Emerging Logics of Citizenship: Activism in Response to Precarious Migration and Gendered Violence in an Era of Securitization

by

Salina Abji

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Department of Sociology
University of Toronto

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Abstract

Postnationalism is a theory of citizenship that emerged in the 1990s, which rejected national membership as an exclusionary or limited way of organizing rights and belonging, and sought instead to re-imagine citizenship beyond the nation-state. The approach was largely discredited at the time for underestimating the persistent influence of nationalism and for lacking empirical evidence. In this project, I join a small group of scholars who argue for a reconsideration of postnationalism, particularly for scholarship examining the production of illegality and securitization of borders across countries in the global north. I add to this scholarship by offering an extended case analysis of postnational activism in Toronto, in response to major restructuring of Canada’s refugee and immigration system and expanded deportation regime between 2006 to 2015.

Using ethnographic fieldwork, qualitative interviews, and discourse analysis, I show how some activists used postnational human rights frames to restrict immigration authorities from entering schools, women’s shelters, and other city spaces for the purposes of investigating and deporting non-status migrants. Theorized as postnational acts of citizenship, such approaches were useful for exposing the structural violence produced through state regulation of borders and citizenship,
leading to the articulation of a ‘no borders’ politics. However, as a social movement strategy, postnational claims were also limited in their capacity to imagine alternatives to state protection, particularly for non-status women in situations of gender-based violence. My findings also point to the erosion of citizenship for a group of activists working as service providers within state-funded institutions, where processes of securitization altered their working conditions and produced feelings of fear, despair, and even terror in how they interpreted the actions of the Conservative party in power at the time. Overall, this research draws attention to the increased salience of postnationalism for studies of social inequality in the contemporary immigration context.
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References
1 Introduction: Emerging Logics of Citizenship

Postnationalism and transnationalism are two sibling theories of citizenship that emerged at the turn of the twenty-first century. Both approaches challenged prevailing models of modern liberal citizenship as the relationship between an individual and a single nation-state. Instead, scholars drew attention to the growth of dual, multiple, and global forms of citizenship, as well as the proliferation of human rights laws and norms beyond the national scale (Bloemraad et al 2008). Despite their similarities, postnational and transnational approaches were conceptually distinct in how scholars viewed the nation-state. Postnational approaches sought to move beyond national membership altogether, by questioning the legitimacy or relevance of state borders and authority over status, rights, and belonging, and by reimagining how citizenship might be otherwise organized (Basok 2009; Bosniak 2001; Soysal 1994; Tambini 2001). In short, for postnational scholars, “the logic of personhood supersedes the logic of national citizenship” (Soysal, 1994: 164). Transnational approaches, by contrast, did not call for an end to national membership so much as argue for the inclusion of multiple forms of belonging within a world system of states (Knop 1994). Thus, whereas postnationalism was counter-hegemonic in challenging the implicit “statism” of previous models, transnationalism continued in the statist tradition in so far as the nation-state was concerned. The two theories had very different trajectories: whereas transnational approaches were quickly taken up, and expanded well beyond studies of citizenship, postnationalism was widely critiqued by migration scholars at the time for lacking empirical evidence (Bloemraad 2004; Brubaker 1996; Stasiulis and Bakan 2005), and was subsequently dismissed or overlooked by scholars in other disciplines.

The impetus for this project stems from the limited take-up of postnationalism in the decades since Soysal first coined the term (1994). As Bosniak has persuasively argued, postnational approaches have much to offer as a normative project for exposing the prevailing social order (2001). By overlooking postnational approaches, she insists, scholars risk losing a critical trope or set of heuristics for challenging the ways in which “normative nationalism… is deeply exclusionary, however liberal it may purport to be” (248). Other scholars have more recently offered empirical evidence of postnational claims being made by migrant rights movements across the global north, even in cases where the specific use of the term postnational has fallen out of fashion (Basok 2009; Berinstein et al 2006; De Genova 2010; Fortier 2013; Isin and
In her study of ‘open borders’ movements in the US and Canada, for example, Basok shows important divergences in how postnational activists understand human rights and the role of nation-states in producing conditions of precarity for migrant workers (2009). Her study draws important attention to the possibilities and limitations of postnationalism as a social movement strategy: showing on the one hand, the globally-circulating moral power of emergent human rights norms, as well as the particular challenges of engaging in “counter-hegemonic action” in a sphere dominated by state sovereign interests. Taken together, these scholars offer a compelling case for greater scholarly attention to postnationalism in the context of global migration and changing human rights norms.

In this dissertation, I join Bosniak (2001) and others in reclaiming postnationalism as a critical missing component of sociological research on citizenship. Focusing on the role of social movements in shaping the boundaries of citizenship rights and membership, I offer an extended case study of postnational activism in Toronto, Canada, during a period of intense restructuring of the immigration system (2006-2015). I investigate how activists are negotiating access to status, rights, and belonging for non-citizens in a context of increasing precarity and securitization of state borders. Although precarity has always been a feature of Canada’s immigration laws (Wright 2013), between 2006 and 2015, the federal Conservative government introduced an unprecedented number of regulatory changes to the refugee and immigration system, which placed new restrictions on access to citizenship and permanent residency across all categories of entry (Alboim and Cohl 2012; Bhuyan et al 2016a; Goldring et al 2009; Goldring and Landolt 2013). The restructuring of Canada’s regulatory system by the Conservative government was coupled with new technologies of surveillance and expulsion of “illegalized” migrants by the Canadian Border Services Agency (CBSA). Described as a new era of securitization across countries in the global north, in Canada this included the expansion inland of border enforcement practices, where immigration officers were authorized to enter workplaces, schools, hospitals, and women’s shelters as part of efforts to detain and deport non-status migrants (Arbel and Brenner 2013; Basok et al 2014; Fortier 2013; Nyers 2009; Villegas 2013, 2015). Scholars studying these developments have been quick to investigate the impacts of regulatory changes on non-citizens across a range of entry categories and institutional contexts. My project adds to this work by focusing on the role of ‘no borders’ activists in responding to
policy changes, and how their efforts might be reshaping the meaning(s) of citizenship in a changing landscape.

My research is broadly informed by four years of ethnographic fieldwork that I conducted among advocacy groups in Toronto between 2011-2015. This allowed me to approach the political field as dynamic and multi-layered, rather than focusing solely on discrete organizations as independent units (Burawoy 1998; Choo and Ferree 2010; Landolt and Goldring 2010; Maddison and Shaw 2012). Through participant observation and informal conversations with movement actors across a range of sites, I was able to identify and purposefully recruit key informants for interviews (Chapter 4), as well as identifying the milestone events and campaigns that activists themselves saw as salient in shaping the history and progress of political organizing (Chapters 2 and 3). As a scholar committed to feminist social justice research, I also participated as an activist-researcher in the field, where I helped co-organize educational forums and co-produced informational resources for a grassroots network of service providers addressing the rights of non-status women in Toronto (Maddison and Shaw 2012; Smith 1999). It was through these engagements that I became attuned to competing logics of citizenship that underlined and informed conversations and debates among activists about how best to address the rights of non-status migrants. By a ‘logic of citizenship’ I refer to the presuppositions underlying how citizenship is understood, and how these assumptions in turn shape efforts to re-define or re-inscribe citizenship rights. If we accept that citizenship is an evolving institution, and that social movements have played a key role in struggles over the boundaries of rights and membership, then it follows that different social groups may hold competing assumptions about how citizenship should be organized, which may also shift and change over time though political contestation and debate (Isin 1999; Keck and Sikkink 1998; Marshall 1950; Poletta 2004; Shachar 2009b). My project thus extends postnational theories of citizenship, by investigating how ‘no borders’ activists in Toronto, Canada, are mobilizing, sustaining, and/or adapting postnational normative logics in their discursive framing strategies and advocacy practices.

In Chapter 2 of the dissertation, I offer a case example of postnational logics ‘in practice’ by analyzing a social movement campaign on the arrests of two non-status children in 2006 from their classrooms by border guards in order to ‘bait’ their parents out of hiding. The campaign was led by activists from a grassroots collective called No One Is Illegal (NOII), which is postnational in its call for an end to all deportations and detentions by the Canadian state. In the
chapter, titled Postnationalism Reconsidered: a case study of the ‘No One Is Illegal’ movement in Canada, I use discourse analysis of NOII’s campaign materials to show how activists drew from postnational conceptions of human rights to challenge the very legitimacy of the state to enforce borders and control over citizenship. I also analyzed how NOII’s framing of the issue was taken up by local state actors and in media reports. Here, I found that such actors were more likely to use state-centred arguments for the humanitarian inclusion of children and hard-working migrant families, leaving postnational claims either ignored or used to discredit NOII as ‘too radical’ in its approach. Despite the co-opting of NOII’s human rights claims, I argue that as a heuristic strategy, the very presence and active participation of non-status migrants in national debates was enough to disrupt – even if momentarily – normative nationalism, opening up new possibilities for NOII activists to mobilize at the local level.

In Chapter 3 of the dissertation, I analyze a second case example of postnational logics in practice, this time showing new alliances that emerged publically in 2008 between NOII activists and state-funded feminist organizations. Coined the “Shelter Sanctuary Status” campaign (SSS), the coalition launched a national media campaign with support from over 200 groups calling on the federal government to cease deporting survivors of gender-based violence and to prevent entry of border guards into women’s shelters and other feminist spaces. Feminist scholars have long documented the intersecting forms of precarity experienced by refugee and immigrant women, particularly in cases of gendered violence, where fear of deportation may prevent women from seeking support (Agnew 2009; Bannerjee 2000; Bhuyan 2012; Bhuyan et al 2016b; Crenshaw 1995; Hondagneu-Sotelo 2000; Korteweg et al 2013; Menjívar 2011; Saad 2013). However, such scholarship has stopped short of considering postnational critiques of state power over rights and membership, in favour of more transnational arguments for advancing women’s human rights (Knop 1994). Yet, the emergence of the SSS campaign in Canada suggests that postnational norms may have some traction among contemporary efforts to address gendered violence. In my chapter, titled ‘Because Deportation is Violence Against Women’: on the politics of state responsibility and women’s human rights, I use discourse analysis of the SSS campaign and state policy responses, to analyze how advocates are negotiating the rights of women with precarious immigration status in an increasingly securitized state. My analysis of campaign documents shows how some activists used postnational conceptions of state responsibility to re-frame the state as a perpetrator of gendered violence through border enforcement and exclusive
citizenship. However, as I showed, postnational critiques were also limited in their capacity to re-articulate or institutionalize what freedom from gendered violence might look like in a world ‘beyond the nation-state’. This posed contradictions for SSS campaign activists, who made claims against the state as a perpetrator of violence, while simultaneously appealing to the state to offer protection and violence prevention for all women regardless of immigration status. In the final analysis, however, both statist and postnational strategies were limited in their capacity to fully prevent border enforcement within women’s shelters under an increasingly securitized state. Overall, the chapter contributes to feminist scholarship on state responsibility and gendered violence, by showing both the salience of postnational approaches to women’s human rights, as well as the limitations of such approaches for addressing women’s multiple and intersecting risks of violence in the contemporary immigration context.

In Chapter 4, I focus on a sub-group of actors in the VAW field who continued to engage in efforts to address violence against women with precarious immigration status after the SSS campaign dissolved in 2012. As service providers, these actors often worked for state-funded organizations where they mediated the relationship between the state and non-citizens. As such, they were implicated to some degree in the enactment of state power over rights and membership. At the same time, they occupied a complex positionality as citizens who subscribed to a ‘no borders’ politics in their personal beliefs and sometimes in their political activism. Sassen and others have argued that the visible subjugation of non-status migrants living in global cities produces irreconcilable tensions for ‘everyday’ citizens, between their normative understandings of liberal citizenship and the practical realities of its enactment (Benhabib 2007; Sassen 2006). As non-status populations grow, she suggests, more citizens are motivated to engage in acts of solidarity “across the membership divide” where all residents are guaranteed access to basic social rights regardless of immigration status. Yet we know little about who these citizens are, what motivates their actions, or what the effects of such acts of solidarity are on activists’ own experiences of citizenship and belonging. In my chapter 4, titled Postnational Acts of Citizenship: on the contradictions of a ‘no borders’ politics for addressing gendered violence in a securitized state, I extend existing scholarship on postnational activism by analyzing the
lived experiences of a group of citizen-advocates\(^1\) who mediate the relationship between the state and non-citizens. Drawing from interviews with thirty advocates across a range of organizations in the VAW sector (2013-2015), I analyze how these advocates negotiate the contradictions of their positionality in their efforts to expand access to citizenship for non-status women. My findings show the internal conflicts that are generated for advocates between their deeply-held normative beliefs and feelings, and the emotional labour they carry out as service providers. I analyze how these advocates seek to mitigate their feelings of internal conflict by performing their advocacy work in strategic ways. I argue that these performative strategies constitute “postnational acts of citizenship”, in that they seek to disrupt the enactment of state power – even if only momentarily – by ‘working’ the system from within. However, such acts of postnational citizenship became immobilized, I argue, in the context of securitization. In my analysis of advocates’ accounts of regulatory changes, for example, I show how they came to see themselves as *objects* of state control in their work as service providers within a changing system (rather than as subjects who wield state power in the interests of moving beyond the state). This led to feelings of fear, exhaustion, despair, and even terror in how they interpreted the actions of the state. I interpret these findings as evidence of the cumulative impact of structural changes on advocates’ own sense of citizenship and belonging in a securitized state.

In the following section, I provide an overview of early theories of postnationalism in order to situate my analytical approach in the dissertation. I then turn to scholarship on precarious migration and gendered violence, arguing that attention to postnational logics remains a critical missing gap in these literatures. The chapter concludes with a discussion of the practice of research that informs my methodological approach in the dissertation.

### 1.1 Postnational Citizenship

My theoretical approach conceptualizes citizenship as multi-dimensional and multi-level: the four major dimensions of citizenship include legal status, political participation, social rights, and sense of belonging (Bloemraad et al 2008; Marshall 1950). These dimensions both complement and stand in tension with each other. T. H. Marshall famously argued that civil and

\(^1\) In my project, I refer to these actors as “advocates” rather than “activists” in order to capture the multiple sites along which they engage in advocacy work.
political rights are meaningless without access to the basic social rights necessary to “live the life of a civilized being” (1950, 78). As he explained: “The right to freedom of speech has little real substance if, from lack of education, you have nothing to say that is worth saying, and no means of making yourself heard if you say it” (1950, 97). Marshall then offered a compelling normative argument for social citizenship: as a more evolved form of citizenship, social citizenship better addresses social inequality through the provision of basic social rights as a necessary precondition to full citizenship. The provision of social services – such as education, health care, shelter, and a living wage – in ways that redressed social inequalities became a cornerstone of modern welfare states, and a key site for social movements to make claims against the state. While Marshall’s focus was on addressing class inequalities, feminist scholars and activists extended the notion of social rights to include multiple and intersecting obstacles to full membership including social inequality based on gender, race, ethnicity, sexuality, and religion, among others (Ong 2006; Stasiulis 1999; Stasiulis and Bakan 2005; Yuval-Davis 1997).

If we accept that citizenship is an evolving institution (Marshall) and that social movements have played a key role in struggles over the meaning and extent of citizenship rights (Isin 1999, 2008; Keck and Sikkink 1998; Poletta 2004; Shachar 2009a), then it follows that the underlying assumptions informing how citizenship is constructed or imagined by different social groups over time may be subject to competing logics. By a ‘logic of citizenship’ I refer to the presuppositions underlying how citizenship is understood, and how these assumptions in turn shape efforts to re-define or re-inscribe citizenship rights.

At the turn of the twenty-first century, for example, two sibling theories of citizenship emerged, which challenged dominant understandings of citizenship as the relationship between an individual and a single nation state. Postnational and transnational approaches to citizenship both drew from international human rights discourse to locate rights within one’s personhood, rather than within one’s political membership within a national community, thereby calling into question the historical privileging of the nation state as the primary political unit in dominant conceptions of citizenship (Bloemraad et al 2008). However, whereas transnational approaches argued for the inclusion of other forms of citizenship (e.g. dual, multiple, supra-national citizenships) within existing models, postnational approaches rejected the nation-state altogether as an increasingly irrelevant or illegitimate source of citizenship within the context of universal
human rights. In other words, for postnational scholars, “the logic of personhood supersedes the logic of national citizenship” (Soysal 1994, 164).

Postnationalism came under significant critique starting in the late 1990s. Here, I distinguish between two strands of early postnationalism evident in the literature. The first is an empirically driven strand that interpreted the rise of supra-national forms of citizenship (such as the European Union) as evidence of the increasing irrelevance or redundancy of state-based citizenship, and so proclaimed the ‘death of the nation state’ as we know it (see Soysal 1994; Tambini 2001). Critics of early postnationalism focused their critiques largely on this first strand, citing (1) a lack of extensive empirical evidence of postnational citizenship practices within immigrant-receiving nations (Bloemraad 2004; Brubaker 1996) and (2) pointing to the continued salience of nation-states particularly for the stateless, who lack the very right to have rights (Arendt 1958) and so, paradoxically, require state-based citizenship in order to access fundamental rights (Hansen 2009; McDonald 2007; Menjívar 2006; Stasiulis and Bakan 2005).

The second strand of early postnationalism took a more normative approach, arguing that state-based citizenship in Western liberal democracies is fundamentally illiberal, “the modern equivalent of feudal privilege – an inherited status that greatly enhances one’s life chances... akin to a ‘birthright lottery’” (Carens 1987, 252; see also Anderson 2000; Anderson and Hughes 2015; Basok 2002, 2004, 2009; Basok and Noonan 2006; Benhabib 2006, 2007; Butler and Spivak 2007; Bosniak 2001, 2006; Carens 2010; Sassen 2006; Shachar 2007, 2009a, 2009b). This strand shifted the focus from the content of citizenship (that is, the bundle of rights and obligations it provides) to the extent of citizenship (that is, the boundaries of inclusion and exclusion it produces) (Isin 1999, 267). Here, citizenship is conceptualized as having both enabling and ascriptive functions. Enabling in the sense that the boundaries of inclusion within the polity can be extended to non-citizens who seek and qualify for membership; yet also ascriptive, in the sense that one’s citizenship status is primarily designated by birthright, meaning by where and to whom one is born (Shachar 2009a). It is the ascriptive function of birthright

2 I have identified these scholars as adopting a normative postnational ethics in their work, even in cases where the specific terms they use might vary e.g. global, cosmopolitan, post-Westphalian, or urban citizenship.
citizenship, according to this logic, which makes modern citizenship a fundamental source of inequality, akin to an inherited status that greatly affects one’s life chances.

As Shachar explains, the allocation of citizenship by birthright – whether by *jus soli* (territory) or by *jus sanguinis* (descent) – has been naturalized as an apolitical distribution of citizenship across symmetrical state units, each “represented as different colour-coded areas on the world map” (2009a, 378). What this masks, however, is the “slippage between an abstract right to membership and its concrete materialization… [in] the inequality of actual life chances attached to membership in specific political communities” (Shachar 2009a, 377, original emphasis). Individuals born to less wealthy states, for example, have a significantly higher chance of “witnessing or themselves suffering infringements of basic human rights” (Shachar 2009a, 378). In effect, the normalizing of birthright privileges vis-à-vis ascriptive citizenship status, exposes a fundamental contradiction at the heart of liberal democracies: namely, that despite purporting to act in the name of universal principles, the allocation of citizenship by birthright in an unequal world is fundamentally illiberal, and is hence an illegitimate source of status and rights, regardless of its particular cultural salience.

Whereas the first empirically driven strand of postnationalism came under significant critique starting in the late 1990s, the second strand offered an ethical framework that continues to inform, arguably, normative political theories of citizenship and the nation state to this day. We can see at least two instances of a postnational ethics at play in political theory: Sassen’s notion of denationalized citizenship in the global city (2006), and Benhabib’s citizenship of residency, nested within an emerging global civil society (2006, 2007). For Sassen, denationalized citizenship is similar to state-centred citizenship in that it contains four dimensions: legal status, rights, participation and belonging. However, in a denationalized model, being legally recognized by the nation-state is no longer a pre-condition for access to rights, participation and belonging within its territorial boundaries. Similarly, Benhabib’s citizenship of residency grounds rights, participation and belonging in the local communities where one chooses to reside, regardless of whether or not one is legally recognized as a citizen of a single nation, multiple nations or even as a post-citizen, where no membership within a nation is specified or pursued.
For these scholars, the value of postnationalism is heuristic, rather than empirical: it offers a ‘critical trope’ for interrogating the ways in which modern nation states, despite purporting to act in the name of universal principles, by definition require the continued exclusion of the migrant ‘other’ as constitutive of the nation and its subjects (Anderson 2000; Bosniak 2001). As Bosniak explains, this raises new questions about what we believe citizenship ought to mean, where it should take place, since “evolving conceptions of the idea [of citizenship] both reflect and help to shape the political and social worlds we inhabit… [E]fforts to redescribe citizenship matter deeply; there is a great deal at stake” (2001, 237, 249). Taken together, these scholars offer a compelling case for greater scholarly attention to postnationalism in the context of global migration and changing human rights norms. At the same time, as self-consciously normative theories, they stop short of providing a concrete blueprint for how this might be institutionalized or formalized. As Bosniak argues, the challenge of “determining how [postnational] commitments might be institutionalized” remains a critical gap in the postnationalist project (2001, 249). This limitation provides an important justification for sociologists to return to a more empirically-focused analysis of postnational logics “in practice” among social movements and other sites of social change.

1.1.1 Normative Logics: My Analytical Approach

In this dissertation, I take seriously Bosniak’s call to reclaim postnationalism as a normative project. I use the term “logics of citizenship” to refer to underlying assumptions about how citizenship is organized in terms of the contents (what it includes) and the extent (who it includes). Under a Westphalian model, for example, citizenship is conceptualized as an individual’s political membership within a single nation-state. I argue that logics of citizenship are normative, in that they are always grounded within a set of beliefs or values about how membership should be organized, how it should be enacted. As deeply-held beliefs or values, normative logics inform how citizens imagine rights and belonging, and how they believe the boundaries of membership should or should not be drawn. These beliefs can be hegemonic or counter-hegemonic in their response to the existing social order. Postnational logics are counter-hegemonic, I argue, in their challenge to the prevailing Westphalian model of membership. As a normative ethic, postnational logics raise a different set of questions, about how we want rights and membership to be organized (or the “who” of justice) rather than focusing on what the contents of those rights might include for existing members.
In operationalizing my approach to normative logics of citizenship, I draw largely from social movement theory. Within literature on social movements, there are two prevailing streams of thought: the structuralist school, which tends to emphasize political structures, formal organizations and social networks; and the constructionist school, which emphasizes cultural frames, identities, meanings and more recently emotions (Goodwin and Jasper 2004; Goodwin et al 2009). Although my approach synthesizes elements of the two streams, it is primarily a constructionist approach, in its focus on discursive framings and everyday practices of citizenship. Here, I draw from Ferree’s notion of discursive opportunity structures (DOS). The discursive framing process is defined as “conscious strategic efforts by groups of people to fashion shared understandings of the world and of themselves that legitimate and motivate collective action” (Keck and Sikkink 1998; Snow and Benford 1988). Ferree’s notion of DOS is useful because it situates micro-level discursive framing processes within larger discourses, here operationalized as the ‘institutionally anchored’ dominant ideas that are expressed in the materials produced vis-a-vis state legal institutions, educational systems, mainstream media, and other structures (Ferree 2003, 305).

Contradictions or tensions that emerge within shifting and dynamic DOS offer ‘gradients of opportunity’ for social actors to reframe or reshape normative understandings. For example, tensions between the normative ideals of liberal citizenship (as expressed in the Canadian charter of rights and freedoms for example) and the realities of its exclusions (as expressed in new immigration policies or parliamentary debates or mass media for example) may provide opportunities for social actors to challenge normative nationalism. At the same time, these reframings are also always ‘partly captive’ to the dominant discourses which shape or provide the conditions by which actors frame discursive claims, and moreover, also affect how these claims are taken up or heard (Ferree 2003, 305). Ferree, for example, describes how movement actors are often faced with choices between deploying more culturally resonant versus more radical frames in articulating claims against the state. Here, culturally resonant frames are those which conform to and appeal to dominant discourse, versus more radical frames which are non-resonant. Choosing the most resonant frame has political costs, such as “marginalizing alternative frames, the speakers who offer them, and the constituencies whose concerns they express” (Ferree 2003, 306). In fact, cultural resonance may necessitate co-optation of problematic ideologies and practices in order to achieve ‘greater good’ as defined by the
movement. At the same time, choosing more radical frames may risk undermining the short-term success of campaigns and create fractures or divisions among movement members, and in some cases result in the disbanding or dissolution of the organization altogether. As such, researchers can offer analyses of the types of frames used and not used, as well as the types of risks and opportunities these choices represent, as providing “important clues to the power relations institutionalized in the hegemonic framing of issues” (Ferree 2003, 305).

Recent scholarship examining NOII and other ‘no borders’ social movements have begun to highlight the tensions and opportunities involved for these movements in framing claims against the state (Basok 2009; Cook 2010; Fortier 2013; McDonald 2007; Racine et al 2008; Wright 2003, 2008). For example, Cook shows how human rights frames used within national immigration debates in the US (as opposed to transnational or international debates) still have relatively little resonance compared to the use of state-centred frames in shifting public opinion; yet, the use of state-centred frames is self-limiting, in that they may reinforce the values and assumptions that produce immigration restrictions in the first place – a challenge coined the ‘advocate’s dilemma’ (2010). Basok further distinguishes between hegemonic and counter-hegemonic human rights principles, and finds that even radical activists will sometimes make use of ‘less controversial’ human rights legislation purely for instrumental reasons when making claims against the state (2009, 201).

Building on the work of sociologists like Basok (2009) and others, I offer an extended case study of postnational activism in Toronto, Canada, in order to investigate how activists are negotiating the rights of non-citizens in a changing immigration context. When enacted, normative logics constitute a form of political participation, where citizens seek to shape the social worlds that they inhabit. Normative logics are also a site of social change: beliefs about what is right or just may shift and change as the boundaries of membership are drawn in new ways, or as citizens interact with those who exist outside the boundaries of membership. The enactment of postnational logics, however, are limited, because there is no blueprint for how such rights and membership ‘beyond the nation-state’ might be realized. This generates contradictions for advocates, I argue, who subscribe to postnational logics in their political imaginings of a more just world – such as a world free from gendered violence – and the realities of their advocacy work within an existing state structure. Focusing on a group of advocates who navigate these contradictions, my research asks: What do postnational logics of citizenship enable advocates to
see and what gets obscured as they mobilize these logics in their advocacy work? And what is the impact of postnational logics in practice on advocates’ own sense of participation and belonging as they engage in advocacy work? While my project builds on recent insights from scholarship on precarious migration in Canada, I argue that attention to postnational normative logics remains a critical missing gap in this literature.

