



## **GENDER-BASED VIOLENCE POSITION STATEMENT**

Incidences of violence against women and gender-diverse im/migrants can happen at any and all stages of the migration process (UN Women, 2021). While Gender-Based Violence (GBV) can be present before migration through forms of violence related to conflicts and gender-based persecution, experiences of violence can continue and be exacerbated after migration in countries deemed to be 'safe' (Freedman et al., 2022). Gender-Based Violence (GBV) towards women and gender-diverse migrants is harm directed against a person based on gender, gender identity (one's internal experience of gender), gender expression (one's outward expression of gender), and perceived gender (MacDougall et al., 2022; Ontario Human Rights Commission, n.d.). Gender-diverse individuals include trans and non-binary people, and those whose gender identity and gender expression differ from what is perceived as the norm (MacDougall et al., 2022). GBV can take many forms: physical, emotional, psychological, financial, sexual, economic, and so on, and it includes harm such as threats of violence, coercion, and denial of resources or access to services (UNHCR, n.d.). This conceptualization aligns with that of international organizations, such as the UNHCR. Individual acts of GBV are inextricably linked to wider social norms, values, and structures that create and perpetuate unequal power relations between groups of people. Thus, preventing GBV requires meaningful and widespread social, political, and economic transformations (Freedman et al., 2022).

Post arrival in Canada multiple forms of GBV can occur. Women and gender-diverse migrant workers with precarious status often experience multiple and interlocking forms of violence. Violence can be exerted interpersonally but also structurally and systemically through laws, policies, and practices which fail to protect women and gender-diverse individuals with precarious or no status (ibid). Focusing predominantly on the interpersonal violence and, thus, on limited categorizations of 'victims' and 'perpetrators' locates the problem of violence within the individuals while neglecting the structural systems (state and institutions) that create conditions that enable abuse (Hourani et al., 2021). These multiple and interlocking forms of violence can show up in experiences within families, at work, in institutions, and the state. In this position paper, the family context and employment context are discussed as they are major domains where GBV is exacerbated and maintained

through structural means through laws and policies that harm and deny resources to women and gender-diverse people with precarious or no status.

Too often the input, perspectives and active participation of women and gender-diverse people of precarious status are excluded from reform projects (Liew, 2020).

The Alliance for Gender Justice in Migration is centering those very same voices. This includes those who hold temporary work permits or visitor visas, refugee claimants, international students, undocumented people, and those coming through sponsorship programs. Women and gender-diverse migrants' gender identity intersects with other aspects of their identity, such as their race, immigration status, economic status, education, and family status to create circumstances where they are highly vulnerable to violence while lacking access to justice. We acknowledge the precarity women and gender-diverse im/migrants experience in Canada, while celebrating the resiliency it takes to navigate complex structural barriers in an effort to avoid further harm.

We are a network of people with lived experience, academics, advocates, and service providers across Canada who are actively working together to end discrimination against women and gender-diverse people with precarious immigration status. Women and gender-diverse people who have come to Canada and are vulnerable to losing their status, experience multiple oppressions and face uniquely gendered challenges throughout their immigration trajectories. We aim to build a coordinated response to systemic barriers and issues identified by members, conduct research and develop policy solutions, raise public awareness, and advocate for change to policies that create social, economic, legal, and political inequities. Applying a human rights approach and feminist intersectional analysis, we strive to create an equitable space where the voices of women and gender-diverse people with lived experience are at the centre.

The Canadian government has recognized GBV as a major factor contributing to the marginalisation of women in Canada. They have responded with initiatives such as *It's Time: Canada's Strategy to Prevent and Address Gender-Based Violence* in 2017 (Government of Canada, n.d. a) and the National Action Plan to End GBV in 2022 with the aim of creating a coordinated response to addressing the root causes of Gender-Based Violence in Canada (Government of Canada, n.d. b). With the current focus on GBV, the Alliance for Gender Justice in Migration aims to highlight the particular ways that women and gender-diverse migrants with precarious status experience GBV in Canada. Women and gender-diverse people with precarious status experience GBV from a variety of sources, however, legislations and policies meant to offer protection from GBV are largely inaccessible to them due to lack of status, linguistic barriers, lack of a culturally-sensitive approach and knowledge gaps amongst other reasons (Hourani et al., 2021).

Bringing these important perspectives to the table will help the Canadian government create policies and procedures that are truly inclusive and meaningful to women and gender-diverse individuals of all statuses (precarious and undocumented included) in the efforts to end GBV. It is essential that the Canadian policy framework be expanded to encompass an intersectional lens of the structural violence (e.g., in the form of social, legal, and economic inequities) that women and gender-diverse migrants encounter and to respond with a national strategy that addresses state/institutional violence, which deeply affects their everyday realities and needs. Such coordinated and intersectional efforts are crucial as experiences of GBV have long-lasting effects on this population as well as the families and communities within which they are embedded within Canada.

