

**Navigating the Intersections:  
Supports for Immigrant Women Experiencing  
Intimate Partner Violence**

**by  
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## Declaration of Committee

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## **Abstract**

With a rising immigrant population in Canada, it is increasingly important to ensure positive socioeconomic outcomes for all immigrants. Their ability to achieve positive outcomes is hindered by intimate partner violence (IPV), the victims/survivors of which are more likely to be women. Although all women experiencing IPV share some common experiences, immigrant women face unique structural barriers to seeking and accessing formal supports for IPV arising from their position at the intersection of gender, race, class, and immigration status. This study identifies the structural barriers faced by immigrant women, including women with precarious immigration status, and provides three policy options to improve their access to formal supports. Given the important role of the federal government in immigration policy and more recently in anti-violence initiatives through its Gender-Based Violence Strategy, recommendations are provided for the federal government to ultimately ensure safety for all immigrant women.

**Keywords:** immigrant women; intimate partner violence; precarious status; intersectionality; immigration policy; formal supports

*For my parents who have always given me the freedom to carve out my own path.*

*For the women fighting every day.*

जुगनी, उडी  
नए नए पर लिए  
ओ पिंजरा खोल  
ओ पिंजरा खोल



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## List of Acronyms

CBSA	Canada Border Services Agency
ESDC	Employment and Social Development Canada
GBA+	Gender-Based Analysis Plus
GBV	Gender-Based Violence
GSS	General Social Survey
H&C	Humanitarian and Compassionate
ILR	Indefinite Leave to Remain
IPV	Intimate Partner Violence
IRCC	Immigration, Refugees and Citizenship Canada
IRPA	Immigration and Refugee Protection Act
LPR	Lawful Permanent Resident
NAP	National Action Plan
TFW	Temporary Foreign Worker
TRP	Temporary Resident Permit
VAW	Violence Against Women
VAWA	Violence Against Women Act
WAGE	Women and Gender Equality Canada

**Note on Terminology:** Since intimate partner violence disproportionately impacts women, and since women are the focus of this research, gender specific terminology is used in some parts of this capstone.

## Glossary

Anti-violence agency	An organization working to address gender-based violence through direct services, advocacy, research and education.
Domestic Violence	Domestic violence is used interchangeably with IPV. Since domestic violence can sometimes be used to mean family violence (see below), this study prefers to use the term IPV. However, the term domestic violence will be used in the context of certain jurisdictions where there is a preference for using that term.
Family Violence	Family violence is any form of abuse or neglect that a child or adult experiences from a family member, or from someone with whom they have an intimate relationship (Status of Women Canada [SWC], 2020). It is a broader term than IPV, with IPV being only one form of family violence, and is commonly used by the Government of Canada in their policies. This research is focused on IPV; however, the term family violence is used interchangeably with IPV when any federal government policies are being discussed to remain consistent with their terminology. It may also be used in the context of certain jurisdictions to reflect the terminology preferred in that jurisdiction.
Gender-Based Violence	Gender-based violence is any form of violence based on gender norms and unequal power dynamics, perpetrated against someone based on their gender, gender expression, gender identity, or perceived gender. It takes many forms, including physical, economic, sexual, as well as emotional (psychological) abuse (SWC, 2020)
Immigrant	This study uses a broad definition of immigrant as someone who are residing in Canada but who was born outside the country; this includes citizens, permanent residents, refugees, and refugee claimants, as well as those with precarious immigration status (temporary status or non-status).
Immigrant-serving agency	An organization funded by government, charitable foundations, private donors, or a combination of all three, that provides programs and services specifically for immigrants and refugees. IRCC refers to these agencies as Service Provider Organizations (SPOs).

Intimate Partner Violence	Intimate partner violence (IPV) refers to physical, sexual, emotional (psychological) or financial harm done by a current or former intimate partner or spouse, in a marriage, common-law or dating relationship (SWC, 2020). This study uses this term broadly to refer to any behavior used by a person to exert coercive control over a current or former intimate partner. IPV is often used interchangeably with domestic violence.
Non-status	A person who has not been granted permission to stay in Canada or has overstayed their visa.
Precarious status	Precarious status refers to any form of less-than-full immigration status. It is marked by the absence of elements associated with permanent residency and citizenship such as the right to remain in Canada permanently; unrestricted access to social services (e.g., healthcare, education); no reliance on third parties for the right to remain in Canada (e.g., sponsoring employer); work authorization (Goldring et al., 2009).
Refugee	A person who has been forced to flee from persecution and is outside their countries of nationality
Refugee claimant	A person who has made a claim for protection as a refugee, but a decision on their claim has not yet been made. Asylum-seeker is more commonly used internationally to refer to a refugee claimant.
Survivor	Survivor describes someone who has experienced interpersonal violence. It can be preferred to the term “victim” as it reflects the reality that many individuals who experience abuse cope and move on with personal strength, and resourcefulness (SWC, 2020).  Since identification as a victim or survivor is dependent on the individual, the term victim/survivor is preferred in this research unless referring to specific initiatives.
Temporary resident	A person who has permission to remain in Canada on a temporary basis such as students, temporary foreign workers, and visitors.
Victim	Victim is defined in the <i>Canadian Victims Bill of Rights</i> and the <i>Criminal Code</i> as an individual who has suffered physical or emotional harm, property damage, or economic loss as a result of a crime. Some victims prefer to identify as a survivor (SWC, 2020).  Since victim is a legal term, it is used in this report in the legal/justice context. Otherwise, since identification as a victim or survivor is dependent on the individual, the term victim/survivor is preferred in this research.

## Executive Summary

Women's experience of violence is shaped by their intersecting identities and various forms of oppression. Immigrant women find themselves at the intersection of gender, race, class, and the policy and legal context of immigration status and citizenship rights, which collectively influence their vulnerability to violence and access to supports. Service providers from community-based organizations, especially from anti-violence and immigrant-serving agencies, are most often credited with supporting and advocating for immigrant women's needs after leaving an abusive relationship. However, immigrant women are less likely to seek formal supports such as social services for intimate partner violence (IPV) than non-immigrant women. The policy problem this study addresses is that immigrant women experiencing IPV face structural barriers to seeking and accessing formal supports, which affects their safety and well-being.

In Canada, the current supports provided by the federal government include immigration and anti-violence supports. Immigrant women experiencing violence who are without status can apply for a temporary resident permit (TRP) to remain in Canada for 6 months or for permanent residency through the humanitarian and compassionate (H&C) application. As of July 2019, both these options were expedited with special processes created for people experiencing family violence. In 2017, the federal government also launched its Gender-Based Violence (GBV) Strategy. Through the GBV Strategy, Immigration, Refugees, and Citizenship Canada (IRCC) provided \$1.5 million funding for five years to organizations that deliver violence prevention programming in the immigrant settlement sector. Women and Gender Equality Canada (WAGE) has also provided \$6.5 million for short-term projects by anti-violence and immigrant-serving agencies aimed at addressing gaps in supports for immigrant women.

An analysis of the literature identifies four fundamental structural barriers immigrant women face in seeking and accessing formal supports for IPV. These barriers often intersect to exert their influence in unison:

- **Immigration status**, including fear of deportation or jeopardizing immigration application; fear of losing children to deportation; and a complex and onerous legal process.
- **Economic insecurity**, resulting from precarious work with unstable or inadequate incomes; financial dependency on spouse due to foreign credential recognition issues or lack of Canadian work experience and economic abuse;

ineligibility for public benefits due to immigration status; and negative impact of public benefit receipt on immigration application.

- **Lack of information, language barriers and social isolation**, including little knowledge about women's and immigrant rights and formal supports especially for newcomers who may be using their home country which lacked supports as a frame of reference; misinformation and difficulty communicating with service providers who can explain the range of behaviors constituting as abuse and supports available; and a limited social network.
- **Lack of culturally safe services**, resulting from a one-size-fits-all service provision model that fails to capture the multiple forms of oppression (like racism, precarious immigration status, classism) immigrant women experience and fail to provide culturally and linguistically appropriate services as well as lead to racism and discrimination.

Using a case study evaluation framework, I analyze the policies and programs that support immigrant women experiencing IPV in Australia, the United Kingdom, and the United States. Although no jurisdiction stands out as a leader in terms of protections specifically for immigrant women, each has its strengths that may be applied to the current Canadian context. The US has the most comprehensive immigration policy supports with provisions for women of all immigration statuses. Australia has a National Action Plan creating a coordinated framework to stop violence against women, including specific actions to support immigrant women. Based on the findings from the literature and case study analysis, the following federal policy options were developed:

### **Option 1: Enhancing the Humanitarian and Compassionate (H&C) Process**

Although the 2019 changes introduced an expedited H&C application process for family violence, it did not change the burden placed on immigrant victims/survivors to be able to access permanent residency through the H&C. This option proposes exemption of the requirement to prove 'establishment' in Canada; a fee waiver; deferral of removals until stage 1 decision is made; and designates officers trained in family violence for family violence H&C cases.

### **Option 2: Building Awareness of Rights and Supports**

This option is to inform immigrant women of their rights at several points in the migration journey: pre-arrival, by developing factsheets mailed with visa approval letters, expanding the pre-arrival settlement services, and improving uptake; upon arrival, by having Canada Border Services Agency officers and immigrant orientation booths at

airports be equipped to provide information; and post-arrival on an ongoing basis by increasing funding for culturally safe information campaigns and outreach to immigrant communities. This information would be provided in multiple languages through various forms of media in a culturally safe manner and with accessible language.

