

## Policy responses to gender-based violence in the context of migration



### Country context

The persistence and normalization of gender inequality masks the problem of GBV from the general public and leaders in Canada. People believe that GBV service providers are “making a big deal out of nothing.” GBV survivors are stigmatized and blamed for their situations, while public perceptions and policy responses tend to individualize a structural problem.

The Canadian Council for Refugees, the Barbra Schlifer Commemorative Clinic and the Ontario Council of Agencies Serving Immigrants (OCASI) are some of the voices leading public conversations concerning the impacts of Canadian immigration policies on migrant women survivors of IPV.

### Good practices identified

The recent revision of Chairperson’s Guideline 4: Gender Considerations in Proceedings Before the Immigration and Refugee Board to reflect expert advice, evidence from social science research, and developments in law.

The new Guideline adopts an inclusive gender scope, while still recognizing that women, girls and LGBTQ2I+ individuals are disproportionately impacted by gender inequality, discrimination and GBV. The new “gender considerations” expand and consolidate Canada’s Immigration and Refugee Board’s commitment to fair adjudication of refugee claims involving gender considerations. As such, they pertain to one of the most vulnerable populations our study focuses, that is, women and LGBTQ2I+ refugee claimants.

Important legislative changes came effect in 2020 via the Divorce Act which:

- Provide a clear recognition that family violence is a form of child abuse
- Make family violence a mandatory consideration when determining the best interests of the child
- Do not make any presumption in favour of shared or joint parenting time, which must be decided on the basis of the best interests of the child

Such changes are expected to address some of the concerns of migrant women of “losing” their children if they go through a formal separation. For such changes to take real effect though, they need to be communicated to GBV migrant survivors.

Good practice requires:

- An intersectional approach to gender, including the historical, social and political context.
- A definition of GBV that recognizes the structural roots of the problem as “gender norms and unequal power dynamics” and clearly includes forms such as economic and psychological abuse.
- Avoiding myths, stereotypes and incorrect assumptions about who GBV affects and how victims are supposed to present themselves. GBV affects individuals based on gender, gender expression, gender identity, or perceived gender.
- Adjudication of refugee claims should be trauma informed, recognizing the impacts and distortions on memory and behaviour the latter produces, as well as the necessity for procedural accommodations.

### Migrant women’s experiences

Women sponsored under the Sponsorship Family Class Program often lack personal autonomy, agency, safety, and self-esteem due to their status in Canada as “dependent”. In the Family Class program, women who are victims of domestic abuse from a sponsoring husband or family member are particularly susceptible. Men often take advantage of this “status” and threaten to deport them to their home countries or have their children taken away, if they go against their abusive partners. Additional though distinct obstacles aggravating the experience of domestic violence and preventing immigrant women survivors from escaping can be economic dependence, isolation, linguistic barriers, lack of information about legal rights and supports available to women facing GBV, and even a lengthy processing time for Permanent Resident (PR) applications.

As some of our key informants stated:

- “When women are with precarious immigration status, then it’s incredibly risky, then they might stay in a situation and ... sometimes risking their own physical safety for much longer, because ... if their partner is their sponsor they can, you know, threaten to withdraw sponsorship.”
- “When we’re thinking about women who are experiencing violence, who are in danger and want to reach out to the police ... the barriers are related to the potential for ... being arrested themselves, of having their immigration status interrogated, or having child protection services become involved.”
- “[W]e help them with the application for temporary resident status. Of course, as soon as she says she is separated and living in a shelter, the difficulty is she doesn’t have any certificate, she can’t access hospitals, she has no health insurance, no work permit either. So, at that time, it represents a big challenge ... because she is not Canadian it causes a problem with regards to family allowance, that is stopped until she receives permanent status.”

### Policy changes required

Expand **pre-arrival** settlement services, including full information on GBV, the Canadian legal landscape, rights/entitlements and responsibilities associated with the legal status under which spouses come into Canada. Such information should be provided through recorded videos in the languages understood by the couple.

Fund and promote culturally sensitive GBV resources and support services (e.g., public health-care providers, settlement service providers) **post-arrival** for both permanent residents and women with precarious immigration status who might be vulnerable to exploitation and abuse.

Broaden government public education campaigns – in multiple languages and through a variety of community venues – about GBV and the rights and resources available to all survivors of GBV, regardless of their immigration status.

Enhance service providers knowledge of existing resources and organizations.

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### Policy deficits

A lack of understanding of intersectional positionalities and discriminations affecting migrant women in policy planning. In addition to shared vulnerabilities with respect to domestic violence, there are also intersecting identities and positions that aggravate experiences of GBV for migrant women. For example, not having access to information due to limited or no linguistic skill in English or French; living away from families, friends, communities of origin and supportive networks; having precarious legal status or insufficient knowledge about the Sponsorship Class Program, which make migrant women more susceptible to threats about losing their children or being deported.

Policy deficits also result from inadequate consideration of the structural and systemic roots of GBV in laws and policies that unintentionally discriminate against migrant women in terms of their consequences.

Particular issues identified are the greater susceptibility to threat of deportation or losing children and psychological or social and financial dependence on the abusing spouse, which increase the difficulties for migrant women (with dependent PR or precarious status) of fleeing the situation and seeking help. The gender-based violence here may be primarily psychological and financial abuse, forms that lie outside the current definition of GBV in practice and are harder to prove. Even the services that address the narrower, working definition of GBV are underfunded.

The abused woman (not the abusive spouse) with or without children, leaves the house and moves into a shelter. Furthermore, due to lack of space (vacancy) within the shelters for GBV survivors, abused women are often sent to shelters for homeless people, where they feel unsafe, especially women with small children.

### The State response

The Standing Committee on the Status of Women in Canada Report identified “the most common barrier for immigrant women fleeing IPV was a fear of deportation due to precarious immigration status”.

The Committee also recognized that underfunding is a major barrier to GBV survivors accessing services. Many GBV services are provided by women whose jobs are precarious and systematically devalued. The 2022 report of the Standing Committee recommends that the federal government, “respecting the jurisdictions of provinces and territories”, provide increased and sustained funding for organizations supporting survivors of violence.

There are also signs of increased recognition of the structural roots of GBV and the inclusion of other forms of GBV in working definitions, such as financial, coercive control and manipulation and intersectional dimensions (e.g., Standing Committee on the Status of Women, 2022; Chairperson’s Guideline 4, 2022; An Act to amend the Divorce Act, 2019; Status of Women Canada, 2018). It remains to be seen how these theoretical understandings will translate concretely into increased protection on the ground for migrant survivors of gender-based violence.

Canada recently announced \$121.2 million to build and renovate shelters with a combined total of over 430 beds, offering safe havens and transitional lodging for women and children escaping abusive relationships in different cities of Canada.