### **State / Institutional Violence in the lives of Women and Gender-Diverse Migrants**

Legal violence as defined by Menjivar and Abrego (2012) is ‘violence enacted or facilitated through the law’. It exerts its influence and control through various aspects of immigrants’ lives, resulting in immediate social suffering but also in long-term consequences (ibid). Women and gender-diverse migrants with precarious status may experience state and institutional violence in a number of ways, including through immigration policies, detention and deportation, border violence, racism and discrimination, forced family separation, and lack of access to justice and services. Due to their unstable and temporary immigrant status, they may experience Gender-Based Violence directly in interactions with government officials, such as police or immigration agents, as well as indirectly (albeit still powerfully) through discriminatory practices and lack of access to services and protection (also named ‘slow violence’, Freedman, 2022). In the case of women and gender-diverse individuals with precarious status, the fear of detainment, family separation, deportation, previous negative experiences with law enforcement, shame etc. prevent many from taking legal action against the abuse or harassment they suffer at the hands of perpetrators in the community (IRBC, 2022). This leaves women and gender-diverse migrants insufficiently protected and exposed and vulnerable to receiving harms interpersonally via various sources without much recourse in the face of experiencing GBV (Freedman et al., 2022).

For women and gender-diverse immigrants, risks for abuse can be significantly exacerbated by the gendered and racialized migration pathways which channel them into particularly precarious forms of migration (Faraday, 2019). Overwhelmingly access to the most secure forms of permanent immigration is based around criteria that, generally, advantage male life experiences (e.g., formal rather than informal education and/or paid rather than unpaid labour; ibid). These factors often heavily constrain their chances for regularization and access to resources (Freedman et al., 2022).

In their study about undocumented migrant women in Toronto, Bhuyan et al (2016) explored how immigration policies that deny women legal channels to seek protection produce

'gendered illegality' that in turn leads to exposure to a 'spectrum of violence'. Similar findings arose amongst a group of trans women in Toronto (Gailits et al., 2021) who reported how their precarity led to a multitude of types of interpersonal and further structural violence. Participants in these (and similar) studies report initially having seen migration as a safety mechanism, however, post-migration exposure to violence changed their thinking from Canada as protector to Canada as perpetrator. The multiple and compounded forms of oppression experienced in Canada, such as mistreatment and abuse at the hands of employers, landlords, law enforcement officers, intimate partners, and others in the community, coupled with lack of access to justice, jeopardized not only their feelings of safety but also their health and livelihood.

Thus, women and gender-diverse individuals with precarious status essentially experience a 'social entrapment' wherein the multitude of barriers they experience as they try to seek help when experiencing GBV are reinforced by inadequate institutional responses (Alaggia et al., 2009; Ptacek, 1999). Given this context, scholars use the concept of legal violence to examine how the laws that organize our lives produce or allow instances of physical, economic, and emotional violence (Menjívar & Abrego, 2012). While 'the state is not always itself the direct agent of violence', the law facilitates violence perpetrated by other actors (Abrego & Menjivar, 2011). Below we review how this structural violence can exacerbate GBV within contexts of family and employment.

### **In the Context of Domestic/Family Violence**

Research has pointed to the ways in which conditions that result in downward mobility in countries of destination may increase strain on family relations, which can lead to or contribute to incidences of family violence in immigrant communities (Freedman et al., 2022). Social Isolation, financial stress, discrimination, restrictions, and lack of privacy coupled with insufficient social and mental health support for newcomers may contribute to tensions and, thus, exacerbate use of violence in the household (Women's Refugee Commission, 2014). In addition, the pandemic has heightened the pre-existing crisis of Gender-Based Violence (Goldthorpe & Mayor, 2021). Without a broader structural conceptual understanding of GBV, more 'narrower' notions can often be employed by legal and policy frameworks. These narrow notions often perpetuate stereotypes of foreign 'persecutory cultures' by feeding directly to culturalist interpretations and indirectly to anti-immigration discourses, all which can lead to an overall weakening of the anti-violence agenda (Freedman et al., 2022).

Women and gender-diverse immigrants with precarious status, as a group, face additional barriers to disclosing or leaving abusive situations compared to those with Canadian citizenship. In general, the domestic violence system relies on a criminal justice model. Many women and gender-diverse migrants are concerned that engaging with this system

means jeopardising their own or their partner's immigration status, housing, employment, and healthcare (Hourani et al., 2021). Thus, they are trapped in abusive situations by a combination of interpersonal and institutional threats.

Women and gender-diverse individuals whose residency status is dependent on their partners are at high risk of Intimate Partner Violence (IPV) as they tend to remain silent for fear of legal repercussions (UN Women, 2021). They experience 'immigration-related abuse' (Tabibi et al., 2018) as they encounter threats from their sponsor while experiencing immigration policies that can cause harm to them.

Migrants who come to Canada through sponsorship programs feel immense pressure to remain with their abuser during the sponsorship period (5 or 10 years) if they have limited financial means as the cost of social assistance may be attached to their offender. Often legally designated and constructed as 'dependents' of the principal applicant, their access to language training and work may correspondingly be subordinated (Faraday, 2019). Women and gender-diverse individuals often face manipulations that are tied to their immigration status, as their abusers often use it to exert and maintain control over them. The sponsorship process itself is often used by abusers to keep survivors compliant and threats are often made to withdraw from the process if the survivor seeks help. If there are children involved and the children are in their country of origin, the offender may refuse or threaten the potential sponsorship of those children as means of forcing compliance.

For refugee claimants, their partner may manipulate them into believing that their refugee status depends on maintaining their relationship status. Further, women and gender-diverse migrants with precarious status may be prohibited from learning English or French or from getting a job, effectively isolating them from their community and preventing them from finding new opportunities that would help them break free from their abusers (Tabibi et al., 2018). Women and gender-diverse individuals with no status who are experiencing family violence may choose not to disclose due to poor financial circumstances, lack of legal status, and the threat of deportation. This is exacerbated when there are dependents involved as they are more reluctant to involve police for fear of losing their children (ibid).