### **Option 3: Creating Inclusive Services**

This option is to increase the inclusivity of services by recognizing the unique challenges faced by immigrant women. Stable and ongoing funding would be provided to community-based organizations in provinces with demonstrated need for three components: community-based education and partnerships/collaboration between anti-violence organizations and ethno-cultural organization, cultural and religious leaders; hiring and retention of trained multicultural multilingual staff and partnerships with interpreters; and training in cultural safety and partnerships between anti-violence and immigrant-serving agencies.

An evaluation of the options is based on the primary objectives and criteria of safety and equity, as well as considerations such as stakeholder acceptance, administrative ease, and cost. The options ranked quite closely, however Options 2 and 3 ranked higher in the key objectives of safety and equity. Option 1 is easier to implement and less costly than Options 2 and 3. Overall, since multiple intersecting barriers in combination impede immigrant women's access to IPV supports, multiple policy efforts and interventions, in combination, are required to increase the safety of immigrant women in Canada, regardless of their legal status. Therefore, I recommend all three options as they offer complementary benefits, leading to an overall impact on safety that is greater than the sum of its parts.

Although this study focuses on federal level policies, it is important to recognize that changes to federal policies and programs in isolation will have limited impact if changes are not simultaneously made to provincial and territorial policies (e.g., housing, social assistance, legal aid, etc.) as well as municipal policies (e.g., sanctuary city policies). This collective action can be greatly facilitated by a National Action Plan (NAP). A NAP is currently under development in Canada and will ensure consistency across and within jurisdictions in policies and legislation while allowing for increased cross-sectoral coordination and collaboration.

# Chapter 1. Introduction

Canada stands out internationally as a country that welcomes immigrants and refugees from various regions of the world. Making up 21.9% of the population, Canada's immigrant population of 7.5 million and rising, contributes to the country's economic and social well-being through population growth, labour supply, and cultural diversity (Statistics Canada, 2017). Immigrants, in turn, benefit from the economic opportunities Canada has to offer. By 2031, nearly half (46%) of Canadians aged 15 and older could be foreign-born or could have at least one foreign-born parent. In particular, immigrant women are projected to account for a third of Canada's female population by 2031 (Hudon, 2015). Given their growing share of the population, it is imperative to ensure positive socioeconomic outcomes for immigrant women to ensure the mutual benefits of immigration are realized. Intimate partner violence (IPV) significantly erodes immigrant women's ability to mobilize and sustain their pursuit of economic opportunities (Okeke-Ihejirika et al., 2020).

IPV refers to physical, sexual, emotional (psychological) or financial harm done by a current or former intimate partner or spouse, in a marriage, common-law or dating relationship (Status of Women [SWC], 2020). In Canada and globally, women are more likely than men to experience IPV, accounting for nearly 80% of all victims of IPV (Burczycka, 2019). Through an intersectionality lens, this study highlights how gender alone is insufficient for explaining women's vulnerability to and experience of IPV. Women's experience of violence is shaped by their intersecting identities and various forms of oppression related to race, class, age, ethnicity, gender identity, sex, ability, and the policy and legal context of immigration status and citizenship rights (Tabibi et al., 2018). Immigrant women, in particular, face unique structural barriers to seeking help and accessing supports for IPV, without which they may continue to suffer in silence jeopardizing their, and their children's, safety. Despite research indicating the need to recognize that immigrant women experiencing violence have needs that differ from the general population, their needs have received limited policy attention in Canada and globally (Menjivar & Salcido, 2002). This is partly because IPV among racialized and immigrant women tends to get characterized as an inherent part of their culture, reinforcing the notion that violence against immigrant women does not need state intervention as it is part of their culture. There is a failure to recognize that IPV is not

rooted in a specific culture, but in patriarchy and exists in all cultures (Menjivar & Salcido, 2002; Rossiter et al., 2018).

The objective of this study is to identify and address the structural barriers which impede immigrant women from seeking and accessing supports for IPV. In this study, “immigrant women” is defined broadly as women who are residing in Canada but who were born outside the country; this includes citizens, permanent residents, refugees, and refugee claimants, as well as those with precarious immigration status (temporary status or non-status). The first section of this study lays out the foundation to understanding the policy problem. The second section involves an analysis of the issue utilizing two methodologies. The findings of this analysis help to inform a number of policy options aimed at improving access to supports for immigrant women experiencing IPV. Finally, a policy analysis is conducted using key evaluation criteria and measures to assess each option with a final recommendation for the federal government.

While this study focuses on more specific policy options that the federal government could take to address the structural barriers immigrant women face in seeking and accessing IPV supports, a National Action Plan would greatly supplement the effective implementation of recommendations of this study. Such a plan is currently under development in Canada with details that will be forthcoming. My focus is thus on what can be done now and will lay some of the needed components of a national plan. The issue of IPV is complex and multi-faceted requiring coordinated, multi-pronged, and multi-sectoral action by all levels of governments as well as service providers in community-based and systems-based organizations. An intersectional National Action Plan would create a comprehensive pan-Canadian framework allowing for cross-sectoral coordination and collaboration that could significantly improve access to IPV supports for all women, including those who have least access to services such as immigrant and racialized women but also women who are Black, Indigenous, disabled, LGBTQ2S+, senior, and living in rural and remote areas.



## **Chapter 2. Immigrant Women in Canada**

This chapter explains some characteristics of immigrant women in Canada today. Immigrant women's intersecting identities shape their experiences of violence and ability to access supports and services. Their intersecting identities are most commonly related to their immigration status as well as gender, race, and class.

### **2.1. Immigration Status**

While some immigrant women enter Canada with the intent of residing permanently, others enter and remain on a temporary basis. Women may also be undocumented migrants or become out of status. Since protection from gender-based violence is a human right, women of all types of immigration status (permanent, temporary, or non-status), irrespective of how they intended to enter and reside in Canada, are deserving of state protection.

#### **2.1.1. Permanent Status**

The four categories through which women could be admitted as permanent residents are: economic class; family class; refugee and protected persons class; and humanitarian and compassionate (H&C) class. Economic class migrants are permanent residents selected for their skills and ability to contribute to Canada's economy; this is based on their level of education, occupation, age, and official language proficiency. Most immigrants to Canada are admitted under this class, accounting for 58% of permanent residents in 2019 (Immigration, Refugees and Citizenship Canada [IRCC], 2020b). This class includes principal applicants, who are the main applicant when a family applies together, as well as spouse and dependents of a principal applicant. Family class includes permanent residents sponsored by a close relative or family member who is already residing in Canada as a permanent resident or citizen. This includes spouses and common-law partners; parents and grandparents; and others. The sponsor is required to sign an undertaking, which is a contract assuming financial responsibility for the basic needs of the sponsored member for the length of the undertaking. The length of sponsorship undertaking is three years for a spouse/partner and children over the age of 22; ten years for a child under 22 years old; and twenty

years for parents and grandparents; and it cannot be cancelled under any circumstance (Government of Canada, 2021a). This class represented 27% of permanent residents in 2019 (IRCC, 2020b). The refugee and protected persons class are permanent residents deemed as needing Canada's protection under international treaties and fleeing from persecution, they are either government sponsored or privately sponsored. This class represented 14% of permanent residents in 2019 (IRCC, 2020b). Finally, the humanitarian and compassionate (H&C) class includes permanent residents who do not otherwise qualify under the other immigration classes or are exempt from a requirement of the *Immigration and Refugee Protection Act* (IRPA), based on discretionary humanitarian and compassionate or public policy considerations. This class represented 1% of permanent residents in 2019 (IRCC, 2020b). Permanent residents can go on to become citizens, but they are still considered immigrants according to official definitions and this study.

As a result of gender inequalities worldwide, especially in the Global South from where Canada is receiving more and more immigrants, women are more likely to be excluded from the economic class since they have not had access to the kinds of education or work opportunities valued under the economic class and considered "high skill" (Dobrowolsky et al., 2018; Jayasuriya-Illesinghe, 2018). Despite the recent increase in the number of women entering through the economic class, men still represent the majority of economic class migrants and are seen as the main actors in immigration. Women are more likely than men to be categorized as family members and spouses even if they are all immigrating together. They are less likely to arrive as principal applicants, accounting for only 20% of principal applicants in the economic class; the majority of them having arrived as the spouse of economic migrants or sponsored spouses (through the family class) in 2013 (Jayasuriya-Illesinghe, 2018).

### **2.1.2. Temporary Status**

Not all women enter Canada with the intention of permanent settlement; they may enter as temporary migrants that include temporary foreign workers (TFWs), international students, refugee claimants, and visitors. The TFW program assists employers in filling genuine labour market requirements when qualified Canadians and permanent residents are not available. Between 2014 and 2018, nearly 500,000 people were admitted as TFWs, with the majority being men in the agriculture sector, however

women were overrepresented as in-home caregivers (Tastsoglou, 2020). International students are those who are studying in Canada on a student permit. In 2019, 827,586 international students held valid study permits in Canada (IRCC, 2020). Refugee claimants are people who have applied for a refugee claim from within Canada, either at a port of entry or at an IRCC or Canada Border Services Agency (CBSA) office and are awaiting a decision on their refugee claim. Visitors are people who enter Canada through a visitor visa, which allow people to stay for a maximum of 6 months for the purposes of a visit. The number of temporary workers, international students and visitors has shown steady year-over-year increases in the last few years (IRCC, 2020a).

