6 and under: ______

19) Who do you share your household with? (Please select all that apply)
   ____ Family   ____ Friends   ____ Don’t know them   ____ Other non-status people   ____ Other:
   ________________________________

20) Are you happy with your housing conditions? (Please select one)
   □ Very happy   □ Just fine   □ Too crowded   □ Too small   □ Poor conditions   □
   Other:______________________

21) How often do you move? (Please select one)
   □ Very often   □ Once every few months   □ A few times a year   □ Not often   □ Other:
   ________________________________

22) Why do you move? (Please select all that apply)
   ____ Can’t afford rent   ____ Conflict with roommate   ____ Fear of immigration   ____ Poor housing conditions
   ____ I have been abused   ____ Other: ________________________________

23) The following statements are true about my landlord/landlady: (Please select all that apply)
   □ Treats me well   □ I don’t have any problems   □ Charges me high rent   □ Doesn’t fix my unit
   □ Harasses me   □ Threatens to deport me   □ I have no privacy   □ Other:
   ________________________________

SECTION 4: COMMUNITY INVOLVEMENT

24) Are you involved with any of the following types of groups or organizations? (Please select all that apply)
   □ Social/Cultural   □ Political   □ Faith or worship   □ Sports or recreational   □ Community association
   □ Charity   □ Parenting or educational   □ Volunteering   □ ESL programs   □ Advocacy groups
   □ Other: ________________________________

25) If you need help, who do you rely on? (Please select all that apply)
   □ Friends   □ Family members   □ Health/social worker   □ Other professionals   □ No one
   □ Neighbour   □ Faith group/leader   □ Other non-status people   □ Other:
   ________________________________
26) When it comes to having friends: *(Please select all that apply)*

- [ ] I have many friends
- [ ] I don’t have any friends
- [ ] I have few friends
- [ ] I don’t trust people

- [ ] Other: _______________________

27) Are most of your friends non-status people? *(Please circle your answer)*

- [ ] Yes
- [ ] No

28) Who do you trust the most? *(Please select all that apply)*

- [ ] Friends
- [ ] Partner/husband
- [ ] Family members
- [ ] Other non-status people
- [ ] Neighbours
- [ ] Activists
- [ ] Health care/social worker
- [ ] Other professionals
- [ ] Police/government

- [ ] I don’t trust anyone
- [ ] Other: _______________________

29) When you need money what do you do?

- [ ] Visit food bank
- [ ] Ask my friends
- [ ] Look for donation
- [ ] Borrow money
- [ ] Stay in shelter
- [ ] Get involve in intimate relationship
- [ ] Steal food/clothes
- [ ] Engage in illegal activities
- [ ] Work more hours per day
- [ ] Other: _______________________

---

**SECTION 5: FAMILY RELATIONSHIPS**

30) In total, how many children do you have? __________

31) Do you have any children who…?

I have non-status children living with me in Canada (If yes, how many? ______)  
I have children Live in my home country (If yes, how many? ______)  
I have Canadian born children living with me? (If yes, how many? ______)  
I Lost custody of my children living in Canada to child-welfare agencies (If yes, how many? ______)  
Other: ______________________  

32) Is the father of your children…?
☐ A Canadian citizen ☐ A Landed Immigrant ☐ A Refugee Claimant ☐ Non-status ☐ A Visitor ☐ Waiting for an immigration decision ☐ Don’t know
☐ Other: ________________________

33) Does your children’s father live with you now? *(Please circle your answer)*

Yes ☐ No

If No, does he pay regular child support? *(Please circle your answer)*

Yes, how much per month? _____________

No, have you taken any legal action? *(Please circle your answer)*

Yes ☐ No

If No, why not? *(Please select all that apply)*

☐ I am afraid ☐ I don’t know where he is ☐ I don’t want to ☐ He has no money/job

☐ I don’t know my legal rights ☐ Other: ________________________________

34) Do you think that you spend enough time with your children? *(Please circle your answer)*

Yes ☐ No

If No, why not? ____________________________________________________________

35) As a non-status mother, what are some of the challenges you face in raising your children? *(Please select all that apply)*

☐ Housing ☐ Financial ☐ Education ☐ Medical ☐ Food ☐ Special needs services

☐ Providing basic needs ☐ Other: ________________________________

36) How do you cope when you find yourself unable to provide your child’s basic needs? *(Please select all that apply)*

☐ Feel very sad/helpless/depressed ☐ Work longer hours ☐ Feel guilty ☐ Drink/smoke/use drugs

☐ Hope things will change ☐ Look for a new partner ☐ Don’t care ☐ Other: ________________________________

37) During the day, does your child attend: *(Please select all that apply)*
Daycare in someone’s home (number of children: ____)
Daycare at a daycare centre (number of children: ____)
School (preschool/primary/secondary) (number of children: ____)
College or University (number of children: ____)
Work at a job (number of children: ____)

38) Does your child get to take part in recreational activities? (Please circle your answer)
   Yes  No, Why ______________________________
If Yes, please select all relevant activities:
   □ Sports activities   □ Arts/cultural performances   □ Library
   □ Day camp   □ Other: ______________________________

39) Are you receiving any of the following services for your non-status children? (Please circle your answer)
   ____ Social assistance   ____ Public daycare   ____ Public school   ____ Social Insurance Number
   ____ Health card   ____ Child support   ____ Special needs services   ____ Passport
   ____ Other

40) Are you receiving any of the following services for your Canadian born children? (Please circle your answer)
   ____ Social assistance   ____ Public daycare   ____ Public school   ____ Social Insurance Number
   ____ Health card   ____ Child support   ____ Special needs services   ____ Birth Certificate
   ____ Canadian passport   ____ Other ______________________________

41) How do you feel when you are unable to provide equal opportunities for all your children?
   I feel like,
   ______________________________________________________________________________