1.2 Precarious Migration

Although precarity has always been a feature of Canada’s immigration laws (Wright 2013), the contemporary immigration landscape in Canada is undergoing a major transformation away from more permanent and humanitarian pathways to citizenship, towards increased emphasis on temporary economic migration. Rates of temporary economic migrants between 2005-2009 saw a sharp increase, while both permanent and humanitarian entries remained flat, and refugees admitted as permanent residents declined steadily during this same period (Goldring et al. 2009; Goldring and Landolt 2011). There has also been a move towards increased criminalization of refugees and asylum seekers, as well as securitization of Canada’s borders during this time. As Benhabib describes: “most liberal democracies since September 11, 2001, and even before then, had already shifted toward criminalizing the refugee and asylum seeker either as lying to gain access to economic advantages or as a potential security threat” (2007, 20). The Canadian case is no exception. The Immigrant and Refugee Protection Act (IRPA) was amended in 2002, when the government introduced new anti-terrorism legislation following the September 11th 2001 attacks on the US. This new legislation (Bill C-36 and C-42) gave police the ability to arrest and detain suspected terrorists for up to 72 hours, and allowed the use of secret trials and security certificates (Razack 2000, Department of Justice 2016).

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3 The Canadian government reports a sharp rise in temporary worker entries from 122,708 people in 2005 to 192,373 in 2008, and then a slight dip during the global economic downturn in 2009 to 178,640 (Goldring and Landolt 2011). Conversely, permanent resident entries (economic and family class) stayed fairly flat over the same period, going from 219,673 in 2005 to 218,645 in 2009. The number of refugees admitted as permanent residents declined steadily from 35,776 in 2005 to 22,844 in 2009 (Goldring and Landolt 2011). Note: these figures do not include those already present in the country, nor does it include data on those who have chosen to remain post-expiration of temporary visas (Goldring and Landolt 2011).
Under the IRPA, the immigration security certificate process – which has applied to temporary migrants since 1976 – was extended to include permanent residents. In May 2003, Adil Charkaoui, a Moroccan-born permanent resident of Canada was arrested by the Canadian government under a security certificate and detained for 22 months prior to any court review of the certificate. In 2007, the Supreme Court of Canada ruled that the judicial procedure for the approval of immigration security certificates infringed on the Canadian Charter of Rights and Freedoms (s. 9 guarantee against arbitrary detention and s. 10(c) right to prompt review). The government subsequently introduced an amendment which provides for the appointment of a special advocate to represent the interests of a person named in a security certificate (although the advocate cannot communicate the details of the file to the accused), and provides the right to a detention review within 48 hours and at least once every 6 months thereafter.

In 2003, the federal government created the Canadian Border Services Agency (CBSA) with a mandate to “ensure the security and prosperity of Canada by managing the access of people and goods to and from Canada” and amalgamated personnel from the former Canadian Customs and Review Agency, border and enforcement personnel from CIC, and the Food Inspection Agency. In addition to operating 1200 service locations in Canada and in 39 other countries, as well as 119 land border crossings and 13 international airports, the CBSA operates an inland Enforcement branch, which deploys ‘plain-clothes’ armed officers to track down and remove ‘unauthorized’ residents.

Between 2011-2015, in the four years that I conducted ethnographic fieldwork, the Conservative majority government introduced an extensive array of changes to the immigration system. For instance, changes to family class entries in 2012 include a moratorium on sponsorship of parents and grandparents. The justification provided by the then Minister of Citizenship and Immigration, was to process the ‘backlog’ of applications for permanent residency. New applicants were processed as temporary visitors under a ‘super-visa’ valid for 10 years, which allows the applicant to remain in Canada for up to 24 months at a time, but also requires that applicants obtain private health insurance for their stay. Activists critical of the visa noted how, “for many immigrant families, parents and grandparents play a role in assisting with childcare and thus allowing women to take up activities outside of the home. Barring parents and grandparents from being sponsored negatively affects labour market participation by some immigrant women” (CCR et al 2012). Changes to sponsorship of spouses were also implemented
in 2012. The justification provided by the federal government was to target ‘fraudulent’ or ‘forced’ marriage. Under the change, the government imposed conditional status on all spousal applicants in a relationship for two years or less at the time of sponsorship application who do not have children together. Access to permanent residency is therefore conditional on the relationship remaining intact. The department of citizenship and immigration added an exemption in cases of abuse or neglect after receiving major push back from anti-violence groups. Activists critical of the change, however, have noted how this change still potentially traps sponsored women who are abused by their sponsor (or family) in the abusive relationship for fear of deportation. As they argue: “even if there is an exemption for partners in situations of abuse or violence, the barriers of language, isolation, and access to information, as well as the burden of proof of abuse, will make it extremely unlikely that women will apply for the exemption” (CCR et al 2012, Bhuyan et al 2016a).

During this time period, the government also made major changes to the refugee determination system. Bill C-31, passed in June 2012 allows the Minister of Citizenship and Immigration new discretionary powers to detain and deny refugee status to claimants deemed “irregular” by the Minister (Béchard and Elgersma 2012). The Bill creates six different categories of claimants, with separate processes, timelines, and restrictions by category (Bhuyan et al 2014). Highlights of the Bill include: automatic detention without charge or review for up to 12 months for landed refugees deemed ‘irregular’ by the Minister, even if the applicants are successful in winning refugee status during that time; denial of permanent residency status for five years following entry; and even once permanent residency is achieved, the person can be deported if the Minister decides that the conditions in the country of origin have changed enough to warrant their original refugee claim no longer valid (‘cessation’). A ‘designated countries of origin’ list (DCO) was also created during this time, which identifies countries deemed ‘safe’ by the Minister and therefore less likely to produce refugees. Refugee claimants from countries on the DCO list (or ‘safe country’ list) have shorter timelines to make a refugee claim, they do not have the right to appeal the decision, and they have to wait for up to 5 years before they can apply for a

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4 A landed refugee can be deemed irregular not only in cases of suspected criminal activity, but also in cases where there is a group that cannot be processed in a timely manner (what constitutes a ‘group’ is also not specified in the legislation and is at the discretion of the Minister).
Humanitarian & Compassionate grounds application (H&C) for the right to stay. During this time, they are also subject to deportation should their refugee application be denied or dismissed and a removal order issued by border authorities. Similarly, cuts to the Interim Federal Health Program (IFHP) effective in June 2012 eliminated basic health care for all refugee claimants except a small percentage of government-sponsored refugees. The IFH cuts have since been restored by the current government in 2016, after the supreme court voted the cuts “cruel and unusual” in 2014. These cuts effected medical coverage for necessary medications such as insulin, prenatal care for pregnant women, child care and mental health care. Refugee claimants were also denied basic healthcare from physicians unless their condition was deemed a threat to public health or safety. As one advocate described: under these problematic changes, a refugee claimant who is suicidal would not be able to access counselling or medical support. It would only be at the point where they threaten to harm another person or the public that they would be able to access supports.

The term precarious immigration status was first introduced by Canadian scholars in 2009. It was introduced, in part, as a critique of terms such as ‘illegal’, ‘undocumented’ and ‘unauthorized’ migration that predominated in US scholarship, and intended as an extension of the term ‘non-status’ used by Canadian activists, who wanted to shift the focus away from a lack of legality, towards the absence of fundamental social rights guaranteed under international law (Goldring et al 2009). Whereas ‘non-status’ refers to the absence of the recognition of the social rights of particular migrants by the nation state, precarious immigration status offers a broader, more dynamic model, which also includes the partial absence of rights, as well as the precarious dimensions of seemingly stable statuses. The term also borrows from literature on precarious employment, in order to better capture the long-term effects of lack of status and/or the risk of loss of status, as a particular form of subjugation.

The model of precarious noncitizenship challenges dualisms such as citizen/non-citizen, legal/illegal, and documented/undocumented implicit in earlier approaches. Migration scholars such as Menjivar (2006), for example, first challenged the binary of legal/illegal through the notion of ‘liminal legality’ or the ambiguous spaces in-between legal and illegal states that are often occupied by migrants. Goldring et al (2009) push Menjivar’s challenge even further: they argue that even the notion of liminal legality to some extent fixes three possible categories of membership (legal, illegal and in-between); instead, the precarious status model posits multiple
constellations of legality, rights, participation and belonging, that vary over time, space and duration. Applying this model to the Canadian context, they define precarious status as the absence of any of the following elements normally associated with permanent residence (and citizenship) in Canada:

- Work authorization
- The right to remain permanently in the country (residence permit)
- Not depending on a third party for one’s right to be in Canada (such as a sponsoring spouse or employer)
- Social citizenship rights available to permanent residents (e.g. public education and public health coverage) (2009: 241)

In a more recent iteration of this model, Landolt and Goldring use the deleuzian metaphor of an ‘assemblage’ to capture the dynamic and multi-scalar constellation that configures rights and membership (2013, 2015). Importantly, they use the concept of conditionality in order to measure the production of precarity vis-à-vis structural changes. Conditionality refers to the complex and shifting assemblage of regulations and practices that shape institutional pathways to precarity. This includes (a) conditions of presence, where shifting regulations around the right to stay and the risks of expulsion shape non-citizens’ lived experiences and sense of security; and (b) uncertainty of access, involving a complex array of regulations and practices around access to basic rights, sense of belonging, and participation structure the life chances of non-citizens (2013, 3-4).

A second important aspect of the precarious status model involves the theorizing of agency. The model builds on previous work that demonstrates the interplay between citizenship regimes (defined as the state policies, regulations, implementation structures, and discourses of citizenship), and the active engagement of migrants who negotiate their citizenship as an everyday practice (De Genova 2002; Menjívar 2006; McDonald 2007; Sassen 2006; Stasiulis and Bakan 2005). Rather than taking ‘illegality’ as a given social problem, these theorists take as their starting point the ways in which citizenship regimes produce illegality and social exclusion; and, in turn, how the everyday practices of citizenship engaged in by migrants both shape and are shaped by larger structural forces. The notion of precarious status adds to this literature, by drawing attention to the ‘institutionalized pathways to precarity’ that mediate the link between individual agency and citizenship structures (Goldring et al 2009; Villegas 2013). Publicly-
funded social service institutions, for example, are a key site where the lived experiences of precarious status can be examined: studies of publicly funded social services agencies in Toronto, for example, have demonstrated the ways in which these agencies mediate and reproduce uneven access to services, sometimes acting as ‘gate-keepers’ and other times as ‘circumventors’ of restrictive immigration laws (Goldring et al 2009, 253; Bhuyan 2012). In analyzing institutional pathways to precarity, then, it is important to consider the mediating roles played by social service institutions, and how these not only affect access to social services, but how individual migrants make sense of their choices through encounters with these organizations.

The notion of precarious status also borrows from the literature on precarious employment, in order to specify the long-term effects of lack of status and/or the risk of loss of status, as a particular form of subjugation. Although Menjívar did not use the term precarity, her study of the liminality of ‘illegal’ migrants in the US was perhaps the first to draw attention to the long-term effects of exposure to ambiguous legal status, including “vulnerability to deportation, confinement to low-wage jobs, and the denial of basic human needs” (2006, 1008). Whereas ‘liminality’ mainly focuses on the legal dimension, ‘precarity’ allows more conceptual space for examining the on-going risk and uncertainty that can even affect migrants who are perceived as being on a relatively straightforward pathway to status, as well as the precarious dimensions of seemingly secure statuses.

In terms of access to social services, Goldring et al (2009) identify three factors that can produce uncertainty and confusion on the part of service providers, seekers and users of social services: first, continuously shifting rules and regulations along with a confusing array of administrative forms, where an individual’s status can change over the course of their interaction with the agency; second, funding and eligibility constraints imposed by federal and provincial funders, which can severely limit funds that may be spent on non-status clients (and in cases where non-status clients are served without funding, can result in added work for often underpaid and overworked employees); and third, extensive variation and unevenness in service provision across different social service institutions, which have distinct cultures and practices, and offer varying levels of training and education, along with discretionary power to front-line workers engaged in service delivery (Goldring et al 2009, 253). The broader implications of precarity are also made clear in this model. Combined with the constant threat of deportation and detention,
precarious access to social services ensures a “distinctly cheap and easily replaceable” pool of labour (De Genova 2002; Goldring et al 2009; McDonald 2007).

While scholarship on precarious migration provides important tools for studying changes to the immigration system in Canada, I argue that the role of postnational logics remains a critical missing gap in this literature. My project therefore extends this scholarship by offering a postnational intervention to Landolt and Goldring’s assemblage model of precarious noncitizenship (2015). I argue that scholarly attention to normative logics may help reveal the deeply-held beliefs and feelings that guide social action within this model. In the next section, I provide an overview of a second body of literature that my project extends through a postnational intervention.

1.3 Gendered Violence

In the 1990s, feminist scholars and activists took up transnationalism in the expansion of women’s human rights. Thanks to the efforts of the Global Campaign to address Women’s Human Rights, the UN declared in 1993 that VAW is a human rights issue that fundamentally affects a woman’s bodily integrity and personhood, as well as her right to dignity, security and freedom from discrimination (United Nations 1993). The United Nations defines VAW as “any act that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life” (United Nations 1993). Up until that point, VAW had largely been understood as a criminal justice issue, and then later on as a public health concern (Johnson 2008). Re-framing VAW as a human rights issue was strategic, in that it positioned women as rights-bearing citizens with legitimate claims to state protection and violence-prevention as a condition of their personhood, rather than positing women as passive victims or beneficiaries of ‘humanitarian’ interventions. No longer could states relegate cases of domestic, familial or cultural violence as ‘private sphere’ matters outside the purview of state oversight; on the contrary, a state’s failure to protect women from violence in and of itself could be constituted as a violation of women’s human rights (Johnson 2008; Menjivar 2008).

The re-framing of VAW as a violation of women’s personhood opened up new possibilities for holding states accountable for addressing gender inequality. The term ‘gender-based’ violence or ‘gendered’ violence was coined as a way of recognizing how individual acts of violence are
always shaped by and help to shape unequal power relations between and among women and men (Johnson 2008; Menjívar 2008). Politically, this definition enabled feminists to articulate new demands on states at international, national and local levels. Under this definition, states could now be held responsible for perpetuating or reproducing the conditions that give rise to VAW. A key obligation of states in violence-prevention and protection efforts, then, involved addressing the material, structural, political and symbolic inequalities between and among women and men (Menjívar 2008, 2011). In other words, no longer was it enough to protect women from violence in their interpersonal, familial and cultural lives, but states were also obligated to address gender inequality in the public sphere (wages, representation, social norms) as a condition of gendered violence in women’s private lives. Put differently, failure to address gender inequality was understood as a failure to prevent gendered violence and a violation of women’s human rights.

Emerging feminist work chronicling the impacts of neo-liberalization have also shifted definitions of gendered violence developed in previous decades. In her work on *Enduring Violence*, Menjívar shifts the focus away from “violent individuals/acts” to “violent situations” enabling her to analyze the structural violence that “seeps into” everyday quotidian ways of being in the world (2011, 8, 226). This structural violence is located in the existing social “order of things” that shape all human interactions, including those interactions that we classify as individual acts of VAW. In other words, structural and symbolic forms of violence are constitutive of violent interactions, and not simply the context upon which violent acts occur. In re-conceptualizing the problem of VAW, Menjívar is also attentive to the somatic or embodied dimensions of the structural violence that her participants endure in their very bodies. Thus, she is able to show how the “seeping in” of structural violence manifests itself in physical, psychological, and emotional ailments and general effects beyond harm from direct acts of physical violence on the body. Defined in this expansive way, then, the “situation” of gendered violence is something that is both *endured* in everyday life/on the body, and *enduring*, in so far as it is deeply embedded in the prevailing social order.

An on-going limitation of feminist scholarship on gendered violence, however, involves its reliance on statist or transnational conceptions of state power, to the exclusion of postnational approaches. Perhaps because formal equality of status is guaranteed to all legal residents, the focus of feminist activists in Canada has rested largely on holding states accountable to
delivering on the promises of citizenship in ways that do not reproduce social inequality. In the case of VAW, for example, much of the focus has rested on addressing societal attitudes and social norms as they permeate legal, medical, and social service supports, producing barriers to women’s full citizenship even when women’s citizenship rights are enshrined in law (Johnson 2008, 3). Attention to the postnational dimensions of citizenship is even more important, I argue, as the landscape of women’s human rights is shifting through securitization and neo-liberalization of state power. Indeed, advancements in women’s human rights in the 1990s have since been described by some feminist scholars as a double-edged sword. Some of the unintended consequences of feminist alliances with the state have involved political trade-offs in the realization of feminist goals, and the stifling of political advocacy that is openly anti-state (Beres et al 2009; Brodie 2008; Bhuyan 2012; Bumiller 2009; Grewal and Bernal 2014; Luxton 2001; Martin 2005; Matthews 2005; Morgen 2001). Bumiller and others have framed neo-liberalization of feminist organizations as an abuse of power that the state wields over a sector that is highly feminized (2009; see also Bhuyan 2012; Morgen 2001).

More recently, citizenship scholars have begun to take notice of postnational or denationalized social movements emerging in global cities across North America and Western Europe, aimed at addressing the rights of ‘undocumented’ or ‘illegal’ migrants (Basok 2004, 2009; Basok et al 2014; Benhabib 2006, 2007; Cook 2010; De Genova 2002, 2010; Fortier 2013; McDonald 2007; Nyers 2003, 2010; Pallares 2014; Racine et al 2008; Sassen 2006; Villegas 2016). Sassen (2006) describes, for example, how ‘everyday’ citizens living in global cities are encountering growing populations of non-status migrants living without access to basic social rights, such as education, health care, shelter, and a living wage. The visible subjugation of non-status migrants produces irreconcilable tensions for citizens, she argues, between their normative understandings of liberal citizenship and its practical enactment. As a result of these tensions, new movements are emerging where citizens and non-citizens form political alliances across the membership divide, and make ‘claims to the city’ as a denationalized space where all residents have access to basic social rights regardless of immigration status.

Other scholars have focused on the political mobilization of non-status migrants themselves as offering new possibilities for a transgressive political subjectivity (De Genova 2010; Nyers 2010; Mishra and Kamal 2007). These scholars observe how migrants active in political campaigns are increasingly self-identifying as ‘undocumented’ or ‘non-status’ in ways that scholars argue
disrupt or ‘queer’ normative ideas about who belongs and why. As Nyers explains: “To publicly self-identify as ‘non-status’ is to engage in a political act, or better – an act of political subjectification… the claim ‘I am non-status’ is not just a moral plea. It is rather a declaration that is generative of a political subjectivity” (2010, 129). For these scholars, the assertion of rights claims by non-status migrants constitute ‘acts of citizenship’ that draw from postnational or cosmopolitan understandings of citizenship in order to reshape or regularize city spaces ‘from the ground up’ (Isin and Nielsen 2008; Mishra and Kamal 2007).

While this emerging scholarship offers important insights into the transgressive potentialities of new forms of citizenship ‘beyond the nation state’, the gendered implications are less clear. We know from the literature on gendered violence that VAW is a major cause of death as well as physical and mental health concerns for women (Menjívar 2011; Statistics Canada 1993; United Nations 1993). Moreover, scholarship on the long-term effects of precarious immigration status documents the psychological, emotional, and physical health risks that may extend even beyond regularization of women’s status (Bhuyan et al 2014; Goldring and Landolt 2013; Saad 2013; Villegas 2013). These findings raise questions about the extent to which postnational practices of citizenship can mitigate women’s multiple and intersecting experiences of precarity, risk, and violence. In other words, is addressing gendered violence even possible without access to a state that offers protection, violence prevention, and prosecution of offenders? Indeed, what would the locus of protection be if it were not the state?

1.4 Practice of Research

My commitment to social justice research pre-dates my entry into doctoral studies. As an undergraduate student I worked for a feminist NGO in Toronto, where I became involved in a participatory action research (PAR) project on media education strategies for young girls (Abji 2007). I also worked for a number of years as a front-line service provider in Toronto in the late 1990s, where I experienced first-hand neo-liberal restructuring of the social services sector in Ontario, coined the “Mike Harris cuts” after the Premier of the province at the time. As I witnessed the impacts of the cuts on the people whom I worked with (including people with disabilities, refugees, newcomers, social assistance recipients, and survivors of gender-based violence), I was motivated to engage in protests and political activism outside of my so-called ‘day job’. These experiences sensitized me to the complexities of advocacy work, and shaped the
trajectory that led to my current research. Early in my graduate career I became interested in the work of ‘no borders’ movements following the high-profile arrests of two children – Kimberly and Gerald Lizano-Sossa – from their classrooms by border guards in 2006. The claim that “no one is illegal” caused me to reflect deeply on my own positionality and privileges as an advocate who was born in Canada, yet whose membership is also shaped by race, gender, class, and other axes of social inequality. I chose to study the work of these movements in part because I myself was struggling to understand the possibilities and limitations of a no borders politics for addressing social inequality across multiple and intersecting axes of oppression.

For this project, I conducted four years of ethnographic fieldwork in total (2011-2015). The first year was preliminary fieldwork to help refine my research questions and proposal. For the remainder of my time in the field, I engaged in participant observation at multiple levels. My most intense involvement in the field involved direct participation as an organizing member of a grassroots group of service providers advocating around the rights of women with precarious immigration status. The group has been active for approximately 10 years, and has a core group of 8 – 10 organizing members, as well as a larger network of approximately 200 participating members. I was invited to join this group through informal networks I developed during my preliminary fieldwork. In joining the group, I was open about the fact that I was doing research in this area and wanted an opportunity to learn about the field, who was doing what work, and what the pressing issues were for advocates.

Over the course of my involvement, my role became more active and participatory, particularly as I moved into the later stages of my data collection. During this time, I helped co-organize nine (9) educational forums for frontline service providers on a range of topics, including refugee mental health, conditional permanent residency, and the gendered impacts of Bill C-31 for example. In total, the forums were attended by approximately 350 – 400 service providers and other advocates. In addition to this work, I also contributed approximately 400 additional hours where I volunteered my skills producing fact sheets and resources on changes to immigration policy, as well as setting up and co-managing social media, setting up a file sharing system, and co-monitoring email and listservs.

The educational forums that I helped co-organize were attended by a range of individuals, including front-line service providers as the main audience, but also students and academics,
non-profit managers, politicians, and in some cases concerned members of the public with no stated affiliation. Participation varied depending on the issue. Roughly 25 – 80 people would attend a given forum, including a core group of 15-20 members, and the rest made up of rotating participants who were drawn to the forum by the particular issue being discussed. During these events, I was able to observe both the back stage and front stage of advocacy work. For the first few forums, my role was more associated with my position as a graduate student member: I was responsible for taking notes on the sessions that were shared with the organizing committee and wider membership. I also collected event evaluation forms and wrote up summaries. Eventually I was invited to be the emcee/ moderator for one of the events (a role that is rotated across members), which I interpreted as a sign that I was now considered a full member of the team rather than a more passive observer.

My various roles during these events allowed me to interact with participants in a number of ways. For example, in some cases I facilitated small group discussions during break-out sessions, or I chatted informally with participants during registration, breaks, or after events. During my participant recruitment phase for interviews, I was permitted to announce my research study during opening announcements, and promote participation at a resource sharing table and during networking breaks.

In co-organizing network events, I also attended approximately 37 meetings with the core group of advocates tasked with running the events. Each meeting was 1.5 to 2 hours long, and held on a rotating basis at local agencies, including a community health centre, a legal clinic, and a VAW sector organization. During these meetings, I had the opportunity to observe a range of sites where service provision took place, including how clients were received in reception areas and the types of programming and services offered. While the focus of the meetings was on organizing events, there was considerable time dedicated to discussing pressing issues relating to VAW and precarious immigration status. There were also informal discussions between providers at the level of individual client advocacy or informal “case conferencing”. Discussions about whom to invite to speak at various events also provided insights into the key advocates doing work in this area across various sectors, and who were seen as allies in the struggle for migrant rights. At times, existing politics and tensions between advocacy groups and individuals were also brought up, as members thought through speaking order and how panellists might agree or disagree with each other during the session. Over my years participating in these
meetings, I also observed growing discussion about advocate burn-out and the need for more radical self care and community care strategies.

In addition to my fieldwork with this group, I also attended 15 events as a more detached participant observer, including two major protests relating to specific immigration changes such as IFH cuts and the passing of a DADT policy at the city of Toronto; as well as five informational forums and eight community meetings not related to the advocacy group where I was conducting fieldwork, on a diverse range of topics related to my interview data. I used these events as networking opportunities as well as information-gathering opportunities, arriving early to chat informally with attendees about my research, and where possible introducing myself to speakers and organizers. I recorded notes during and after each event. A reflexive approach to ethnographic work also considers the positionality and role of the researcher as both observer and active participant in the field (Burawoy 1998; Haney 1996). This involves being sensitive to the complex and intersecting ways in which my particular social location(s) make me both insider and outsider to the field I am studying (Behar 2014; DeVault and McCoy 2004; Fields 2008; Haney 1996; Luker 2008; Maddison and Shaw 2012; Smith 1999). In my field notes and reflections, I considered the verbal and non-verbal cues that I as an active participant in the research field might have given to participants and how these are shaped and in turn shape existing power relations.