Alaggia, Regehr and Rishchynski (2009) explored the impact of Canadian social policies, specifically immigration policies, on the ability of immigrant and refugee women in Toronto to free themselves from violence in their own homes. They found that individuals with precarious status who experience abuse from their sponsoring partner continue to cite the fear of jeopardizing their immigration claim if they were to separate from their sponsor, as well as fear of deportation and lack of resources to establish themselves financially.

The result is that many are forced to stay in abusive relationships. In their study with service providers in Quebec, Alberta and Ontario, Bhuyan and Bragg (2021) found that women who

had been sponsored by their partners were fearful of being deported and for this reason would remain within an abusive relationship. The fear of deportation acted as a tool to regulate and control behaviour of women by silencing them, obstructing safety or exit plans and, thus, gave their abusive partners immense power.

Threat of deportation combined with institutional (lack of) response as a form of abuse cannot be overstated. For women and gender-diverse migrants with precarious status, it can mean the difference between life or death. The case of Lucia Vega Jimenez, a Mexican national without status in Canada who hung herself in CBSA custody, speaks to the devastating consequences of these threats (International Human Rights Program, n.d.).

As Pringle (2020) indicates, there are cases of migrants making their way to Canada only for the spousal visa to be denied. The consequence of this, if the individuals do not want to return to the country of origin, is that they become undocumented and must endure a precarious life in Canada, while becoming ineligible to most, if not all services, as well as not being able to find legal work. Thus, they are further punished for wanting a life free of abuse.

Even if they do manage to access services, there are barriers (Hourani et al., 2021). They can encounter stereotypical 'culture-based' reasoning by service providers, which blurs the complexities of women and gender-diverse migrants' experiences of violence (Barbra Schlifer Commemorative Clinic, 2018; Evans & McIlwaine, 2018). This adds another layer of difficulty for those experiencing violence to speak up for fear that their stories will be used to perpetuate racist anti-immigration agendas (MacDougall et al., 2022).

For example, the following quote summarizes one woman's experience in this context:

*"[the workers] made comments on how gender-based violence is natural to Latin American culture, saying 'aren't you lucky to be here now'." (ibid)*

Narrow approaches by institutions, law enforcement, and service providers not only undermine the prospects of arriving at sustainable solutions for GBV but also exacerbate racist and Islamophobic narratives often used to depict migrant men as 'violent' and subsequently portray violence against their partners as a 'foreign' or 'cultural' problem (Hourani et al., 2021).

Another layer that can exacerbate and prolong these abusive situations is the undue delay of processing times for refugee claimant cases and permanent residence applications. Through this structural barrier, institutional regulations and policy contribute to family separation and often women who have faced intimate partner violence are forced to leave their children behind to seek safety. Facing extreme violence, they leave without their children due to custody issues, the inability to apply for passports or due to the limited resources available to women with children fleeing abusive partners and seeking safety.

## **In the Context of Employment Violence**

Migrants and especially women migrant workers, are heavily concentrated within certain sectors in Canada (e.g., domestic and care work, hospitality sector etc.), producing not just a migrant division of labour (Christou & Kofman, 2022; Wills et al., 2010) but a gendered migrant division of labour. In reviewing of studies over three decades of women migrant workers, Morokvasic (2007) reflected that gender hierarchies had not been overturned. The segregation of women into generally low paid occupations has reinforced gender hierarchies and maintained unequal power dynamics. Women and gender-diverse migrants with precarious or no status are at a heightened risk for experiencing GBV at work, as they often lack access to legal protection and employment justice (UN Women, 2021).

Filling these occupations is essential to maintaining and improving the health and lifestyle of many Canadians. For example, there has been an increased demand on care workers to take care of children in Canadian households so that both parents can stay employed, which contributes economically and socially back into the country (Wadehra, 2021). While Temporary Foreign Workers (TFWs) play a significant role in the Canadian society and economy by filling essential gaps in labour, they are at increased risk for abuse and exploitation by their employers and co-workers.

Many women and gender-diverse migrants with precarious status are more likely to accept deplorable working conditions (UN Women, 2021). Often found in the informal economy with limited rights and protections, they can remain trapped in precarious, low paid and devalued work (Canadian Council for Refugees, n.d.). In many provinces, workers with precarious status are disproportionately working in occupations excluded from protections under provincial Employment Standards, most notably care work and farm work (Gesualdi-Fecteau & Nakache, 2017). Furthermore, these exclusions from guaranteed labour rights disproportionately affect racialized migrant workers who predominately serve in sectors excluded. For example, over 90% of care workers in Canada are women, most of whom are from the Philippines, but also from African, Latin American, and Asian countries (Hanley et al., 2017).

Women and gender-diverse workers are far more likely than men to suffer certain forms of violence, such as sexual harassment in the workplace, including having been coerced into having sex with their employer for better working conditions (UN General Assembly, 2019). Especially those who are tied to their employer through a closed work permit are susceptible to exploitation. Abuses can include being underpaid, being exposed to dangerous working conditions, sexual harassment or assault, and discrimination (Canadian Council for Refugees, n.d.; Wadehra, 2021). Yet, women and gender-diverse migrants in these

situations are forced to comply with unsafe conditions and mistreatment as a condition of continued or extended employment.