It is imperative to recognize the fact that permanent and temporary immigration categories are fluid. Even if one's initial pathway into Canada is temporary, they may eventually apply for permanent residency. In fact, the number of individuals who have ever held a work permit and were granted permanent residency has increased year-over-year, with over half of all TFWs and international students successfully applying to settle in Canada permanently every year (IRCC 2020a; IRCC, 2020b; Tastsoglou, 2020).

### **2.1.3. Non-Status**

Apart from the legal status conferred by the above temporary and permanent categories, immigrant women may also be living in Canada without status. They are referred to as persons without status, non-status or undocumented migrants and can include people whose refugee claims are rejected; whose sponsorship has broken down; victims of human trafficking; who have expired visas or permits; undocumented entrants; and others. Evidently, not all non-status individuals are undocumented entrants, women may enter Canada legally, but when those avenues fail (e.g., refugee claim, sponsorship), they become non-status (Mattoo et al., 2017). It is estimated that at least 1.6 million people in Canada are living with precarious status<sup>1</sup>, including a half a million without status (Canada. Parliament, 2015).

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<sup>1</sup> Precarious status refers to any form of less-than-full immigration status. It is marked by the absence of elements associated with permanent residency and citizenship such as the right to remain in Canada permanently; unrestricted access to social services (e.g., healthcare, education); no reliance on third parties for the right to remain in Canada (e.g., sponsoring employer); work authorization (Goldring et al., 2009; Mattoo et al., 2017). Thus, this includes people with temporary status and without status.

## 2.2. Racial and Economic Characteristics of Immigrant Women

Canada introduced the points-based system in its permanent immigration policy in the 1960s. Since then, the majority of immigrants have originated from regions of the world that were historically banned: Asia, Caribbean, Africa, and South America (Dobrowolsky et al., 2018). This has contributed to a shift in the demographic profile of Canada. According to the 2016 Census, 22.3% of the Canadian population identified as visible minority<sup>2</sup>. The top five source countries of permanent residents admitted in 2019 were India, China, Philippines, Nigeria, and Pakistan (IRCC, 2020b). Thus, immigrant women are increasingly racialized, with majority belonging to a visible minority group, as the number of women and girls migrating from European countries has simultaneously decreased (Dobrowolsky et al., 2018; Hudon, 2015).

According to the 2016 census data, among workers aged 25 – 54 years old, racialized women earn 59 cents for every dollar that non-racialized men earned, with the gap narrowing to 87 cents for every dollar that non-racialized women earned. More importantly, racialized immigrant women earn 79 cents for every dollar that is earned by a non-racialized immigrant women (Block et al., 2019). Similar disparities are found when comparing poverty levels between racialized immigrants and non-racialized immigrants in both the first and second generation, where poverty levels are highest among recent immigrants (those who had been in Canada 5 years or less), particularly women (Block et al., 2019; Ontario Council of Agencies Serving Immigrants [OCASI], 2017; Picot & Lu, 2017). Collectively, these statistics highlight the importance of race, gender and immigration status on income and economic well-being.

Although the above trends create a sense of homogeneity about the characteristics of immigrant women, it is important to recognize that immigrant women are a heterogeneous group reflecting diversity in terms of culture, language, pre-migration journey, settlement and acculturation process, economic status, and immigration status. For instance, some women move as a result of war and famine in their country, while others move for employment and education opportunities or to reunite with family members. This heterogeneity is important to keep in consideration even while making

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<sup>2</sup> Visible minorities are defined, according to the *Employment Equity Act*, as “persons, other than Aboriginal peoples, who are non-Caucasian in race or non-white in colour.”

generalizations for immigrant women as a whole. Despite these differences, their situation outside of the mainstream and vulnerability within the immigration system create similarities shaping their common experiences (Menjivar & Salcido, 2002).

In general, immigrant women find themselves at the intersection of gender, race, class, and immigration status which collectively influence their vulnerability to violence and access to supports.

## **Chapter 3. IPV and Immigrant Women**

This chapter highlights immigrant women's vulnerability to and experience of IPV, its impacts, and the role of formal supports. It emphasizes the importance of addressing the needs of this particular group of women.

### **3.1. Immigrant Women's Vulnerability to and Experience of IPV**

National population-based survey data indicates that IPV is equally or less prevalent amongst immigrant women than Canadian-born women (Ahmad et al., 2005; Du Mont & Forte, 2012; Sinha, 2013). However, due to the high likelihood of underreporting resulting from methodological issues, national statistics on violence against immigrant women cannot be relied upon as the primary source on which to base conclusions about immigrant women's safety (Han, 2009; Bhuyan & Schmidt, 2018; Tabibi et al., 2018). Currently, there is a reliance on national surveys such as the General Social Survey (GSS) to gather data on IPV. Since the survey is conducted using phone interviews in English or French, some immigrant women are severely underrepresented in the GSS sample due to low language proficiency. In fact, most non-Canadian-born women included in the GSS are born in Western countries (Jayasuriya-Illesinghe, 2018). Additionally, immigrant women may not be as accessible for data collection as those who are newer may not have access to a phone and may not access mainstream services used by women with longer histories in Canada (Alaggia et al., 2009). Immigrant women experiencing violence also face barriers to self-disclosure of violence even in trust-based environments due to a lack of knowledge, legal and emotional dependency on spouse, fear of police involvement and deportation (Ahmad et al., 2005).

Findings from in-depth, qualitative, and community-based research involving interviews with frontline service providers and community leaders in the anti-violence sector, have shown that immigrant women face conditions that increase their vulnerability to IPV (Tabibi et al., 2018; Jayasuriya-Illesinghe, 2018). Vulnerability to abuse among immigrant women is linked to the migration, settlement, and acculturation process leading to both pre- and post-migration stress (Bhuyan & Schmidt, 2018). While

some immigrant women experience IPV prior to migration, for others IPV begins post-migration. For instance, acculturation stress during settlement may be caused by a major shift in widely held values on gender equality from the country of origin and these shifts in gender roles and expectations can give rise to conditions for IPV (El Murr et al., 2019). Or the context of non-recognition of credentials, deskilling, racial discrimination, and social pressure for men to support their families can lead to depression, alcohol use, conflict, and IPV (Guruge et al., 2009; Bhuyan & Schmidt, 2018). Although there are similarities between immigrant and Canadian-born women's experiences of IPV,

the experiences of immigrant women in domestic violence situations are often exacerbated by their specific position as immigrants, including limited host-language skills, lack of access to dignified jobs, uncertain legal statuses, and experiences in their home countries, and thus their alternatives to living with their abusers are very limited...These immigrant-specific conditions are superimposed on other systems of oppression, such as class, race, and ethnicity, to further increase immigrant women's vulnerability to domestic violence. (Menjivar & Salcido, 2002, p.901-902).

### **3.2. Impacts of IPV**

IPV has a direct impact not only on the immigrant women, children and families that are experiencing it, but also on society at large. For instance, the consequences of violence can include chronic pain, sexually transmitted infections, depression, post-traumatic stress disorder, substance abuse, anxiety, suicidal attempts, or homicide. Thus, violence and physical and mental health are intricately linked, resulting in an increased burden on health-care systems. Its effects can span generations, as many perpetrators may have experienced violence, abuse, or neglect as children, and lead to cycles of violence within families (Okeke-Ihejirika et al., 2020). The national economic costs of IPV against women have been valued at \$4.8 billion annually (SWC, 2018). In the case of immigrant women, IPV also erodes their abilities to mobilize and sustain their pursuit of economic opportunities (Okeke-Ihejirika et al., 2020).

Importantly, IPV is the leading cause of homelessness amongst women, including immigrant women, and housing insecurity can make women return to the perpetrator (Tabibi & Baker, 2017; Thurston et al., 2013). In 2016, Economic and Social

Development Canada (ESDC) found that female newcomers<sup>3</sup> were twice as likely than non-newcomer females to cite domestic abuse as a factor leading to their most recent housing loss (40% compared to 22%) (Tabibi & Baker, 2017). Qualitative studies involving interviews with immigrant women (not just newcomer women) leaving violence have demonstrated similar findings suggesting the greater vulnerability of immigrant women to homelessness and housing insecurity post violence (Thurston et al, 2013; Paradis et al, 2008). Most immigrant women do not face visible homelessness i.e., they are not unsheltered, rather they fall under the categories of “hidden homeless”: living temporarily with friends or family, in an emergency or second stage shelter for abused women, or in other impermanent housing (Thurston et al., 2006). Due to this hidden nature, these women tend to be underrepresented in national statistics on homelessness (ESDC, 2017).

### **3.3. Role of Formal Supports**

Immigrant women experiencing IPV are less likely to seek both formal and informal supports for IPV than non-immigrant women (Raj & Silverman, 2002). Informal support includes members of one’s immediate and extended family, friends, and neighbours, whereas formal support is provided by healthcare professionals, crisis line workers, shelter personnel, law enforcement officers, settlement workers, lawyers, social workers, workers at anti-violence agencies, or other professionals (Mahapatra & Rai, 2019; Guruge & Humphreys, 2009). Informal support is the most common pathway to formal supports and services (Tabibi & Baker, 2017; Mahapatra & Rai, 2019). However, since many immigrant women’s social networks become smaller post-migration, especially if they are newcomers or refugees, they are limited in their ability to resort to these informal networks. In fact, informal networks can also be a source of conflict or stress if they blame or shame the women or discourage them from seeking formal support. Thus, immigrant women are forced to turn to formal supports for help (Guruge & Humphreys, 2009).