I kept approximately 200 single-spaced pages of fieldnotes, where I tracked both my reflections about the content, as well as key data allowing me to situate participants within the field. Where possible, I made note of: (1) catalytic events or formative moments (broadly defined) that led to, shaped, and/or affected efforts to address violence against women with precarious immigration statuses; (2) specific organizations (including both well-established and more incipient forms such as grassroots collectives, networks or campaigns) that are or have been involved in addressing violence against women with precarious immigration statuses, whether through service provision, advocacy efforts, or political organizing broadly defined; (3) key features of different groups involved in the field, including details on the history, structure, alliances, funding sources, internal cleavages, challenges and successes of each group and/or across groups; and (4) key materials or resources developed as part of anti-violence efforts including policy papers, fact sheets, service directories, pamphlets, posters, press releases, videos, websites, social media campaigns etc.
As a whole, the ethnographic fieldwork that I conducted allowed me to approach the political field as dynamic and multi-layered where organizations and groups form, evolve, engage in boundary-making and bridging work, and undergo processes of political socialization over time (Landolt and Goldring 2010). The insights and observations that I gathered through this fieldwork were very useful in allowing me to identify and recruit interview participants across a wide range of sectors and positions who were engaged in advocacy work. I was also able to draw extensively from this fieldwork in triangulating data from my discourse analysis presented in Chapters 2 and 3, as well as from the interview data that I present in Chapter 4.
2 Postnationalism Reconsidered: A case study of the ‘No One Is Illegal’ movement in Canada

In April 2006, Federal Immigration Officers in Toronto, Canada began arresting children in their classrooms and detaining them as a way to “bait” their undocumented parents out of hiding (Toronto Star, 2006.05.09). The plight of these children and their families was swiftly taken up by local members of ‘No One Is Illegal’ (NOII), a grassroots movement founded in Montreal, Canada in 2002, with autonomous collectives in Vancouver, Ottawa and Toronto. NOII claims that all residents, whether documented or undocumented, have a right to access essential services provided by the state, such as education, a living wage, basic health care, and the right to shelter or sanctuary. The Canadian government’s exclusionary practices of citizenship, they argue, have created a two-tiered system, where non-status refugees and migrants are treated like “second-class residents, barred from accessing social infrastructure, and denied basic rights in all countries… constantly under the threat of deportation should they demand a living wage and access to essential services” (NOII 2008). By framing the arrests of school-children by Immigration Officers as a human rights issue, NOII was able to mobilize a diverse range of constituents, garner national media attention, and effect changes to institutional policies and procedures. The case caught the attention of the federal government, for example, and resulted in a new state policy preventing Immigration Officers from entering schools, except in cases of national security. Although NOII was unsuccessful in preventing the individual families in question from being deported, their on-going lobbying efforts largely resulted in the passing of a “Don’t Ask, Don’t Tell” (DADT) policy by the Toronto District School Board (TDSB) in May 2007, where no child would be denied access to public education because of their immigration status (NOII 2008). As the first policy of its kind in Canada, the DADT policy was heralded as a major victory for non-status families in Toronto.

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5 This is an Accepted Manuscript of an article published by Taylor & Francis in Citizenship Studies on September 4, 2012, available online: http://www.tandfonline.com/10.1080/13621025.2012.707001.

6 DADT prevents city workers from asking for residents’ immigration status (‘Don’t Ask’) when providing access to essential services, and also prevents city workers from reporting information about immigration status to federal authorities (‘Don’t Tell’).
In this paper, I offer a case analysis of NOII Toronto’s campaign, arguing that this movement provides important insights into the particular challenges and opportunities faced by postnational movements operating within national contexts. I define NOII as a postnational movement because it upholds the universal rights of all people who choose to live within the territorial boundaries of Canada, including both citizens and non-citizens. In doing so, NOII locates legal status within one’s personhood, rather than in one’s political membership – hence the claim that no person is illegal. This distinguishes NOII from more traditional rights-based movements, which, although they may challenge the inclusiveness of state citizenship regimes, ultimately uphold the state’s sovereign right to define the boundaries of membership and belonging. As a postnational movement focused on the particular rights of undocumented migrants, however, NOII must also make appeals to the state as a guarantor of basic rights, in order to address the immediate needs of those suffering from threats of deportation, detention, and denial of basic human rights. This produces a paradox for NOII, I argue, between the upholding of the universal rights of all persons, and the protecting of the particular rights of non-status individuals, who lack “the very right to have rights” and so require formal membership within the nation in order to access fundamental rights (Arendt 1958).

While the limitations of postnationalism have been well documented by citizenship scholars (Bloemraad et al 2008; Brubaker 1996; Hansen 2009), few empirical studies have been done which look specifically at how these paradoxes get taken up in the day-to-day struggles of social movements who advocate for the rights of non-status people. In fact, a review of the literature suggests a significant decline in postnational studies altogether: migration scholars continue to challenge the relevance of postnational citizenship in the lives of non-status migrants (Bloemraad 2004; Choo 2016; McDonald 2007; Menjívar 2006; Stasiulis and Bakan 2005; but see also Basok 2009; Benhabib 2007; Sassen 2006). Likewise, social movement scholars have seemingly ignored postnationalism altogether in favour of more transnational approaches, which do not go as far in challenging normative nationalism (Della Porta 2007; Keck and Sikkink 1998; Saturnino et al 2008; Smith 2004). My case analysis of NOII Toronto’s campaign, therefore, pauses to re-consider the value of postnationalism within existing scholarship. My paper begins by considering existing literature on the national and local contexts that shape and inform NOII’s mandate, as well as scholarship on the use of human rights frames by new social movements to translate their mandates into culturally resonant, mobilizing campaigns. I then use insights from
postnational scholarship to address gaps in the existing literature and deepen my analytical framework. My findings suggest that the use of human rights frames offers a ‘double-edged sword’ for postnational claims against the state: on the one hand, human rights frames can be useful in mobilizing constituents and drawing mainstream attention to the plight of non-status people at risk of deportation; on the other hand, exposure within the national mainstream risks co-optation of the movement’s broader claims in ways that ultimately reinforce rather than undermine state power. At the same time, however, my analysis suggests that increased exposure within mainstream narratives at the national level might almost be worth the risks, if the quality of that exposure is enough to disrupt, even if momentarily, the pervasiveness of normative nationalism, opening up new spaces for reconfiguring citizenship at the local or sub-state level (De Genova 2010; Nyers 2010; Sassen 2006). This has important implications, I argue, for scholars and activists concerned with the emergence of precarious immigration status – in addition to race, gender and class – as a central axis of stratification within modern liberal democracies, and a mobilizing force for new social movements.

2.1 Conceptualizing NOII: postnational challenges to the Canadian state and national citizenship

Postnational and transnational conceptions of citizenship emerged as two sibling theories in the late twentieth century, which challenged dominant understandings of citizenship as the relationship between an individual and a single nation state. Both approaches draw from international human rights discourse to locate rights within one’s personhood, rather than within one’s political membership within a national community, thereby calling into question the historical privileging of the nation state as the primary political unit in dominant conceptions of citizenship (Bloemraad et al 2008). However, whereas a transnational approach argues for the inclusion of other forms of citizenship (e.g. dual, multiple, supra-national citizenships) within existing models, a postnational approach rejects the nation state altogether as an increasingly irrelevant or illegitimate source of citizenship within the context of universal human rights. In other words, for postnational scholars, “the logic of personhood supersedes the logic of national citizenship” (Soysal 1994, 164).

Postnationalism came under significant critique starting in the late 1990s. Here, I distinguish between two strands of early postnationalism evident in the literature. The first is an empirically-
driven strand that interpreted the rise of supra-national forms of citizenship (such as the European Union) as evidence of the increasing irrelevance or redundancy of state-based citizenship, and so proclaimed the ‘death of the nation state’ as we know it (see Soysal 1994; Tambini 2001). Critics of early postnationalism focused their critiques largely on this first strand, citing (1) a lack of extensive empirical evidence of postnational citizenship practices within immigrant-receiving nations (Bloemraad 2004; Brubaker 1996); and (2) pointing to the continued salience of nation-states particularly for the stateless, who lack the very right to have rights (Arendt 1958) and so, paradoxically, require state-based citizenship in order to access fundamental rights (Hansen 2009; McDonald 2007; Menjívar 2006; Sommers 2006; Stasiulis and Bakan 2005). The second strand of postnationalism took a more normative approach, arguing that state-based citizenship in Western liberal democracies is fundamentally illiberal, “the modern equivalent of feudal privilege – an inherited status that greatly enhances one’s life chances… akin to a ‘birthright lottery’”, and is hence an illegitimate source of status and rights, regardless of its particular cultural salience (Carens 1987, 252; see also Anderson 2000; Anderson and Hughes 2015; Basok 2002, 2004, 2009; Basok and Noonan 2006; Benhabib 2006, 2007; Butler and Spivak 2007; Bosniak 2001, 2006; Carens 2010; Sassen 2006; Shachar 2007, 2009a, 2009b). For these scholars, the value of postnationalism is heuristic, rather than empirical: it offers a “critical trope” for interrogating the ways in which modern nation states, despite purporting to act in the name of universal principles, by definition require the continued exclusion of the migrant ‘other’ as constitutive of the nation and its subjects (Anderson 2000; Bosniak 2001). As Bosniak explains, this raises new questions about what we believe citizenship ought to mean, where it should take place, since “evolving conceptions of the idea [of citizenship] both reflect and help to shape the political and social worlds we inhabit… [E]fforts to redescribe citizenship matter deeply; there is a great deal at stake” (2001, 237, 249). Whereas the first empirically-driven strand came under significant critique starting in the late 1990s, the second strand offered an ethical framework that continues to inform, arguably, normative political theories of citizenship and the nation-state to this day. NOII’s approach to migrant rights, I argue, can be theorized as a postnational ethics “in practice” that challenges the very

7 I have identified these scholars as adopting a normative postnational ethics in their work, even in cases where the specific terms they use might vary e.g. global, cosmopolitan, post-Westphalian, or urban citizenship.
legitimacy of the Canadian state and national citizenship in a way that is conceptually distinct from transnational or state-centred migrant rights organizations in Canada.

2.1.1 The Canadian Context

NOII’s postnational claims against the Canadian state are grounded within a significant body of scholarship in Canada on critical race studies and precarious immigration status. This is evident in NOII’s manifesto of demands, which (1) challenges the state’s legal authority to grant status to some at the exclusion of others vis-à-vis citizenship laws, demanding that the state immediately recognize and regularize all non-status people; (2) draws the link between state practices of deportation and the social exclusion of non-status people, who are prevented from accessing basic social rights for fear of being detained and removed, and so live in precarious conditions because of the state; and (3) calls the very sovereignty of the Canadian state into question, demanding that the state take seriously aboriginal sovereignty, as well as its complicity in perpetuating the global conditions that produce precarious migration patterns in the first place.

Each of these demands is shaped by a particular understanding of the Canadian nation-state as a “white settler colony” and state-centred citizenship as fundamentally oppressive. Critical race scholars, for example, have drawn attention to the ways in which Canadian immigration laws work to marginalize and racialize particular groups of people, by naturalizing images of Canada as a compassionate meritocracy that is accepting of cultural differences, and positing white settlers as the “original citizens” who have natural claims to the land – both real and imagined (Bannerji 2000; Razack 2000, 2010; Thobani 2007). New immigration regulations passed in 1967, for example, replaced overt racial criteria for selecting European immigrants almost exclusively, with a points-based, ‘colour-blind’ system that selects immigrants based on ‘race-neutral’ educational and occupational qualifications. Critical race scholars have argued, however, that the shift from an overtly racialized system to a ‘colour-blind’ system only works to obscure the ways in which immigration controls produce racialized subjects, rather than eliminating racism altogether. Razack explains how, in modern liberal democracies, overt acts of racism and social exclusion by definition cannot be tolerated; however, if these practices are transformed into “the story of a state forced to defend its borders from bodies bent on betraying its trust, then such acts become acceptable and even laudable… Citizens learn through such stories who they are” (2000, 187). Part of the dominant national narrative following the 1967 regulations, then, involved the notion of Canada as a compassionate nation “under siege” from poorer (read:
racialized) migrants who want access to the same privileges that original Canadians (read: white) enjoy, and so use whatever means necessary (including illegal means) to take advantage of Canada’s good-natured approach to immigrant selection (Razack 2000). This racial logic informed a series of immigration reforms in the 1990s, which made the possession of identity documents a key factor in regulating the granting of asylum to Convention refugees, placing further restrictions not only on who could get in, but on who was entitled to the full benefits of citizenship.8 With the introduction of Bill C-86 in 1992, and the Undocumented Convention Refugee in Canada Class in 1997, for example, Canada “joined other Western nations in the creation of a class of people neatly labelled the ‘undocumented’, people marked as less deserving of juridical and social rights by virtue of their lack of passports or travel documents” (Razack 2000, 184).

Dominant narratives of Canada as a nation under siege are subsequently reinforced through mainstream media representations of contested immigration cases, particularly refugee and other humanitarian cases (Bauder 2008). Representations of ‘worthy’ refugees – predominantly women and children experiencing violence and/or victims of natural disasters – are used to confirm Canada as a gender-equal society that protects ‘vulnerable’ members of society and fulfills its humanitarian commitments on the world stage (Bauder 2008, 88). Conversely, representations of ‘unworthy’ refugees are used to reinforce Canada’s need to protect its borders from those who threaten to undermine democratic values and subsequently pose a threat to freedom: Bauder shows how ‘unworthy’ claimants are defined in mainstream media not by their

8 Bill C-86 was introduced by the conservative government in 1992 and makes the possession of identity documents a condition of granting asylum to Convention refugees seeking landing from within Canada. Prior to this amendment, refugees seeking landing from within Canada were exempted from all provisions of the Immigration Act including the requirement contained under Regulation 14(1) for a valid and subsisting passport, identity, or travel document. Under Bill C-86, refugees arriving at the border without identity documents have a greater burden of proving they are Convention refugees and, if granted asylum, do not have the same rights as other refugees to apply for permanent resident status, which, as critics of the Bill point out, leaves them in “legal limbo” (Razack 2000). Under pressure from advocates, the liberal government in 1997 created the Undocumented Convention Refugee in Canada Class, which allows refugees from specific countries (listed under Schedule XII of the Immigration Regulations) to be landed without identity documents. However, only Somalia and Afghanistan are listed to date, and the provision also prevents these refugees from applying for permanent residence status for up to five years. Razack points out, however, that while a five-year waiting period is preferable to permanent legal limbo, this legislation still retrenches the notion of being undocumented as being socially suspect and less deserving of rights (2000, 185).
material conditions of inequality, but by their supposed violations of ideological taboos (80). Ultimately, the taking up of contested immigration cases in the national media, regardless of whether or not these cases are presented in a favourable light, serves to naturalize dominant narratives of Canada as a humanitarian nation under siege, and by extension, normalize border control as a natural extension of state sovereignty.

With roughly 40% of the estimated 500,000 non-status migrants in Canada concentrated in the city of Toronto, migration scholars have recently begun to track the ways in which changes to immigration laws at the national level produce “multiple pathways to precarious status” at the local level, in terms of access to social services such as education, health care, and a living wage (Fortier 2013; Goldring et al 2009; McDonald 2007; Nyers 2010; Sharma 2003). Here, the focus shifts to a consideration of the ways in which borders are enacted in the day-to-day lived experiences of non-status migrants. For example, front-line workers and administrators of public services exercise a great deal of discretionary power in the implementation and/or circumventing of immigration laws, which makes navigating these systems unpredictable and uneven (Goldring et al 2009, 253). At the same time, administrative techniques of state power are often normalized in the bureaucratic functioning of social services, such as in municipal by-laws, sub-state funding structures, and even embedded in administrative forms (which require, for example, applicants to identify their citizenship status in order for children to attend public school). These administrative “acts of bordering” may prevent non-status families from accessing basic social rights, such as education for their children, for fear of being discovered by immigration authorities, and ultimately, forcing them “to remain in disposable and exploitable conditions” (Anderson et al 2011; De Genova 2002; Goldring et al 2009; Menjívar 2006; Nyers 2010; Sharma 2003).

While scholars examining race and precarious immigration status have done much to deepen our understanding of the impact of immigration laws, national discourses, and administrative mechanisms on producing precarious status in the lives of those excluded from ‘full’ citizenship, for the most part, they stop short of imagining alternative locations, spaces and subjectivities for political participation, belonging and rights (Duncombe 2007). The NOII movement offers a unique opportunity for examining how postnational challenges to the nation state are deployed on the ground level to mobilize a broad range of constituents, including scholars and activists,
state and non-state actors, as well as citizens and non-citizens concerned with re-shaping citizenship rights.

### 2.2 Postnational Social Movements: challenges and opportunities

Social movements offer an important empirical site for examining how normative aspirations get translated into actionable claims against the state (Ferree 2003; Grugel and Piper 2011; Smith 2004; Snow 2004; Snow and Benford 1988). My project focuses on the discursive framing process, defined as “conscious strategic efforts by groups of people to fashion shared understandings of the world and of themselves that legitimate and motivate collective action” (Keck and Sikkink 1998; Snow and Benford 1988). Based on inductive analysis of NOII Toronto’s DADT campaign, I identified NOII’s use of a human rights framing as a central discursive strategy deployed by movement activists in order to mobilize a broad range of constituents and garner national media attention; this finding is supported by recent research that cites the intentional use of human rights discourse by NOII and other ‘no borders’ movements to bolster claims against the state (Basok 2009; Cook 2010; Grugel and Piper 2011). Social movement scholars have examined the usefulness of human rights frames for mobilizing a broad range of constituents across varying cultural and political contexts, thereby bolstering efforts to hold states accountable (Grugel and Piper 2011; Jenness and Grattet 2001; Keck and Sikkink 1998). The human rights methodology, for example, uses information or facts, combined with dramatic testimony, in order to establish credibility (through facts) and put a “human face” on statistics (through narrative), leading to action motivation (Keck and Sikkink 1998, 22). Two tactics in particular are relevant to the case analysis provided in this paper. First, Shantz describes how NOII uses a “direct action casework” methodology to address anti-deportation cases, where mobilizations go directly to “sites of injustice” normally rendered invisible in public consciousness, such as immigrant detention centres and airports where deportations are taking place (2004). A second tactic involves the re-configuring of cities or municipal services as “safety zones” or “sanctuary cities” – a strategy that has seen moderate success in the US, and has been described as a form of “regularization from below” (Basok 2009; Fortier 2013; McDonald 2007; Mishra and Kamal 2007; Nyers 2010; Racine et al 2008; Shantz 2004; Sharma 2003; Wright 2003). NOII Toronto’s push for a DADT policy at the TDSB can be viewed in line with this tactic.

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9 Although the empirical analysis presented in this paper is limited to the discursive framing process, it is informed by a growing body of research on the strategic tactics and social practices adopted by NOII and other emerging migrant rights groups (Basok 2009; De Genova 2010; Fortier 2013; Goldring et al 2009; McDonald 2007; Mishra and Kamal 2007; Nyers 2010; Racine et al 2008; Shantz 2004; Sharma 2003; Wright 2003). Two tactics in particular are relevant to the case analysis provided in this paper. First, Shantz describes how NOII uses a “direct action casework” methodology to address anti-deportation cases, where mobilizations go directly to “sites of injustice” normally rendered invisible in public consciousness, such as immigrant detention centres and airports where deportations are taking place (2004). A second tactic involves the re-configuring of cities or municipal services as “safety zones” or “sanctuary cities” – a strategy that has seen moderate success in the US, and has been described as a form of “regularization from below” (Basok 2009; Fortier 2013; McDonald 2007; Mishra and Kamal 2007). NOII Toronto’s push for a DADT policy at the TDSB can be viewed in line with this tactic.
types of cases are often used to provide dramatic testimony: cases involving bodily harm to vulnerable individuals, and cases involving legal inequality of opportunity – both are empirically-proven strategies used to achieve cultural resonance for movements using human rights frames (1998, 76, 204). While these scholars point to the use of human rights frames as a common strategy amongst new social movements, the distinction between postnational and transnational approaches remains curiously absent in these accounts.

More recently, scholars examining NOII and other ‘no borders’ movements have begun to highlight the tensions and opportunities involved for these movements in making claims against the state (Basok 2009; Cook 2010; Fortier 2010; McDonald 2007; Nyers 2010; Racine et al 2008). For example, Cook shows how human rights frames used within national immigration debates in the US (as opposed to transnational or international debates) still have relatively little resonance compared to the use of state-centred frames in shifting public opinion; yet, the use of state-centred frames are self-limiting, in that they may reinforce the values and assumptions that produce immigration restrictions in the first place – a challenge coined the “advocate’s dilemma” (2010). Basok further distinguishes between hegemonic and counter-hegemonic human rights principles, and finds that even more radical activists will sometimes make use of “less controversial” human rights legislation purely for instrumental reasons when making claims against the state (2009, 201). Other scholars focus less on the content of rights claims, arguing instead that the very participation of and recognition of non-status people in mainstream public consciousness constitute “acts of citizenship” that have the potential to disrupt dominant narratives at the national level, and provide grounds for making claims for sanctuary at the sub-state level, particularly in global cities (De Genova 2002, 2010; McDonald 2007; Nyers 2003, 2010; Sassen 2006). As Nyers explains: “To publicly self-identify as ‘non-status’ is to engage in a political act, or better – an act of political subjectification… the claim ‘I am non-status’ is not just a moral plea. It is rather a declaration that is generative of a political subjectivity” (2010, 129). In this paper, I argue that scholarship on postnationalism has much to add to this discussion, by considering how postnational understandings of citizenship – which are fundamentally different in their approach – might alter the use of human rights methodologies.
2.2.1 Analytical Framework

The upside-down pyramid shape in Figure 1 is adapted from Ferree and Merrill’s work on the discursive framing process (2004), where social actors use frames to elicit an emotional response from adherents of particular value positions, and thus stir motivations to act. In my model, the human rights frame is embedded within two opposing ideological positions: postnational claims on the left-side versus state-centred or transnational claims on the right-side (Fig. 1). As Ferree and Merrill explain, although frames specify how to think about things, they do not point to why it matters, which is the role of underlying ideological positions. In adapting this model, I have provided four examples alongside the pyramid shape of types of claims that are consistent with a human rights framing, but draw from different ideological presuppositions. The human rights frame and its underlying ideologies are embedded still within larger discourses on citizenship and the nation state, which link concepts together in a “web of relationships,” and by definition are “inherently riddled with conflict, controversy and negotiation” over meaning (Ferree and Merrill 2004). Ultimately, what my model suggests is that there may be different ideological presuppositions informing what on the surface appears to be the same human rights framing.

In analyzing how human rights frames are used by NOII Toronto’s campaign, then, my approach pays careful attention to the competing ideological presuppositions underlying claims-making. This involves careful tracing of tensions and contradictions at the ideological level between claims that on the surface appear to be consistent at the level of framing. For example, we know from the literature that human rights frames have a particular cultural resonance in the historical and social contexts within which NOII’s campaign took effect. Applying this analytical framework to my case analysis, allows me to test to what extent this holds true for postnational human rights frames: are they received and/or taken up in the same way as more state-centred frames? If yes, this might suggest that a human rights framing of NOII’s claims might offer a strategic way for postnational movements to introduce more “radical” ideas into the mainstream (Ferree 2003). On the other hand, if the value of a postnational framework is heuristic, rather than resonant, the work that postnational human rights frames do might be quite distinct from state-centred approaches. Here, we might expect to find evidence of dissonance and disruption of mainstream narratives, akin to a critical trope, rather than cultural resonance (Anderson 2000; Bosniak 2001; De Genova 2010; Nyers 2010).
My research included three major sources of data: (1) NOII campaign materials, including press releases, pamphlets, campaign videos, protest speeches and web content; (2) relevant policy documents from the TDSB and CBSA; and (3) mainstream newspaper accounts of NOII and the DADT policy between September 2002 (when the organization was founded) and December 2009 (three years after the DADT policy was formalized). In terms of my media sample, articles from the *Toronto Star*, the *Globe and Mail*, and the *National Post* were selected to provide left, centre-left and right political perspectives respectively (Korteweg 2008). In obtaining my sample, I used two key word searches “No One Is Illegal” and “Don’t Ask Don’t Tell” to source 50 articles, the majority of which were news stories versus editorials. Of the 50 articles, 40 articles were from the left and centre-left newspapers, with the remaining 10 from the National Post. Of the 10 articles in the National Post, only one specifically mentioned NOII (10%). By contrast, over 90% of articles in the left and centre-left newspapers mentioned NOII, most frequently as a spokesperson and/or a source of information/opinion.

2.3 Case Analysis

NOII Toronto’s campaign began with the organization of a public protest against the school arrests of two children in particular: fifteen-year-old Kimberly and fourteen-year old Gerald
Lizano-Sossa. The two siblings were arrested in their classrooms on April 24, 2006, and then held at an immigration detention centre for several days, along with their mother, grandmother and 2½ year old Canadian-born sister, in order to ‘bait’ their father, an undocumented construction worker, out of hiding. The Lizano-Sossa family had fled to Canada in 2001 from Costa Rica, where a drug dealer had allegedly threatened their lives. After five years in Canada, their refugee claim was denied, and, after failing to show up for a deportation order in February 2006, a warrant was issued for their arrest. Protests against the school arrests drew supporters from a broad range of constituent groups, including teachers, administrators, student and parent groups; refugee and immigrant advocacy networks; trade-unions; women’s movement networks; anti-poverty and human rights organizations; as well as three local MPs who promised to bring the matter to the House of Commons (Toronto Star 2006-04-30). While activists were initially successful in securing a temporary “stay” of the deportation, the Lizano-Sossa family was eventually deported in July 2006. Following a debate in parliament, the federal border services agency (CBSA) authored a written policy confirming that immigration officers would not be allowed to enter schools or access school information, except in cases of national security. At the local level, NOII Toronto activists continued to work with stakeholders to lobby school boards to institute a DADT policy. As one activist described: once the board saw the “overwhelming support”, they had “no choice” but to unanimously approve the passing of a DADT policy at the TDSB (NOII 2010).

NOII Toronto made frequent use of human rights frames when mobilizing constituents and making claims against the state at the national and local levels. State practices of deportation and detention were framed as violations of “human dignity” and, citing the UN Charter on the Rights of Children, protestors argued that the school arrests were a violation of the fundamental human right of all children to access education “without fear of deportation” (NOII 2008). Repeated use of signifiers such as “hard working,” “construction worker,” “family” and “children” were then used to describe the Lizano-Sossa family in particular, in ways that challenged dominant conceptions of undocumented migrants as “criminal” or “threats to security” and lend credibility to their inclusion. Once the “human face” of the problem was established, protestors adopted a human rights methodology in the linking of the personal testimonials of the Lizano-Sossa family, with data and information on the population of non-status people living in precarious conditions across Canada, many of whom are “women and children” (NOII 2008). One of the protests was
also strategically located outside the detention centre where the children were being held, rather than more conventional sites of protest. An image of the children repeatedly used in newspaper accounts, and subsequently in NOII’s DADT campaign materials/ videos, was taken at the protest, and shows the brother and sister speaking to protestors and journalists about their experience, juxtaposed against the detention centre in the background, with a shot of MP Olivia Chow standing behind them. In this image, the detention centre provides a powerful symbol of violence and criminality when placed against the image of vulnerable children; likewise, the recognizable face of a member of parliament – herself a racialized immigrant – can be seen as a representation of the democratic values of compassion and justice that stands between them. Through their strategic placement of these social actors outside the state detention centre, NOII provided a culturally resonant image of vulnerable children that was swiftly taken up by media journalists.