Attempting to accumulate sufficient Canadian work experience to eventually apply for permanent residency is a major motivator for women and gender-diverse migrants to stay with their employers who abuse them. Already often apart from their children and/or families overseas, they cannot bear to risk prolonging the family separation that is often associated with temporary work in Canada. In addition, they often remit part of their income to their families overseas and cannot afford to take leaves or cannot encounter periods of no income, leaving them very little opportunity to take care of or protect themselves. Immigration policies, long processing times, and backlogs keep them in a continuous liminal state of accumulating and growing trauma that has been shown to have long-term negative impacts on migrant workers' health and well-being (Bhuyan et al., 2018).

Employers and those in leadership positions are well aware of the vulnerability of women and gender-diverse individuals with precarious status and utilize this, as well as their financial insecurities, to coerce and control them. This is exacerbated by the fact that policies against recruitment abuses are not rigorously enforced (Faraday, 2019; Hastie, 2021), resulting in women and gender-diverse migrants having to pay back thousands, and sometimes tens of thousands, of dollars charged by recruiters while working minimum wage jobs in Canada (Dixon-Perera, 2020).

For example, migrant caregivers in Canada, who are mostly women of colour, routinely experience exploitation and harassment, often sexual, related to their employment, especially when it includes a live-in component (MacDougall et al., 2022). Although caregivers can now choose to 'live out', a positive development in law, the Canadian Union of Public Employees (CUPE) found that caregivers cannot exercise this 'choice' due to their dependence on employers for immigration status, and their low wages (Barbra Schlifer Commemorative Clinic, 2018). Low wages and the high cost of living often leave migrant caregivers no choice but to remain in their employers' homes even when it is not a requirement (Bhuyan et al., 2018; Migrant Rights Network, 2020; OHCHR, 2023).

Living in an employer's home creates unequal power dynamics that make migrant caregivers vulnerable to wage theft, including working beyond their work hours without overtime pay, loss of privacy and autonomy, psychological, emotional, and sexual abuse. Thus, while women and gender-diverse migrant care workers make a significant contribution to public health due to their nature of their work, ironically, they themselves are confronted with health risks and barriers to accessing care (UN General Assembly, 2018; World Health organization, 2017). During the pandemic, these issues were amplified as migrant caregivers experienced heightened surveillance, restriction of movements, and increased work days without proper compensation (Mojtehedzadeh, 2020) For example, they were



barred from leaving the house, taking public transit, buying groceries, or visiting the doctor (Wadehra, 2021).

Women migrant agricultural workers, whose permits are tied to their employers, face similar issues. Although all migrant agricultural workers contend with restrictions within the farms in which they live and work, such as curfews and other house rules, such rules and restrictions tend to be stricter on farms that hire migrant women (Cohen & Caxaj, 2018; Encalada Grez, 2018). For example, women and gender-diverse migrant agricultural workers experience restrictions in sexual and social activities and are often explicitly prohibited from these activities and suffer severe repercussions when these rules are not followed, including being fired and/or deported (ibid).

Some women migrant farm workers face chronic sexual harassment at work, which includes unwanted physical contact, sexual demands, degrading words or gestures, and unwanted kissing or touching of a sexual nature (Ontario Women's Justice Network, 2014). In a more 'masculine' environment they can be seen as 'sexually available' by their male employers and co-workers (Noakes, 2015). However, they often will not report due to fears of not being hired next season and losing valuable income.

The following quotes from migrant women with this lived experience illustrate the above points:

*"It was known the supervisor would ask women out on 'dates' and if you went out with him you would be favoured by getting work hours. If you avoided him or refused, you would often be treated unfairly."*

*"I went with a friend who was being bothered by the supervisor, he was always trying to see her alone and frightened her. The owner told us she didn't believe this was happening and to stop making things up against him. The owner told the supervisor. My friend returned to our country."*

Other Gender-Based discrimination includes reproductive and pregnancy discrimination (Ontario Women's Justice Network, 2014; UN General Assembly, 2019). Canadian laws are very clear about pregnancy discrimination being a form of sex discrimination. Having to go through their employer to access sexual and reproductive health services prevent women and gender-diverse migrants from accessing the care they need. In some instances, pregnant migrant agricultural workers have been fired and have faced difficulties securing a new job, especially on a closed work permit (Hanley, et al., 2020; Larios, 2023). When they do access these services, lack of interpretation services and lack of a culturally-sensitive approach become additional barriers that discourage women and gender-diverse migrant workers from seeking help (Campbell et al., 2014; Ochoa & Sampalis, 2014).

The combination of lack of labour protection and status, recruitment fees, and employer abuse place women and gender-diverse workers with precarious status in an extremely precarious position which employers often exploit economically through wage theft, extremely long hours, excessive work demands, but also harassment associated with their gender (sexual, physical). In Canada, lax administration of provisions and the often nominal fines imposed on employers for often-gross breaches suggest that protections for migrant workers exist primarily on paper (Dixon-Perera, 2020; OHCHR, 2023; Stasiulis et al., 2020). Thus, regardless of the rights that women and gender-diverse workers with precarious immigration status may be entitled to on paper, the systemic barriers that prevent them from accessing their rights leave them exposed to exploitation and Gender-Based Violence.

The facilitation of gendered violence by way of immigration laws and policies allows employers to act with impunity; they are protected from prosecution and punishment that is commensurate, while women and gender-diverse migrant workers are left vulnerable to exploitation and violence. In other words, “formal rights have limited meaning if [...] workers are not able to experience the real protection of those rights and are not able to access effective enforcement of those rights” (Faraday, 2012).