Among the range of formal supports, service providers from community-based organizations, especially from anti-violence agencies (including transition houses) and

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<sup>3</sup> Government of Canada defines newcomers as permanent residents who came to Canada five years prior to a given census year. In this case, it was between 2011 and 2015.

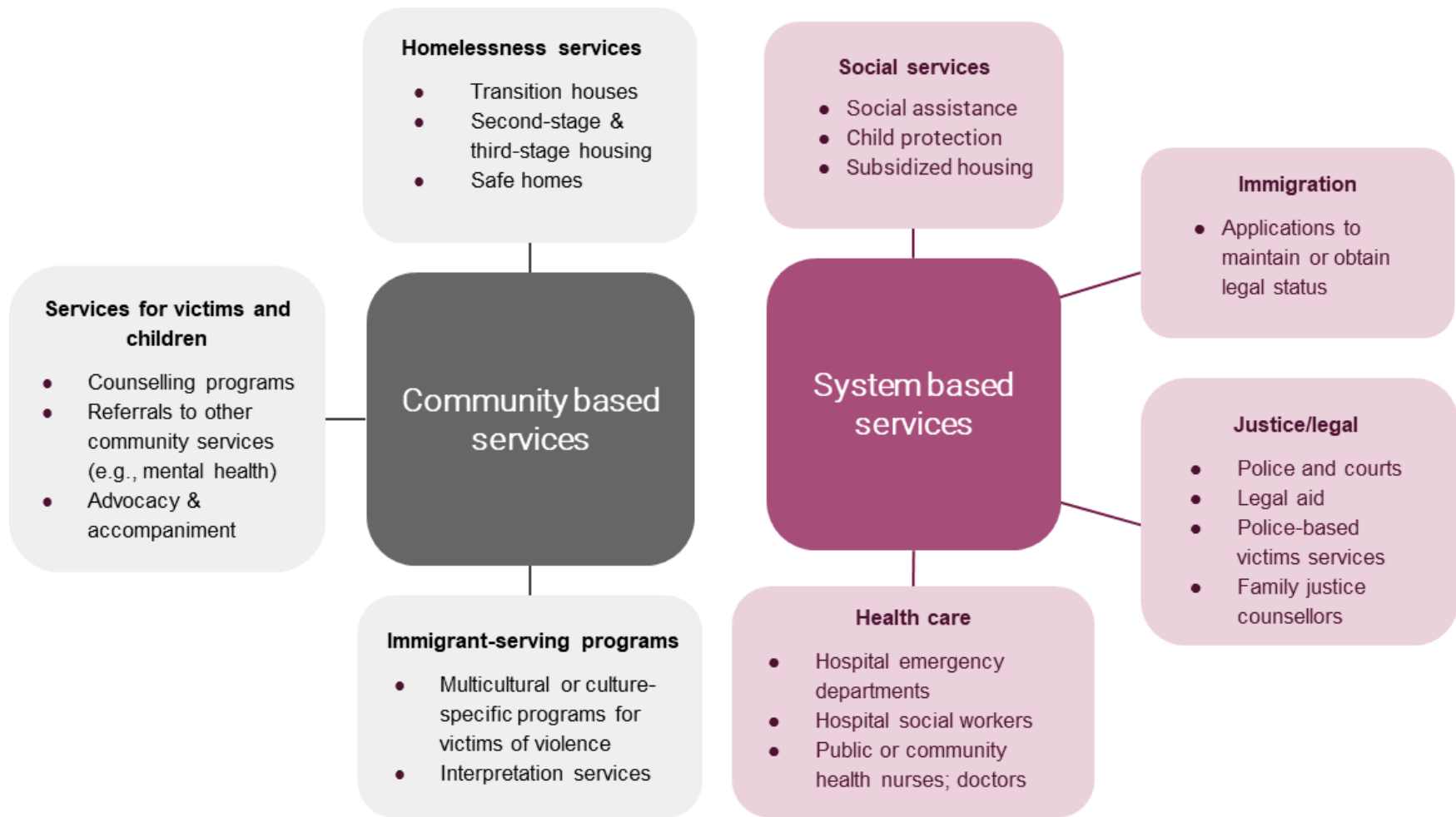


immigrant-serving agencies, are most often credited with supporting and advocating for immigrant women's needs after leaving an abusive relationship (Thurston et al., 2013). They provide community-based services such as counselling and programming for victims/survivors, including children. Transition houses serve as safe, short-term, 24/7 shelter to women and children leaving violence, typically for 1 to 3 months and second and third-stage housing is longer term temporary housing (BC Society of Transition Houses [BCSTH] et al., 2015). In addition, they also assist immigrant women with navigating various systems ranging from the justice/legal system (legal aid and police) to social services, health care, and immigration (Figure 1). Service provider support in navigating the multiple and complex system-based services is crucial in helping women stabilize after leaving violence (Maki, 2019). They assist women with applying for subsidized housing or income support; accompanying them to appointments or court hearings; dealing with child welfare agencies; obtaining health supports like counselling; or writing letters of support for social assistance, housing and/or child subsidies, often to corroborate the account of violence (Thurston et al., 2006; Maki, 2019). Given the link between IPV and homelessness, it is important to emphasize the housing supports provided by them. Guruge et al.'s (2018) study of housing concerns of immigrant women experiencing violence finds that immigrant women who had not spent time in a transition home and were not in contact with a service provider had difficulty in filling out lengthy and difficult applications for housing waitlists. While long waitlists for subsidized housing are common, it is through the advocacy of service providers that women were able to be put on priority lists. These service providers, especially at immigrant-serving agencies, are often able to blunt the systemic discrimination around race, number of children, language and other characteristics that can make some immigrant women an undesirable tenant (Thurston et al., 2013).

Not only do they facilitate service accessibility and navigation, but service providers work to empower women to be independent and lead violence-free lives (Seifi et al., 2018). Despite being recognized as a critical steppingstone, immigrant women underutilize transition houses/shelters as well as crisis lines and health, legal and social services (BCSTH et al., 2015; Hyman et al., 2006; Tabibi & Baker, 2017; Guruge & Humphreys, 2009). Hyman et al. (2006)'s study analyzing GSS data found that recent immigrant women (0-9 years in Canada) are more likely to report IPV to the police, however they are significantly less likely to use social services.

Overall, although formal statistics may demonstrate inconsistent information regarding prevalence of IPV amongst immigrant women, immigrant women experience heightened vulnerability to IPV and underutilize crucial formal supports. And this has implications not only for the individual but society at large, and warrants policy intervention.

**Figure 1. Types of formal supports for immigrant women experiencing IPV**



## Chapter 4. Policy Context

Federally, Canada has very few policies explicitly addressing the unique challenges posed by IPV amongst immigrant women. In 2015, the Canadian Parliamentary Standing Committee on Citizenship and Immigration presented a report with several policy recommendations to “strengthen the protection of women in our immigration system,” especially addressing the vulnerability of sponsored women. While these recommendations were a step in the right direction and indicate acknowledgement of the clear link between the immigration system and women’s vulnerability to violence, the recommendations did not go far enough and/or were not fully addressed in the government’s response to the report. However, some recent policy changes signal better supports for immigrant women at the federal level. This chapter presents the current federal immigration and anti-violence policies related to support for immigrant women experiencing IPV.

### 4.1. Support for immigrant women in immigration policies

The *Immigration and Refugee Protection Act* (IRPA) is the primary law governing the immigration system. There are two options available to women experiencing family violence<sup>4</sup>: temporary resident permit (TRP) and the humanitarian and compassionate (H&C) application (Government of Canada, 2019). The TRP is issued to inadmissible foreign nationals when it is justified in the circumstances. Its eligibility is based on officer discretion balancing the risks to Canada and its humanitarian, social and economic commitments. It allows the TRP holder to enter or remain in Canada for the duration of the TRP. The TRP process has been in place for decades for many types of situations including for victims of abuse, however a special expedited TRP process was created in July 2019 specifically for victims of family violence. This new process expedites the TRP applications for non-status women and their children in the case of violence from a spouse or common-law partner (BCSTH, 2020). In addition, the initial TRP is now fee-

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<sup>4</sup> Family violence is any form of abuse or neglect that a child or adult experiences from a family member, or from someone with whom they have an intimate relationship (SWC, 2020). It is a broader term than IPV, with IPV being only one form of family violence, and is commonly used by the Government of Canada in their policies. This research is focused on IPV; however, the term family violence is used interchangeably with IPV when any federal government policies are being discussed to remain consistent with their terminology. It may also be used in the context of certain jurisdictions to reflect the terminology preferred in that jurisdiction.

exempt and allows women to obtain legal status; a fee-exempt open work permit; and health care coverage. The TRP is valid for at least 6 months, allowing women time to decide whether to leave Canada or consider other immigration options; work if they are able to; and not be separated from their children in Canada. Previously, women could still be deported while awaiting a decision on the TRP, however with this new process a pause on deportations can now be made in cases of family violence. It must be noted that women who are on temporary status must wait for their existing status to lapse before they can take advantage of these provisions. Also, only the initial TRPs are fee-exempt, and any subsequent ones require a fee of \$200 (BCSTH, 2020).