2.4 Postnational Human Rights: analysis at the level of claims-making

In a distinct departure from the transnational understandings of human rights frames generally assumed within social movement literature, my reading of NOII campaign materials indicated that the human rights frames adopted by movement actors drew, in part, from postnational ideologies of citizenship and the nation state. This was evident in the Call to Action presented in NOII’s pamphlets, videos and protest speeches, for example, which invited members of the public to join NOII in making three demands of the state: (1) the dropping of the deportation order against the family on the grounds of “human dignity,” (2) the granting of status to the family through regularization, and (3) an end to all deportations and detentions by the nation state. In the first demand, calls to stay the deportation order against the family on the grounds of “human dignity,” effectively frame deportation as a violation of fundamental human rights that extend beyond state-centred models of citizenship. Similarly, the third demand, which calls for an end to all deportations, challenges the sovereign right of states to limit the free movement of people vis-à-vis citizenship regimes. Both of these demands draw from postnational understandings of citizenship and the nation state, which go beyond challenging the fairness of state laws, and instead call into question the state’s very right to include/ exclude in the first place. On the other hand, calls for the granting of status through regularization of the Lizano-Sossa family (the second demand) draw from state-centred models of citizenship, which
ultimately reinforce the sovereign right of states to include/exclude, even whilst challenging how and where those boundaries are drawn. The combination of postnational and state-centred claims produces internal contradictions within NOII’s Call to Action as a whole, which must simultaneously undermine and reinforce state sovereignty in the desire to protect the immediate status needs of one family, while upholding the right to status for all. This suggests that the use of human rights frames, while effective in mobilizing constituents, acts as more of a ‘double-edged sword’ for postnational movements so long as state-centred citizenship is a necessary precondition for accessing the right to have rights.

The notion of human rights frames as a ‘double-edged sword’ for postnational movements becomes even more apparent when we examine how NOII’s claims were taken up in mainstream media accounts. Rep resentations of the Lizano-Sossa family as “worthy of inclusion” (Bauder 2008) seemed to resonate in the left and centre-left newspapers. Journalists frequently detailed the personal narratives of the family and used signifiers of the family as contributing and deserving of compassion. NOII spokespeople were also favourably represented in left and centre-left newspapers as leaders of the campaign, who acted as credible sources of information about the family’s character and claims, as well as knowledgeable about the general characteristics and needs of the population of non-status migrants in Canada. While positive media representations of the family and the movement gave increased visibility to the “active citizenship” of non-status people and the citizens who support them, these were only extended in so far as they were linked with NOII’s more liberal demands for the inclusion of the Lizano-Sossa family within state-centred citizenship regimes. For example, in the following article excerpts, new signifiers are introduced by journalists to elicit our compassion and portray the family as ideologically compatible with Canadian values:

She wants to be an architect. He wants to be a mechanic. And both of them clung desperately to each other as they broke down in tears in front of a phalanx of reporters, photographers and television cameras… We're a good family and want to have a better future in this country. God bless you all. (T Star 2006-04-30)

My intention here is not to suggest a direct causal argument, since the many factors that influence reception are beyond the scope of the frame analysis used in this paper.
In the above passage, references to the career aspirations of the children, and the use of signifiers such as “good” “future” “country” and “God” are used to emphasize their compatibility with Canadian values. Signifiers such as “clung” “desperate” and “broke down” are intended to elicit our sympathy, and speak to their vulnerability at the hands of Immigration Officials.

Similarly, in the following quote, Mr. Lizano-Sossa is described as a “father” and a “worker” who affirms Canada as a safe country:

In an interview with *The Globe and Mail*, Gerald Lizano-Sossa said Canada had given him a safe and stable place to raise his family and he did not want to leave. “We are very sad,” said Mr. Lizano-Sossa, a father of three who has worked in construction since 2000. “We have our life here now. The worst thing is that we have to leave on Canada Day.” (Globe 2006-06-29)

That the “worst” thing about being deported is not being able to celebrate Canada day in Canada, reinforces his ideological compatibility, and the notion that Canada is a good, safe place to live, even for those who lack status.

This can also be seen in the depiction of local opposition politicians who supported the dropping of deportation orders against the Lizano-Sossa family. In the following excerpt from a campaign letter written by the Members of Parliament and featured in the *Globe*, the family’s desire for a “better life” and willingness to work hard to get it demonstrates their ideological compatibility with Canadian values, while affirming Canada as a desirable place in relation to other nation states:

“They [the family] have demonstrated that they are hardworking people who have chosen this wonderful country to give their family a better life,” wrote MPs, including Liberals Borys Wrzesnewskyj and Mario Silva, New Democrat Olivia Chow and Bloc Québécois immigration critic Meili Faille. “I would therefore formally intervene and stay the deportation order to Costa Rica, issue a Ministerial permit authorizing the processing of a permanent residence application for the entire family.” (Globe 2006-06-29)

In the same way that NOII’s *Call to Action* were only partially taken up by journalists, the MPs demands for inclusion are limited to the particular plight of the Lizano-Sossa family, and through
their articulation, ultimately reinforce the humanitarianism of Canadian immigration laws when fairly and compassionately implemented (Bauder 2008).

Favourable representations of the NOII movement were likewise linked with NOII’s more liberal demands, whereas NOII’s postnational claims were largely ignored. This is contrasted with two unfavourable representations of movement spokespeople in the Toronto Star. In both of these articles, challenges to NOII’s credibility are specifically linked with postnational challenges to the state:

The organization advocates for “no detention, no deportation and status for all,” and is deemed a radical group for its close ties to the Ontario Coalition Against Poverty and anarchist movement, as well as its uncompromising mandates and in-your-face political rallies. Some of its members were once arrested for taking over an immigration minister’s local office. (T Star 2008-10-01)

In the above quote, signifiers such as “radical” “uncompromising” and “in-your-face” are used to construct the movement as being ideologically incompatible with Canadian values. These are used at the very point where NOII’s Status For All claim is introduced in the article. An ambiguous reference to the arrests of NOII members – for what appears to be an act of civil disobedience characteristic of social justice movements – is used to question NOII’s credibility by drawing inferences that this may be a case of criminals advocating for other criminals.

Although the next quote provides a more favourable view of NOII as enthusiastic and influential, the article positions NOII’s postnational claims as indicative of NOII’s youth and idealism.

Despite its enthusiasm and idealism, the group sometimes draws criticism for being out-of-touch with reality, with its “open border” philosophy, turning people off with its radical viewpoints. “They seem to have this ideology that the other organizations are too mainstream and corrupt to push for real changes,” said Janet Dench, Canadian Council for Refugees' executive director. “But they have certainly made a big impact on sensitizing young people to engage in immigrant issues. And I take my hat off to them.” (T Star 2008-10-01)

The signifiers “out of touch” and “radical” are clearly linked to NOII’s call for open borders. By setting NOII in opposition to more mainstream organizations, the credibility of NOII’s claims are
undermined – this is in fact a movement for young, idealistic people, not for everyday Canadians. The use of quotations around the words “open border” here, I would argue, is used to suggest the unfamiliarity, perhaps even the strangeness of these ideas, in relation to more normal or mainstream approaches.

2.5 Postnationalism Reconsidered: de-stabilizing normative nationalism

Given the “co-opting” of NOII’s campaign within mainstream media accounts, one might conclude that NOII’s use of postnational human rights frames was largely unsuccessful, in that it undermined NOII’s more fundamental challenges to state power. And yet, despite this, NOII’s efforts did translate into tangible changes to policies affecting non-status people, at both the national and local levels. How did this happen? A re-consideration of the value of postnationalism as a critical trope within mainstream narratives, I argue, suggests a slightly different reading. Namely, that despite the rejection of postnationalist claims within mainstream media, the very presence of the otherwise absent voices, bodies and “active citizenship” of non-status migrants – and the citizens who support them – has the potential to momentarily de-stabilize the pervasiveness of normative nationalism within mainstream discourse. In other words, the very fact that these ostensibly humanitarian and compassionate immigration laws are contested in and of itself raises a new set of questions about what we believe citizenship ought to mean within shared democratic communities.

In my media analysis, I identified two main instances of a momentary de-stabilizing of normative nationalism at the federal level: (1) in debates between the Liberal opposition party and Conservative party in government at the time of the arrests; and (2) in the distinction drawn by state actors between the fairness of Canada’s immigration laws and the enforcement of these laws. While on the surface the claims made by these actors appeared to be typical political posturing, at the heuristic-level, these statements raised more normative questions about citizenship in ways that, I argue, reveals the contested and changeable nature of state boundaries.

For example, members of the Liberal opposition party of the federal government used the school arrests as an opportunity to undermine the credibility of the Conservative party in power at the time of the arrests. We can see this in the following excerpt, for example, where the
“inappropriate” actions of immigration officials are clearly linked to the questionable policies of the Conservative party:

Yesterday in Ottawa, Andrew Telegdi, a Liberal MP, said that the previous government was working on a program to regularize the status of undocumented construction workers, and that the economy needs their skills. He also said it is inappropriate for enforcement officials to enter schools and that the “law and order” approach of the Conservative government is an invitation to agents to “take these kinds of liberties.” (Globe 2006-05-02)

A clear distinction is being drawn here between the “law and order” approach of the Conservative government, and the more balanced and moderate approach of the Liberal government. Whereas the Liberal government is willing to make the laws fairer, particularly by extending formal citizenship to those individuals who possess economic skills, the Conservative government is associated with a US-style approach, which “takes liberties” and applies the law in “inappropriate” ways. Pressure from opposition MPs did get the attention of the Conservative government, who had to defend against fears of the loss of national identity. We can see this in the following quote from the Minister of Public Safety, Stockwell Day, who invokes his Canadian identity, and the Canadian-ness of his party colleagues, as part of his defence:

“Along with most Canadians and along with my colleagues, I share the concern when I read the reports about what happened. I have asked for a full review of the matter, and that is coming, but I can say this is not a normal process or procedure, nor do we want to see it become that,” Mr. Day said yesterday during Question Period in the House of Commons. (Globe 2006-05-02)

In locating his concern in the “process or procedure” of the law, Day ultimately lays blame on those who enforce the law, rather than on the perceived fairness of the law itself.

While on the surface these debates may appear to be typical political party posturing, at the same time, they represent momentary de-stabilizations of normative nationalism, pointing instead to the instability of state power, and the contradictory, contested and changeable nature of state boundaries. Both comments implicitly expose the ways in which the status of migrants present in Canada is dependent, to a large extent, on the vagaries of the labour market, the ‘good intentions’
of governments to implement regularization programmes, and the discretionary powers of front-line agents, who may ‘take liberties’ with their power depending on who is or is not paying attention. Furthermore, by imagining multiple alternatives to the institutionalization and enforcement of immigration laws, these debates expose how ideas about citizenship are themselves contested, even as normative nationalism suggests otherwise. Telegdi, for example, presents both a “worst-case” and “best-case” scenario of how non-status construction workers might be denied or afforded rights and protections under Canadian law; likewise, Day distinguishes between the “what we see” and the “what we want to see” of immigration enforcement, where non-status children should be protected from arrests and detentions, regardless of deportation orders against the family.

My analysis also considered instances of a momentary de-stabilizing of normative nationalism at the sub-state level. This included statements made in response to the school arrests by the Premier of the Ontario provincial government responsible for education, as well as local school board officials. Here, I found jurisdictional cleavages emerge between federal and sub-state governments with respect to their stated responsibilities towards non-status children and their families present in their jurisdictions. For example, in response to questions from reporters, Ontario Liberal Premier Dalton McGuinty references Section 49.1 of the Ontario Public Education Act, and then distinguishes his (“our”) jurisdiction’s responsibilities to all children regardless of status, from federal practices outside his (“our”) jurisdiction:

“A child shows up at the door looking for an education and our responsibility is to provide that education,”’ Premier McGuinty told reporters yesterday. “If the federal government feels that child, that family, should not be in our province, then that is something they should do something about. But we are not going to start picking and choosing which kids are going to be allowed into the classroom.” (Globe 2006-05-02)

Similarly, Sheila Ward, chair of the Toronto public school board, and Oliver Carroll, chair of the Toronto Catholic District School Board, both insist that “every child by virtue of being here is entitled to an education,” and that no child is illegitimate or criminal within the boundaries of the school system (Globe 2006-05-02). While these state actors stop short of challenging the state’s right to deport non-status migrants, their statements implicitly acknowledge the active presence
of non-status children and families within a spatially-bounded sub-state jurisdiction (“our province”, “our schools”, “by virtue of being here”), and then anchor the right to education regardless of immigration status within that space. Moreover, their statements expose potential contradictions between the normative commitments of educational legislation and board policies at the sub-state level, and the practices of “picking and choosing” who has access to national citizenship by state actors at the federal level.

My reading of NOII’s subsequent claims directed towards city officials (rather than federal officials) for a DADT policy leveraged jurisdictional cleavages between federal and sub-state actors. Here, local legislation and norms that had been cited by the Premier and school board officials were framed by activists as 1) being aligned with widely accepted human rights norms, and 2) as conversely being undermined by federal enforcement of immigration laws within city spaces. A campaign video on the DADT policy for example, opens with a montage of various stakeholders repeating the refrain that every child has a right to education regardless of their immigration status. A clip from a protest speech later informs viewers that Section 49.1 of the Education Act was drafted “in the spirit” of the UN Charter on the Rights of the Child just one year after Canada’s endorsement (NOII 2010). The “intrusion” or “interference” of federal authorities within city spaces is then re-positioned as running counter to and even undermining established laws and norms of this space: a local human rights activist calls on federal authorities to “respect our laws”, and a local teacher insists that “education is a human right… they are in our cities, they should be in our schools.” Interviews with former and current non-status residents (some using hidden identity protection) paint a compelling picture of the broader undermining of “human dignity” caused by constant fear of deportation, and its ripple effects on local community issues such as rising poverty, unemployment and health risks. The practices of school staff collecting and reporting on immigration status to federal authorities is then presented as a critical “misuse of public funds” within an already overburdened social services system, where, strategically, the implementation of a DADT policy instead offers a way to exercise local power in the interests of preserving or protecting human rights-infused local interests.

2.6 Conclusion

Overall, my initial analysis confirmed what critics of early postnationalism were quick to point out: namely, that the normative aspirations of postnationalism alone cannot sufficiently address
the immediate needs of non-status migrants at risk of deportation, detention and denial of basic rights. Indeed, in applying my analytical model to NOII’s campaign materials, I was able to tease out two conflicting variations of a human rights framing that might have otherwise been overlooked: a postnational framing used to address NOII’s more normative claims, and a state-centred framing used to address the particular and urgent needs of the Lizano-Sossa family to not be deported but allowed to rightfully remain in Canada. Conflicting frames at the discursive level acted as a ‘double-edged’ sword for NOII in garnering mainstream media attention. On the one hand, state-centred human rights frames were further intensified by state actors and mainstream media in ways that reinforced state power. Conversely, postnational human rights frames were not taken up at all in mainstream accounts, except in two instances where they were used to discredit the organization.

Despite the clear challenges faced by NOII, however, a more nuanced picture emerged when I took seriously the normative value of a postnational ethics as critical trope. Focusing my analysis at the heuristic level, I offered a preliminary tracing of the ways in which the very presence of the otherwise absent voices, bodies and active citizenship of non-status migrants – and the citizens who support them – may have produced momentary de-stabilizations of normative nationalism within mainstream discourse. The momentary de-stabilizing of normative nationalism, I argued, performed two major functions: first, it exposed the instability of state power and the contested nature of state boundaries; and second, it raised questions and encouraged public debate about what we believe citizenship ought to mean and where it should take place. Although these moments were fleeting, they laid the groundwork, I suggested, for NOII to make subsequent claims in protecting the rights of non-status children to access basic education without fear of deportation. This more nuanced reading of NOII’s DADT campaign offers preliminary empirical evidence of the continued salience of postnationalism for scholars and activists examining non-status migrant rights. Future research could expand on this analysis by moving beyond framing processes to investigate the ways in which a postnational ethics shapes and informs the evolving tactics and practices deployed by movement activists, as well as the degree to which DADT tactics have actually been successful in re-shaping the meanings and
practices of citizenship.\textsuperscript{11} Nevertheless, while it may indeed be true that the normative project of postnationalism alone cannot sufficiently address the needs of non-status migrants, my findings suggest that postnationalist conceptions of citizenship offer some purchase in both challenging normative nationalism and imagining alternative locations, spaces and subjectivities for political participation, belonging and rights.

\textsuperscript{11} Scholars and activists have already acknowledged some limitations with DADT as a strategy, including its limited take-up to date, the challenges of its enforcement, and its inability to fully circumvent the need for recognition and regularization by the state for non-status residents (Goldring et al 2009; McDonald 2007; NOII 2010).
3 ‘Because Deportation is Violence Against Women’: on the politics of state responsibility and women’s human rights12

In February 2011, the Canadian Border Services Agency (CBSA) issued a nation-wide directive effectively allowing immigration officers to enter women’s shelters for the purposes of seeking out and deporting “unauthorized” migrant women and their families. The policy was introduced despite significant protests from a national coalition of over 200 feminist and migrant rights groups, coined the “Shelter | Sanctuary | Status” campaign (henceforth SSS). In issuing the directive, border officials argued that the Canadian state has a responsibility to protect the general public from threats posed by “foreign nationals”. Conversely, SSS campaign advocates argued that the state has a responsibility to protect all women regardless of their immigration status, and that moreover, deportation of women in such cases constitutes a form of violence against women (henceforth VAW).

This research examines the politics of state responsibility that are implicated in such contestations over border enforcement in women’s shelters and anti-violence spaces. Since the 1990s, feminist legal scholars working on the international stage have mobilized the doctrine of state responsibility to expand women’s human rights to state protection as a condition of their personhood (Chirwa 2004; Cook 1994; Knop 1994). However, until recently, the politics of state responsibility has received little sociological attention (but see García-Del Moral and Dersnah 2014; Korteweg and Yurdakul 2013). In this article, I argue that state responsibility offers significant purchase for analyzing contestations over state power and women’s human rights. In particular, I focus on political contestations among activists in Toronto, Canada, over the extent to which a state’s legal obligation to address VAW extends to survivors who are deemed “unauthorized” migrants by the state. In such cases, a woman’s right to protection potentially exists in conflict with a state’s sovereign interests in maintaining borders and control over

12 This is a pre-copyedited, author-produced version of an article accepted for publication by Oxford University Press in Social Politics: International Studies in Gender, State & Society following peer review. The version of record is available online at DOI: 10.1093/sp/jxw004 http://sp.oxfordjournals.org/cgi/content/full/jxw004?ijkey=7g3Io5S8RALVWMT&keytype=ref
citizenship. My case study of the SSS campaign contributes to existing scholarship, by showing how the boundaries of state responsibility are being re-negotiated by advocates in Canada in response to an increasingly precarious citizenship regime (Goldring and Landolt 2013; Goldring et al 2009; Nyers 2010). The article begins with an overview of feminist approaches to state responsibility and women’s human rights since the 1990s. I then briefly describe the Canadian immigration context and methodology of the study before turning to my case analysis.

3.1 Feminist Approaches to State Responsibility and Women’s Human Rights

State responsibility is a legal principle outlining the human rights obligations of states under international law. The doctrine of state responsibility holds states accountable for breaches of their obligations under customary international law or binding treaties (Chirwa 2004; Cook 1994). Starting in the 1990s, feminist legal scholars and transnational advocates made strategic use of this doctrine to hold states accountable for addressing violence against women (García-Del Moral and Dersnah 2014; Keck and Sikkink 1998). Up until that point, VAW had largely been understood as a criminal justice issue, and then later on as a public health concern (Johnson 2008). Re-framing VAW as a human rights issue was strategic: it positioned women as rights-bearing citizens with legitimate claims to state protection as a condition of their personhood, rather than positing women as passive victims or beneficiaries of humanitarian interventions (Cook 1994; Johnson 2008; Marshall 2008; Menjivar 2008).

The enshrining of state responsibility in international law had important implications for women’s human rights. Historically, a state could only be held responsible for violations of law committed by state actors. However, under the new doctrine, states can now be held responsible for acts of violence committed by non-state actors such as individual perpetrators in domestic violence cases. As specified in the United Nation’s Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) in 1992: “States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation” (General Comment 19: Violence against Women, [9] as contained in UN Doc A/47/38). By holding states accountable for private acts, this effectively challenged more limited understandings of VAW as solely a private sphere issue (i.e. between intimate or domestic partners) outside the purview of state oversight (Cook
1994; García-Del Moral and Dersnah 2014; Marshall 2008). The notion of “due diligence” cited in this definition was also significant, in that it provided the discursive architecture for mobilizing state support. Under a due diligence approach, state authorities can be held accountable for their inaction as part of the problem to be addressed, rather than relying on the good will of states to intervene as a humanitarian or public health response. As such, a state’s failure to address or to prevent VAW in and of itself could be constituted as a violation of women’s human rights subject to international sanctions.

3.2 Postnational Challenges to State Responsibility and Women’s Human Rights

Although the doctrine of state responsibility holds great promise for feminist organizing against gendered violence, it is not without its limitations. One key limitation, arguably, involves the privileging of a statist conception of rights (Basok 2009; Fraser 2009; Knop 1994). A statist approach takes for granted the current Westphalia model of nation-states, where individual states have sovereign authority over territory, population, and citizenship. In the context of human rights, such an approach assumes the centrality of the state as the primary locus of rights, in ways that potentially diminish the multitude of actors involved in the development and enforcement of human rights norms, such as civil society groups (Knop 1994, 153). Statism also reproduces a tension, I suggest, between the universal rights afforded to all persons in theory, and the particular rights afforded only to citizens under nation-state jurisdiction. For example, in the case of women’s human rights, it is less clear to what extent a state’s obligations extend to those whom the state does not formally recognize as members, but who may nevertheless be in need of protection. This includes, for example, women who may be ‘undocumented’ or legalized migrants, as well as other non-citizen groups such as refugee claimants, temporary economic migrants, or other residents with insecure legal status and limited claims to membership.

Indeed, dominant conceptions of rights – namely, as being grounded within one’s political membership within a single nation-state – have been challenged by scholars advancing postnational approaches to human rights (Abji 2013; Adur 2011; Anderson et al 2011; Basok 2009; Bosniak 2001; Carens 1987; Soysal 1994). As Arendt already noted in 1958, under the current Westphalian model, the very “right to have rights” requires formal recognition by a state
in order to access fundamental rights (Arendt 1958; Bosniak 2001; Carens 2013; Fraser 2009). This produces a paradox for those persons who may be guaranteed fundamental rights in theory, but denied those rights in practice through exclusionary citizenship regimes. Postnational scholars argue, in fact, that state-based citizenship in Western liberal democracies is *fundamentally illiberal*, “the modern equivalent of feudal privilege – an inherited status that greatly enhances one’s life chances... akin to a ‘birthright lottery’” (Carens 1987, 252; see also Anderson 2000; Anderson and Hughes 2015; Basok 2002, 2004, 2009; Basok and Noonan 2006; Benhabib 2006, 2007; Butler and Spivak 2007; Bosniak 2001, 2006; Carens 2010; Sassen 2006; Shachar 2009a, 2009b). As Shachar explains, the allocation of citizenship by birthright – whether by *jus soli* (territory) or by *jus sanguinis* (descent) – has been naturalized as an apolitical distribution of citizenship across symmetrical state units, each “represented as different color-coded areas on the world map” (Shachar 2009a, 378). What this masks, however, is the “slippage between an abstract right to membership and its concrete materialization... [in] the inequality of actual life chances attached to membership in specific political communities” (Shachar 2009a, 377, original emphasis). Individuals born to less wealthy states, for example, have a significantly higher chance of “witnessing or themselves suffering infringements of basic human rights” including gendered violence (Shachar 2009a, 378). In other words, the privileges of birthright citizenship distribute women’s human rights unequally across states, in ways that naturalize the notion that wealthy states are inherently more modern or civilized spaces of gender equality compared to less wealthy states. 

While postnational challenges to state-citizenship regimes are useful in the abstract for understanding the limitations of state responsibility, however, they stop short of providing a blueprint for alternative possibilities for ensuring women’s human rights. In this case study, I ask what happens when the sovereign power of states to enforce borders and to maintain control over

13 I have identified these scholars as adopting a normative postnational ethics in their work, even in cases where the specific terms they use might vary e.g. global, cosmopolitan, post-Westphalian, or denationalized citizenship (Abji 2013).

14 This is not to suggest, however, that the privileges of citizenship are distributed equally within wealthy nations. An intersectional politics would require that one considers the ways in which birthright intersects with other axes of oppression.
citizenship stands in conflict with the human rights of non-citizens. Focusing on the SSS campaign and the Canadian state’s response, I analyze how some feminist activists have sought to resolve the tensions between state power and women’s human rights in their advocacy work.

3.3 State Responsibility and Women’s Human Rights in Canada

The Canadian context offers a useful site for examining key shifts in the politics of state responsibility since the doctrine was first introduced in the 1990s. Indeed, the Shelter Sanctuary Status campaign that is the focus of this study can be understood as a response to both expanding and contracting conceptions of state responsibility adopted by the Canadian state. For instance, in the 1990s on the world stage, the Canadian government demonstrated leadership in advancing the human rights of women refugees fleeing gender-based persecution (Cook 1994). Thanks largely to the efforts of feminist activists, lawyers, and policy-makers, the Canadian government developed new gender guidelines, which expanded the existing definition of a Convention refugee to also include “women who demonstrate a well-grounded fear of gender-related persecution by reason of any one, or a combination of, the enumerated grounds” (Cook 1994, 148). These guidelines were significant in modeling how a state could engage in immigration reforms as an exercise of due diligence for upholding women’s human rights.