SECTION 6: INTIMATE RELATIONSHIPS

42) Are you involved in an intimate relationship? (Please circle your answer)
   Yes  No
   If Yes, how satisfied are you in your relationship? (Please select all that apply)
☐ Somewhat satisfied ☐ Very satisfied ☐ Very unhappy/dissatisfied ☐ Other: ____________________________

If No, why not? (Please select all that apply)

☐ I haven’t found the right person ☐ I am scared ☐ I have had bad experiences ☐ I feel happy being alone

☐ Not in a relationship right now and do not wish to be ☐ I don’t have enough time or money to go out

☐ Men take advantage of me ☐ Other: ____________________________________________

43) Do you think if you had legal immigration status your intimate relationship(s) would be any different? (Please circle your answer)

Yes, how?
____________________________________________________________________________

No, why?
____________________________________________________________________________

44) Have you ever experienced abuse by your current partner? (Please circle your answer)

Yes ☐ No ☐

If Yes, what did you do about it? _______________________________________________

45) Have you ever experienced abuse by another person? (Please circle your answer)

Yes ☐ No ☐

If Yes, by who and what did you do about it?
____________________________________________________________________________

46) If you are sexually active, are you protecting yourself from pregnancy and/or sexually transmitted diseases? (Please circle your answer)

☐ I use condom ☐ I am on pill ☐ I use birth control ☐ I can’t afford to pay for birth control

☐ I don’t care ☐ My partner doesn’t allow me to protect myself

☐ I have sexual transmitted infections ☐ Other: ____________________________

47) Have you ever been forced to have unwanted sexual intimacy in Canada?

☐ I was never abused ☐ I was sexually abused once ☐ More than once

☐ Few times

☐
Many times       I don’t remember       Other, ______________________________________

If you answer yes, by who were you abused?
☐ My employer       ☐ My landlord       ☐ My partner       ☐ My close family members       ☐ My friend
☐ My roommate       ☐ A stranger       ☐ My co-worker       ☐ Other ______________________

48) Did you manage to get medical support?
☐ I could not afford it       ☐ I got pregnant       ☐ I got sexual transmitted infection       ☐ I got abortion
☐ I had miscarriage       ☐ I was afraid that health care professionals involve the police       ☐ Other

SECTION 7: HEALTH AND WELL-BEING

49) What do you do when your non-status children or family members get sick? (Please select all that apply)
☐ Visit a community health centre       ☐ Visit free health services       ☐ Go to a hospital       ☐ Pay for a doctor’s visit       ☐ Don’t do anything       ☐ Can’t afford a doctor’s visit       ☐ Suffer from pain       ☐ Other: ______________________

50) Have your non-status children ever been hospitalized in Canada? (Please select all that apply)
☐ No       ☐ They were refused admission because they don’t have OHIP
☐ We couldn’t speak English       ☐ They were refused admission because we didn’t have money to pay
☐ Hospital discharged my child early, without completing treatment due to our financial conditions
☐ My child needs hospitalization but I am afraid to visit hospital       ☐ Other:

51) Do your non-status children or family members suffer from ongoing: (Please select all that apply)
☐ Pain       ☐ Eye/vision problems       ☐ Speech and language difficulties       ☐ Hearing/vision problems
☐ Learning difficulties       ☐ Physical challenges       ☐ Heart or other medical conditions
☐ Low iron or other deficiencies       ☐ Physical illness       ☐ Psychological       ☐ Behavioural       ☐ Emotional
☐ Needs medication       ☐ Other: ______________________
If you answered yes to any of the above, do they receive medical assistance for their problems? (Please circle your answer)

If yes, who pays for it? __________________________________________________________

If No, why? ______________________________________________________________________

52) Do your non-status child or family members have a regular family doctor/health care provider? (Please circle your answer)

Yes  No

53) Would you say you are: (Please select all that apply)

☐ Very healthy  ☐ Healthy  ☐ Just okay  ☐ Not so healthy  ☐ Have many health complications

☐ Have physical disability  ☐ Other: __________________________________________________

54) How was your health before you came to Canada? (Please select all that apply)

☐ Very healthy  ☐ Not so good  ☐ Had a serious medical condition  ☐ Had a disability

☐ Had a minor health condition  ☐ Other: __________________________________________

55) Do you think your health care provider is aware of issues facing non-status women? (Please select all that apply)

☐ My health care provider knows/understands the issues  ☐ My health care provider doesn’t understand

☐ I had to educate my health care provider  ☐ Other: ___________________________________

56) Do you trust your health care provider? (Please select all that apply)

☐ I feel very safe  ☐ My health care provider called the child protection agency/immigration/police on me

☐ I don’t tell everything to my health care provider  ☐ I am not sure  ☐ Other: __________________________

57) Do you take any medication? (Please select all that apply)

☐ I don’t need to take medication  ☐ I need medication but can’t afford to pay for it

☐ My health care provider gives me some free medication  ☐ Other: __________________________

58) Do you owe money to hospitals or health care providers? (Please circle your answer)
Yes  No

If Yes, how much and why?

_________________________________________________________

59) How do your health conditions restrict your daily activities? (Please select all that apply)

☐ Make less money  ☐ Make me feel isolated  ☐ Can’t socialize with friends and family members

☐ I do not accomplish as much as I would like  ☐ Make me feel depressed  ☐ I don’t feel that it restricts me

☐ Make me feel guilty for not being able to support/provide for my family  ☐ Other:

_________________________________________________________

60) How do you deal with your health conditions? (Please select all that apply)

☐ Get angry  ☐ Feel depressed/sad  ☐ Harm myself  ☐ Drink alcohol  ☐ Smoke  ☐ Use drugs

☐ Stay at home  ☐ Engage in intimate relationships  ☐ Learn new skills  ☐ Find new ways of dealing with life

☐ Other: __________________________________________

SECTION 8: EMOTIONAL HEALTH

61) In general, how do you feel about your life for over the last 12 months? (Please select all that apply)

☐ Very satisfied  ☐ Satisfied  ☐ Okay  ☐ Dissatisfied  ☐ Extremely dissatisfied  ☐ Other:

____________________________

62) Do you feel anxious when you…: (Please select all that apply)

☐ Visit the immigration office  ☐ Speak about my immigration status with anyone  ☐ Go to my child’s school

☐ Walk on the street or go to public places  ☐ Go to work  ☐ My partner threatens to deport me

☐ Talk to my boss at work  ☐ Meet my social worker/other professional  ☐ Visit professionals for medical needs  ☐ Talk to my landlord  ☐ Engage in an argument with anyone  ☐ See police

☐ Other: ______________________

63) Do you have…? (Please select all that apply)
☐ Depression  ☐ Low self-esteem  ☐ Sleeping problems  ☐ Eating problems (weight loss or weight gain)
☐ Nightmares  ☐ Harming myself  ☐ Feeling anxious or fearful about something bad happening
☐ Flashbacks about traumatic experiences (i.e. childhood sexual/physical abuse, violence)  ☐ Sad
☐ Happy
☐ Angry  ☐ Fearful or afraid  ☐ Mood changes frequently  ☐ Other:
______________________________

i) Did you have these problems before you came to Canada? (Please circle your answer)
   Yes      No

ii) Are you getting any help for these problems now? (Please circle your answer)
   Yes      No

64) In Canada, have you experienced...? (Please select all that apply)
☐ Sexual abuse  ☐ Unwanted pregnancy  ☐ Abortion  ☐ Problems with child-welfare agencies
☐ Poverty  ☐ Mistreatment  ☐ Physical abuse  ☐ Problems with the criminal justice system
☐ Problems with the police  ☐ Emotional abuse  ☐ Used my sexuality as a means of supporting my family
☐ Other problems: __________________________________________________________

65) In your home country, have you experienced...? (Please select all that apply)
☐ Sexual abuse  ☐ Unwanted pregnancy  ☐ Abortion  ☐ Problems with child-welfare agencies
☐ Poverty  ☐ Mistreatment  ☐ Physical abuse  ☐ Problems with the criminal justice system
☐ Problems with the police  ☐ Emotional abuse  ☐ Used my sexuality as a means of supporting my family
☐ Other problems: __________________________________________________________

SECTION 9: EMPLOYMENT ACTIVITIES

66) What is your current employment status? (Please select one)
□ Not working  □ Employed  □ Looking for a job  □ Have more than one job  □ Other: __________________________

67) On average, how many hours do you work per week?
I work __________ hours per week

70) On average, how much money are you paid (per hour)?
I receive __________ per hour

68) Last year, what was your household income? (Please select one)
- □ Less than $10,000  □ $10,000 to $15,000  □ $15,000 to $20,000  □ $20,000 to $25,000
- □ $25,000 to $35,000  □ $35,000 to $45,000  □ More than $45,000 per year

69) I change jobs…? (Please select one)
□ At least once a month  □ Once every few months  □ A few times a year  □ Not very often
□ Other: ____________________________________

70) Why do you change jobs? (Please select all that apply)
□ Not getting paid well  □ Difficult job conditions  □ People take advantage of me  □ Health issues
□ Under-employed  □ Fear of immigration  □ Experience abuse  □ Other: __________________________

71) Who generally helps you to find a job? (Please select all that apply)
□ Friends  □ Family members  □ Private employment services  □ Other non-status people
□ Service providers  □ Faith group  □ Other: ____________________________________

72) Do other non-status people work in your place of employment? (Please circle your answer)
Yes  No  I don’t know

73) Do you generally have difficulty finding a job? (Please circle your answer)
Yes  No

74) What kind of jobs do you usually do? (Please select all that apply)
SECTION 10: LEARNING AND KNOWLEDGE

75) During the last 12 months, I have done the following learning activities? (Please select all that apply)

☐ Attend formal courses including: certificate programs/school/educational and professional training

☐ Visited parenting drop-ins, community centres, libraries, and/or other public places

☐ Volunteering

☐ Attend workshops or special talks about topic of your interest

☐ Read books, magazines, instructional materials

☐ Spoken to other people to gain information

☐ Watched television, videos, or DVDs or listened to music

☐ Used a computer or the Internet

☐ Received advice from professionals

☐ Learned things at work

☐ Other: ________________________________

76) How did you find out about these learning activities? (Please select all that apply)

☐ Through a community worker

☐ On the internet

☐ Through a flyer or ad in the paper or on television

☐ Through a friend

☐ Through other non-status people

☐ Other: ________________________________

77) If you did not participate in any learning activities, what were the main reasons: (Please select all that apply)

☐ Financial issue, can’t afford the cost

☐ Fear of immigration

☐ Don’t have time (too busy, no time to study)

☐ Personal or family responsibilities (childcare, taking care of elderly, spending time with family)

☐ Health problems

☐ Learning is not a priority at this time

☐ Other: ________________________________

SECTION 11: ACTIVISTS NETWORKS
78) Are you aware of activists and their networks? (People who help and/or support non-status persons) 
(Please select one)

Yes  No  I don’t know

79) Which of the following activist networks are you aware of? (Please select all that apply)

☐ No One is Illegal (NOII)  ☐ Don’t Ask Don’t Tell (DADT)  ☐ Individual people helping non-status people

☐ The Rights of Non-Status Women  ☐ Faith-based groups  ☐ I don’t know anything about activist networks  ☐ Other: __________________________________________

80) How did you hear about them? (Please select all that apply)

☐ Media  ☐ Saw/heard about their work  ☐ Attended their workshop/meeting  ☐ My friends

☐ Saw flyers

☐ My (lawyer, health care provider, social worker) told me about them  ☐ Internet  ☐ Other: __________________________________________

81) Have they ever asked your opinion or invited you to their meeting? (Please circle your answer)

Yes  No

82) Are you interested to be involved with them? (Please circle your answer)

Yes  No

If No, why? __________________________________________

83) Do you think activists can help you? (Please circle your answer)

Yes, how? __________________________________________

No, why? __________________________________________

84) What changes should activists make in order to include you or your voice?