Women can also make an application for permanent residency on their own through an expedited H&C process. The H&C application is a two-step process which entails a humanitarian and compassionate assessment (first stage) and a determination of whether the applicant meets the requirements for permanent residency (second stage) (Mosher, 2009). The three key factors that should be demonstrated in the application are 1) whether an unusual and undeserved, or disproportionate hardship will occur if they are removed from Canada 2) the degree of establishment in Canada, and 3) the best interests of a child under 18 years of age. Evidence requirements for each factor can range from formal reports by police, court, or medical professionals to pay records and letters from counsellors, community organizations and the applicant (Witelson & Parsa, 2019). Proof of abuse often falls under evidence of hardship. While it previously used to take anywhere from 22 to 36 months for the H&C application to be processed (Witelson & Parsa, 2019), the 2019 process updates allow for an expedited H&C applications for family violence cases; this has resulted in the applications being processed even as fast as 6 months for a first stage approval (BCSTH, 2020). First stage approval allows women the ability to acquire a work permit. However, there is no pause on deportations until first stage approval is received, which means women who do not otherwise have legal status such as through a TRP may still be subject to deportation (Neufeld, 2009).

## **4.2. Other support for immigrant women**

In June 2017, the federal government launched “It’s Time: Canada’s Strategy to Prevent and Address Gender-Based Violence,” also known as the GBV Strategy. Budgets 2017 and 2018 provided over \$200 million starting in 2017-18 until 2022-23 and

over \$40 million per year ongoing to establish, launch, and expand the GBV Strategy. The GBV Strategy is based on three pillars: prevention; supporting survivors and their families; and promoting responsive legal and justice systems. It aims to fill the gap in supports for diverse and underserved populations, including immigrant and refugee women (SWC, 2021). Through the GBV Strategy, IRCC funded the “Enhance Settlement Program” initiative that provides \$1.5 million funding for five years to organizations that deliver violence prevention programming in the immigrant settlement sector. In the 2018-2019 year, they funded violence awareness and prevention training for settlement workers, development of resources such as videos and guides, and workshops for women and men (SWC, 2021). Overall, this funding is being used to develop a national settlement sector strategy to improve the capacity of frontline settlement workers and enhance services. Furthermore, approximately 18 anti-violence and immigrant-serving agencies across Canada received \$6.5 million through Women and Gender Equality Canada (WAGE) for projects aimed at supporting immigrant women, with most projects lasting up to 3 years; this funding primarily aims to address gaps in supports for immigrant women by developing promising practices to support survivors and their families but also to address the other two pillars (Government of Canada, 2021b).

According to the UN Special Rapporteur on Violence Against Women, the current GBV Strategy is piecemeal, producing inequities across the country (Simonovic, 2019). In its 2019 report, the UN Special Rapporteur called on Canada to urgently develop a comprehensive and holistic National Action Plan (NAP) on violence against women in accordance with the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which Canada has ratified (Simonovic, 2019). In 2021, after years of calls by advocacy groups, including labour unions, non-profits and experts, the federal government took steps to start developing the NAP to end GBV which would allow all women and their children across Canada to have access to comparable levels of services and human rights protection.

## **Chapter 5. Policy Problem and Stakeholders**

Immigrant women underutilize formal IPV supports such as transition houses and shelters as well as crisis lines and health, legal and social services (BCSTH et al., 2015; Hyman et al., 2006; Tabibi & Baker, 2017; Guruge & Humphreys, 2009). My policy problem is that immigrant women experiencing IPV face structural barriers to seeking and accessing formal supports, which affects their safety and well-being. IPV also has social and economic costs such as those related to healthcare and homelessness, and the unrealized economic potential of immigrant women. With female immigrants projected to account for a third of Canada's female population by 2031 (Hudon, 2015), it is imperative to address the unique barriers facing this growing, yet underserved, group to mitigate making more women vulnerable to IPV. This study focuses on finding federal policy solutions to address this problem as the federal government has greater jurisdiction over immigration and has, more recently, taken on a bigger role in anti-violence initiatives with the GBV Strategy and NAP.

The primary stakeholders for my study are immigrant women as the policy aims to empower them by addressing barriers to seeking and accessing supports when experiencing IPV. Other key stakeholders are service providers from community-based organizations and advocacy groups assisting and advocating for women experiencing IPV, including immigrant women. Policies affecting service access would greatly facilitate the work of service providers primarily in the anti-violence and immigration and settlement sectors, and also those in the health, and legal/justice sectors. Finally, the federal government is also a stakeholder as this study is focused on federal-level policy solutions, which impact budget allocation and departmental activities.

## **Chapter 6. Analytical Methodology**

This chapter outlines the methodology used to understand the policy problem and help inform policy analysis. This study uses two methodologies: an analysis of the literature and a multiple case study analysis. Both methodologies serve different yet complementary purposes.

### **6.1. Analysis of Relevant Literature**

I analyze academic literature, including journal articles, as well as the grey literature, which includes policy documents, working papers, government reports and other documents published by non-profits, think-tanks, and other relevant organizations conducting research into the issue of violence against immigrant women. The literature helped identify the key structural barriers immigrant women face in seeking and accessing formal support. Although the majority of Canadian literature was concentrated in studies in Ontario and the Greater Toronto Area, every effort was made to incorporate studies conducted in other parts of the country, especially in areas with large or growing immigrant populations. There is a larger body of literature available in the US on this topic that helped supplement some of the findings from the Canadian literature.

### **6.2. Case Study Analysis**

The case study analysis includes analyzing policies and programs that support immigrant women experiencing IPV in other jurisdictions, namely Australia, the United Kingdom (UK), and the United States (US). The three countries have been selected because, like Canada, they have a large foreign-born population and some of the highest number of new immigrants being admitted every year in the world. Immigrant women in each of those countries also face similar barriers to those identified in the Canadian literature (Voolma, 2018; Vaughan et al., 2016; Guruge & Humphreys, 2009). The most similar immigration system to Canada's is that of Australia, which also has a points-based immigration system. This analysis assesses national policies since this study focuses on finding federal policy solutions.



### **6.3. Limitations**

This study had several limitations restricting its scope and findings. First, a limited number of structural barriers facing immigrant women were considered. For example, the prevalence of systemic racism within service delivery and the limited supply of affordable housing were deemed out of scope as they are areas that could benefit from in-depth research on their own. Second, since most of the literature is based on studies with younger immigrant women living in urban areas, they may not adequately represent the extent of some barriers that are uniquely faced by older immigrant women or those living in rural and remote communities. For instance, women living in rural areas may face a stark lack of formal services and an extreme social isolation due to the absence of a sizeable community sharing their cultural background. Third, the challenges faced by immigrant women with disabilities and those in non-heterosexual relationships were not explicitly considered (but they can be expected to face compounding and differing challenges) (Okeke-Ihejirika et al., 2020).

## **Chapter 7. Literature Analysis**

This chapter presents findings from the literature analysis. The purpose of this analysis is to 1) identify the structural barriers faced by immigrant women in seeking and accessing IPV supports; and 2) create a framework to assess policies in Canada and other jurisdictions.

Immigrant women's underutilization of support services has been attributed to multiple and intersecting barriers faced by them in accessing help (Hyman et al., 2006). Individual-level or personal barriers exist such as shame, normalization of abuse, lack of confidence or skills to seek help, and fear of rejection by community (who is often their only support network). However, immigrant women's experiences with and responses to IPV depend predominantly on the intertwined contextual factors of immigration and socio-cultural norms (Ahmad et al., 2009; Raj & Silverman, 2002; Guruge & Humphreys, 2009; Alaggia et al., 2009). And a key theme that emerges throughout the literature is that of the ways in which the state enters the lives of marginalized women and how social institutions, structures and ideologies enable IPV and impede access to services (Mosher, 2009). The most prominent structural barriers faced by immigrant women are immigration status; economic insecurity; lack of information, language barriers and social isolation; and lack of culturally safe services. Although discussed separately, these barriers often intersect to exert their influence in unison.

### **7.1. Immigration Status**

Immigrant women's legal immigration status acts as a key barrier to immigrant victims/survivors seeking and accessing help due to a fear of jeopardizing their immigration status by doing so. This barrier is most salient for women who were sponsored by their spouse and those with precarious immigration status including refugee claimants and non-status women (Bhuyan & Schmidt, 2018). Sponsorship exacerbates women's unequal status within the marriage, diminishes their independence, and aggravates socio-economic disadvantages by creating a legal bondage of dependency via the three-year sponsorship undertaking (Han, 2009). Sponsored women may be threatened by the perpetrator with reporting them for marriage fraud upon separation, which can jeopardize their permanent residency and

lead to deportation (Bhuyan & Schmidt, 2018). Particularly vulnerable are those who have not yet obtained permanent residency but have initiated sponsorship from within Canada; these immigrant women may be without status for a significant period of time and without a study or work permit until approved for permanent residency, which can take up to two years. The sponsor thus has the power to unilaterally withdraw the sponsorship application at any point prior to granting of the permanent resident status, which subjects women to deportation (Mosher, 2009). In fact, threats of deportation or withdrawal of sponsorship are a common tactic of abuse. Non-status women are particularly reluctant to call the police for fear of deportation and/or loss of their children if they brought attention to themselves and were deported, limiting their ability to seek help. For non-status women, having an H&C application in process does not prevent deportation as the Canada Border Services Agency (CBSA) is mandated to remove inadmissible people as soon as possible. A stay of removal may be placed after first stage approval is received however, the fear of deportation remains until then; in fact, the application can bring the attention of immigration officials to women (Neufeld, 2009; The Canadian Bar Association, 2019).