At the same time that Canada was positioning itself as a human rights leader on the world stage, however, the Canadian state itself was being transformed through neo-liberal restructuring of the welfare state (Beres et al 2009; Bhuyan 2012; Brodie 1995, 2008; Morgen 2001). This included both a devolution of responsibility for social services from national to local-level governments, as well as a de-gendering of VAW as “victims’ services” for familial, domestic, or interpersonal violence. Scholars have pointed to the “advocacy chill” that took hold among VAW sector organizations during this time, following the significant de-funding of major feminist political organizations such as the National Action Committee on the Status of Women (NAC), the largest umbrella advocacy group representing 700 feminist organizations across Canada. In the province of Ontario, new tax restrictions on charitable organizations – including women’s shelters – prevented those organizations from spending more than 10% of their annual budget on “political activity” (Beres et al 2009; Bhuyan 2012). Precarious funding of VAW services not only limited the capacity of organizations to deliver services to women without status, but also limited possibilities for political mobilization and alliances with activist groups.
The neo-liberalization of social services occurred in tandem with major transformations to Canada’s refugee and immigration system. Although precarity has always been a feature of Canada’s immigration laws (Wright 2013), the immigration landscape in Canada in the 1990s began a major transformation away from more permanent and humanitarian pathways to citizenship, towards increased emphasis on temporary economic migration and securitization of state borders (Bhuyan 2012; Goldring and Landolt 2013; Goldring et al 2009; Razack 2000; Villegas 2015). Between 2005-2009, rates of ‘authorized’ temporary economic migrants, who are not allowed to apply for permanent residence status, saw a sharp increase. At the same time, permanent and humanitarian entries remained flat, and refugees admitted as permanent residents declined steadily (Goldring and Landolt 2013). Estimates suggest that roughly 500,000 “undocumented” or illegalized migrants reside in Canada, or 1.4% of the total population, concentrated predominantly in Toronto, with smaller populations in Montreal, Vancouver, Ottawa and Halifax (Goldring et al 2009). These numbers are likely to increase as pathways to status become more precarious.

New restrictions on access to citizenship by the Canadian state were also accompanied by a growing deportation regime, characterized by increased securitization of state borders and movement of border enforcement into city spaces. In 2003, the federal government created the Canadian Border Services Agency (CBSA) with a mandate to “ensure the security and prosperity of Canada by managing the access of people and goods to and from Canada” (CBSA 2013). In addition to operating 1200 service locations in Canada and in 39 other countries, as well as 119 land border crossings and 13 international airports, the CBSA operates an inland Enforcement branch in Toronto. This local branch deploys plain-clothes armed officers to track down and remove “unauthorized” residents. The movement of border enforcement inland was part of a broader “multiple border” strategy, focused on significantly reducing the numbers of refugee and asylum-seekers by enacting borders in the country of origin as well as inland (Arbel and Brenner 2013; Villegas 2015; Walia 2013). As early as 2004, CBSA agents began targeting women’s shelters, hospitals, public schools, and workplaces, in efforts to arrest, detain, and deport “unauthorized” migrants.

The SSS campaign emerged partly in response to Canada’s increasingly restrictive refugee and immigration system. At its peak, the campaign involved a coalition of 200 feminist and migrant rights groups. The coalition was significant, in that it marked the first major public alliance
between non-partisan anti-VAW organizations such as state-funded women’s shelters and settlement agencies, and activists from No One Is Illegal (NOII), a grassroots movement that is postnational in its calls for an end to all deportations and detentions by the Canadian state (Abji 2013; Basok 2009). By mobilizing around the human rights of women without legal status, SSS campaign activists addressed a key ambiguity in the law, regarding the extent to which state responsibility extends to those deemed unauthorized migrants by the state. In the following section, I outline my methodological approach for analyzing the SSS campaign’s engagement with the state as a case of shifting conceptions of state responsibility for women’s human rights.

3.4 Methodology

My discursive analysis of the SSS campaign is based on a data sample of fifty campaign artifacts including press releases, meeting transcripts, protest speeches, editorials, pamphlets, posters, videos, images and web content (see Table 1). In order to situate my analysis of the campaign within a shifting political context, I also analyzed two CBSA policy directives developed in response to the campaign, and twenty-five media reports documenting the SSS campaign efforts from 2008 – 2012. I used NVivo to code all materials and identified three distinct phases of the campaign’s trajectory based on rate of activity and response from media/state agencies.

Table 1: Data Sample

<table>
<thead>
<tr>
<th>SSS Campaign</th>
<th>Media</th>
<th>State Documents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Press Releases (4)</td>
<td>Major newspapers:</td>
<td>Canadian Border Services Agency (CBSA):</td>
</tr>
<tr>
<td>Speeches/ Meeting Transcripts (20)</td>
<td>• Canadian Press (1)</td>
<td>• GTEC Policy Directive (1)</td>
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<tr>
<td>Policy Documents/ Position Papers (4)</td>
<td>• Edmonton Journal (1)</td>
<td>• National Policy Directive (1)</td>
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<tr>
<td>Campaign Videos (2)</td>
<td>• National Post (1)</td>
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<tr>
<td>Posters/ Pamphlets (6)</td>
<td>• Toronto Star (11)</td>
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<td>Images with text-based content e.g.</td>
<td>• Toronto Sun (2)</td>
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<td>banners (14 out of a sample of 380)</td>
<td>Television:</td>
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<td>• CTV (4)</td>
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<td>• OMNI (ethnic) (1)</td>
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<td>Grassroots News/ Blogs:</td>
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<td>• NOW Magazine (1)</td>
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<td>• Rabble (2)</td>
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Total: 50 artifacts                  Total: 25 media reports               Total: 2 policy directives
My initial analysis of the campaign was highly inductive. I began by asking four major questions of the data sample, in order to identify key themes in how advocates were defining both the problem(s) and solution(s) in their campaign materials. With respect to defining the problem, I asked:

1. How is (are) the victim(s) of violence imagined or framed?
2. How is (are) the perpetrator(s) of violence imagined or framed?

Then, with respect to proposed solutions, I asked:

3. Who or what gets protected?
4. Who or what does the protecting?

As I show in the analysis, these questions enabled me to identify state responsibility as a major theme of the campaign, including but not limited to specific references to the legal doctrine. I then drew from Ferree and Merrill’s (2004) work on the discursive framing process in order to deepen my initial analysis. Discursive frames specify how to think about a particular issue, such as framing violence against women as a human rights issue rather than a criminal or public health issue. However, as the smallest unit of analysis, frames do not explain why it matters. A key aspect of discursive analysis is to distinguish analytically between the frames used and the normative ideologies that underlie and inform those frames. This might allow one to distinguish, for example, between hegemonic and counter-hegemonic conceptions of human rights, even in cases where the same human rights frame is used by different social actors (Abji 2013; Basok 2009).

In my case analysis, for example, I distinguished between those human rights frames that positioned the state as responsible for protecting women from violence (Question 4 above), and those that positioned the state as responsible for perpetrating violence against women (Question 2 above). Even in cases where spokespeople were united in their critiques of state power, I was able to tease out competing underlying value positions, which I in turn analyzed as “statist” versus “postnational” approaches to state responsibility and women’s human rights.
Ferree and Merrill also note how both frames and ideologies are embedded within larger discursive structures that shape the boundaries of what is culturally intelligible at a given moment in time (2004). In order to link frames and their underlying ideologies to existing discourse, I then mapped competing statist and postnational frames across the trajectory of the campaign. This process allowed for a deeper examination of how competing frames were anchored in relation to each other, as well as in relation to state policy changes (Ferree 2012).

My case analysis of the SSS campaign is part of a larger project that investigates how service providers and social movement activists are negotiating non-citizen’s access to rights, status, and belonging in cases of gendered violence. The larger project included interviews with 30 service providers and participant observation at fifteen public events (i.e. two protests, five forums, and eight community meetings) from 2011 – 2015. During my interviews with service providers and fieldwork at public events, I observed how participants often referenced the SSS campaign as a key milestone in negotiations with the state. At the same time, participants were generally hesitant to speak on record about the campaign: the tactics used by immigration authorities in response to advocacy efforts had come as a shock to many organizers and produced understandable fears about openly criticizing the federal government. For ethical reasons, I focused my research on public statements made by organizers and took care to share my preliminary findings with field participants for informal feedback and discussion. Future research might include data from formal interviews with participants now that some time has elapsed since the campaign.

In the analysis that follows, I first provide an overview of the SSS campaign, noting three distinct phases that characterized its trajectory. I then turn to my discursive analysis of campaign efforts, showing when and how advocates mobilized state responsibility in their framing of women’s human rights. In the final section, I focus on the state’s policy responses at the local and national levels, examining the politics of state responsibility that were implicated in the state’s decision to ultimately formalize border enforcement within women’s shelters and anti-violence spaces.

### 3.5 The SSS Campaign

During a federal election in Canada in October 2008, SSS campaign activists launched a national media campaign, which called on the Conservative government in power at the time as well as
all political parties in the election to re-affirm their commitment to addressing gender-based violence. The campaign centered around the case of Isabel Garcia and her two children. Garcia had claimed refugee status after fleeing violence and threats to her life from her ex-husband in Mexico. Her claim was denied by Canadian authorities and a warrant issued for her removal from the country. Activists argued that the Garcia family has a right to stay in Canada, and that all women have a right to access shelter and protection from gendered violence, regardless of their immigration status. The campaign garnered national media attention and public endorsement from members of the left-wing New Democrat as well as Green political parties.15 However, the SSS coalition received no acknowledgement from the Conservative government in power at the time, and Isabel Garcia and her two children were deported to Mexico (their current whereabouts are unknown).

The SSS campaign picked up activity again in September 2009, this time in Toronto, where it became a major theme at several local feminist events including the Take Back the Night march and the International Women’s Day rally. This second “local” phase of the campaign gained significant momentum in the spring of 2010, when advocates mobilized around the case of ‘Jane’. A single-mother and survivor of prolonged childhood sexual abuse, Jane fled Ghana in 1999 at the age of 18, and lived “underground” in Canada after her refugee claim was denied. Jane suddenly received a deportation order in 2006, followed by an attempt by immigration officers in March 2010 to find her on the premises of a shelter where she had until recently been living. Following an emergency meeting held at the Toronto Rape Crisis Centre in March 2010, activists held a protest at the local in-land immigration office in Toronto, called the Greater Toronto Enforcement Centre (GTEC) of the CBSA. Following the protest, the Director of the GTEC at the time, Reg Williams, agreed to meet with campaign leaders to discuss their concerns. Then, in October 2010, after a series of meetings between Director Williams and campaign activists, the GTEC issued a city-wide directive instructing immigration officers not to enter or stand around the premises of women’s shelters. Campaign activists held a press conference to celebrate the policy change, and began distributing the new directive to agencies along with a cover sheet and campaign video.

15 According to media reports, members of the Liberal party promised to review the case in question, but never issued a formal response.
The local directive, however, was short-lived. Only a few months after Toronto border authorities agreed not to enter women’s shelters, the national headquarters of the CBSA stepped in and reversed the policy: this time on a national scale. In what would turn out to be the third and final phase of the SSS campaign, advocates were called to a meeting with Director Williams in February 2011 at the local CBSA office in Toronto. In a surprise turn of events, representatives from the national headquarters of the CBSA showed up unannounced at the meeting, where they presented a new national directive that effectively overturned the local directive. Asserting the CBSA’s obligation to protect the Canadian public from “foreign nationals”, the new national directive allowed immigration authorities to enter the premises of women’s shelters, subject to a series of protocols. When presented with the national policy, advocates from the campaign walked out of the meeting in protest (Peesker 2011). Soon after the meeting, Director Williams was fired by the CBSA head office and the national policy was put into effect. Whereas the national directive remains in effect, the SSS campaign has been largely inactive since this major set-back. In the following section, I offer a discursive analysis of the strategies used by campaign advocates at each phase of the campaign, paying attention to how differently-positioned actors sought to expand the boundaries of state responsibility in their framing of claims.

3.6 Isabel Garcia’s Right to Stay: competing conceptions of state responsibility

During the October 2008 national campaign, advocates mobilized the doctrine of state responsibility to legitimize Isabel Garcia’s right to stay in Canada. At a national press conference held in Toronto to launch the campaign, Shanaaz Gokool, a representative from Amnesty International, made appeals for Garcia’s right to remain in the country, stating that:

> The state, we feel, has a responsibility for women’s human rights… They must respect, protect and fulfill. The state has a responsibility, whether abuses are committed by the state or non-state actors (CTV, Oct 2008).

In her statement, Gokool draws directly from the CEDAW convention, which holds that states must exercise due diligence in preventing violence against women, even when that violence is committed by private individuals. In applying this principle to the Garcia case, however, Gokool extends due diligence to include non-citizens deemed inadmissible by the state. In doing so, her
appeal for due diligence addresses the ambiguity in the existing doctrine described earlier, which assumes formal legal status of both victims and perpetrators of violence.

When I analyzed how differently-positioned spokespersons framed this expansion of state responsibility, however, my analysis found two variations in how state responsibility was taken up. The first variation involved statist appeals for the inclusion of all women survivors of gendered violence, regardless of immigration status. Leaders of non-partisan, state-funded women’s organizations were more likely to vocalize statist appeals for Garcia’s right to stay. In the following quote by Ann Dector, a spokesperson from the national YWCA, she draws attention to Canada’s international commitments as a basis for inclusion of the Garcia family:

Canada needs to not only make commitments internationally, we need to honour them here at home… We’re here today to say that more is required. Women are being deported to unsafe situations without adequate hearings or sufficient recourse to legal counsel and other support (SSS campaign, Oct 2008).

In appealing to the state to honour its commitments, Dector implicitly draws from a statist conception of rights, which positions the Canadian state as a protector of vulnerable women, even if currently failing to meet its obligations. Dector then draws strategic attention to the dissonance between Canada’s commitments on the international stage, and the increasingly restrictive refugee determination system at home. The state’s fulfilment of due diligence for women like Garcia would require broader reforms to Canada’s refugee determination system, in order to better align the enforcement of borders with its obligation to uphold women’s human rights. What is implicitly at stake in this case is Canada’s reputation as a world leader in the advancement of women’s human rights and the “first country to create a policy making male violence against women grounds for refugee status” (SSS Campaign, Oct 2008).

While such an approach does indeed attempt to limit state power by challenging the fairness of refugee laws, it nevertheless leaves intact the state’s sovereign right to maintain control over borders and citizenship. As such, what this framing renders less visible, are the structural conditions of inequality – such as those produced through birthright citizenship in an unequal world – that shape or intensify women’s experiences of gendered violence. Statist appeals also risk playing into dominant tropes of the global south as backward or pre-modern compared to
more advanced nations, by mobilizing highly resonant images of Canada as a space of relative gender equality compared to less wealthy states like Mexico.

Such resonant framings, however, were held in tension with postnational claims made by members of No One Is Illegal (NOII) and its allies during the campaign. For example, in an editorial written by NOII activist Farrah Miranda for a leftist on-line newspaper, she openly challenges the complicity of Canadian immigration authorities in victimizing immigrant women:

> Violence against women is almost entirely carried out by men and supported by government policy. Be it through the live-in caregiver program where women, mostly, are forced to live in the homes of employers with minimal protection or the recent proposed jailing of refugees under a so-called “human smuggling” bill which would have jailed families or the ongoing deportation of women to places of personal and systemic violence – Canadian immigration policies are one of the greatest perpetrators of violence against women (2010, my emphasis).

In contrast to statist appeals for protection, Miranda names the Canadian state as a perpetrator of gendered violence, where sovereign control over immigration is seen as inherently unjust. This is the case, she points out, even for women who are recognized by the state as “authorized” migrants. The structural conditions imposed upon temporary foreign workers and “successful” refugee claimants are fundamentally gendered in their rendering of women as more vulnerable to violence at the hands of partners, employers, and government actors.

Miranda’s re-positioning of the state as a perpetrator of violence opens up new possibilities for a postnational critique of state power. In contrast to more statist appeals to Canada’s reputation, Miranda draws attention to the Canadian state’s complicity on the world stage in producing the very conditions for women’s need to flee their home countries in the first place. She explains how the Canadian government – as a white settler colony on Indigenous lands – continues to be “responsible for global environmental degradation, economic inequity, war and the exploitation of people’s labour and lives” fueling forced migration and displacement (2010). As such, women’s individual experiences of domestic violence are thus situated within a broader critique of systems of “colonial and capitalist immigration and foreign policy” (2010).
Although postnational framings like Miranda’s were present throughout the campaign, activists relied more heavily on statist approaches during the initial mobilization in October 2008. This can be seen in the following list of demands presented by the SSS campaign coalition and reported by national media. In addition to calling for Garcia’s right to stay in Canada, advocates demanded:

1. A moratorium on deportation for all women survivors of violence;
2. Status for all women survivors of violence;
3. Make shelters and anti-violence spaces off-limits to immigration enforcement; and
4. Status for all.

The first three demands are consistent with a statist approach. Calls for a moratorium on deportation of women survivors (#1) and protection of women’s spaces (#3) may challenge the fairness of border enforcement practices, but they stop short of questioning the state’s right to enforce borders in the first place. Likewise, legal status for all women survivors (#2) may help mitigate the risks of gendered violence, however, it leaves intact the allocating of rights through state membership rather than inhering rights in one’s status as a human being. In terms of what gets protected, the first three demands offer limited protections to certain migrants deemed “worthy” (i.e. women survivors of violence) residing in certain spaces deemed appropriate (i.e. those who are admitted into a shelter or anti-violence space). In each of these cases, the state must limit its own interests in so far as those interests do not present obstacles for women seeking protection.

I contrast these implicitly statist demands with the fourth and most ambiguous demand tagged on at the end of the list: “status for all”. A frequent slogan used by NOII, “status for all” signifies a postnational challenge to state sovereignty, by calling for an end to all deportations and detentions by the state. Such an approach re-frames the state and state-centred citizenship as inherently unjust: a modern form of border imperialism that has gendered effects (Walia 2013). From a postnational perspective then, Garcia’s right to stay in Canada is grounded not in her status as a woman survivor of violence, but rather in her status as a person, where both migration and personal safety are understood as fundamental human rights. Importantly, the victim of state violence in this case is expanded to include all migrants whose fundamental right to free movement is undermined. This more universal right has gendered implications for women
migrants in Canada and abroad: whether women are fleeing violence in their home countries, or fleeing violence in Canada at the hands of those who might exploit their precarious status, in both cases their access to spaces of safety are restricted by the entry of immigration officials into women’s spaces (Fortier 2013; Mishra and Kamal 2007; Villegas 2015).

Advocates’ combining of competing statist and postnational demands, however, is not in and of itself a sign of incoherence or explicit disagreement between differently-positioned advocates. As Gleeson (2015) and others have shown, the use of multiple frames to appeal to different audiences is often a sign of a sophisticated campaign strategy. Nevertheless, their co-existence reveals important divergences in how the boundaries of state responsibility are being re-negotiated in response to a changing immigration context.

Taken together, advocates’ combined list of statist and postnational demands received a mixed response. While the campaign garnered mainstream media attention as well as supportive responses from two leftist political parties, advocates received no public response from the federal Conservative government in power at the time. In fact, the Conservative party was re-elected with promises of further restrictions to the refugee and immigration system. Advocates were also unable to convince immigration authorities to halt the deportation of Isabel Garcia and her two children. What soon followed were important shifts in the overall framing of the SSS campaign as advocates re-directed their gazes to the local branch of the CBSA in Toronto.

3.7 ‘Because Deportation is Violence Against Women’: postnational shifts in the SSS campaign

Whereas the first phase was national in scope and targeted the federal government during the 2008 election campaign, in the second phase from 2009-2010 there was a focused concentration on local immigration authorities in Toronto. The SSS campaign also took on a more overtly postnational framing at this time, aimed not only at saving particular women and their families, but also at addressing the links between VAW and immigration more broadly. For instance, a major slogan used on posters and in press releases was “Because Deportation is Violence Against Women”, which more explicitly positioned the state as a perpetrator of violence (SSS campaign, Nov 2009). Postnational framing strategies were combined with tactics typically associated with No One Is Illegal (NOII) and its allies (Shantz 2004). For example, in April 2010, SSS campaign activists from NOII staged a protest at the local CBSA office in Toronto – a
site normally rendered invisible in public consciousness. In a YouTube video depicting their action, activists disrupted the everyday functioning of the centre by chanting protest slogans in the waiting area. They demanded to speak to the Director before being escorted from the building (Miranda 2010).

Another contrast between the first and second phases of the campaign involved public statements by ‘Jane’ in defense of her own right to stay. Shantz (2004) notes how NOII’s direct action casework approach consciously centers the voices and experiences of migrants facing deportation, in order to challenge the power dynamics of caseworker-client relationships. In contrast to Isabel Garcia who remained in hiding during the campaign for her right to stay, ‘Jane’ published a statement responding to the officers who tried to find and arrest her at a shelter. The statement was read by an activist from NOII at an emergency meeting held at the Toronto Rape Crisis Centre in March 2010. Jane also spoke directly to media representatives at a closed-door meeting where her identity would be protected (Poisson 2010). Jane was thus able to articulate in her own words, her right to stay in Canada:

    Immigration officers came into the shelter to look for me. I never thought that they would do something so low. I'm not a criminal. I'm a human being and shouldn’t be treated like this (SSS campaign, March 2010).

Jane’s use of the phrase “I am a human being” is significant here. She locates her right to stay in her status as a human being, rather than as an object of charity or humanitarian inclusion. By asserting her right to personhood, Jane articulates what Nyers (2010) refers to as a transgressive political subjectivity that disrupts statist discourse. As he explains: “To publicly self-identify as ‘non-status’ is to engage in a political act, or better – an act of political subjectification… the claim ‘I am non-status’ is not just a moral plea. It is rather a declaration that is generative of a political subjectivity” (2010, 129).

In my analysis of Jane’s statement, however, tensions began to emerge when I considered “who does the protecting” and “what gets protected” from a postnational perspective. Although Jane resists the criminalizing gaze of border guards, she simultaneously appeals for shelter in a system where that shelter is primarily funded by the state. Despite her earlier assertion that “I am a human being” Jane still requires recognition by the state (in this case a state-funded shelter) in order to access her very right to have rights (Arendt 1958). I attribute this tension, at least in part,
to the paradox of postnationalism, where the upholding of the universal rights of all persons regardless of immigration status – i.e. ‘status for all’ – stands in tension with the immediate and particular needs of non-status women like Isabel Garcia and Jane, who require formal recognition by the state in order to access fundamental rights.

Campaign activists tried to resolve this tension in their work at the agency-level, by developing policies and practices that would de-centre the state in anti-violence work. Two key documents produced during the March 2010 campaign incorporated a postnational logic in describing the day-to-day workings of women’s shelters and anti-violence spaces. A 1-page Declaration for International Women’s Day stated unequivocally that “Detentions and Deportations are Violence Against Women” and then advised women’s organizations to reduce cooperation with and reliance on various arms of the state, through both formal and informal policies. The process for implementing a formal “Access without Fear” policy was then outlined in a separate 2-page policy proposal. Such a policy requires agencies to think carefully about when, how, and for whom they collect and store data on legal status for women seeking support. For example, agencies may choose not to collect information on legal status and/or not to disclose this information to immigration authorities, funders, or other state agencies without a woman’s express permission, even if called upon to do so. Strategies were also provided for what to do if immigration officers try to enter the space and how to prevent or restrict their access without getting arrested. The recommendations also suggest reducing reliance on state funding, and, where funds are necessary, instituting detailed privacy policies to protect women’s identities. By problematizing everyday practices of service provision and reliance on state funding, the access without fear policy attempted to de-centre the state’s influence within women’s shelters and anti-VAW spaces (Fortier 2013; Mishra and Kamal 2007).

In terms of who does the protecting if not the state, postnational advocates attributed this role largely to feminist movements where “women defend each other” against gendered violence. In fact, the access without fear strategy makes explicit reference to a shared aim of “re-

16 This is not to suggest that the SSS campaign was the first to introduce such policies within women’s shelters, as many feminist organizations had already established strategies for engaging with state authorities including police, immigration, and other state officials.
establish[ing] a feminist vision of the future that includes the human right to a life free from violence”. What was perhaps less clear in the policy, however, was how such alternatives to state protection might be blueprinted to address women’s multiple and intersecting needs. Indeed, without significant changes to the existing social order, the policy’s recommended reduction of state funding risks dovetailing with a neo-liberal agenda of downloading state responsibility onto individuals and communities.

In addition to developing local policies within women’s organizations, advocates also challenged border enforcement in women’s spaces by drawing strategic attention to locally-established policies. During a series of negotiations with the local CBSA branch, advocates referenced the provincial Ontario Victims’ Bill of Rights, which states that “the justice system should operate in a manner that does not increase the suffering of victims of crime and that does not discourage victims of crime from participating in the justice process” (Miranda 2010). Likewise, advocates pointed to existing confidentiality policies within women’s shelters, which protect the safety of residents by not disclosing their names to anyone including law enforcement (Bonnar 2010). By referencing locally-established policies, advocates drew strategic attention to the alignment between existing local polices and widely accepted human rights norms, and conversely, they positioned national enforcement practices as undermining established norms both from above and from below (Abji 2013; Nyers 2010). Sassen (2006) and others have theorized such “claims to the city” as denationalized forms of citizenship, which attempt – albeit imperfectly – to disentangle local forms of governance and community membership from nation-state control.

In this case, advocates’ tactics at the local level were initially useful in convincing the Director of the CBSA branch to issue a directive instructing immigration officers not to enter or stand around the premises of women’s shelters in Toronto. However, it was at this very moment in the campaign that underlying tensions between postnational and statist approaches began to emerge publically. A campaign cover sheet was stapled on top of distributed copies of the local directive, for example, which claimed that “While this directive has improved access for undocumented women, we wish to reiterate that our work and organizing has never been about gaining concessions from Immigration Enforcement” (SSS Campaign, October 2010). Likewise, in her reflections on the CBSA local directive, Miranda cautions against seeing this as a resolution of the core campaign demands. Rather, she surmises that “we’ve created a small island of safety, that women survivors of violence can go to, knowing full well that the rest of our cities and our
neighbourhoods are still places of fear, of harassment, of intimidation by border guards” (Miranda 2010). Insofar as their “success” also entailed working with local arms of the state, postnational activists thus problematized their apparent victory as one step in a much larger project to end deportation of migrants altogether. However, even this partial victory turned out to be more than the state could bear.