____________________________________________________________________________________

____________________________________________________________________________________

____________________________________________________________________________________

____________________________________________________________________________________

85) Do you think activists are able to make positive changes to improve non-status people’s situations? (Please circle your answer)
SECTION 12: OVERALL IMPRESSIONS

86) Has being without immigration status in Toronto had an impact on how you feel about yourself and your life?
   Yes, how?
   No, why?

87) Has being without immigration status had negative impact on how you get along with people (for example, your spouse, children, family member, employer, friend)?
   Yes  No
   Yes, how?

89) In your opinion, what are some of the most important issues facing women without immigration status in Toronto?

90) In your opinion, what factors cause people to become non-status?

91) What changes to the system would improve your life?

92) In your opinion, which of these would you say are the most important to the survival of non-status women? (Please number 1 for the most important to number 12 for the least important)
   □ Housing  □ Intimacy/partner  □ Friend  □ Health  □ Access to medical services  □ Employment
   □ Access to legal and immigration services  □ Access to public resources  □ Children  □ Police protection
☐ Immigration status  ☐ Income  ☐ Other: ____________________________________

93) In your opinion has life been better for you? (Please select one)
☐ In your home country  ☐ In Canada  ☐ In another country: _____________________

94) Are you worried of being deported?
   Yes    No    I don’t care

If so, do you know anyone who has been deported?
☐ My extended family member  ☐ My partner  ☐ My neighbour  ☐ My friend
☐ My child(ren)  ☐ My roommate  ☐ Other____________________

95) In your opinion, what would happen to you if you are to be deported?
____________________________________________________________________________________
____________________________________________________________________________________
____________________________________________________________________________________

96) What is your dream about your future?
____________________________________________________________________________________
____________________________________________________________________________________
To be Canadian and go to school and educate my children
To go to school and learn English
To open own erotic club
To remain here and support my family back home
I have no dream, I hope my situation change
To be Canadian and report all the businesses tycoon making money at our expenses
To remain in Canada with my partner
To raise and educate my child here **
To remain here and have a decent job in order to support my family
To remain here and get a better health care
To be a Canadian and travel to India to see my family
To remain here

Thank you very much for taking the time to complete and return the survey.

Survey Follow-Up

Because survey responses are collected anonymously, the researcher has no way of knowing who completed the survey. Therefore, if you would like a copy of the survey findings and/or find out about the community forum, please contact your service provider and/or activist.
Appendix 12

Flyer For Survey Questionnaires (to be distributed by executive directors, service providers and activists to non-status women)

If you are a non-status woman (without legal immigration status)

I am interested in hearing your stories

My name is Soheila Pashang, and I am a Ph.D. Student in the Department of Adult Education and Counseling Psychology at the Ontario Institute for Studies in Education of University of Toronto. I am distributing 200 survey questionnaires to women who live in Toronto but do not have an official immigration status to remain in Canada. I am interested to know how you manage to survive with limited access to social, health, legal, and financial resources. Your participation will help me to find out about gaps in services available to non-status women.

You are invited to complete this questionnaire if:

- You are a woman living without legal immigration status in Canada
- You live in Toronto
- You are over the age of 18 years

Your participation:

- is voluntary and you can withdraw your participation at any time;
- will involve completing a survey questionnaire which will take about an hour to complete;
- you have the right to complete or refuse to complete your survey questionnaire and your decision will not negatively affect your relationship with your service provider or activist. You can continue using their services;
- you can put a blank, partially complete or completed copy of your survey in the enclosed envelope and mail it. You can also return your sealed envelope to your service provider and/or activist;
- you do not need to disclose your identity (including your name, address, phone number, or any other personal information);
- you can request an interpreter, and
- you will be compensated for your time with a small gift of up to $20.00 in value.
If you have any questions, or are interested in hearing more about this research and questionnaire please contact me at:

Graduate Student: Soheila Pashang, Ph.D. Student, Department of Adult Education and Counseling Psychology, OISE/University of Toronto, Tel: 416-575-5925. E-mail: spashang@oise.utoronto.ca

You can also contact my thesis supervisor at:

Thesis Supervisor: Dr. Shahrzad Mojab, Department of Adult Education and Counseling Psychology, OISE/University of Toronto, Tel.: (416) 978-0829. E-mail: smojab@oise.utoronto.ca
Appendix 13

Invitation to an Information Session for Service Providers and Activists Distributing Survey Questionnaires to Non-Status Women

Research Topic: Non-Status Women: Invisible Residents and Underground Resilience

Dear, _____________________

Thank you for agreeing to assist in this research project by distributing survey questionnaires to non-status women. My name is Soheila Pashang, and I am a Ph.D Student in the Department of Adult Education and Counseling Psychology at the Ontario Institute for Studies in Education of University of Toronto. I would like to invite you to attend an information session that will cover all the processes involved in working with non-status women.

The purpose of this survey questionnaire is to explore the lived experiences of non-status women and the ways in which non-status women build underground social support networks in Toronto. Your role in survey part of the research is vital—you are my only source of contact with the non-status women. As a social worker and activist, I am aware that working with and researching vulnerable populations is not without risk. I am sure that as a service provider and activist you are well equipped with professional knowledge, expertise, and skills to deal with non-status women. My aim in this information session, however, is to review all the processes involved in approaching non-status women to participate in my research through a case study. The purpose of this information session, therefore, is, 1) to review my research goals and purposes; 2) to take all the necessary measures to minimize potential risks that this study may cause to non-status women; 3) to provide you with information regarding processes and procedures required by your organization (if any) and the University of Toronto’s Code of Ethics in dealing with vulnerable populations; 4) to explain the process of interpretation services, participant compensation, maintaining confidentiality, access to resources, review and distribution of survey questionnaires, participants’ right to withdraw from the study, handling crises, sharing research findings in a community forum, and 5) to answer any questions you may have.

Thank you very much for your time. Your participation in this research project is greatly appreciated. Should you have any question or need further information about this research please do not hesitate to contact me. I will contact you by next week to follow-up and schedule our information session.