Initiatives such as the The Vulnerable Worker Open Work Permit Program (VWOWP) offered to migrant workers who have endured abuse at work have been found to be problematic. Significant issues have been found, such as gaps in understanding by immigration officers with regards to what constitutes abuse, a lack of consideration or incorrect consideration of evidence, high evidentiary burdens, lack of procedural fairness, and enforcement action as a consequence of application (Aziz, 2022).

Several myths related to what constitutes a ‘genuine’ victim of Gender-Based Violence based on westernized and biased notions obstruct access to justice, for instance, misguided beliefs that a ‘true victim’ would have reported the incident immediately and would have left an abusive situation (IRBC, 2022). Thus, the process related to seeking justice when devoid of trauma-informed and culturally-sensitive approaches can, often, be retraumatizing in itself.

It needs to be noted that although migrant caregivers and agricultural workers are distinct groups of workers to pay attention to, there are also countless other women and gender-diverse temporary foreign workers in a range of other occupations, often low wage, who are experiencing similar workplace violence (e.g., in hospitality sector). Also, women and gender-diverse sex workers with precarious immigration status experience stigmatization at different layers of society, which exposes them to violence from a variety of sources (Fudge et al., 2021), while at the same time, they are being isolated from support networks that could offer them protection from this violence.

## Recommendations

Women and gender-diverse migrants with precarious immigration status are exposed to a variety of scenarios that increase their vulnerability to Gender-Based Violence, exacerbate their experience of it, and restrict their access to support and protection (Evans & McIlwaine, 2018). The absence of an intersectional analysis and the lack of a structural, institutional focus contribute to a failure to truly address many of the root causes that expose racialized migrant women and gender-diverse immigrants to violence, hyper-exploitation, and rightlessness (Stasiulis et al., 2020). To create a fair and just society where women and gender-diverse migrants with precarious status are able to thrive, and not just survive, the root causes of Gender-Based Violence must be addressed. Root causes include systemic discrimination and unequal power relations through policies and legislation.

It is essential that the Canadian policy framework be expanded to encompass an intersectional lens of the structural violence (e.g., in the form of social, legal, and economic inequities) that women and gender-diverse migrants encounter and to respond with a national strategy that addresses state/institutional violence, which deeply affects their everyday realities and needs. Such coordinated and intersectional efforts are crucial as experiences of Gender-Based Violence have long-lasting effects on this population as well as the families and communities within which they are embedded within Canada.

Systemic inequalities and barriers that contribute to the marginalisation of women and gender-diverse migrants with precarious status need to be addressed, including those related to immigration policies, employment rules and regulations, as well as access to resources. Migrants make critical contributions, yet are not afforded key protections that would work to prevent Gender-based Violence. Considering the complex barriers discussed, the Alliance for Gender Justice in Migration recommends the following:

**Create new pathways to permanent residency for all**, including for undocumented women and gender-diverse people.

- ⇒ Ensure long-term access to permanent resident status in addition to a short-term regularization program to address the root causes that lead to precarious immigration status in Canada in the first place.  
Immediate access to permanent residence for those experiencing Gender-Based Violence and abuse is needed.

**Establish legislative reform of immigration policies** to scrutinize withdrawals of sponsorship.

- ⇒ Empower survivors of violence to take charge of their own immigration process.  
Reform might include ensuring independent residency status for women and gender-

diverse individuals, so as to make immigration status not conditional on the sponsorship or guardianship of a specific family member.

**Empower women and gender-diverse migrants in precarious employment** situations with protections. This includes economic, social, and cultural rights, access to civil and political rights, and entitlement to key freedoms and human rights, such as freedom of movement, and the rights to life, liberty and security of person.

- ⇒ End the use of closed work permits in favour of open work permits to increase labour market mobility and reduce the power imbalance between employers and women and gender-diverse individuals with precarious status which often facilitates GBV.
- ⇒ All workers must be covered by Employment Standards. Any and all exemptions under Employment Standards for work predominantly being done by racialized migrant workers, such as those for agricultural workers and domestic caregivers should be discontinued.
- ⇒ Ensure there are real consequences for recruiters and employers who utilize Gender-Based Violence to threaten, coerce, and harm. Increase deterrent value of repercussions to larger fines and more serious sentences. Implement a proactive rather than complaint-driven system where unannounced proactive inspections and investigations are the norm, rather than the exception.
- ⇒ Legislation and systems created to protect migrant workers from illegal recruitment practices must be proactive and not rely on complaint-based processes.

**Provide adequate resources to investigate and prosecute perpetrators and offer support to survivors.** Reform should be made through a lens which acknowledges systemic inequities. Protections need to be put in place to prevent increased surveillance of migrants, and negative interactions with law enforcement.

- ⇒ Women and gender-diverse people with precarious status should be eligible for affordable or pro bono legal services, settlement services, and all services eligible to Canadian citizens. Immigration status should have no bearing on migrants' access to services. Provide accessible legal aid services for workers experiencing GBV so they can seek a path forward for leaving their current situation, while being informed and empowered about their next steps.
- ⇒ Giving survivors critical resources and access to health care, housing, and other supports would help to empower them, and put them on more equal footing, making them less vulnerable to exploitation. This should also include financial support in the form of government social assistance programs, in addition to funding for service agencies that provide support. Requirements to qualify for certain programs should

reflect the complex nature of migrant survivors' experiences, and more flexibility should be built into these programs.