3.8 From Paternal Protection to Securitization: the shifting terrain of state power

The tension between statist and postnational claims was also reflected in the actions of the CBSA itself. On the surface, the local and national directives presented opposing responses to advocates’ demands: whereas the local CBSA directive (introduced in 2010) restricted entry of border guards into women’s shelters, the national directive that replaced it only two months later effectively allows border guards entry into women’s shelters, subject to a series of protocols. In the analysis that follows, however, I show how both directives are linked in their reinforcement of a statist conceptions of rights. Taken together, they mark a troubling shift toward securitization of responsibility by immigration authorities, in ways that fundamentally undermine the advancement of women’s human rights.

The local CBSA directive is a brief 1-page document that is untitled and quite sparse. Under this directive (that is no longer in effect), officers were instructed not to enter, wait outside, nor approach shelters or other spaces designated as resources for women fleeing or experiencing violence, including no inquiries to staff, volunteers, or other residents about the identity of a woman who is the subject of an investigation (CBSA 2010). The following pre-amble describes the rationale for the directive:

ALL women who flee or experience violence and who access shelters and other social and community services have a right to confidentiality to ensure their protection from further violence and full access to support services. In light of the above, officers are required to observe the following [directive] (CBSA 2010).

The capitalization of ALL women in the pre-amble, I argue, signifies the notion of a universal womanhood, where such womanhood is deserving of protection. This framing reinforces the central notion of the state as a paternalistic protector of women in need of protection.
In terms of enacting the policy, what in effect gets protected is the space itself. VAW shelters are used to symbolize Canada’s leadership as a space of relative gender equality and respect for women’s human rights. Within these spaces, a woman’s status as a victim of violence temporarily brackets her lack of status as a citizen, but only within this space and only by virtue of her victimization. In terms of who does the protecting, I argue that this is really about the local CBSA’s perspective as one branch of the state (local immigration enforcement) respecting the jurisdiction of what it sees as just another branch of the state (local state-funded shelters and resources). Thus, while the local directive shifts the ways in which borders are enforced, for local authorities this is really about jurisdictions rather than fundamental immigration reform.

Advocates’ negotiations with the city branch of the CBSA at least produced some tangible benefits for non-status women, even if ultimately these wins reinforced the CBSA’s enactment of state power. Likewise, the participation of civil society in developing the policy, as well as acts of citizenship performed by non-status women themselves during the campaign, opened up new possibilities for further mobilization.

A different picture emerged in the national CBSA directive, which replaced the local directive in February 2011. In this 2-page document that is quite detailed compared to the local directive, the CBSA headquarters used securitized notions of state responsibility to justify the entry of border guards into women’s shelters. The document is titled in all caps: “NATIONAL DIRECTIVE ON ENTERING A WOMEN’S SHELTER FOR ENFORCEMENT PURPOSES” (CBSA n.d.). Significantly, the title focuses on the practice of entering the premises of women’s shelters, excluding any mention of the practice of waiting just outside the perimeter, as well as omitting acknowledgement of other anti-VAW spaces besides women’s shelters where non-status women might access support. The remainder of the document is divided into two sections: a policy statement that gives a broad overview of the CBSA’s position, and a subsection called “CONSIDERATIONS” that outlines in detail the procedures to be followed in cases of investigations involving women’s shelters.

The national directive implemented a securitized notion of responsibility using three discursive moves. The first discursive move involved a de-gendering of state responsibility as being first and foremost concerned with national security and non-compliance with the law. As outlined in the opening section of the policy statement:
The CBSA Inland Enforcement program is mandated to encourage the safety and security of Canada’s population by taking appropriate enforcement action against individuals who are non-compliant with the IRPA [Immigration and Refugee Protection Act], including investigations, arrests and detentions as required, and removals (CBSA n.d.).

According to this re-framing, non-citizen women are positioned as potential *perpetrators* in violation of state laws. Likewise, the “real” victim is the Canadian population whose safety and security is at risk from foreign nationals. As such, what the national CBSA ultimately protects is the state’s sovereign right to enforce borders, where border enforcement is justified as the actions of a responsible state. In order for this re-framing to be culturally intelligible, however, any notion of gender drops out of this description: Canada’s population is not gendered, and neither are the individuals who are non-compliant with the IRPA. I argue that this allows the policy to get around the appeals to a universal womanhood that we see in the local directive. Thus, while both the national and local directives drew from statist conceptions of responsibility to direct the actions of officers, the national directive de-gendered responsibility to justify entry into any space on national territory, whereas the local directive used a gendered approach to limit the enactment of state power in designated spaces.

In the national directive, the de-gendering of responsibility was then followed immediately by a second discursive move: the reframing of women’s human rights as special interest group rights. Here, VAW was understood as an issue affecting a sub-set of the population, which must be sensitively managed by a securitized state. As described in the second sentence of the opening statement:

*While cases where a foreign national enters a women’s shelter require heightened sensitivity, the obligation to investigate and remove the individual does not cease to exist in these circumstances (CBSA n.d.).*

Like the local directive, the national directive positions the state as a protector of vulnerable women. However, in securitizing state responsibility, the national directive displaces the protection of women as a lower order concern that must be managed within a broader obligation to the Canadian public. There is no seeming conflict between state sovereign interests and women’s human rights. Rather, any potential tensions are resolved through the “heightened
sensitivity” of officers – not to the rights of women *per se*, but rather a sensitivity to the complexities of enforcing the rule of law.

In yet a third discursive move, the national directive then introduces a series of protocols for the symbolic performance of due diligence by border officials. The second page of the document provides officers with an itemized list of procedures that they must walk through when conducting their investigations. It is here that recognition of women’s right to protection is explicitly acknowledged:

> Officers should be mindful that women, and their children, who flee or experience violence have a right to: a) protection from further violence and the opportunity to fully access available support services; and b) confidentiality under provincial legislation – these organizations are precluded from providing the CBSA with information confirming or denying the presence of a resident (CBSA n.d.).

What is significant about this recognition of women’s rights to protection is its placement: namely, as a sub-set of the state’s overarching responsibility for the security of the population that frames the directive as a whole. It enables the state, in the guise of the national CBSA, to position itself as a responsible actor that directs its officers to remain “mindful” of women’s rights, even while it maintains access to border enforcement in those same spaces of protection. What gets obscured are the ways in which a state’s sovereign interests might conflict with, and even undermine, the very rights that it purports to be mindful of. The overtly securitized state thus acts “responsibly” even as the implications of its actions potentially diminish women’s ability to exercise their human rights.

Gender also becomes salient in terms of the types of officers who are called upon by the state to exercise sensitivity upon entering women’s shelters. The directive specifies that “a female lead officer must be assigned [to investigations involving women’s shelters]. Only female officers are to enter a women’s shelter” (CBSA n.d.). What is reinforced through this interpellation of women as a group who naturally embody gender “sensitivity”, I suggest, is again the performance of a responsible state – one that can deploy female officers to address the special interest needs of women, while the nation-state gets on with its more pressing concerns of managing the “higher order” needs for safety and security of the Canadian population. Gender
once again becomes a second-order concern that state actors are to be “mindful” of, rather than a central analysis that informs more fundamental change.

The result of the national policy is a difficult process for service providers to navigate in their efforts to address VAW. For individual non-status women and their families, this directive does not get at the culture of fear that structures their daily existence and makes access to basic rights a precarious endeavour (Goldring and Landolt 2013). It also potentially limits the capacity of shelters and other agencies to address the full complexities of violence experienced by women with insecure legal status. Moreover, the procedures outlined are unlikely to create any sense of safety for non-status women and their families, in that they involve too much discretionary power in the hands of individual CBSA officers and shelter managers (McDonald 2007; Villegas 2015). Ultimately, the CBSA directive offers no acknowledgement of the structural violence that advocates identified through both statist and postnational critiques of border enforcement. As a result, the CBSA directive fundamentally obscures how legal precarity can work to undermine women’s human rights.

3.9 Conclusion

Overall, my findings suggest that state responsibility offers significant purchase as a sociological concept for analyzing political contestations over women’s human rights. Indeed, my analysis of the SSS campaign shows how advocates mobilized the doctrine of state responsibility in ways that expanded its meaning: sometimes relying on statist conceptions, while at other times drawing from postnational understandings of state power. In so doing, advocacy efforts addressed existing ambiguities in the law, which leave unclear to what extent a state’s obligations extend to women who are deemed “unauthorized” migrants by the state. At the same time, however, tensions at the discursive level between statist and postnational approaches – with their competing understandings of the state as a protector or perpetrator of gendered violence – remained unresolved among advocates who were otherwise aligned in their opposition to the securitization of women’s spaces. In the final analysis, however, both statist and postnational approaches to state responsibility were limited in their capacity to effect change under an increasingly securitized state.

The implications of these findings for future scholarship are three-fold. First, my analysis of CBSA policy directives suggests an overall undermining of women’s human rights in the shift
toward a security-state approach to immigration enforcement. Indeed, what ultimately gets protected under the national policy is the state’s right to enforce borders, even in cases where deportation or fear of deportation prevents survivors from accessing fundamental rights to protection from gender-based violence. Future research might consider to what extent and in what ways securitization might be impacting state responsibility and women’s human rights across differing regional, national and transnational contexts.

Second, while existing scholarship has for the most part assumed statist conceptions of responsibility enshrined in international law, my findings show evidence of equally salient postnational approaches being mobilized by some activists in the SSS campaign. Postnational claims were significant in that they shifted focus to the role of state-centred citizenship and deportation regimes as a site of structural violence that is inherently gendered and fundamentally unjust. Future research might expand our understanding of postnational approaches in practice. Such scholarship would move beyond a discursive frame analysis of public statements, to consider the practices and politics that took place between activists behind the scenes. Scholars might also investigate how postnational logics may or may not be shaping actual practices of service provision in women’s shelters and anti-violence spaces in Toronto and comparatively across other local, regional, and cross-national contexts.

A third implication of the findings involves the discursive limitations of postnational approaches as a social movement strategy. As my analysis showed, postnational claims were caught in a paradox between universal human rights claims and the particular needs of non-status women like ‘Jane’, who lacked the right to have rights and so required formal recognition by the state in order to access those rights and protections. Advocates sought to circumvent this paradox in their Access without Fear policy, by de-centering the state as the primary locus of protection for women; however, without significant alternatives to state protection, these efforts fell short of addressing women’s multiple and intersecting needs. What these findings signal to those concerned with addressing VAW is the need for new interventions aimed at advancing women’s human rights, which take seriously the shifting terrain of state responsibility in the contemporary immigration context.
4 Postnational Acts of Citizenship: on the contradictions of a ‘No Borders’ politics for addressing Gendered Violence in a Securitized State

Lin is a legal advocate with over twenty-five years of experience in refugee and immigration law in Toronto, Canada. Part of her work involves supporting migrants who want to remain in Canada to navigate legal channels for doing so. This includes assisting migrants to apply for refugee status, or supporting migrants who are being sponsored by a spouse or employer, or for those migrants who have no other resource, helping them prepare applications to stay in Canada on Humanitarian and Compassionate (H&C) grounds. During our hour-long conversation in 2014, Lin described her work with refugee and immigrant women in domestic violence cases, whom she felt risked “falling through the cracks” of the system. She cited examples of women whose appeals to remain in Canada on humanitarian grounds were rejected, even in cases where there were sworn affidavits from neighbours or other witnesses to show evidence of domestic violence. Explaining her frustration to me, Lin said: “the H&C policy says that you have to be sensitive to, you know, situations of domestic violence… [But] the decision making process has always been very discretionary... you can never tell how it’s going to go”. For Lin, the immigration system routinely failed to recognize or protect migrant women in cases of domestic violence.

When I asked Lin about how she would make the system fairer, however, I observed a contradiction between her personal beliefs about the immigration system, and the strategies that she described as a legal advocate. After reflecting for a few moments, she turned her gaze back to me and said:

You know, for our work, we kind of have to be very specific about [saying to clients] ‘ok, what is your current status now?’, from a legal definition point of view... But people cannot be ‘illegal’. Illegal is a concept that is created by the government. We want to make it clear that [pause] the person’s worth should not be defined by whatever legal status that the government happens to be granting them. (Lin)
In her explanation, Lin differentiated between her interactions with clients, where status categories mattered, and her more deeply-held critique of the system. Her critique was postnational, in that it challenged the legitimacy of state-imposed categories of belonging and exclusion. Instead, she posited that an individual’s “worth” comes from their status as a person, rather than their legal membership within a particular political community. In other words, “the logic of personhood supersedes the logic of national citizenship” (Soysal 1994, 164). Thus for Lin, the legal categories that she used in her daily work were arbitrary rather than fundamental: her phrasing “whatever legal status that the government happens to be granting them” points to this arbitrary nature of state power.

In sharing these reflections with me, Lin drew my attention to an important component of her practice: namely, that her actions were being guided in part by a set of normative beliefs about the current social order and the true meaning of worth. And yet, as Lin herself pointed out, her beliefs stood in contradiction to her actual work practices, where as a service provider she routinely engaged in the work of the state to help individuals with their legal status. So as much as Lin believed that these categories were arbitrary, her practices ultimately reproduced state power over worth and membership. When Lin said “we want to make it clear” that people cannot be illegal, what she signalled to me was this contradictory space. On the one hand, her use of the pronoun “we” suggested a collective understanding of moral worth. Yet, her need to “make it clear” suggested a dissonance between her personal belief and action, which could only be reconciled by sharing her true feelings about the subject.

Scholarship on precarious immigration status has shown the mediating role that service providers like Lin play in shaping access to membership and rights (Bhuyan 2012; Goldring et al 2009; Landolt and Goldring 2015; Villegas 2015). Such actors exist as part of a larger constellation of actors operating across multi-level sites, which together constitute a dynamic and contingent field of membership (Landolt and Goldring 2015). However, while these studies have pointed to the discretionary power that such actors wield as a key dimension of state power, they have stopped short of considering the beliefs or feelings that guide such action, as well as the effects of such practices on advocates’ own participation and sense of belonging as citizens.

In this chapter, I shift focus to consider the normative logics that guide the practices of a group of advocates in Toronto, Canada, who subscribe to a ‘no borders’ politics in their activism. These
advocates draw from postnational logics in how they imagine social change. Yet they also work as service providers who mediate the relationship between the state and non-citizens, and as such are implicated in the securitization of state borders and new restrictions on access to citizenship. In this paper, I analyze how these advocates negotiate the contradictions of postnationalism in their efforts to expand access to citizenship for non-status women.

My findings show the internal conflicts that are generated for advocates between their deeply-held normative beliefs and feelings, and the emotional labour they carry out as service providers. I analyze how these advocates seek to mitigate their feelings of internal conflict by performing their advocacy work in strategic ways. I argue that these performative strategies constitute “postnational acts of citizenship”, in that they seek to disrupt the enactment of state power – even if only momentarily – by ‘working’ the system from within.

However, such acts of postnational citizenship became immobilized, I argue, in the context of securitization. In my analysis of advocates’ accounts of regulatory changes, for example, I show how they came to see themselves as objects of state control in their work as service providers within a changing system (rather than as subjects who wield state power in the interests of moving beyond the state). Many described, for example, feeling pressured by state authorities to cooperate with border officials, or to prevent immigration ‘fraud’ in their work with non-citizens. They also described the higher stakes of performing advocacy work, where they feared being unable to prevent the deportation of women who came to them for support, or worried about greater numbers of women becoming undocumented.

I highlight how advocates drew from postnational logics as a moral compass in resisting perceived pressures to securitize their practices. However, this contradictory positionality also engendered feelings of fear, exhaustion, despair, and even terror in how they interpreted the actions of the state. This affective response translated in some instances into a loss of hope and reduced sense of political efficacy, where advocates described moments of disassociation from their work with non-citizens. Overall, what this immobilizing signals, I suggest, is the erosion of citizenship – including the capacity to perform acts of citizenship that are counter-hegemonic – for a group of advocates who mediate access to rights for non-citizens within a broader assemblage.
In the next section, I examine how migration scholars conceptualize the role of service providers like Lin in shaping access to membership and rights for non-citizens. I then extend existing scholarship by drawing attention to the normative logics of citizenship that underlie and inform advocacy work. I start by offering an analytical model for studying such logics, before applying this model in my empirical analysis of the acts and contradictions of postnationalism for addressing precarious noncitizenship and gendered violence.

4.1 Advocates as Discretionary Actors within an Assemblage of Rights and Membership

Migration scholars have pointed to the discretionary power that service providers deploy as either gate-keepers or enablers in mediating noncitizens’ access to social rights (Bhuyan 2012; Goldring et al 2009; Landolt and Goldring 2015; Villegas 2015). Landolt and Goldring offer the metaphor of an assemblage for understanding the positionality of social actors like service providers in shaping the boundaries of inclusion and exclusion (2015). These actors exist as part of a larger constellation of actors operating across multi-level sites, which together constitute a dynamic and contingent field of membership.

Scholars have also acknowledged the limits that constrain the discretionary power of service providers within a broader assemblage. This includes dominant discursive structures, which render certain claims resonant or radical, and either within or beyond the boundaries of cultural intelligibility (Ferree 2012; Steinberg 1998). Likewise, local organizational cultures and personal histories of advocates may shape or constrain both the enactment and direction of advocates’ discretionary power. Importantly, Landolt and Goldring have noted the social learning that also happens over time, where actors may adapt their practices based on experience, networks, and new information (2015). This social learning may also be accompanied by forms of social scarring (858). As they explain:

service providers in a setting that does not support inclusionary practices may experience burnout, attempt to change organizational practice, organize through movements with shared affinities and goals, and/or continue to practice inclusion on their own. At a systemic level, this is consistent with selective inclusion (865).

The social learning and scarring that discretionary actors may experience over time points to the contingent nature of the system as a whole. At the micro-level, variations in the work of service
provision through gate-keeping versus enabling practices, produce divergences at the macro-level, which render the system as a whole more unpredictable and challenging to navigate. As such, despite their best intentions, enablers are nevertheless implicated in the systemic production of precarity even in cases where their efforts are successful in helping specific individuals to regularize their status.

While the assemblage model is useful for analyzing the discretionary power that service providers wield as a key dimension of state power, the model stops short of considering the beliefs or feelings that guide such action, as well as the effects of such practices on advocates’ own participation and sense of belonging as citizens. Lin’s case, for example, shows both an awareness of the complicity of her actions as a worker, combined with a much broader vision for social change that arguably guides or rationalizes her actions. If we accept that citizenship is an evolving institution (Marshall 1950), then attention to the normative dimensions of Lin’s advocacy work may offer a key vantage point from which to analyze the complexities of this role, as well as subtler processes of social change that may be at work. Normative logics may thus help extend the assemblage model beyond understandings of social action as purely rational or instrumental, to consider the affective and transformative dimensions that underlie and infuse social action, as well as the on-going effects of such action over time.

In this study, I extend the assemblage model, by analyzing the normative dimensions of advocacy work. In my theoretical approach, I conceptualize normative logics of citizenships as follows. By logics of citizenship, I refer to underlying assumptions about how citizenship is organized in terms of the contents (what it includes) and the extent (who it includes). Under a Westphalian model, for example, citizenship is conceptualized as an individual’s political membership within a single nation-state. I argue that logics of citizenship are normative, in that they are always grounded within a set of beliefs or values about how membership should be organized, how it should be enacted. As deeply-held beliefs or values, normative logics inform how citizens imagine rights and belonging, and how they believe the boundaries of membership should or should not be drawn.

Social movements have played a key role in struggles over the meaning and extent of citizenship rights (Isin 1999; Keck and Sikkink 1998; Poletta 2004; Shachar 2009a; Steinberg 1998). If we accept that citizenship is an evolving institution, then the underlying assumptions or
presuppositions informing how citizenship is constructed or imagined by different social groups over time may be subject to competing logics. By competing logics, I mean opposing or irreconcilable differences in how citizenship is understood, which translate into competing or conflictual strategies for reshaping citizenship rights. Beliefs about citizenship and the state can be hegemonic or counter-hegemonic in their response to the existing social order. Statist logics are hegemonic: regardless of whether or not one believes that access to citizenship should be more inclusive or more exclusive, such logics maintain the legitimacy of state power over borders and membership. In other words, the nation-state is seen as a legitimate locus of rights and protections. This holds true even if one expands one’s beliefs to include other forms of belonging, such as transnational or supranational governance structures.

In contrast, postnational logics are counter-hegemonic, I argue, in their challenge to the prevailing Westphalian model of membership. Such logics seek to disrupt the prevailing social order in order to transform it: for example, postnational logics question the very legitimacy of state borders and control over citizenship, rather than trying to make the system fairer in how the rules are enforced. As Bosniak and others have argued, such efforts to disentangle citizenship from the Westphalian state “matter deeply” because there is “a great deal at stake” in reshaping the social world (2001). As I have argued previously, postnational logics are also limited, because there is no blueprint or existing model for how such rights and membership ‘beyond the nation-state’ might be institutionalized.

In the following section, I outline an analytical model for studying the normative dimensions of citizenship as they are performed by service providers within a broader assemblage. My analytical model was developed reflexively through my engagement in fieldwork, where between 2011-2015, I observed activists who engaged in a ‘no borders’ politics take up the issue of violence against women with precarious immigration status in Toronto, Canada. My inductive observations offered a lens through which to engage with existing scholarship on citizenship, illegality, and gendered violence. For the duration of my time in the field, I used an iterative process of analyzing my inductive observations against existing literature, and then taking new insights from these reflections back into the field for each successive engagement (Burawoy 1998; Maddison and Shaw 2012). This allowed me to develop the three-part model that I turn to now.
4.2 Normative Logics: Extending the Assemblage Model

Citizenship scholars have drawn our attention to the transgressive potential of actions that may on the surface seem to reinforce existing structures. These scholars observe how migrants active in political campaigns are increasingly self-identifying as ‘undocumented’ or ‘non-status’ in ways that scholars argue disrupt or ‘queer’ normative ideas about who belongs and why. As Nyers explains: “To publicly self-identify as ‘non-status’ is to engage in a political act, or better – an act of political subjectification… the claim ‘I am non-status’ is not just a moral plea. It is rather a declaration that is generative of a political subjectivity” (2010, 129). For these scholars, the assertion of rights claims by non-status migrants constitute ‘acts of citizenship’ that draw from postnational or cosmopolitan understandings of citizenship in order to reshape or regularize city spaces ‘from the ground up’ (Isin and Nielsen 2008; Mishra and Kamal 2007).

Transformative acts have the potential to travel – not as institutionalized structures like chutes and ladders, per se, but rather as heuristic ideas that transform personal beliefs or raise new questions. Some political scholars have theorized the changing political consciousness of citizens who participate in solidarity movements “beyond the citizenship divide”. Sassen (2006) describes, for example, how ‘everyday’ citizens living in global cities are encountering growing populations of non-status migrants living without access to basic social rights, such as education, health care, shelter, and a living wage. The visible subjugation of non-status migrants produces irreconcilable tensions for citizens, she argues, between their normative understandings of liberal citizenship and its practical enactment. As a result of these tensions, new movements are emerging where citizens and non-citizens form political alliances across the membership divide, and make ‘claims to the city’ as a denationalized space where all residents have access to basic social rights regardless of immigration status.

However, because this is a relatively new field of scholarship, questions still remain about the process and significance of counter-hegemonic action. What types of subjects can perform such acts, and how are such performances shaped by gender, race, class, sexuality, and other axes of difference in how they are produced and received? In this chapter, I draw from feminist scholarship on affect and emotional labour, to offer one approach for analyzing the work that such logics do in shaping access to rights and membership.
In Lin’s example at the start of this chapter, she distinguished between her personal belief that people can’t be illegal, and the practices she engaged in as a service provider who applies legal categories as a function of her work. Feminist scholars have pointed to the self-regulating behaviours that workers sometimes perform, in order to achieve a desired affect (Goodwin et al 2009; Gould 2009; Hercus 1999; Hochschild 1983, Whittier 2001). This emotional labour is performative: more deeply-held emotions are held in check, while more ‘surface’ emotions are enacted to produce the desired result. Whittier, for example, describes how advocates in the U.S. movement to eradicate child sexual abuse regulate their own experiences of trauma, as a strategy for producing feelings of resistance and political efficacy in adult survivors of childhood abuse. Less clear in this literature, however, is where one’s deep feelings come from, or how they may shift and change over time. Feelings have different emotional registers that can be mobilizing or immobilizing in effect (Whittier 2001). For example, deeply-held beliefs might engender feelings of trauma, such as acute fear, despair, or hopelessness, that can be politically immobilizing in isolation. These contrast with feelings of efficacy, such as joy, freedom, righteous anger, or resistance, which can be politically mobilizing when acting reinforces these feelings of efficacy and moral worth.

In my approach to normative logics, I distinguish between the beliefs or values that constitute one’s view of the state and one’s place in it, and the deeply-held feelings or affects that beliefs produce for subjects. Thus, one’s deep feelings do not exist in a vacuum, but rather are anchored in a particular worldview or set of beliefs about the social world. If one believes, as Lin does, that people cannot be illegal, then this might give rise to feelings of righteous anger or resistance when one encounters migrants who are living “underground” with no legal status in one’s community. One may also derive a feeling of efficacy or even pleasure from helping migrants to secure access to citizenship or social services. Together, beliefs and feelings about the state and one’s place in it constitute two components of what I term normative logics of citizenship, which when combined, guide social action (see Fig 1).
Normative logics and social distance: Normative beliefs about the social world help bridge the distance, I argue, between the “deep feelings” that one regulates, and the “surface acting” that one performs as a worker (Hochschild 1983). They help guide action – like a moral compass for deciding which types of surface acts are okay and which are not in the constitution of the self. I hypothesize that actors whose deeply-held beliefs are counter-hegemonic, experience a greater social distance between their deep feelings and their surface feelings in the performance of emotional labour. Such performances might produce inner conflicts when performances of labour do not align with their deeply-held beliefs. At the same time, they may develop strategies for bridging this gap in how they perform labour, by engaging in action that feels counter-hegemonic in its grounding in a particular worldview.

Attention to the interplay between belief, feeling, and action, helps extend the concepts of social learning and social scarring specified in the assemblage model (Landolt and Goldring 2015). Social learning is what happens when the movement between belief, feeling, and action is generative, such as when the performance of surface emotions is aligned with deep emotions,
causing one to recommit to normative beliefs through action (as in Fig. 1). Social scarring is what happens when the movement between belief, feeling, and action is dissonant: where surface performances produce feelings of anxiety and trauma from being so misaligned with one’s normative beliefs, that the social distance between them cannot be reconciled.