Furthermore, the process to obtain legal status can be complex and onerous. For instance, the degree of 'establishment' is a significant factor in assessing the H&C applications. Considerations relevant to degree of establishment are a history of stable employment; a pattern of sound financial management; integration into the community through involvement in community organizations, volunteering, or other activities; and a good civil record (for example, no interventions by police or other authorities for child or spouse abuse, or criminal charges) (Mosher, 2009). However, due to isolation, language barriers and other factors arising from the abuse, women have difficulty establishing themselves and proving 'establishment'. In addition, a significant hurdle for women who are successful in the first stage of the application is that continued receipt of social assistance is negatively viewed upon in the permanent residency application. Although the guidelines for IRCC officers assessing these applications state that social assistance receipt may be temporary or a result of the applicant's inability to work in Canada, in the end, social assistance receipt may negatively impact the application depending on officer discretion (BCSTH, 2020). The high application fees also act as an economic burden. Due to the complexity of the application, legal advice is recommended, which can again be expensive if women do not qualify for legal aid. And anti-violence agencies

have limited resources to fund on-site legal support workers to assist women with precarious status (Maki, 2019).

## **7.2. Economic Insecurity**

Economic insecurity can prevent all women from leaving their abusive spouse, however there are unique economic barriers arising from the immigration context that impact immigrant women. As highlighted in section 2.2, immigrant women tend to be at an economic disadvantage that makes them more vulnerable; racialized immigrant women especially end up in precarious jobs with unstable or inadequate incomes (Jackson et al., 2018). Sponsored immigrant women are acutely vulnerable to economic loss upon leaving as they often arrive in Canada without job prospects and are financially dependent on their spouse (Maki, 2020; Alaggia et al., 2009). Their challenges are compounded by foreign credential recognition issues and a lack of Canadian work experience. Their economic disadvantage, combined with other immigration-related factors such as language barriers and a lack of social network to assist with employment prospects or childcare, acts as a significant barrier to leaving an abusive relationship (Justice Institute of British Columbia [JIBC], 2007). In fact, economic abuse is a form of power and control tactic used in abusive relationships, where women are prevented from working or attending language classes (Alaggia et al., 2009).

In addition, immigrant women may be prevented from accessing resources to overcoming economic insecurity as immigration policy determines what rights women can claim from the state (Bhuyan et al., 2014). Women with precarious status such as visitors and TFWs are not eligible for the financial, health, housing, and employment assistance available to permanent residents. The primary responsibility for these services falls under provincial jurisdiction with requirements varying between provinces, but generally social assistance eligibility is limited to certain immigration categories and/or with proof of sponsorship breakdown due to abuse. Receipt of social assistance can be a factor in securing second stage housing (Maki, 2019). But even if women qualify for social assistance, they simply cannot risk the receipt of public benefits as it may jeopardize their immigration application through H&C (after stage 1 decision). Furthermore, the inadequacy of social assistance rates can entrap women in a relationship or cause them to return to the abusive relationship, a fact which is true for all women but particularly for immigrant women who may have no family or friends in

Canada to provide support and face additional costs related to immigration applications or lawyers (Mosher, 2009).

Immigrant women with precarious status are also denied access to most federally funded settlement services such as language classes (Jackson et al., 2018; Bhuyan & Schmidt, 2018). Even citizens are not eligible for settlement services as settlement services are only meant for permanent residents who have not yet become citizens; this can be detrimental for women who may have postponed accessing services due to childcare responsibilities (Bhuyan & Schmidt, 2018). Women without status are also ineligible to access the Canada child benefit (CCB) even if their child is Canadian (Jackson et al., 2018; Canada. Parliament, 2015). Overall, economic insecurity hinders immigrant women's ability to leave and makes them more economically dependent (Thurston et al., 2006).

### **7.3. Lack of Information, Language Barriers & Social Isolation**

Another barrier facing immigrant women is the lack of information, which is connected to language barriers and social isolation, as it makes it challenging for women to be knowledgeable about their rights and availability of supports (Alaggia et al., 2009; Voolma, 2018; BCSTH et al., 2015). Lack of accurate, accessible information about their rights and services such as social assistance and transition houses prevent women, especially newcomer women who are less familiar with Canadian systems, from seeking supports. They may be assessing their current experiences using their home countries as a frame of reference. And if protections and resources for victims of violence were lacking in their home country, they may infer that the same applies in Canada and not call the police or know to look for other supports (Menjivar & Salcido, 2002). There is a high degree of misinformation or lack of information about the immigration process as well, which lead immigrant women to believe false threats from their perpetrator such as threats of deportation even if they are permanent residents (BWSS, n.d.); this is exacerbated by language barriers and social isolation (Alaggia et al., 2009). In fact, language barriers exert greater influence when combined with the other limiting conditions of isolation, lack of information, immigration status, and employment (Menjivar & Salcido, 2002).

Official language skills are an important component of building social networks in Canada, finding employment, and integrating socially and politically. However, due to gendered patterns of migration and Canada's immigration policy preferences, immigrant women arrive in Canada with lower official language skills than immigrant men; especially women who are refugees, dependent economic class migrants, family class immigrants and with precarious status (Bhuyan & Schmidt, 2018). Although all victims/survivors may face varying degrees of social isolation, the isolation felt by immigrant women is exacerbated by language barriers, separation from their support networks of family and friends in their country of origin, and lack of familiarity with Canadian systems and services such as public transportation (JIBC, 2007). In a study of immigrant women leaving violence by Thurston et al. (2013), 83.8% of women reported some degree of social isolation. The isolation allows the perpetrator to more easily control resources that could offer financial, legal, or emotional support to women including those received from informal supports (Menjivar & Salcido, 2002). The isolation enforced by the perpetrator colludes with the isolation created by the migration process and the isolation reproduced by discriminatory practices when interacting with services resulting from cultural stereotyping or language barriers (Mosher, 2009; Smith, 2005).

Limited official language skills impede immigrant women from accessing services like shelters and crisis lines as well as information about them and keep them isolated; this allows the perpetrator to reinforce his power and control on the women (Menjivar & Salcido, 2002). If services and information are not made available in other languages, immigrant women become reliant on the perpetrator, his family or their ethno-community who may shame them for seeking services and knowing their rights due to normalization of IPV as a family matter (Thurston et al., 2013; Aujla, 2020). Immigrant women, especially those sponsored by their spouses, are frequently misinformed about the nature of their rights in Canada; they are told that they have no right to social assistance since they are not citizens and they are also misled about sponsorship rules (Thurston et al., 2013). The problem of lack of knowledge about the availability of social assistance or of other immigration routes is compounded by the complexity of these systems (Mosher, 2009). Women often have little or no knowledge about the specifics of the sponsorship application as it is their spouse who engages in all interactions with immigration; with little effort by immigration officers to actively engage women (Neufeld, 2009). As well, information provided by federal authorities regarding sponsorship undertaking also leave

many sponsored women with the belief that they are not entitled to benefits as they focus more on their obligations rather their rights (Mosher, 2009; Alaggia et al., 2009).

Not only do women lack information about immigration-related rights and supports, but also about anti-violence laws and supports. Many immigrant women have negative misconceptions about transition houses and believe they are only places for those facing addictions issues (Guruge et al., 2018). Barriers to communication also make it difficult for anti-violence service providers to explain the range of behaviours which constitute as abuse (e.g., emotional and financial abuse, not just physical) as well as the extent of the problem of IPV among Canadian-born women to immigrant women (Hotlmann & Rickards, 2018).

Many immigrant women are unable to overcome language barriers due to their inability to access government-funded language classes. For some this is due to childcare or elder care responsibilities, employment demands, lack of transportation or if they are prevented from attending classes by the abusive partners (Bhuyan & Schmidt, 2018; Holtmann & Rickards, 2018). Others may be formally excluded from language training, for example, most low-skilled temporary foreign workers (TFWs) and refugee claimants are excluded. This is problematic as an increasing number of foreign workers and international students are applying for permanent residency in Canada, so a growing proportion of new permanent residents are unable to access many settlement services until years after arriving in the country (Bhuyan & Schmidt, 2018).

#### **7.4. Lack of Culturally Safe<sup>5</sup> and Appropriate Services**

The models under which services operate create barriers for immigrant women as they fail to capture the multiple forms of oppression immigrant women experience. There is a lack of culturally and linguistically appropriate services and understanding of immigrant experiences, which leads women to return to the abusive relationship (Guruge & Humphreys, 2009; Thurston et al., 2013).

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<sup>5</sup> Cultural safety is a concept derived from work with Indigenous communities and goes beyond the concept of cultural competency. While cultural competency is the development of knowledge, awareness, and skills in service providers to work with diverse populations, cultural safety adds to this by requiring service providers to be reflective about their own cultural beliefs and values as well as systems and structures that may threaten client safety and requires an effort to address power imbalances (El-Murr et al., 2019; Rossiter et al., 2018).