- ⇒ Education and access to justice and information should be identified as goals, both through government initiatives, and in funding organizations that do this work. Migrants must be informed of their rights and protections, and survivors should be able to access information regarding supports available to them. This also requires addressing systemic problems such as a lack of access to the internet, or other technological barriers.
- ⇒ Ensure adequate separation between public service provision and immigration enforcement activities; for services to be effectively provided, and for service provision to have meaningful effects, the risks of interactions with law enforcement, or immigration status consequences must be minimized.
- ⇒ The Vulnerable Worker Open Work Permit Program is a band-aid solution that does not address the systemic issues that allow the conditions for GBV to occur. Root causes must be addressed as suggested above. In the meantime, simplify the process of applying to the VWOWP and ensure the process is not retraumatizing to victims. Provide more comprehensive culturally sensitive and trauma-informed support to victims of employer abuse within the process.

**Implement an anti-oppressive approach** that centres anti-racism, anti-sexisms, anti-trans and anti-homophobia when shaping reforms and policies.

- ⇒ Meaningfully consult with diverse migrants of marginalized gender and racial identities about how laws and policies affect their lives and incorporate their insight into future legislation changes.
- ⇒ Instead of putting the onus on survivors to prove their experiences of abuse, front-line service providers should be required to undergo training in trauma-informed care, as well as training in culturally-sensitive approaches as to not retraumatize survivors of abuse in the process.
- ⇒ Take steps to address the root causes of GBV, including gender inequality, by promoting gender equality through education, training, and awareness-raising campaigns. These initiatives should be inclusive to the experiences of all women and gender-diverse individuals, including those with precarious immigration status by highlighting their unique barriers. This can be achieved by supporting initiatives that

challenge harmful gender stereotypes and promote gender equality in schools, workplaces, and communities for a cultural shift.

## References

- Alaggia, R., Regehr, C., Rishchynski, G., & Austin, Z. (2009). Intimate partner violence, immigration, and the question of "cultural sensitivity": Implications for professionals. *Affilia*, 24(3), 274–289. <https://refugeereseach.net/wp-content/uploads/2016/05/Alaggia-et-al-2009-Intimate-partner-violence-and-immigration-laws-in-Canada.pdf>
- Aziz, A. (2022). *A Promise of Protection? An assessment of IRCC decision-making under the Vulnerable Worker Open Work Permit program*. Migrant Workers Centre. <https://mwcbc.ca/wp-content/uploads/2022/03/A-Promise-of-Protection-An-assessment-of-IRCC-decision-making-under-the-VWOWP-program.pdf>
- Barbra Schlifer Commemorative Clinic (2018). *Submissions to the Special Rapporteur on Violence Against Women*. <https://www.schliferclinic.com/wp-content/uploads/2021/07/BSCC-Submissions-to-Special-Rapporteur-on-Migrant-Rights.pdf>
- Bhuyan, R. & Bragg, B. (2021). 'Epistemologies of bordering: Domestic violence advocacy with marriage migrants in the shadow of deportation'. *Migration Studies*, 9(2), 159-178. <https://doi.org/10.1093/migration/mnz025>
- Bhuyan, R., Osborne, G., Cruz J. F. J. (2016). "Once you arrive, se te sala todo" (everything is salted): Latina migrants' struggle for "dignity and a right to life" in Canada.' *Journal of Immigrant and Refugee Studies*, 14(4): 411-431. doi: 10.1080/15562948.2016.1147630
- Bhuyan, R, Valmadrid, L, Panlaqui, E, Pendon, N.L, and Juan, P. (2018). Responding to the Structural Violence of Migrant Domestic Work: Insights from Participatory Action Research with Migrant Caregivers in Canada. *Journal of Family Violence*, 33(8), 613-627.
- Campbell, R.M., Klei, A.G., Hodges, B.D., Fisman, D., & Kitto, S. (2014). A comparison of health access between permanent residents, undocumented immigrants and refugee claimants in Toronto, Canada. *J Immigr Minor Health*. 16(1), pp.165-76. doi: <https://doi.org/10.1007/s10903-012-9740-1> PMID: 23124632
- Canadian Council for Refugees (n.d.). *Key issues affecting newcomer women and girls*. <https://ccrweb.ca/en/issues/gender>