The third component of this model centres the role of structure and context in shaping normative beliefs, feelings, and actions at the micro-level. In her work on Enduring Violence, Menjívar shifts the focus away from “violent individuals/acts” to “violent situations” enabling her to analyze the structural violence that “seeps into” everyday quotidian ways of being in the world (2011, 8, 226). This structural violence is located in the existing social “order of things” that shape all human interactions, including those interactions that we classify as individual acts of VAW. In other words, structural and symbolic forms of violence are constitutive of violent interactions, and not simply the context upon which violent acts occur. In re-conceptualizing the problem of VAW, Menjívar is also attentive to the somatic or embodied dimensions of the structural violence that her participants endure in their very bodies. Thus, she is able to show how the “seeping in” of structural violence manifests itself in physical, psychological, and emotional ailments and general effects beyond harm from direct acts of physical violence on the body. Defined in this expansive way, then, the “situation” of gendered violence is something that is both endured in everyday life/on the body, and enduring, in so far as it is deeply embedded in the prevailing social order.

My analysis of advocates’ accounts in this chapter builds on Menjívar’s important analytical framework. This includes listening for “violent situations” that participants might point to or take for granted as ‘normal’, but which ultimately point to “the social violence of institutions” (226). Previous scholarship on feminist organizations have documented the contested and paradoxical relationship between these organizations and the welfare state in terms of precarious funding, regulation, and surveillance, but also as a site for claims-making and advancement of women’s rights (Beres et al 2009; Bhuyan 2012; Brodie 1995, 2008; Morgen 1990, 2001). Morgen, for example, points out how welfare workers in the United States are gendered workers operating within a highly regulated and feminized sector (1990). As such, interactions between these workers and the state can be analyzed as a site of gendered oppression and/or claims-making, in addition to women’s more direct relationships with the state as citizens within a system that privileges hetero-patriarchal family structures.
What Morgen shows are the “processes of containment” that are used by federal state authorities to restrict women’s rights vis-à-vis the regulation of welfare workers. These include both covert and overt forms of state control. An example of overt control is the use of strict licencing regulations to target abortion clinics by right-wing state authorities (1990, 173). But covert forms of state power are also salient: such as the “selective funding of activities” involving service provision over advocacy and community building, for example, where agencies may direct their efforts to the former in order to survive (1990, 172). As Morgen argues, feminist organizations may choose to limit their political advocacy efforts to avoid or mitigate the effects of these controls. State practices of containment are particularly problematic in cases where feminist collective models of “women helping women” are slowly and subtly replaced with more hierarchical, bureaucratic models of provider-client relationships within those organizations (although see Martin 1990).

4.3 Methodology

In this chapter, I focus on data from 30 semi-structured interviews that I conducted with advocates working on VAW and migration across a range of organizations in the field from 2013-2015. I used my knowledge of the field to identify the initial sample for interviews. Specifically, I made use of networks that I had developed during participant observation at protests, forums, and meetings, as well as through active participation in a local grassroots network of advocates established in 2004. From my initial sample, I then used snowball sampling to identify and recruit other key informants. The participants in this study were engaged in advocacy work as service providers within a range of organizations (including legal clinics, health care, women’s shelters, rape crisis counselling, and immigration and settlement organizations). Roughly 60% of my sample were non-legal specialists, compared to others who were either lawyers, consultants, or legal support workers working across a range of organizations (Table 1).
For the majority of participants, their advocacy work also extended beyond formal roles in ways that blur the boundaries between personal and professional engagement: 28 out of 30 participants described involvement in social movement campaigns and other political activities both prior to and during their professional entry into social service organizations. Roughly one third described their involvement in academic pursuits that overlapped or informed their advocacy activities, such as the pursuit of activist-research through part-time graduate or professional degrees. In five cases, participants also spoke openly about themselves as survivors of gendered violence and/or former “irregularized” migrants, where the advocacy work they had done at the personal level also informed or shaped their definitions of gendered violence and illegality.

The semi-structured interviews ranged from 60 minutes to 120 minutes, and a copy of the interview guide was provided to participants ahead of time. I began each interview with more general questions about participants’ involvement in the field and the contexts in which they engaged in advocacy work. During this initial phase, I listened for accounts of changes they had seen over their time in the field, and asked follow-up questions regarding how they interpreted or understood the changes. Wherever relevant, I also asked participants to define their use of terminology like VAW or precarious status.

In the second part of the interview, I focused specifically on recent changes to Canada’s refugee and immigration policy. Here I asked open-ended questions about 1) participants’ self-

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17 In some cases, advocates identified themselves as belonging to multiple sectors. Only the primary sector is provided in the chart above.
perceptions of their general awareness of the changes; 2) the specific impacts of the changes on their work addressing gendered violence; and 3) the strategies that they had developed or that they would like to develop in response to the changes. In the final phase of the interview, I asked visioning questions about how participants would re-design the immigration system if there were no barriers or limits to how they could change it.

4.4 “The system isn’t broken, it was built this way”: normative beliefs about gendered violence and the Canadian state

From 2006–2015, the federal Conservative government introduced an extensive and often complex array of changes to the immigration system. Migration scholars have described this period as a defining moment in Canada’s history, characterized by shifts away from more permanent and humanitarian pathways to citizenship, toward increased emphasis on temporary economic migration (Goldring et al. 2009). Across all major categories of entry – economic, familial, and humanitarian – new conditions of admissibility and settlement were introduced that rendered access to permanent residency more precarious, and permanent residency itself a less secure status in relation to citizenship. New discretionary powers for the Minister of Citizenship and Immigration were also introduced, which expanded the capacity of the Minister to deny, detain or streamline access to humanitarian pathways for refugee claimants deemed “irregular”. Scholars and advocates have documented the differential impacts of these changes on racialized and low-skilled migrants and their families. During my conversations with advocates, I asked open-ended questions about which of the recent changes to the refugee and immigration system had had either a positive or negative impact on women with precarious immigration status. This allowed me to capture which of the changes were more salient for differently positioned advocates working across a range of organizations in the field. In analyzing the data, I listened for how they made sense of the changes in terms of their deeply-held normative beliefs about Canada and their place in it as citizens.
Some advocates focused their critiques almost entirely on the regime change in Canada.\footnote{Canada elected a more openly anti-immigrant neo-Conservative government in 2006 under Prime Minister Stephen Harper. This new government represented a political shift from the more moderate centre and right-wing parties in power in the 1990s and early 2000s.} Marie, a front-line shelter worker with just under six years of experience, for example, saw the changes as a case of a Conservative government with a deeply misguided and uninformed sense of women’s needs. During our conversation, Marie described an interaction she had with a senior member of government, whom she happened to run into in a non-work related setting. She described how she expressed her disagreement with the policy changes to this official, noting how “it’s to peoples’ detriment”. To which he replied: “No, no, no, these changes are to help people. The reason why we’re speeding up the refugee process and putting up all of those time constraints is so that people can get their papers faster!” Marie shook her head as she related this rationale to me, indicating how misguided it was. She then gave another example from their conversation, to show just how misinformed the official was. As she explained:

The two-years conditional [permanent residency], which we know is a huge issue for women accessing services here, um, [because] you have to live with your sponsor for two years… He said that that is in there because there is just so much marriage fraud! And when you look at the statistics, it’s so minimal. (Marie)

Marie used her knowledge – garnered from her work experiences in the shelter and available statistics – to demonstrate what she saw as the incompetence of the government’s approach. Her focus on the current government as the problem was further reinforced in her vision for social change. When I asked her how she might change the system if I could hand her a “magic wand”, Marie responded that she would make the selection process “more equitable. Really looking at who is a valued Canadian, looking at who do we want basically in our country” (Marie). Such an approach, presumably, is grounded in a vision of Canada as an essentially humanitarian country with the potential for sound policy-making decisions focused on protecting vulnerable migrants. But what remains intact here is the power to determine “who we want” – suggesting a strong sense of belonging and commitment to making Canada a fairer, more inclusive country. I interpreted Marie’s desire for a return to the Canada she knew was possible, as evidence of a state-centred normative framework, rather than a postnational approach.
This contrasted with a common narrative used by postnational advocates as they interpreted the changes. For example, a competing interpretation saw the policy changes not as misguided, but as very much intentional in the design of the system. They described this as a two-pronged problem – both old and new. This two-pronged explanation can be seen in the following quote from Parul, a legal advocate with over 15 years of experience in the field. When I asked her to clarify what she thought was motivating the changes, she responded:

… When people ask why [the system] is the way it is, it is fundamentally grounded in racist precepts, right? That is, the immigration system as a whole is designed to be racist… regardless of the government, actually. People always talk about how bad it is right now, but, I think we do lose sight of how it’s always been bad? It’s just - it is relative for sure, but it’s always been bad! (Parul)

Parul struggled in her explanation, between wanting to critique the current government for “how bad it is”, but also resisting what she saw as a problematic tendency to attribute all of the effects to a change in government. Her verbal emphasis on the “whole” system being “designed” to be racist shows her deeply-held belief in the illegitimacy of state power. This is not about bringing in a fairer government or improving the system, but rather about recognizing the contemporary moment as the latest manifestation of a long history of structural violence.

In referencing this as an on-going problem, postnational advocates sought to challenge what they saw as common misperceptions about Canada. I identified three interrelated critiques that they posed to dominant narratives about Canada. The first involved drawing attention to Canada’s history as a white settler colony. In her signalling of this as an old problem, Parul sighed audibly, noting how Canada was “founded on colonialism” and “rooted in racist ideology” from its inception. She then paused and reflected back on my earlier question about what she thought was motivating the changes to the immigration system. It was here that she signaled to me that she was articulating a deeply-held belief: “I guess it’s a really difficult question to answer [laughing with a mix of exasperation and embarrassment], because it feels so inherent to me? But to actually find words for it?” Parul then went on to link the colonial violence of Canada’s founding with the current sovereign control over migration as a continuation of the same racialized logics:

Um [pause]. Just the idea of being able to limit peoples’ movements, and to [pause] control brown bodies through the system, and to dictate all of their
freedom of movement, and to also assume superiority over them… From its inception, when you look at the history of immigration in Canada, all of the words that are used to describe people, all of the discourse around people coming in, is very xenophobic, and again premised on this idea of white supremacy. (Parul)

In a sweeping gesture, Parul looked past immigration reforms introduced in the 1960s and 1970s, which moved Canada from overtly race-based criteria for immigration to a points system based on race-neutral criteria. For Parul, what linked the colonial period to the present case is the sovereign authority over borders, which in her eyes is illegitimate, and has remained constant since Canada’s inception, even if how that authority is enacted or managed may have shifted politically. In other words, the structure of settler colonialism (Glenn 2015, Korteweg 2016) remained intact, even if its particular expressions shift and change over time. At this point in our conversation, I shared with Parul how some of the participants whom I spoke to saw the changes as the loss of multicultural Canada, to which she responded: “I don’t believe that at all” and laughed heartily, which I read as showing pleasure from articulating her beliefs.

Advocates’ analyses of settler colonialism also shifted how they interpreted the problem of violence against women (VAW). For instance, Andrea, a policy advocate with over twenty-five years of experience, argued that the women’s movement in Canada made great strides in the 1990s in raising awareness of VAW as a key policy issue. She attributed this largely in part to the advocacy work of the National Action Committee on the Status of Women (NAC). However, NAC’s work was also limited in failing to adequately acknowledge the role of immigration status in shaping women’s risks of violence and access to supports. This was despite the growing numbers of women with insecure legal status who were accessing shelters and anti-VAW programs as early as the 1990s. When I asked Andrea what she and other advocates might have done differently during their early days in the field, she responded by suggesting that the very definition of VAW would need to be changed: “We could have been more successful in broadening our definition of VAW in the first place [pause], to include not only domestic or family violence, and IPV [interpersonal violence], but to also include state violence, where the system itself through restrictive immigration policies performs a type of violence” (Andrea). The notion of state violence came up as a key way of signifying the links between structural or colonial violence and its gendered dimensions: something which the category VAW could not adequately capture.
Several respondents challenged dominant perceptions of Canada as a space of gender equality - or in the words of the Minister for the Status of Women, Bev Oda, in 2009, a nation where “gender equality has already been achieved” (Brodie 2001; Bhuyan et al 2014; Korteweg et al 2013). For instance, in describing issues with the refugee determination system, Vidiya, a legal advocate with over fifteen years of experience, described a cleavage between the rhetoric of Canadian refugee policy and the realities of sexism that pervade the system in practice:

The gender guidelines have been in place since about 1996? So it’s a very long time that they’ve been in place. But like, real sexist stereotypes and myths around gender-based violence still permeate decision making, especially around women’s experiences of intimate partner violence. (Vidiya)

In making sense of refugee claimants’ experiences, Vidiya drew attention to a key policy that in theory should enable women to seek protection from the Canadian state in cases of gender persecution. These guidelines, which were developed in part thanks to the efforts of feminist advocates working at local and international levels, were held up in the 1990s as evidence of Canada’s leadership in women’s rights on the world stage (Cook 1994). For advocates like Vidiya, however, gender policies may frame what’s possible, but the material realities of women’s lives continue to be structured by sexist understandings of gendered violence.

When I prompted Vidiya for examples of the types of stereotypes that are used in decision-making around refugee claims, she responded flippantly at first, by saying “common things” and then rapidly listed off eight examples of gendered and racialized stereotypes frequently used by state appointees to question the credibility of women’s claim for status:

Common things [continues in mimicking voice] ‘I don’t believe it was as bad as she said because she went back to him several times’. ‘She didn’t leave right away after this one beating’. ‘She left the country without her kids’. ‘Her kids are still there so he can’t really be as bad as she says he is’. ‘Nobody really puts up with this amount of violence’. ‘I don’t believe you really were beaten as many times as you say you were’. ‘She didn’t go to the police’. ‘She didn’t go to the doctor.’ [sharp intake of breath]. Without recognizing that even in Canada only 8% of sexual assaults get reported to the police. So like, just stereotypes around what a reasonable person, usually a man, would have done in the situation. And
then really disbelieving the woman’s experiences of violence because it doesn’t fit their own understanding, basically [sighs]. (Vidiya)

In using the phrase “common things” and linking her recounting of myths to low reporting rates of sexual assault regardless of immigration status, Vidiya situates the particular experiences of refugee claimants within a broader gendered landscape. Far from being a nation that has achieved gender equality, she is critical of a system that normalizes victim-blaming and androcentric conceptions of reasonable behaviour. This is important, because it implicitly challenges dominant narratives about Canada rescuing vulnerable women from “backwards” countries. While it may indeed be the case that women are escaping violence in their home countries, this does not translate into a violence-free space in Canada. The fact that Vidiya can so quickly recount these myths perhaps speaks to the ways in which her advocacy work is saturated with these myths.

Marta, a refugee advocate with over twenty-five years of experience, likewise described how the refugee determination system works to silence women from reporting violence. This has to do in part with the fundamental mis-recognition of how trauma works – something which affects all survivors of gendered violence, regardless of their immigration status. As she described:

\begin{quote}
It’s a system that doesn’t really work with the way that women process things in their lives. For example, a woman who is experiencing violence, it takes a while for that woman to come to terms with understanding what it means, that violence in her life… For example, sometimes trauma that is not processed sounds like women are not being sure about what they are saying. So people interpret that as lying, right? Because it’s shame, of course, and there’s fear and all that. (Marta)
\end{quote}

Marta shows how the process of healing from trauma – including feelings of shame and fear brought about in a misogynistic culture – is misinterpreted as unethical behaviour. Like Vidiya, she situates the experiences of VAW within a broader systemic problem of the mis-recognition of women’s needs.

Marta then brings both of these dimensions together – Eurocentrism or white supremacy or racial logics, with gendered trauma, which culminate in racialized immigrant women not being believed as they move through the system. As she explained:
I think there’s a very, very anglo-Western frame of understanding human behaviour. Right? And how people should be telling a story. And their demeanour, everything about them should be in a particular way. If you don’t understand it, then you think ‘well they’re lying’. Okay, they’re lying or they’re deceitful. They’re trying to take advantage of the system… Your mouth is being shut. And all you say, is something that will incriminate you in some way or another. (Marta)

In this passage, Marta names the racializing logic that governs dominant understandings of human behaviour as typical of a Eurocentric model. Importantly, she shows the interaction between its gendered and racializing effects. The claim that women are lying moves from ‘lying about sexual violence’ to ‘lying about one’s status as a refugee’. In other words, not only are experiences of gendered trauma mis-recognized by the system, but they are also criminalized as acts of illegality. In such cases, women are not only viewed as lying about individual male perpetrators, but also circumventing the sovereign authority of the state to manage borders. In this way, the victim of gendered violence is re-framed: the accused perpetrator is a victim of a ‘deceitful’ woman, AND the Canadian state - whose generous humanitarian policies are being taken advantage of by deceitful women – is the victim of the foreign national. Marta thus links this disconnect between women’s experiences of trauma and the way the system works, to a Eurocentric and androcentric understanding of human behaviour. This deeply embedded structuring of women’s experiences then gets intensified through the particulars of the refugee determination system.

Postnational advocates’ deeply-held feelings about the Canadian state likewise shaped their desires for social change. Like the majority of participants with postnational beliefs, Zoya, a legal advocate with over fifteen years of experience, expressed a desire for “a world without borders”. However, when I asked her to elaborate, it was clear that ‘no borders’ signified a much broader desire for a world beyond the settler-colonial state:

… I would want a completely different economic system. A different global economic system. I would want, you know, an end to racism, patriarchy, capitalism, imperialism, ableism, homophobia, transphobia. It would be a completely different world!
Like Zoya, Sam, another legal advocate with twenty years of experience, also linked the desire for open borders to a much broader restructuring of the world order. As he described:

> I mean, if I could really wave my magic wand, I would want to see more equity between the North and the South. Um, more support for women’s organizing in the global south around equity, and more supports globally for women to go through education, to have access to resources, supports around gender-related violence, and [pauses] open the border! (Sam)

However, these desires also produced inner struggles. They expressed dissatisfaction and a range of emotions such as fear, shame, guilt as they disclosed their desires to me. I attribute this, in part, to the limitations of postnationalism as a heuristic device. There is no blueprint, which makes it difficult to sustain. For example, when I asked Vidiya how she would change the system, she first started with a qualifying statement: “Well, if I had to be practical [pause]…”. At this point I quickly interjected by explaining “You don’t have to be practical, it’s a magic wand [laughter]. But you can start off practical if that’s where you want to go”.

Vidiya then switched gears, and listed off three qualities of a more “just” immigration system. She qualified that she saw these qualities as somewhat idealistic in their achievability, but they were still central to her personal politics: 1) the immediate regularization of all non-status people residing in Canada; 2) the ending of immigration detention; and 3) the opening of borders. While her listing of #1 (regularization) and #2 (ending detention) were stated quickly and in a way that was meant to be self-evident, Vidiya took more time to explain her open borders philosophy to me: “I struggle with coming philosophically from a “no borders” perspective, but not really knowing or having any ideas of how that would work out, really”. Not only does she not know what no borders would look like – which speaks to her lack of ever experiencing it – she also has “no idea” how it might “work out” in practice. To what extent would the right to free movement and the right to stay actually translate into a more just world? The unknowns of a postnational approach in actuality – namely, to what extent would no borders translate into no more racial injustice – suggests that there is a lot at stake for her in re-designing the system.

**4.4.1 Postnational Acts of Citizenship**

Advocacy work looked very different when I took this normative dimension into account. How they performed this work, what meanings they attributed to their practices, and the effect it had
on them suggest that these were performative acts, a way of keeping their ideas alive and blueprinting them in small ways in order to sustain their hopes and sense of efficacy in spite of the contradictions of their position.

One participant\textsuperscript{19} who worked for a faith-based grassroots organization, described a fairly detailed approach to working with survivors of violence.

We help anybody here regardless of status… It’s an active policy… It’s active and we’re conscious about it. I don’t collect it, in any of my forms. I don’t even collect peoples’ addresses. And I do it on purpose, yeah, like very intentional.

What is significant here is how the participant distinguishes between a conscious “Don’t Ask Don’t Tell” (DADT) policy and one that is purely symbolic or at the level of rhetoric only. She links intentionality to the everyday practices that she engages in, in terms of the nuts and bolts of her work, down to the details of her administrative forms.

In terms of “Don’t Tell”, the fact that any information discussed between a lawyer and client is privileged information also provided added structural protections, which in effect rendered a DADT policy less relevant. As one legal advocate explained:

[DADT] is not necessary from a legal perspective because this is a privileged site.
So, like, protected by client privilege. So if CBSA or whatever were to come, I mean… they wouldn’t do that in general to a lawyer’s office (Legal advocate)

However, even here, my question about DADT gave her pause, where she reflected about the symbolic importance as follows:

\begin{footnotesize}
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\footnotes{19}{In this section, I’ve removed pseudonyms altogether because of some participants’ concerns around confidentiality. The community of advocates is small enough that readers might be able to identify specific advocates or organizations. In particular, some participants were concerned about disclosing their particular policies in ways that might open them up to interference from CBSA investigators (for example, disclosing whether or not they collected data on status, and how it was stored. Or disclosing how they might resist actions by CBSA offers to enter the premises of shelters with legal warrants). Others were concerned with offending potential private funders who did not share their individual politics, or risking negative repercussions from state funders more generally. In some cases, I suspected that more front-line workers did not want their individual politics to be counted as representative of their employer’s or were worried about getting into trouble with managers for expressing particular views.}
\end{footnotes}
\end{footnotesize}
Even though legal clinics don’t need one [a DADT policy], it might be a good sort of public awareness, or support for that idea or tool, for clinics to kind of announce that they are? …Um, so, implicitly we for sure have one (Legal advocate)

The advocate shifts in her response to DADT during our conversation, moving from a position of the impracticality of having a DADT policy, to a framing of DADT as implicit in how services are carried out. So, while the organizational context might shape the perceived need for an active DADT policy, there is also a symbolic dimension that advocates use to signify their support.

My analysis also showed how the very terms of DADT itself were shifted by advocates, as they “blueprinted” or translated more universal conceptions of DADT into the specific contexts of anti-violence work. A third legal advocate linked the impracticalities of DADT with the shift toward an “Access Without Fear” approach for service provision:

I think access without fear recognizes that, you know, as service providers and as legal service providers, we do need to ask in some ways. But the purpose of the question, and the limiting of the question to what’s required to identify consequences and risks, or appropriate services [is different]. So it’s not so much a Don’t Ask, because I think it is important to ask (Legal advocate).

The advocate shows how it’s not so much about whether you ask or don’t ask, but rather, about how you ask. The distinction here is in asking to determine eligibility for services, versus asking in a way that already assumes status as a human being. The asking then becomes about advocating for rightful access to services. This requires limiting what is asked – only asking for enough to support the person and ensuring their comfort along the way. The legal advocate goes on to explain how reassuring the individual of their implicit Don’t Tell policy is key to ensuring trust. As she explained:

We always reinforce that it’s not a question that’s being asked for the purposes – we don’t have any obligation to report to immigration. We’re not immigration enforcement. That’s not our role. So I think it always is a part of trust and re-affirming confidentiality. And explaining the role of and what the reasons for the questions are (Legal advocate).
Part of the confidence of her position, however, comes from the organizational structure of the legal profession i.e. privileged information. In this case, the legal advocate distinguishes between the degree of confidentiality that she can offer as a lawyer, from the levels of confidentiality that her colleagues who are not lawyers can offer. As she explains:

I know for VAW counsellors also there’s no requirement to disclose immigration status or lack of immigration status. I think where difficulties come around is around um, disclosure of child abuse or child protection issues… I know there’s been conversations [in my organization] with counsellors around how to meet their obligations and meet the needs of the women when complicated immigration status issues comes up. (Legal advocate)

She contrasts this with her own role as a lawyer:

Legal is a little bit different because of the privileged nature of information… You don’t have the same disclosure obligations as counsellors and social workers and other service providers around awareness of child abuse matters. *I mean, it’s always a conversation and a call.* But, it’s a little different in terms of the work that I do. (Legal advocate, *my emphasis*)

The advocate describes the security of having professional protection as a lawyer, in terms of her capacity to engage in access without fear service delivery. However, her comments at the end suggest that there is still some amount of discretionary power that she as a service provider can exercise in navigating competing interests of the client and children, for example.

**4.5 Securitized Workers: overt settlerism and the erosion of citizenship**

In response to the change in government, advocates expressed alarm at what they saw as a waning capacity to ‘work’ the system from within. The context of securitization played a key role in this interpretation, where advocates were no longer able to effectively mitigate fear of deportation among survivors, nor were they able to regulate their own feelings about the state to the same degree. In my conversation with Lin, a legal advocate with over twenty-five years of experience, she described political participation using the metaphor of a pressure cooker. As she explained to me, advocates can play an important role in adding pressure to governments, to the point where state authorities need to make some changes in order to “release the steam”
produced through political pressure. In reflecting on what has changed about the political system under the federal Conservative government, Lin described a political system that has been irrevocably damaged:

I’ve worked in this field for a long time, it’s never this bad. And there is no way out. It’s not like, like I think even before, with the previous government it’s like, sometimes they will back down. Or if things get too bad, they will, it’s almost like you have to, if the pressure is too high you kind of have to release the pressure a little bit? And then you’ll have some kind of a program to help release the pressure or whatever, right? With this government there’s nothing. They release the pressure by removing as many people as possible. (Lin)

For Lin to suggest that there is “no way out” signals the extent of her frustration and hopelessness from her sense of being shut out of democratic process. She draws a direct link between her sense of inefficacy and the securitization of state power, which wields the threat of deportation in order to quiet resistance, rather than responding to political pressure from advocacy groups.

In my analysis of these advocates’ accounts, I show the “triggering” effects of this work on advocates own sense of efficacy and security. This finding is supported by psychological and social work literature on vicarious trauma (Burstow 2003; Schauben and Frazier 1995). As a sociological phenomenon, however, I theorize this response as evidence of cumulative impact, where participants were confronted with the limits of their own substantive citizenship in an unequal state (see Fig 2). This impact was expressed through feelings of hopelessness and inefficacy among the advocates I spoke to, which had implications, I suggest, for advocates’ political participation and solidarity-work across the citizenship divide.
A majority of the advocates whom I spoke to described feeling overtly or covertly targeted by securitization of Canada’s borders and restrictions on access to citizenship. Perhaps unsurprisingly, all 6 of the participants who worked in women’s shelters brought up the threat of border enforcement as a particular form of targeting that affected their workplaces. This was particularly the case after the Canadian Border Services Agency (CBSA) issued a national directive effectively allowing immigration officers to enter women’s shelters for the purpose of investigating and removing ‘foreign nationals’ (Abji 2016; Bhuyan 2012; Fortier 2013; Villegas 2015).