Sincerely,

Soheila Pashang

Graduate Student: Soheila Pashang, Ph.D. Student
Department of Adult Education and Counseling Psychology, OISE/University of Toronto,
Tel: 416-575-5925. E-mail: spashang@oise.utoronto.ca
Thesis Supervisor: Dr. Shahrzad Mojab
Department of Adult Education and Counseling Psychology, OISE/University of Toronto,
Tel.: (416) 978-0829. E-mail: smojab@oise.utoronto.ca

Office of Research Ethics
University of Toronto
Tel: 416-946-3273. E-mail: ethics.review@utoronto.ca
Appendix 14

Agenda for Information Session for Service Providers and Activists Distributing Survey Questionnaires to Non-Status Women

- **Welcome:**
  Exchange general information including: name, organization and/or institutional affiliation, history of working with non-status women.

- **Introduction to the research:**
  Review of research population, purpose, goal, question(s)

- **Exercise One:**
  **Case study:**
  Maria is a 35 year old non-status woman. She came to Canada in 2005 when her fiancé filed for a Sponsorship Application from Canada. In 2006, while five months into her pregnancy Maria called the police for help. She was no longer able to live in an abusive relationship. After the police involvement Maria’s partner withdrew his sponsorship application. Currently, Maria is a non-status woman receiving services at your office.

  **Questions:**
  
  Would you approach Maria to complete survey questionnaire, and why?
  
  How would you approach Maria?
  
  What would you do if Maria refuses to participate in this research? How do you ensure that she is aware of her rights to refuse or withdraw from the research?
  
  What would you do if Maria agrees to complete her survey but she experiences trauma while answering some of the questions? What kind of support would you provide to Maria, if any?
  
  What would you do if Maria requests an interpreter?
  
  - **Exercise Two:**
    Review of survey questionnaires.
  
  - **Exercise Three:**
    Review of all forms and processes involved in the survey part of the research.
  
  - **Closure:**
    Questions and comments, discuss plans for distribution of survey questionnaires and all other necessary arrangements.
Appendix 15

List of Resources Available to Non-Status Women

HEALTH SERVICES

(For people that do not have health insurance)

The Health Clinic (Hotline) (416) 431-8200 ext. 6646
  • Staffed by doctors and nurses for people who do not have health coverage
  • Drop in. No appointment necessary.
  • Open 5:00-9:00 pm. Two clinics (in Scarborough):

Warden Woods Community Centre (St. Clair-Warden)
74 Fir Valley Court
  • Tuesdays 5:00-9:00 pm

2680 Lawrence Ave. E., Suite 211 (Midland-Lawrence)
  • Thursdays 5:00-9:00 pm

DENTAL SERVICES

Faculty of Dentistry, University of Toronto
101 Elm Street, Toronto
Open September to June
  • Adult Clinic (416) 979-4927
  • Paedodontic (children) (416) 979-4925 ext. 4319
  • Orthodontic (straightening of teeth) (416) 979-4931 ext. 4351

Regent Park Community Centre (416) 364-2261 ext. 7019
19 Belshaw Place, Toronto
  • Low income/Regent Park Residents

George Brown College, Casa Loma Campus (416) 415-4547
175 Kendal Ave, Toronto
  • Low cost cleaning and dentures
Queen West Community Health Centre  (416) 703-8481
168 Bathurst Street, Toronto
  • Low cost dental treatment

Shout, Dental Treatment Clinic  (416) 927-8553
467 Jarvis Street, Toronto
  • Street youth under 25

City of Toronto, Department of Public Health services
For residents of the City of Toronto only

277 Victoria St, Second Fl  (416) 392-6680
340 College St. Suite 370  (416) 392-1410
235 Danforth Ave.  (416) 392-0934
791 Queen St. East  (416) 392-6683
2398 Yonge St. lower floor  (416) 392-0907
2340 Dundas St. West  (416) 392-0988
95 Lavinia Ave, lower floor  (416) 392-1777
399 The West Mall, lower floor  (416) 338-1486
L.A.M.P. C.H.C  185 Fifth St., first floor  (416) 252-6471
Rexdale C.H.C, 8 Taber Rd  (416) 338-1790
Scarborough C.C., 160 Borough Dr.  (416) 338-7442
Lawrence Hts. C.H.C., 12 Flemington Rd  (416) 338-2025
York Community Services, 1651 Keele St.  (416) 338-1224
North Region School Clinics  (416) 338-8399

FURNITURE REFERRAL LIST

Society of St Vincent de Paul  (416) 364-5577
240 Church St (Church St-Dundas E)
  • Mon-Fri 9-4:30
  • Distributes furniture free of charge after previous arrangements with Catholic church
  • Procedure: client must call first (416) 364-5577, agency will ask for client’s nearest intersection. They will provide address of nearest Catholic Church although client does not have to be Catholic
Our Lady of the Resurrection House (416) 530-1302
22 Pauline Ave (Dufferin St-Bloor St W)

- Tuesdays 10:30-4:00
- When available, emergency furniture. Client needs to arrange for transportation of furniture
- Client to contact agency before dropping by

Toronto Adventist Community Services (416) 780-1697
150 Brentworth Ave. (Keele St.-Lawrence Ave. W)

- Identification and proof of assistance required
- Low-cost furniture

CLOTHING REFERRAL LIST

Scott Mission (416) 923-8872
502 Spadina Ave. (Spadina Ave-College St)

- Women and their families and single fathers with custody of children. by appointment only: (416) 923-3916 emergency clothing and food, including baby food and formula, layettes for newborns, household items, bedding, Christmas hampers
- Monday-Friday 9:30-11-45; Monday- Tuesday, Thursday-Friday 1:30-4
- Contact intake worker, identification required (although it depends on situation sometimes)

Sistering – A Woman’s Place (416) 926-1946
Heydon Park Secondary School, 11 St Anne’s Rd (Dovercourt Rd-Dundas W)

- For women over 16 years of age
- Mon 11:30-3, Tue-Sun 9:30-3
- Clothing, free coffee and daily lunch

Sistering –A Woman’s Place (416) 588-3939
Masaryk-Cowan Community Centre, 220 Cowan Ave (Duffering St-Queen St W)

- Mon-Fri 9-2:30
- Women over 16 years of age
- Clothing, free coffee and lunch
Salvation Army, Community and Family Services (416) 532-4511
789 Dovercourt Rd (Dovercourt Rd-Bloor St W)

- Call for appointment-proof of identity, address and income required
- Mon-Fri 8-12 noon, 1-4 food bank-- Mon, Wed, Fri 9-12, 1-4 dinner—Thu 6-8
- Emergency assistance including clothing, food, outreach program Thursday 11-4 including lunch

Council Fire Native Cultural Centre (416) 360-4350
439 Dundas E.