- Christou, A. & Kofman, E. (2022). Gendered Labour. In: Gender and Migration. IMISCOE Research Series. Springer, Cham. [https://doi.org/10.1007/978-3-030-91971-9\\_3](https://doi.org/10.1007/978-3-030-91971-9_3)
- Cohen, A., & Caxaj, S. (2018). Bodies and Borders: Migrant Women Farmworkers and the Struggle for Sexual and Reproductive Justice in British Columbia, Canada. *Alternate Routes: A Journal of Critical Social Research*, 29, 90–117. <http://www.alternateroutes.ca/index.php/ar/article/view/22448>
- Dixon-Perera, L. (2020). *Regulatory approaches to international labour recruitment in Canada*. <https://www.canada.ca/content/dam/ircc/documents/pdf/english/corporate/reports-statistics/evaluations/R39-2019 Approach LabourRec.pdf>
- Encalada Grez, E. (2018). Mexican Migrant Farmworker Women Organizing Love and Work Across Rural Canada and Mexico. (Doctoral Dissertation). University of Toronto. [https://tspace.library.utoronto.ca/bitstream/1807/89757/3/Encalada\\_Grez\\_Evelyn\\_V\\_201806\\_PhD\\_thesis.pdf](https://tspace.library.utoronto.ca/bitstream/1807/89757/3/Encalada_Grez_Evelyn_V_201806_PhD_thesis.pdf)
- Evans, Y. & McIlwaine, C. (2018). Violence against migrant women: a review of risk factors and barriers to accessing help. [https://www.academia.edu/43981982/Violence\\_Against\\_Migrant\\_Women\\_a\\_review\\_of\\_risk\\_factors\\_and\\_barriers\\_to\\_accessing\\_help](https://www.academia.edu/43981982/Violence_Against_Migrant_Women_a_review_of_risk_factors_and_barriers_to_accessing_help)
- Faraday, F. (2012). *Made in Canada: How the law constructs migrant workers' insecurity*. Metcalf Foundation. <https://metcalfoundation.com/wp-content/uploads/2012/09/Made-in-Canada-Full-Report.pdf>
- Faraday, F. (2019). *MIGRANT WOMEN'S RIGHTS PROJECT DISCUSSION PAPER #1: An iterative learning journey to deconstruct "trafficking"*. Barbra Schlifer Commemorative Clinic. <https://www.schliferclinic.com/wp-content/uploads/2022/02/FARADAY-Migrant-Womens-Rights-Project-Discussion-Paper-1-January-2019.pdf>
- Freedman, J., Sahraoui, N., & Tastsoglou, E. (Eds.). (2022). *Gender-Based Violence in Migration: Interdisciplinary, Feminist and Intersectional Approaches*. London & New York: Palgrave Macmillan.
- Fudge, J.; Lam, E.; Chu, S. K.H.; Wong, V. (2021). *Caught in the Carceral Web: Anti-Trafficking Laws and Policies and Their Impact on Migrant Sex Workers*. <https://www.hivlegalnetwork.ca/site/caught-in-the-carceral-web-anti-trafficking-laws-and-policies-and-their-impact-on-migrant-sex-workers/?lang=en>



Gailits, N, Pastor-Bravo, M. M, Gastaldo, D, Bajwa, U, Bilbao-Joseph, C, Castro, C, and Godoy, S. (2021). 'Fighting for inclusion across borders: Latin American Trans women's health in Canada.' *International Journal of Transgender Health*, 23(1).

Gesualdi-Fecteau, D. & Nakache, D. (2017). *Employment standards for mobile workers*. <https://www.onthemovepartnership.ca/wp-content/uploads/2018/03/LabourStandardsFinalFeb2018.pdf>

Goldthorpe, K. & Mayor, A. (2021). *The different immigration experiences of women and men*. Law360 Canada. <https://www.law360.ca/ca/articles/1754225>

Government of Canada (n.d.a). *The Federal Gender-Based Violence Strategy*. <https://women-gender-equality.canada.ca/en/gender-based-violence/gender-based-violence-strategy.html>

Government of Canada (n.d.b). National Action Plan to End Gender-Based Violence. <https://femmes-egalite-genres.canada.ca/en/gender-based-violence/intergovernmental-collaboration/national-action-plan-end-gender-based-violence/first-national-action-plan-end-gender-based-violence.html#evidence>

Hanley, J., Larios, L. & Koo, J.H. (2017). Does Canada "Care" about Migrant Caregivers?: Implications under the Reformed Caregiver Program. *Canadian Ethnic Studies* 49(2), 121-139. <https://doi.org/10.1353/ces.2017.0015>

Hastie, B. (2021). *Access to justice for migrant workers: Evaluating legislative Effectiveness in Canada*. [https://commons.allard.ubc.ca/cgi/viewcontent.cgi?article=1684&context=fac\\_pubs](https://commons.allard.ubc.ca/cgi/viewcontent.cgi?article=1684&context=fac_pubs)

Hourani, J., Block, K., Phillimore, J., Bradby, H., Ozcurumez, S., Goodson, L., & Vaughan, C. (2021). Structural and Symbolic Violence Exacerbates the Risks and Consequences of Sexual and Gender-Based Violence for Forced Migrant Women. *Frontiers in Human Dynamics*, 3. <https://doi.org/10.3389/fhumd.2021.769611>

International Human Rights Program (n.d.). *Voices from inside Detention: Lucia Vega Jimenez*. University of Toronto Faculty of Law. <https://ihrp.law.utoronto.ca/voices-inside-detention-lucia-vega-jimenez>