Sharon, a shelter worker with over ten years of experience, described an interaction with CBSA that she experienced. As Sharon recounted her experience dealing with CBSA to me, she was visibly upset:

I remember a case which will always stay with me. It was a woman who was being choked by her abusive partner. [Pauses]. There was a warrant out [for her deportation]. She chose to call the police, because this is her life, right? And um, she calls the police, and she was able to get help and go to a shelter. And then they [the police] plotted with immigration for her to go pick up her stuff at the apartment - and unfortunately, we didn’t know this at that point, but um, that’s
when immigration was there to apprehend her! And they ended up deporting her!

(Sharon)

Sharon signals the intense precarity of the case, by first calling attention to the survivor’s choice to call the police as a choice between life and death: “because this is her life, right?” In describing this as a case that will always stay with her, what Sharon in effect describes, I suggest, is a form of social scarring (Landolt and Goldring 2015). This arises from bearing witness to the unexpected violence of border enforcement in collusion with police, which then becomes a ‘scar’ that marks her expectations of future interference from border authorities. Significantly, her position as a service provider is undermined in this process, where she herself is excluded from the back stage negotiations that she later discovers took place between police and immigration, and as a result is unable to resist or prevent deportation of the survivor she is supporting.

In her next statement to me, the impact of this on Sharon as a gendered worker becomes even more apparent. In a voice shaking with indignation, she explained:

See, you put women more at risk if you’re targeting VAW shelters. Someone in an abusive relationship, this is about their lives… And you want to target them when they’re the most vulnerable! How cruel is that? This is about life! Women’s lives. (Sharon)

Sharon’s repeated use of the phrasing “women’s lives” again signals the stakes involved in the threat of deportation. Her use of the signifier “women”, however, is also significant here. It moves from the singular case example to the plural “women”, and hence includes a degree of ambiguity in terms of the particular women who are impacted. For example, the perceived cruelty of the state’s actions arguably extends to the undermining of feminist advocacy work, where for example, Sharon’s capacity to protect women might be undercut at any moment by police collusion with immigration enforcement. Likewise, the vulnerability of non-status women to state violence is also compounded by the perceived vulnerability of VAW shelter workers to the tactics of an increasingly securitized state. This is an act of cruelty by a state that should be supporting feminist advocacy work, not undermining it.

Although none of the advocates in my sample reported having direct confrontations with CBSA officers in their particular shelters, the very possibility – or threat – of border enforcement was understood as a direct violation of the feminist organizations where they worked. For example,
Rosa, a shelter worker with twelve years of experience, described how the shelter where she works is open to any woman or trans-woman experiencing gendered violence. Yet, I observed that every time Rosa mentioned CBSA or the possibility of border enforcement in her workspace, she ‘knocked on wood’ by knocking her fist against the table. While this was perhaps an unconscious gesture, it signaled to me that the fear of potential conflict was ever present in the space where we were sitting. Noticing her discomfort, I took a moment to reiterate the confidentiality protocols of my research study and reminded her that she was under no obligation to answer any of my questions. She responded by thanking me, and then took the opportunity to describe how her shelter has an active policy for dealing with CBSA, noting that “like most of the shelters, we have a process… we have a procedure, a protocol for CBSA”. Rosa’s repeated use of synonyms like policy, protocol, and procedure, as well as her linking of these to the majority of shelters, seemed to provide her some comfort as she reflected on the risks of border enforcement within her workspace. Rosa also took a moment to reflect on the recent successes that her organization has had in helping non-status women regularize without direct interference from CBSA. As she described: “maybe we are lucky? So far with the residents that we have, so far many things are working out?” That Rosa feels lucky that her shelter has not be the direct target of immigration authorities, speaks to the contingency of her feelings of safety in her work environment, which could disappear at any moment should her organization’s fortunes change. This contingency was also expressed non-verbally, in the way that her statements ended as questions as she reflected on her work environment.

Advocates also identified seemingly gender-neutral regulatory changes as having a profound impact on their efficacy as experts in addressing gendered violence. For example, under the Designated Countries of Origin (DCO) list, country of origin became more of a significant factor in determining the process, timelines, and success rates of refugee claimants. New timelines for processing refugee claims from ‘safe’ countries, for example, had a delimiting effect on advocates’ interactions with women refugees, according to the advocates whom I spoke with. When I asked Marta how the changes have affected her daily work, she responded:

There’s such little time! You can hardly even develop trust. And then you have to rush ‘oh go here, go there!’ [Laughs exasperatedly]. Something that happens too, with people, when people have been violated and suddenly talk about their stories
and you have to do it *quickly* and right away… ‘Okay, you have a month and let’s work on this’. It’s horrible! So I think it disadvantages everybody. (Marta)

Marta describes how her interactions with clients have shifted in the context of seemingly gender-neutral changes. In the very moment when a refugee claimant discloses abuse, Marta feels compelled to respond in a way that goes against her knowledge of best practices for developing trust. Rather, the potential deportability of her client should her refugee application not be vetted in time, in effect securitizes Marta’s crisis response. Her phrase “it disadvantages everybody” speaks to the cumulative impacts for both the survivor as well as in terms of her own efficacy as a provider who has to choose between multiple and competing sites of potential violence in providing support.

Advocates’ fears of being targeted also extended more broadly than border enforcement in shelters, to include seemingly innocuous state practices. For example, several respondents took care to mention the government’s tactics in announcing regulatory changes as intentional abuses of state power. In the following example, Vidiya expressed what she perceived as a significant shift in state tactics:

> The government would just quietly publish, you know, a bulletin on their website, without going through any sort of regulatory process. Or any of the usual processes that we’re used to when a law or regulation is changing, or a policy is changing. So it was just very difficult to keep up with everything. (Vidiya)

Some of the tactics that Vidiya describes refer to new discretionary powers of the Minister of Citizenship and Immigration to make changes to refugee policy without parliamentary oversight (2006). Vidiya’s use of the word “quietly” here, signals her perception that such powers were being used intentionally by the government as a form of deception. This was juxtaposed against a more democratic and transparent process that advocates had become used to as they learned to navigate the system. The circumventing of democratic processes is thus implicated in undermining the “social learning” that Vidiya and other advocates have developed in order to better navigate a changing system (Landolt and Goldring 2015).

Another advocate, Sophia, a refugee advocate with over 20 years of experience, pointed to the problematic timing of government bulletins, which she observed were increasingly published on Friday evenings, over the weekend, or during holidays. As she explained:
If you review how they are pushing through the changes, every time they make a change, it is a time when there is no parliament sitting, or over Christmas, or in the summer [looks at me knowingly]. And with all the changes coming so fast, you get so busy. You get tired [pause] and exhausted! (Sophia)

Like Vidiya, Sophia interprets the publishing of regulatory changes via government web-site as an intentional attempt to shut down resistance. This potentially limits the efficacy of advocates like Sophia who may want to prepare for regulatory changes or try to mobilize a response. The feeling of being undermined also renders her unable to fully relax on her time off from work, in case another change is secretly introduced while she is away. It is also significant how, in conveying this impact to me, Sophia used three words: busy, tired, and exhausted, each sequentially worse off than the former. I interpret this as her struggling to find a word that adequately describes the exhaustion she experiences from the everyday violence of feeling targeted by the state, including through changes that on the surface may seem innocuous to an outside observer.

One of the effects of feeling targeted involved the erosion of trust. Even in cases where there were seemingly positive changes made in part as a result of advocacy work, advocates were mistrustful about the overall intentions. As Marta described:

It’s almost like when they change something good in immigration policy, you always have to look at why that happens. Like what is the motivation behind that? ... And usually it is because they are tightening something else. You know? Another avenue, another door is being shut at the same time that they make one look open. (Marta)

It’s not only that the door only “looks” open, but rather the sleight of hand that advocates like Marta observe.

I also observed several strong responses to my visioning question at the end of the interviews. When I asked participants if they could ‘wave their magic wand’ and change the system in any way that they wanted, I received push-back and subtle forms of resistance to even going into that space. For instance, when I observed that Zoya was frustrated by the question, I asked her directly whether or not she thought it was a useful question. And she responded very positively at first, where she said: “I think it’s amazing, it’s totally useful to [pause] dream the impossible,
if that’s what keeps us hopefully inspired.” Despite her enthusiasm, Zoya went on to explain how this space for hoping or dreaming the impossible felt inaccessible to her:

But it’s almost like, for me, I get into so much of a rut that I just can’t, like, even imagine what things would look like, other than it is really bad right now. [Pause]

Which is not a good perspective to have… (Zoya)

Zoya’s frustration and loss of hope was striking to me in the interview, when I juxtaposed this against my own observations of her active participation in advocacy efforts beyond her service provider role. As she reflected on her incapacity to envision social change, Zoya recognized the problematic impacts this had on her own capacity to maintain perspective as an advocate mobilizing for the rights of non-status migrants.

Feelings of demoralization also led Lin to question her own efficacy as an outspoken citizen. I knew from my fieldwork observations, for example, that Lin was in fact quite successful in spearheading some modifications to proposed legislative changes through her advocacy work. But in a moment of reflection, she expressed her demoralized position:

Interviewer: Looking back on some of the advocacy work that you’ve done in the last five to ten years, what stands out to you as some of the things that were particularly effective? [Long pause] Anything? [Both laughing]

Lin: [laughing and sighing with exasperation] I don’t know if it made any difference whatsoever!

Lin likely noticed my surprise at her response. She gave it a bit more thought and went on to qualify her answer, mentioning specific legislative changes that she and others had played a key role in changing. But again here, this was expressed with a sense of overall inefficacy and powerlessness:

Lin: Although, okay, um, I do think that sometimes certain things were changed, because people speak up, right, you know? So for instance, they were going to change… the age of dependents [who could be sponsored from 21 to 18] but they only passed a regulation around parents and grandparents… so maybe sometimes they will have to consider some advocacy? [laughing] I don’t know…

Interviewer: Even with Bill C-31, they made some changes, right?
Lin: Yeah, they did make some changes, some minor changes [laughing] Like the ban on H&C, they have an exception around best interest of a child, you know, stuff like that…

What Lin referred to here were the legislative modifications brought about through advocacy work. However, for Lin, these were very minor changes that in the grand scheme of things did not impact the overall thrust of legislative reforms. As far as she was concerned, things were irrevocably changed through an overall restructuring of the immigration system that would be hard to undo, even with a change in government.

**Figure 3 Rupturing of postnational acts of citizenship in a context of securitization**

4.6 Conclusion

There are three main contributions of this research to current scholarship on precarious non-citizenship, gendered violence, and the security state. First, I showed the role of *normative logics* as a key dimension of citizenship. By drawing attention to these logics, I both applied and extended the assemblage model developed by Landolt and Goldring (2015). I offered an analytical model for studying normative logics as the interaction between deeply-held beliefs and the feelings they produce, which act as a moral compass in guiding social action. This included the types of social “acting” that were performed through service provision work as emotional
labour. Using advocates’ own accounts of their service provision work, I showed how they made strategic choices in their interactions with women with precarious immigration status, about which feelings to perform and which to regulate in order to mitigate women’s fears of deportation and to enable their access to shelters or other anti-violence supports. My analysis also showed the dialogic relationship between normative beliefs, feelings, and social action. Through performative actions, advocates were able to reinforce, recommit and/or to transform their deeply-held normative beliefs and desires for social change over time, as a form of political consciousness. Overall, the focus on normative logics as a key dimension for analyzing advocacy work is significant, in capturing empirically how ideas about social change are translated and “kept alive” even in cases where, on the surface, social action may be complicit in reproducing the very systems that actors seeks to change. In other words, social action is both instrumental and performative, producing both direct effects, as well as indirect affects and beliefs which guide future action.

The second contribution of this research emphasized the salience of postnationalism as a normative force in the contemporary moment. By focusing my study on a group of advocates who subscribed to postnational logics, I showed both the benefits and limitations of counter-hegemonic beliefs in addressing forms of structural gendered violence. The postnational dimension became clear in the interview itself, when I offered participants an opportunity to re-design the system. Advocates’ call for ‘no borders’ in these moments was performative, in signalling deeply held normative beliefs that were not easily expressed when talking about their work. Their desire for no borders was in part symbolic, in the way that it signalled a much broader array of hopes and desires: a world beyond state borders was imagined as a world beyond all forms of oppression, including those that touched their own lives as marginalized citizens along axes of race, class, gender, sexuality and other axes of inequality.

At the same time, the call for ‘no borders’ was also a source of insecurity for advocates, who expressed feelings of shame, guilt, and fear at the very same moment in which they disclosed their hopes during the interview. This came from worrying about whether or not the removal of borders would guarantee all of the many desires associated with this move, but also their feelings that such a hope was too impractical or too idealistic or even too emotional to express in a context where, as professionals, they were perhaps expected to rely on rational, realistic, and practical strategies for social change.
These acts in the interview were contrasted with how they described their acts of service provision. On the one hand, normative beliefs offered a moral compass for advocates in how they interpreted regulatory changes. However, it was through advocacy work that advocates sought out opportunities to “blueprint” their visions of a more just world in small ways, by working the system from within. As I showed, they engaged in processes of social learning, building informal networks of like-minded advocates and exchanging strategies and tactics. Conceptualized as postnational acts of citizenship, this work produced feelings of efficacy and resistance for them, which helped mitigate their own feelings of inner conflict – something which they could not quite achieve through beliefs alone.

A third contribution of the paper shows the changing contexts of advocacy work over time. What advocates’ own analyses of the changes show is a much more expansive understanding of violence against women as a form of gendered structural violence, that intersects with race, class, sexuality, and other forms of social inequality. They linked current manifestations of structural violence with historical forms of colonial violence as part of an ongoing project of settler colonialism. This made them cautious about attributing precarity solely to the actions of the Conservative government.

At the same time, they also operated in a climate where the logics of state power were shifting. Described as their “worst nightmares” of settler colonialism come-to-life, their deeply-held beliefs about the system were both a source of righteous anger (the “I told you so” response) and a form of fear of state violence materializing in their midst. One of the effects of this was to make the regulation of the self more challenging as they came to see themselves as objects of state violence, and instead expressed feelings of exhaustion, terror, and hopelessness which made performing postnational acts more difficult.
5 Postnational Citizenships? Acts, Affects, and Imaginaries for Addressing Gendered Violence and Precarious Migration

As I wrapped up my fieldwork in the fall of 2015, new changes were afoot as a national election was underway. In October 2015, the Conservative government that had been in power for the past decade under Prime Minister Stephen Harper, was replaced by a majority Liberal government under Prime Minister Justin Trudeau. The Liberals had made several electoral promises to reverse changes to the regulatory system introduced under the Conservatives. Within a few months after being elected, the new government accepted 25,000 government-sponsored and privately-sponsored Syrian refugees (Government of Canada 2016). Women and children refugees and men with families were given priority status relative to single men, because of the particular vulnerabilities that these groups faced, but also because such groups signified “a lower security risk” in the dominant imagination. During the election, the Liberal party had also promised to repeal conditional permanent residence for sponsored spouses, and to reform the temporary foreign worker program – although whether or not these changes materialize and the scope of policy change has yet to be determined.

In my final two months of fieldwork following the election, I watched as advocates debated various strategies for holding the government accountable for its election promises, and what such changes might mean in reality for the everyday lives of migrants with precarious status. The general mood seemed cautiously optimistic. In my informal conversations with advocates as well as in public meetings and events, I heard advocates express relief that the “Harper era” was over. For some, this was a sign that Canada was returning back to its original promise as a humanitarian and inclusive country of immigrants. A priority for these advocates was “getting on the good side” of incoming Ministers of Parliament and other decision-makers in order to influence policy. Yet, there were others who expressed caution in the same breath as they indicated relief. They shared stories about past dealings with Liberal governments as cautionary tales. Some worried about shifting political will on the part of local level governments to offer sanctuary to non-status residents, now that the same party governed at provincial and national levels. Others conveyed fatigue as they thought about the work involved in adapting their practices “yet again” to new policy changes, as well as the possible unintended consequences of
seemingly positive changes. Still others conveyed sadness about the irrevocable damage that they felt had been done in terms of laws and policies that would be difficult to undo. They surmised that the anti-immigrant sentiment that had been so openly expressed by the previous government now had a permanent home as permissible, openly-racist discourse within the national imaginary. In the spirit of cautious optimism, I watched as advocates regrouped and recharged for what was generally understood as another uphill battle, but this time with a government that was seen as the lesser of two evils.

Ferree and Merrill (2004) note how, during such times of political change, new gradients of opportunity may be produced for social movements to re-frame their claims in more radical or resonant ways. To what extent changing political regimes in Canada might impact activism on gendered violence and precarious migration remains an open empirical question. Nevertheless, as I have argued in this project, attention to the postnational dimensions of activism offers fruitful insights into the changing political landscape, which may have otherwise been overlooked or understudied. In this dissertation, I have drawn from and extended such insights, by providing an extended case study of postnational logics of citizenship as an analytical tool for studying and addressing social inequality.

5.1 Contributions of the Research

In this project, I join a small group of scholars who have challenged the too-easy dismissal of early theories of postnationalism in the 1990s (Bosniak 2001, Basok 2009). In Chapters 1 and 2, I offered a re-reading of early postnational theories, where I argued for the inclusion of a much broader scope of literature which incorporates postnational normative logics of citizenship in its approach (Carens 1987, 2010, 2013; Benhabib 2006, 2007; Bosniak 2001, 2006; Sassen 2006; Shachar 2009a, 2009b). In my approach, I distinguished between two streams of postnationalism that emerged in the 1990s: an empirical strand and a normative strand. Whereas Soysal’s influential work was taken up as an empirical study and critiqued for failing to provide substantive evidence of the declining relevance of national citizenship, a second more normative stream emerged within political theory. These scholars drew from postnational logics to challenge the legitimacy of the nation-state model as fundamentally exclusionary, and to critique birthright citizenship as a modern-day form of feudal privilege. Some also developed new imaginaries for how we might organize rights and membership beyond the nation state, including
calls for open borders or denationalized models of membership, even in cases where the specific terms they use might have varied e.g. global, cosmopolitan, post-Westphalian, or urban citizenship. I argued that postnational logics continue to inform such political theories of citizenship to this day, even though the term postnationalism itself has fallen out of fashion. As self-consciously normative theories, however, such critiques stopped short of providing a concrete blueprint for how postnational citizenship might be institutionalized or formalized. As Bosniak argues, the challenge of “determining how [post-national] commitments might be institutionalized” remains a critical gap in the postnationalist project (2001, 249). This limitation provides an important justification for sociologists to return to a more empirically-focused analysis of postnational logics “in practice” among social movements and other sites of social change.

A second theoretical contribution of the project, involved the extending of two sub-fields of sociological scholarship where postnational approaches have been overlooked. In my review of scholarship on gendered violence and precarious migration, I argued that a postnational intervention was necessary to address this gap – not only as a theoretical exercise, but also because of the growing empirical evidence of postnational approaches being used by some activists to address social inequality on the ground (Basok 2009, Berinstein et al 2006). In Chapter 3, I extended feminist scholarship on state responsibility and women’s human rights, by first showing the implicit statism of transnational approaches (Knop 1994). I then drew from postnational critiques of birthright citizenship, to highlight key conflicts between state sovereign interests and women’s human rights that remain unresolved in previous approaches. In Chapter 4, I drew from postnational theory to extend Landolt and Goldring’s assemblage model of precarious noncitizenship (2015). I argued that normative logics are a key dimension of the work performed by service providers who mediate access to citizenship for non-citizens. Scholarly attention to normative logics can help reveal the deeply-held beliefs and feelings that guide social action, as well as the transformative dimensions of counter-hegemonic practices, which on the surface may seem indistinct from practices that are hegemonic in their beliefs and affects. Normative logics thus offer a key dimension for analyzing empirically how ideas about social change are translated and “kept alive” even in cases where, on the surface, social action may be complicit in reproducing the very systems that actors seek to change. In other words, I showed
how social action in the assemblage model is both instrumental and performative, producing both direct effects, as well as indirect affects and beliefs which guide future action.

In addition to theoretical contributions, my project also offered important empirical insights into the framing strategies and practices of citizenship being used by postnational activists on the ground. I offered two case examples of discursive framing strategies used by postnational activists in Chapters 2 and 3. In both cases, I showed evidence of statist and postnational human rights frames being used by advocates to address a range of social concerns, including VAW. I argued that postnational frames offered new opportunities for activists to critique state power, including the role of deportation in intensifying women’s risks of violence in their interactions with partners, families, employers, landlords, and other community members. However, postnational imaginaries were limited in their capacity to articulate or institutionalize what freedom from gendered violence might actually look like in a world ‘beyond the nation-state’. In terms of discursive strategies, this posed contradictions for activists, who made claims against the state as a perpetrator of violence, while simultaneously appealing to the state to offer protection and violence prevention for all women regardless of immigration status.

In Chapter 4, I shifted focus to consider the postnational practices of citizenship being used by advocates in the VAW field. Here, I focused on the contradictions of postnationalism for a sub-group of activists whom I observed in the field. These advocates were citizens who subscribed to postnational logics in their anti-state activism, but they also worked as service providers who mediated access to citizenship for migrants and, as such, were implicated in the enactment of state power over borders and membership. What I ultimately offered was an expanded analytical model for studying postnational logics, which captured the performativity of a postnational ethics in practice. I termed such counter-hegemonic actions as Postnational Acts of Citizenship, arguing that such forms of dissent are an important part of how citizenship is constituted. I showed how postnational acts of citizenship were not purely based on rational action, but had important affective dimensions. Advocates drew from deeply-held beliefs and feelings about the state as a moral compass in interpreting changes to the refugee and immigration system, as well as their own participation – and often complicity – in reproducing precarity for non-citizens. I traced how they regulated their own feelings about the state as they engaged in service provision work with women in crisis. My findings thus extended early approaches to postnationalism by
expanding both the performative and affective dimensions of such work through empirical accounts.

My interviews with advocates during a time of significant regulatory change, also raised troubling findings about the securitization of women’s rights and anti-violence spaces. Focusing on the perceived effects of this change on advocates’ own experiences of political participation and efficacy, I show how advocates who subscribed to postnational logics increasingly came to see themselves as objects of state control in their work as service providers (rather than as subjects who wield state power in the interests of moving beyond the state). This engendered feelings of fear, exhaustion, despair, and even terror in how they interpreted the actions of the state. This affective response translated in some instances into a loss of hope and reduced sense of political efficacy, where advocates described moments of disassociation from their work with non-citizens. In pointing to the effects of securitization on the work environments and citizenship of advocates themselves, my work joins a small group of scholars concerned about the erosion of citizenship in an era of securitization. Indeed, I argue that such erosions amount to what Menjivar has termed a “violent situation” for a group of advocates who, I suggest, experience securitized forms of structural violence as both gendered workers and marginalized citizens within the polity.

5.2 Limitations and Future Research

As an extended case study, this research is limited in terms of the scope and generalizability of the findings. Given that this research was carried out during a very intense period of restructuring of the Canadian refugee and immigration system, for example, to what extent these observations carry across into the contemporary moment is a question worthy of future investigation. In chapter 3, however, I suggest that while advocates’ perceptions of the federal government might shift and change over time, the underlying processes of structural violence continue to shape and inform advocacy work. The same holds true in terms of the generalizability of my interview data. In this project, I focused on a sub-sample of advocates working in a dynamic and heterogeneous field. To what extent postnational logics have shaped or diffused into feminist organizations more broadly is an open empirical question. Indeed, as emergent norms, postnational approaches
may continue to evolve as differently-positioned actors adapt such logics to changing circumstances.

In terms of data analysis, I have chosen to focus primarily on the relationships between advocates and the state, as well as between advocates and survivors. However, a pattern in my empirical data not covered in this dissertation involved the impact of regulatory changes between and among advocates working across organizations. For example, some advocates described their dismay at witnessing management at other organizations cooperating openly with the CBSA as a way of currying favour – they argued – with the federal government at the time. The cleavages that emerged between organizations and advocacy groups in competition with each other for state funding is a topic worthy of further investigation, in so far as it fleshes out yet another dimension of the advocacy environment and the impacts of securitization on that environment (Beres et al 2009; Bhuyan 2012; Taylor 2008).

Likewise, the research focuses primarily on service provider organizations as a site for advocacy work. In my approach, I expand beyond women’s shelters – a conventional yet narrow focus – to also look at interactions with survivors across refugee, settlement, legal, and health sectors. However, a pattern observed in the data that is beyond the scope of this project, involved the increasing role of immigration detention as a site for advocacy work. As a tactic of border control, immigration detention is quickly becoming a salient issue for postnational activists in Canada (Bosworth and Turnbull 2014; De Genova 2007; Mountz et al 2012; Nyers 2009; Rumford 2008). Although detainees make up a relatively small portion of Canada’s population, the social exclusion experienced by this group is constitutive, in that it shapes the boundaries between citizen/non-citizen, legal/illegal, and good/bad migrant dichotomies (Nyers 2009; Stasiulis and Ross 2006). Activists from civil society organizations and migrant rights groups have pointed to problematic trends in the government’s use of detention to criminalize non-citizens and to deter “unauthorized” migration (Amnesty International 2015; End Immigration Detention Network 2014; Gross and van Groll 2015). For example, Canada was recently reprimanded by the United Nations for its use of prolonged or indefinite detention of migrants – in some cases upwards of ten years – after activists brought evidence of this practice to the UN’s attention (Global Detention Project 2012). Activist groups have also condemned Canada’s use of mandatory detention for specific classes of refugee claimants and asylum-seekers arriving under new legislation passed in 2012, by asserting that these restrictions are being used to target
racialized migrant groups and to fuel anti-immigrant sentiment among citizens (Béchard and Elgersma 2012; Bhuyan et al 2014; Walia 2013). In my own fieldwork, I discovered that detention was becoming an increasingly important site for emerging advocacy efforts. This was particularly the case as stories began to surface of survivors being detained by border guards and deported from the intended safety of women’s shelters: a practice that was formalized under a national protocol introduced in 2011. Future research might take into account the role of immigration detention advocacy in shaping access to membership and rights. In terms of my own research agenda, my next project will analyze the movement of postnational advocacy work into sites of detention itself, and the resultant implications for how citizenship is shaped by these actors in response.
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