- Women, children and men
- Must speak to a counselor
- Monday to Thursday 8:00 to 8:00 pm., Friday 9:00-5:00 and Sunday 10:00-4:00
- English only

416 Drop in (416) 928-3334
416 Dundas Street East

- Women and children
- No ID required
- Monday, Tuesday, Wednesday and Friday 4:00-5:00, Thursday 4:00-10:00 p.m.

Good Sheppard Centre (416) 869-3619
412 Queen Street

- For men only
- No ID required
- Monday to Friday 8:30-10:30

Good Neighbors Club (416) 366-5377
170 Jarvis Street

- Men’s emergency clothing
- Must become a member, membership is free
- 8:00-7:00 p.m.
- Free lunch and sometimes-evening meal is also provided

Our Lady of the Resurrection House (416) 530-1302
22 Pauline Ave. (Bloor and Dufferin)
• Tuesdays 10:30-4:00
• When available, emergency clothing. Contact agency before dropping by.

Society of St. Vincent de Paul  (416) 364-5577
240 Church St (Church St-Dundas St E
• Mon-Fri  9-4:30
• Client need to call this agency first in order to access clothing. Agency will ask for client nearest intersection, then they will provide address of nearest Catholic Church (no need to be Catholic). Services are done through the church.

ENGLISH AS A SECOND LANGUAGE CLASSES (ESL)

Access Alliance Multicultural Community Health Centre
340 College Street, Suite 500  (416) 324-8677
Please call for availability of classes

LEGAL SERVICES

COMMUNITY LEGAL CLINICS in the Toronto Area – Immigration Cases

*Please note that acceptance of cases to legal clinics depends on where the person whose case is in question resides, and whether they are eligible for legal aid.

CMSC French Legal Aid Services
22 College Street, Suite 305
Toronto M5G 1K3
Telephone: (416) 922-2672
Fax: (416) 922-6624

• Takes on refugee claimants (will appeal to Federal Court if necessary), but does not do any immigration work outside of refugee claims.

Downsview Community Legal Services
893 Sheppard Avenue West
Toronto M3H 2T4
Telephone: (416) 635-8388
Fax: (416) 635-6471
• Do not generally take immigration cases, may take humanitarian and compassionate (H & C’s) applications.

**East Toronto Community Legal Services 1320 Gerrard Street East**
Toronto M4L 3X1
Telephone: (416) 461-8102
Fax: (416) 461-7497

• Takes on immigration cases, especially refugee claimants and H & C’s, will assist with other cases.

**Flemingdon Community Legal Services**
49 The Donway West
Suite 205
Don Mills M3C 3M9
Telephone: (416) 441-1764
Fax: (416) 441-0269

• Takes on immigration cases, mostly refugee claimants, PRRA’s and H & C’s.
• Will take on refugee claimants who are refused legal aid but meet the clinic’s financial and location criteria.
• Does not take sponsorship (but will give advice), skilled worker applications, or criminal and immigration combinations.
• At present, taking on limited immigration cases, should be able to resume more immigration cases in February 2004.

**Jane Finch Community Legal Services**
1315 Finch Avenue West
Suite 409
Downsview M3J 2G6
Telephone: (416) 398-0677
Fax: (416) 398-7172

• Takes on mainly immigration cases, specifically H&C’s, on a discretionary basis.

**Kensington-Bellwoods Community Legal Services**
489 College Street
Suite 205
Toronto M6G 1A5
Telephone: (416) 924-4244
Fax: (416) 924-5904

• Takes on a full range of immigration cases, including appeals to the Federal Court if necessary. Cases are taken on a discretionary basis.
Neighbourhood Legal Services
333 Queen Street East
Toronto M5A 1S9
Telephone: (416) 861-0677
Fax: (416) 861-1777

- Takes on immigration cases (such as H & C's, family sponsorship, etc) except for refugee claimants and federal court applications.

Parkdale Community Legal Services Inc.
1266 Queen Street West
Toronto M6K 1L3
Telephone: (416) 531-2411
Fax: (416) 531-0885

- Does all forms of immigration cases, including federal court applications, if they start the case. Currently there is a moratorium on new cases (with a few exceptions) but this may be lifted soon.

Rexdale Community Legal Clinic
The Woodbine Centre
500 Rexdale Boulevard
Toronto M9W 6K5
Telephone: (416) 741-5201
Fax: (416) 741-6540

- Does not take on immigration cases.

Scarborough Community Legal Services 695 Markham Road Suite 9
Scarborough M1H 2A5
Telephone: (416) 438-7182
Fax: (416) 438-9869

- Does not take on immigration cases.

South Etobicoke Community Legal Service
5353 Dundas Street West, Suite 210
Toronto M9B 6H8
Telephone: (416) 252-7218
Fax: (416) 252-1474

- Takes on immigration cases, especially refugee claimants, H & C's and some sponsorship.

West Scarborough Community Legal Services 2130 Lawrence Avenue East
Suite 406  
Scarborough M1R 3A6  
Telephone: (416) 285-4460  
Fax: (416) 285-1070

- Does not take on immigration cases.