Immigrant women often deal with IPV through more passive/emotion-focused strategies (e.g., blaming themselves, relying on faith, normalizing abuse) compared to the active/problem-focused strategies (e.g., accessing formal supports, separation) used by Canadian-born women (Kanagaratnam et al., 2012). And this is primarily due to the failure of services and policies to provide adequate assistance that corresponds to immigrant women's specific situation (Okeke-Iherjirika et al., 2020). For instance, many immigrant women have a primarily collectivist understanding of identity, where their identities as mothers, wives and daughters come before their individual identities; thereby placing greater emphasis on family unity due to both cultural beliefs and for the emotional and economic well-being of their children (Holtmann & Rickards, 2018; Alaggia et al., 2009). They may therefore be reluctant to seek help for IPV from Canadian public service providers, most of whom operate within a framework that takes individualist identities for granted (Tastsoglou et al., 2020; Holtmann & Rickards, 2018). Thus, IPV interventions focused on separation from the spouse or working with immigrant women in isolation from their families and networks are problematic (Holtmann & Rickards, 2018). While some immigrant women are reluctant to formally separate or divorce due to collectivist cultural values and patriarchal beliefs, others may be reluctant due to economic or citizenship requirements as discussed earlier (Okeke-Iherjirika et al., 2020). Therefore, lacking knowledge of such immigrant-specific and cultural differences lead to inefficient and inappropriate services.

The lack of culturally safe services is often viewed as racist and discriminatory by immigrant women as it conveys the message that they may only receive services if they adhere to "mainstream" cultural values and beliefs (Guruge & Humphreys, 2009). In fact, immigrant victims/survivors express facing racism, Islamophobia, and other forms of discrimination by shelter staff and other residents (Ahmad, 2018). The model of IPV service provision has largely been developed from a white, able-bodied, cis-gender, middle-class woman's perspective. Although it is encouraged to be more inclusive by adding components of multiculturalism, that does not necessarily shift the perspective that anti-violence service provision was developed from (BWSS, n.d.). This has created a one-size-fits-all approach that is designed around the needs of a very specific type of victim/survivor of IPV, belonging to the mainstream culture, and does not meet the diverse needs of immigrant women.



## 7.5. Literature Summary

The analysis of the literature provides insight into the ways that policies and structures may impede immigrant women's access to supports. Table 1 provides a summary of the literature findings.

**Table 1. Summary of Literature: Structural Barriers Facing Immigrant Women**

<b>Immigration Status</b>	<b>Economic Insecurity</b>	<b>Lack of Information, Language Barriers &amp; Social Isolation</b>	<b>Lack of Culturally Safe and Appropriate Services</b>
<ul style="list-style-type: none"> <li>• Fear of deportation due to precarious status</li> <li>• Fear of jeopardizing immigration application</li> <li>• Fear of losing children due to deportation</li> <li>• Complex and onerous legal process</li> </ul>	<ul style="list-style-type: none"> <li>• Precarious work with unstable or inadequate income</li> <li>• Financial dependency on spouse</li> <li>• Ineligible for public benefits</li> <li>• Negative impact of public benefits on immigration application</li> </ul>	<ul style="list-style-type: none"> <li>• Little knowledge about rights and formal supports</li> <li>• Using home country as frame of reference for information about services</li> <li>• Misinformation</li> <li>• Difficulty communicating information about rights</li> <li>• Limited support network in Canada</li> </ul>	<ul style="list-style-type: none"> <li>• Challenges providing culturally appropriate services</li> <li>• Lack of trained staff to address complex needs</li> <li>• One-size-fits-all approach</li> <li>• Racism and discrimination</li> </ul>

## Chapter 8. Case Study Analysis

The secondary methodology is an analysis of policies in Australia, the UK, and the US. Although no jurisdiction stands out as a leader in terms of protections specifically for immigrant women, each jurisdiction has its strengths that may be applied to the current Canadian context. Table 2 breaks down each structural barrier identified in the literature into identifiable measures for standardized comparison between jurisdictions. A summary of the case study analysis is found in Table 3 at the end of the chapter.

**Table 2. Case Study Evaluation Framework**

Barrier	Measure
Immigration status	Are there provisions for immigrant women to obtain or maintain status and prevent deportation, upon separation from abuser?
	Is the process of obtaining/maintaining status onerous?
Economic insecurity	Are all immigrant women eligible for government financial, housing and health supports?
Lack of information, language barriers & social isolation	Is accurate information about rights, laws and supports related to immigration and IPV (such as transition houses) being provided to immigrant women in their language?
Lack of culturally safe and appropriate services	Are specific tools being used to target unique needs of immigrant women?

### 8.1. Immigration Policy Supports

#### 8.1.1. Process to obtain status independently and prevent deportation

In Australia, the *Family Violence Provisions* of the *1994 Migration Regulations* allow holders or applicants of temporary partner visas to continue with their permanent residency application after the breakdown of their relationship if they, or a member of their family unit, have experienced IPV by an Australian citizen or permanent resident (Segrave, 2017; Ghafournia, 2011). Australia's spousal sponsorship application, known as a partner visa application, is typically a two-stage process. The first stage involves granting of a temporary partner visa for a period of two years. After this probationary period, the relationship is reassessed as genuine and continuing and a permanent partner visa is granted, allowing the spouse or partner to stay in Australia indefinitely

(Segrave, 2017; Ghafournia, 2011). Some women may also arrive on a Prospective Marriage Visa (for fiancés) which requires them to marry their prospective spouse or partner within nine months, after which they can apply for a partner visa, effectively making it a three-stage process in this particular case (Segrave, 2017). Under the *Family Violence Provisions*, women awaiting the outcome of their application for temporary or permanent partner visas or are holders of a temporary partner visa may still be considered for permanent residence if they can provide evidence of the violence while in a genuine relationship (Australian Government, 2020). Thus, certain women can continue on the pathway to permanent residence despite the relationship breakdown or if the sponsor withdraws support.

UK's 2002 *Domestic Violence Rule* enables women on spouse or partner visas experiencing domestic violence by an intimate partner or family member to apply for permanent residency independently at any time during the probationary period and even if they have overstayed their visa (Rights of Women, 2017). Similar to Australia's two-stage spousal immigration process, women who are on a spouse or partner visa in the UK are subject to a 5-year probationary period; this involves one probationary period of 33 months or 30 months, followed by an application to extend the probationary period for 30 months (2.5 years). After 5 years, they may apply for indefinite leave to remain (ILR), which is the right to live permanently in the UK. Before 2012, the total probationary period used to be two years (Voolma, 2018). At each point, proof of a genuine and subsisting relationship is required. If the relationship ends during the probationary period or if they have overstayed their visa, women become subject to deportation. However, the *Domestic Violence Rule* allows for an exemption to the deportation rule and to apply for ILR independently.

In the US, the *Violence Against Women Act* (VAWA) of 1994 is a comprehensive legislation providing a multi-pronged approach requiring the criminal justice system, social service system and community-based organizations to coordinate to effectively respond to IPV. It also established immigration provisions for abused immigrants. The VAWA provisions amending the *Immigration and Nationality Act* allow non-status immigrant women and those who were not lawful permanent residents (LPR) or citizens, but were married to a citizen or LPR, to "self-petition" for permanent residency and file for a cancellation of the deportation while their case is pending (Sacco, 2019). Self-petitioning means that instead of being sponsored, immigrant women can apply for

permanent residency on their own and their children's behalf. Women who are self-petitioning must provide evidence of abuse by a spouse who was a US citizen or LPR, good moral character, good faith marriage (including recognized common-law marriage) and residence with abuser in the US (United States Citizenship & Immigration Services [USCIS], 2016; WomensLaw.org, 2018). Certain crimes, related to the abuse, are exempt from the good moral character requirement (USCIS, 2019; WomensLaw.org, 2018). Women may self-petition without the knowledge of the abusive citizen or LPR spouse or former spouse and also apply for a work permit (Han, 2009). The VAWA provisions also allow women under a conditional permanent residency<sup>6</sup> the ability to apply for a "battered spouse or child waiver", that allows for the removal of conditions without the knowledge of the abuser, with proof of good faith marriage and abuse during the marriage. If immigrant women are already facing deportation/removal proceedings, they may file for VAWA cancellation of removal and if successful they can obtain LPR. Lastly, women who may not be eligible to apply to self-petition (e.g., if divorced, unmarried, or abuser is not citizen or LPR) may apply for a U nonimmigrant visa, also known as the U visa. This provides protection to noncitizen victims of crime who have assisted, are assisting or willing to assist authorities in the investigation or prosecution of criminal activity, including domestic violence with substantial physical or mental abuse (USCIS, 2011; USCIS, 2016).

Unlike the US and Canada, both Australia and the UK exclude most holders of non-partner or non-spousal temporary visas such as student, work, visitor etc. from protections available through immigration policy (NAGWTVEV, 2018; Voolma, 2018). In Australia, the provisions also exclude unmarried holders of Prospective Marriage Visas (for fiancés), thus making those whose relationship broke down before marriage ineligible. The exclusion of temporary visa holders means that the perpetrators continue to wield power and control over the women through threats of deportation. Women with a student or work visa with children who are citizens or permanent residents have limited to no visa pathways and face separation from their children (NAGWTVEV, 2018).

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<sup>6</sup> Typically, when a marriage between a noncitizen and a US citizen or LPR is less than 2 years old, the USCIS grants a conditional permanent residency for two years; this requires the couple to apply together for the removal of conditions ninety days before the second anniversary of the conditional residency to receive LPR that is not dependent on the US citizen or LPR.