- IRBC (2022). *Chairperson's Guideline 4: Gender Considerations in Proceedings Before the Immigration and Refugee Board*.  
<https://www.irb-cisr.gc.ca/en/legal-policy/policies/Pages/GuideDir04.aspx#s5>
- Liew, J.C.Y. (2020). The Invisible Women: Migrant and Immigrant Sex Workers and Law Reform in Canada. *Migration, Intersectionality, and Social Justice*, 14(1).  
<https://doi.org/10.26522/ssj.v2020i14.2144>
- MacDougall, A. M., Walia, H., & Wise, M. (2022). *Colour of Violence: Race, Gender & Anti-Violence Services*. Battered Women's Support Services (BWSS).  
<https://www.bwss.org/colour-of-violence/>
- Menjivar, C., & Abrego, L. J. (2012). Legal violence: Immigration law and the lives of central american immigrants. *American Journal of Sociology*, 117(5), 1380–1421.
- Migrant Rights Network (2020). Behind closed doors: Exposing migrant care worker exploitation during Covid-19. [https://migrantrights.ca/wp-content/uploads/2020/10/Behind-Closed-Doors\\_Exposing-Migrant-Care-Worker-Exploitation-During-COVID19.pdf](https://migrantrights.ca/wp-content/uploads/2020/10/Behind-Closed-Doors_Exposing-Migrant-Care-Worker-Exploitation-During-COVID19.pdf)
- Mojtehedzadeh, S. (2020). *Migrant caregivers in Canada are working more unpaid hours during the pandemic, and many are barred from leaving the home, report says*. Toronto Star. [https://www.thestar.com/news/gta/migrant-caregivers-in-canada-are-working-more-unpaid-hours-during-the-pandemic-and-many-are/article\\_e96803da-b781-5c15-8a95-008cc1d3afad.html](https://www.thestar.com/news/gta/migrant-caregivers-in-canada-are-working-more-unpaid-hours-during-the-pandemic-and-many-are/article_e96803da-b781-5c15-8a95-008cc1d3afad.html)
- Morokvasic, M. (2007). Migration, gender, empowerment. In I. Lenz, C. Ulrich, & B. Fersch (Eds.), *Gender orders unbound? Globalisation, restructuring and reciprocity* (pp. 69–97). Barbara Budrich Publishers.
- Noakes, S. (2015). *Sex abuse case highlights vulnerability of workers on visas*. CBC News. <https://www.cbc.ca/news/business/sex-abuse-case-highlights-vulnerability-of-workers-on-visas-1.3129909>
- Ochoa, S.C., & Sampalis, J. (2014). Risk perception and vulnerability to STIs and HIV/AIDS among immigrant Latin-American women in Canada. *Cult Health Sex*, 16(4), pp. 412-25. doi: <https://doi.org/10.1080/13691058.2014.884632>

- OHCHR (2023). *Tomoya Obokata Special Rapporteur on contemporary forms of slavery, including its causes and consequences*.  
<https://www.ohchr.org/sites/default/files/documents/issues/slavery/sr/statements/eom-statement-canada-sr-slavery-2023-09-06.pdf>
- Ontario Human Rights Commission. (n.d.). *Policy on Preventing Discrimination Because of Gender Identity and Gender Expression (Section 3: Gender Identity and Gender Expression)*. <https://www.ohrc.on.ca/en/policy-preventing-discrimination-because-gender-identity-and-gender-expression/3-gender-identity-and-gender-expression>
- Ontario Women's Justice Network. (2014). *Women migrant farm workers experiencing sexual violence and harassment*.  
<https://www.learningtoendabuse.ca/docs/rdsfiles/LEARN%20MORE%2044.pdf>
- Pringle, S. (2020). 'The "Threat" of Marriage Fraud: A Story of Precarity, Exclusion, The "Threat" of Marriage Fraud: A Story of Precarity, Exclusion, and Belonging'. *Canadian Journal of Family Law*, 33(1).
- Ptacek, J. (1999). *Battered women in the courtroom: The power of judicial responses*. Boston: Northeastern University Press.
- Stasiulis, D., Jinnah, Z., & Rutherford, B. (2020). Migration, Intersectionality and Social Justice – Guest Editors' Introduction. *Studies in Social Justice*, 14(1), 1-12.  
<https://journals.library.brocku.ca/index.php/SSJ/article/view/2445>
- Tabibi, J., Ahmad, S., Baker, L., & Lalonde, D. (2018). *Intimate Partner Violence Against Immigrant and Refugee Women. Learning Network Issue 26*. London, Ontario: Centre for Research & Education on Violence Against Women & Children.  
[https://gbvlearningnetwork.ca/our-work/issuebased\\_newsletters/issue-26/Plain-Text-Issue-26.pdf](https://gbvlearningnetwork.ca/our-work/issuebased_newsletters/issue-26/Plain-Text-Issue-26.pdf)
- UN General Assembly (2019). *Violence against women migrant workers: Report of Secretary-General*. <https://reliefweb.int/report/world/violence-against-women-migrant-workers-report-secretary-general-a74235-enarru>
- Wadehra, R. (2021). *Equal rights for migrant care workers : The case for immigration policy transformation*. Canadian Centre for Policy Alternatives.  
<https://policyalternatives.ca/publications/reports/equal-rights-migrant-care-workers>
- Wills, J., May, J., Datta, K., Evans, Y., Herbert, J., & McIlwaine, C. (2010). *Global cities at work*. Pluto.

Women's Refugee Commission (2014). *Unpacking Gender: The Humanitarian Response to the Syrian Refugee Crisis in Jordan*.  
<https://www.womensrefugeecommission.org/research-resources/unpacking-gender-the-humanitarian-response-to-the-syrian-refugee-crisis-in-jordan/>.

World Health Organization (2017). *Women on the Move: Migration, Care Work and Health*.<https://www.who.int/publications/i/item/women-on-the-move-migration-care-work-and-health>

UNHCR (n.d.). *Sexual and Gender-Based Violence (2001-2023)*.  
<https://www.unhcr.org/eg/what-we-do/main-activities/protection/sgbv>

UN Women (2021). *From evidence to action: Tackling gender-based violence against migrant women and girls*. Policy Brief.<https://www.unwomen.org/en/digital-library/publications/2021/10/policy-brief-from-evidence-to-action-tackling-gbv-against-migrant-women-and-girls> - :~:text=Incidences of violence against migrant,intimate partners, and other migrants.