**West Toronto Community Legal Services**  
672 Dupont Street  
Suite 315  
Toronto M6G 1Z6  
Telephone: (416) 531-7376  
Fax: (416) 531-0032

- Takes on all forms of immigration cases.

**York Community Services**  
1651 Keele Street  
Toronto M6M 3W2  
Telephone: (416) 653-5400  
Fax: (416) 653-8049

- Takes on immigration cases, except for refugee claimants.

**Willowdale Community Legal Services**  
245 Fairview Mall Drive  
Suite 106  
Willowdale M2J 4T1  
Telephone: (416) 492-2437  
Fax: (416) 492-6281

- Takes on immigration cases such as PRRAs, H & C’s, family sponsorship, undocumented landing applications, but does not do refugee claimants (can give advice) or judicial review refugee appeals.

**Refugee Law Office**  
375 University Avenue  
Suite 206  
Toronto M5G 2G1  
Telephone: (416) 977-8111  
Fax: (416) 977-5567

- Takes on refugee claimants only.
Reputable Immigration Lawyers in Toronto

*** If you live in the Greater Toronto Area and are a low income person, contact your neighbourhood community legal clinic to find out whether they can represent you: not all clinics do Immigration work, but those who do generally have a very good reputation. You can find phone numbers for them in the business pages of the phone book under “Legal Aid Ontario”***

Private Lawyers:

Hilary Cameron
Connie Nakatsu
Raoul Boulakia
Susan Woolner
Paul Vandervennens
Doug Lehrer
   416-963-8405

Barbara Jackman (especially federal court and cases involving security issues)
   416-653-9964

Lorne Waldman (esp. Federal Court)
Kristina Kostadinov
Clifford Luyt
Maureen Silkoff
   416-428-6501

Richard Addinnall
   416-484-9897

Greg James
   416-538-1301

Ron Poulton (specialty: medical inadmissibility and issues of misrepresentation)
Joel Sandeluk
   416.862.0000

Micheal Crane (anything but especially Federal Court)
   -takes legal aid
   -has several immigration lawyers at his firm (Jack Martin, etc.)
   416-351-8600

Bill Sullivan
   -does immigration law and family law
   416-921-2500
Sophie Nsiah-Yeboah
- she is NOT a lawyer she is a consultant, but she is one of the few good ones
- has been working in immigration issues for about 20 years
- specializes in various African countries
416-636-5689

204-7126

Refugee Law Office (detention and refugee claims)
416-977-8111

Avi Sirlin (specialty: detention reviews and criminality issues)
416-977-9411 (p)

Mordechai Wasserman (also does Federal Court and will take legal aid)
416-926-8882

Randy Hahn (also does Federal Court and will take legal aid)
416-967-5400

Osbourne Barnwell (also does Federal Court and will take legal aid)
416-363-7172

Randall Montgomery (also does Federal Court and will take legal aid)
416-265-3895

Ron Shaacter (also does Federal Court and will take legal aid)
416-363-1215

Hart Kamikar (also does Federal Court and will take legal aid)
416-977-7500 x210

El Farouk Khaki (specializes in representing lesbian/gay/bisexual/transgendered people, people with HIV, and abused women)
416-925-7227
For up-to-date information on any food access program, or to obtain further information, please contact the Foodlink Hotline at (416) 392-6655.
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<th>Type</th>
<th>Project Name</th>
<th>Telephone</th>
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**Food Access Programs**

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<td>Tue 2:00-5:00 pm</td>
<td>Lansdowne &amp; King</td>
<td>416-565-1066</td>
<td>Community Lunch</td>
<td>Church of Peter-linked</td>
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<td>Fri 1:30-4:00 pm</td>
<td>Roncesvalles &amp; Queen St</td>
<td>416-530-6916</td>
<td>W Community Cafe</td>
<td>Food Donations</td>
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<td>Wed 9:30-11:30 am</td>
<td>Keele-Dundas</td>
<td>416-604-3361</td>
<td>Bikes</td>
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<td>6:30-9:30 pm</td>
<td>Queen St W</td>
<td>416-537-4554</td>
<td>Healthy Women, Healthy</td>
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<td>10:30-2:30</td>
<td>Willow St W</td>
<td>416-769-6922</td>
<td>Prevention Project</td>
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<td>Thu 6:30-7:30 pm</td>
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<td>416-333-7945</td>
<td>Food Bank</td>
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<td>College St, Dovercourt</td>
<td>Soup Kitchen</td>
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<td>416-285-5300</td>
<td>Green Earth Community</td>
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<td>Tue 10am-4pm</td>
<td>416-396-3333</td>
<td>Dovercourt-Bloor W</td>
<td>Food Bank</td>
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<td>Wed 10am-1pm</td>
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<td>Dunsmuir St, Bloor St W</td>
<td>Emergency Food Bank</td>
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<td>Dunsmuir St, Dunsmuir St</td>
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<td>Wed 10am-1pm</td>
<td>416-539-1378</td>
<td>Dunsmuir St, Dunsmuir St</td>
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<td>Thu 10-12 noon</td>
<td>416-534-8722</td>
<td>Dunsmuir St, Clipper</td>
<td>Community Church</td>
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<td>Every other Wed 12-2</td>
<td>416-537-1441</td>
<td>Dunsmuir Ave, Davidon Rd</td>
<td>Food Bank</td>
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<td>Every other Wed 12-2</td>
<td>416-536-8025</td>
<td>Old Weston Rd</td>
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<td>11:00 AM - 1:00 PM</td>
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<td>Assemblies of Faith</td>
<td>Children's Place</td>
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<td>3:00 PM - 5:00 PM</td>
<td>Church Healthy Together</td>
<td>Surgical Food Center</td>
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<td>Thursdays 10-12 noon</td>
<td>416-364-7373</td>
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<td>Tues and Wed evenings</td>
<td>416-539-0690</td>
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<td>12-6:00 pm Mon-Fri, 9:30 am Wednesdays</td>
<td>416-703-8482</td>
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CHEAP DIAPERS

http://www.babycityonline.com
Appendix 16

Information Letter to Non-Status Women Completing Survey Questionnaires
(A copy of this letter will be attached to the survey questionnaire)

My name is Soheila Pashang, and I am a Ph.D Student in the Department of Adult Education, Counseling Psychology at the Ontario Institute for Studies in Education of University of Toronto. My research project is called Non-Status Women: Invisible Residents and Underground Resilience. Non-status women are individuals who live in Canada without official immigration status. This survey is an attempt to collect information regarding how you manage to live in the city of Toronto with limited access to health, legal, social and public services. The information collected from the survey will be shared with community members in order to inform them of the challenges faced by non-status women, find gaps in the services, and improve their service delivery.

I am distributing 200 survey questionnaires among non-status women. It will take approximately one hour to complete the survey. You are encouraged to complete this survey if you are a woman over the age of 18 and live in Toronto without holding any form of legal immigration status in Canada. Your participation is voluntary and you can withdraw your participation at any time. You have the right to complete or refuse to complete your survey and your decision will not affect your relationship with your service provider or activist or the services you are currently using. You can simply refuse to hand it in, or put a blank, partially completed or completed copy in the enclosed self-stamped and addressed envelope and mail it or return it to your service provider and/or activist. You will receive a gift of $20.00 in value for your time. If you decided to mail your questionnaire you will be compensated at a time of receiving your questionnaire. You can request an interpreter or seek assistance from your recruiting service provider and/or activist. You can also use your own interpreter. Your service provider and/or activist will provide you with $40.00 towards the interpreter’s fees.

I am not collecting any personal information and your personal identification will remain completely anonymous. In order to respect and ensure your confidentiality I will not collect a written consent form from you. All completed surveys will be destroyed in the winter of 2013, four years after the completion of my doctoral thesis.

In this package you will find a copy of the survey questionnaire, a list of resources available to people without immigration status, a copy of the flyer for survey questionnaire, and an unmarked self-stamped and addressed envelope. Please complete this survey questionnaire after you review all documents. When you have completed the survey questionnaire place it in the enclosed envelope, seal it, and return it to your service provider and/or activist or mail it.

Thank you very much for your time. Your participation in this research project is greatly appreciated.
Soheila Pashang, Ph.D. Student. Department of Adult Education and Counseling Psychology, OISE/University of Toronto, Tel: 416-575-5925. E-mail: spashang@oise.utoronto.ca

Thesis Supervisor: Dr. Shahrzad Mojab
Department of Adult Education and Counseling Psychology, OISE/University of Toronto, Tel.: (416) 978-0829. E-mail: smojab@oise.utoronto.ca

Office of Research Ethics
University of Toronto
Tel: 416-946-3273. E-mail: ethics.review@utoronto.ca
Appendix 17

Interpretation Service Contact Information

Access Alliance Interpreter Services (AAIS)

Access Alliance Interpreter Services specializes in addressing the language barriers faced by immigrants. Access Alliance Interpreter Services is a team of professionals working to enhance the lives of immigrants and refugees by removing language barriers. Under the umbrella of Access Alliance Multicultural Community Health Centre (a non-profit charitable organization).

Contact Information

Access Alliance Interpreter Services
340 College Street, Suite 500
Toronto, ON M5T 3A9
Phone: (416) 324-2731
Fax: (416) 324-9198
Email: interpreterservices@accessalliance.ca
Website: www.aais.ca

How to Book An Interpreter

To place a request for Interpreter Services:
Call: (416) 324-2731
Fax: (416) 324-9198
Email: interpreterservices@accessalliance.ca

Please provide the following information:

- The date & time of the appointment
- The language required
- The location of the appointment
- Any other information that may assist the interpreter to prepare for the assignment
Appendix 18

Confidentiality Agreement for Interpreters

Dear, _____________________

Thank you for agreeing to assist with the interpretation work for this project. My name is Soheila Pashang, and I am a Ph.D Student in Department of Adult Education and Counseling Psychology at the Ontario Institute for Studies in Education of University of Toronto.

Could you please first read the below information carefully and sign this form.

________________________________________________________

I, ________________________________ (Name), understand that my role as an interpreter will only be to translate verbal and written information from English to ______________________. I will not ask any personal questions, and will safeguard the identities and confidentiality of people who I approach to translate and assist to complete survey questionnaires. I understand that I will not make any personal notes and no copies of written documents will be made or retained for myself and/or for my organization or any other person. I understand that I will be paid for my services and my rate will meet the guidelines of referring interpretation services.

Name: ____________________________ Date: ________________________
Signature: _________________________

Graduate Student: Soheila Pashang, Ph.D. Student
Department of Adult Education and Counseling Psychology, OISE/University of Toronto,
Tel: 416-575-5925. E-mail: spashang@oise.utoronto.ca

Thesis Supervisor: Dr. Shahrzad Mojab
Department of Adult Education and Counseling Psychology, OISE/University of Toronto,
Tel.: (416) 978-0829. E-mail: smojab@oise.utoronto.ca

Office of Research Ethics
University of Toronto
Tel: 416-946-3273. E-mail: ethics.review@utoronto.ca
Appendix 19

Request for a Study Summary and an Invitation to the Community Forum

(for service providers, activists, and participating organizations)

Research topic: Non-Status Women: Invisible Residents and Underground Resilience

☐ I _______________________________ (Name) would like to receive a summary of the study. Please contact me at the following address.

Mailing address:

Email address:

☐ I would like to attend the community forum and hear about the results of your study. Please contact me at:

Email address:

Telephone:

Note: You may give this request to Soheila Pashang when you meet for your individual interview, or you can fax it to her at: 416-604-3367, or send your request by Email at: spashang@oise.utoronto.ca

Graduate Student: Soheila Pashang, Ph.D. Student
Department of Adult Education and Counseling Psychology, OISE/University of Toronto, Tel: 416-575-5925. E-mail: spashang@oise.utoronto.ca