### **8.1.2. Level of difficulty to access immigration support**

Literature from all three cases state challenges related to: 1) high burden of proof on the women with stringent evidence requirements related to the genuineness of the relationship and abuse that can be difficult to meet due to factors related to the abuse or precarious immigration status (e.g., forced marriage, economic abuse, isolation, fear of police); 2) difficulty accessing services that can help them apply, especially if faced with language barriers and inability to pay legal fees; 3) long wait times to receive an outcome of their application which is challenging for some women who are limited in financial means or support. It should be noted that all three jurisdictions have waivers or fee-exempt applications available for those who are eligible to apply for permanent residency under domestic violence provisions, unlike Canada's H&C. In addition, receiving social assistance is not detrimental to the immigration application at any stage for those applying under domestic violence provisions in all three case studies. However, Canada's evidence requirements are more flexible than the UK and Australia because it does not have a specific list of evidence to prove abuse (or to prove other requirements under the H&C, see Section 4.1) and does not weigh one form of evidence more than another, with more evidence considered as better. It also does not require explicit proof of a genuine relationship as required in all three case studies. In all the cases examined, although immigration-related supports are available to some or all immigrant women across all jurisdictions, the lack of information about these provisions as well as women's and immigrant rights and services greatly limits their ability to access them (Segrave, 2017; Mahapatra & Rai, 2019; Voolma, 2018).

## **8.2. Economic Supports**

Australia's social security system is administered by the federal government and includes a wide variety of payments. However, only citizens, refugees or former refugees, and holders of a specific humanitarian visa for trafficking victims have immediate access to all payments. All other permanent residents are subject to a four-year waiting period under the newly arrived resident's waiting period (NARWP) requirement before they can access social security payments. Waiting period exemptions are in place for permanent residents fleeing violence and those who have become single parents. However, only a small number of temporary visa categories are

exempt, and it excludes temporary partner visa holders (Australian Government, n.d.a). Even those with exemptions are limited to “special benefits” that are a discretionary form of social assistance or other limited forms of payment (National Advocacy Group on Women on Temporary Visas Experiencing Violence [NAGWTVEV], 2019).

In the UK, the federal government administers a variety of social security payments including welfare and housing benefits. In 2012, the UK government introduced the *Destitution Domestic Violence Concession* (DDVC) to enable women within the spousal or partner visa probationary period the right to access benefits and social housing for three months while they apply for ILR under the Domestic Violence Rules. This concession and the pathway to ILR is not extended to those with other types of temporary visas such as student, worker, or visitor (Rights of Women, 2017). Generally, people without citizenship or ILR are subject to a standard no recourse to public funds (NRPF) condition. This condition means that they do not have access to most public benefits., receipt of which would be considered a breach of visa conditions, leading to the visa being cancelled or greater difficulty in obtaining it in the future (Rights of Women, 2017). The *Domestic Violence Bill* passed in July 2020 has been widely criticized for excluding protections for migrant women with precarious status, including the DDVC (Williams, 2020). Instead, the UK government allocated £1.5 million to a pilot project which aims to cover the cost to support women with precarious immigration status (with NRFP) experiencing IPV to access shelters. This project is supposed to help build more evidence for future policy decisions regarding support for women with precarious status such as the length of time DDVC should be provided for and which migrants are most need (Government of UK Home Office, 2020).

In the US, there an array of federal and state benefits available to immigrant women. Generally, women can access several public benefits once prima facie approval is received for VAWA-related applications, however some federal benefits such as social assistance (called Temporary Assistance for Needy Families) and Medicaid are subject to a 5-year bar<sup>7</sup>. Despite this, immigrant women may be able to access other state benefits. Work permits cannot be authorized without approved U visa and VAWA self petitions, which is a lengthy process. The receipt of public benefits does not preclude women from permanent residence status (Teacher & Orloff, 2013). In all three countries,

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<sup>7</sup> VAWA self-petitioners must wait 5 years after becoming qualified immigrants (i.e., receiving prima facie approval) to be able to access certain benefits, unless their state provides otherwise.

as in Canada, not being able to receive public benefits significantly limits the capacity of the violence sector to assist these women as agreeing to accept these women imposes significant costs on service providers that are already stretched.

### **8.3. Information Provision About Supports and Rights**

Under Australia's *Second National Action Plan* (discussed in detail below), a family safety pack was introduced in 2015. This pre-departure safety pack on violence is provided to men and women coming to Australia on a partner visa as well as those on student visas and temporary work visas. It includes 8 factsheets on laws and rights translated into 46 languages as well as a factsheet on interpretation in violence situations aiming to raise awareness of their own rights as well as the responsibility of interpreters. Some of the fact sheet topics are domestic and family violence, family violence and partner visas, sexual assault, forced and early marriage etc. (Australian Government, 2019). It also includes a low literacy storyboard. Visa grant letters issued by the Department of Immigration and Border Protection provide information about the pack and where to find it (Commonwealth of Australia, 2016).

In the US, the 2005 *International Marriage Broker Regulation Act* requires that the US government provide foreign fiancées and spouses immigrating to the US information about their legal rights, which is done in the form of a 3-page pamphlet. It also requires the US government to provide a history of any past criminal or domestic violence offences committed by the US fiancées and spouse as well as a copy of the visa sponsorship application (USCIS, 2011). Despite this, the lack of knowledge about VAWA protections and available community resources prevail, leading many to believe that any involvement by the authorities may lead them to be deported and not seek help (Scott et al., 2018).

The UK and Canada do not have any mandatory processes in place to provide such information pre-departure. Canada has an optional pre-arrival orientation that is expected to provide some information on gender equality and IPV amongst other topics, and an information guide, *Welcome to Canada*, is available upon arrival with a small section on IPV (Canada. Parliament, 2015; Citizenship and Immigration Canada, 2013). The *Welcome to Canada* guide is also available through other points of contact with settlement services, however it is extremely long and inaccessible requiring a high level

of English language literacy. It also does not sufficiently explain what kinds of behaviours constitute as abuse as well as women's rights, particularly the rights of sponsored women. Clearly, jurisdictions vary in the amount of information provided pre- and upon-arrival, however they all lack in terms of information being provided on an ongoing basis.

#### **8.4. Tools to Address Unique Needs of Immigrant Women**

In Australia, federally, the *National Plan to Reduce Violence against Women and their Children 2010-2022* (National Plan) is a key anti-violence policy document published by the Council of Australian Governments, an intergovernmental forum. Driven by a series of four three-year Action Plans, the 12-year National Plan aims to connect the work of different levels of government, community organizations and individuals for a coordinated framework that improves the scope, focus, and effectiveness of government action to stop violence against women (COAG, 2011). Each National Plan recognized the diverse needs of immigrant women who were born in non-English speaking countries, what they term culturally and linguistically diverse (CALD) women (Commonwealth of Australia, 2015) and the second and third National Plans have specific action items to support CALD women. Under the *Second Action Plan, 2013-2016: Moving Ahead*, 29 kitchen table conversations were held throughout Australia to deepen understanding of CALD women's experiences and it specified as a national priority, the reduction of violence against women in CALD communities (Commonwealth of Australia, 2015). To do so, federal and state governments committed funding to several projects, most being funded for two-year periods, to support CALD women through increased capacity, engagement, improved service delivery and prevention efforts via community-based organizations. It also included the introduction of the family safety pack mentioned earlier. Action items in the *Third Action Plan, 2016-2019, Promising Results* include more support to build on the activities of the previous Action Plans to support CALD women such as improving service accessibility ensuring cultural appropriateness, community-driven prevention initiatives and others. It also suggests more protections for temporary migrants. The *Fourth Action Plan: Turning the Corner, 2019-2022*, does not have explicit action items for CALD women. In fact, work is still being conducted to fulfill the action items noted and little progress has been made so far, especially on the last two action plans (Australian Government, n.d.b.). Australia also



has a national interpreter line which is free and confidential for anyone who needs to access services such as those provided by non-profits, medical professionals etc.

In the US, most protections for violence against women fall under the VAWA. Specific discretionary grants that assist immigrant women are the 1) grants to enhance culturally specific services for victims of domestic violence, dating violence, sexual assault, and stalking for community-based programming; and the 2) grants focused on sexual assault services culturally specific programs (Sacco, 2019). These grants have provided a steady funding stream for community-based interventions since changes to the VAWA in 2005. The first grant is meant to be for community-based organizations to maintain the provision of culturally specific services and/or to develop strategies to provide culturally specific services to racial and ethnic minorities (Sacco, 2019; United States Department of Justice [USDOJ], 2019). The awards are typically up to \$300,000 each for 24-month projects and in 2018, 21 awards totalling over \$6 million (US dollars) were given out, similar to the 2020 grant funding intentions (USDOJ, 2019a; USDOJ, n.d.a). The second grant is similar but focused on sexual assault services with awards ranging up to \$300,000 for 36 months and in 2018, 11 awards totaling over \$3 million were given out (USDOJ, 2019b; USDOJ, n.d.b). VAWA also stipulates that VAWA funds can be used to train immigration officers and judges in IPV issues, however it is not a requirement (Raj & Silverman, 2002).

## **8.5. Summary of Case Study Analysis**

Table 3 shows a summary of results from the case study analysis. The policies present in each jurisdiction is given a rating of high (green), medium (yellow) or low (red) depending on how well they ranked in each measure, relative to each other.

**Table 3. Summary of Case Study Analysis**

Barrier	Measure	Australia	United Kingdom	United States	Canada
Immigration status	Are there provisions for immigrant women to obtain or maintain status and prevent deportation, upon separation from abuser?	Yes, immigrant women who hold a temporary partner visa or are eligible to apply for temporary or permanent partner visas can apply for permanent residency on their own under the <i>Family Violence Provisions</i> ; no deportation while application in process	Yes, immigrant women on spouse or partner visa who are in the probationary period can apply for permanent residency on their own under <i>Domestic Violence Rule</i> ; no deportation while application in process	Yes, immigrant women of any status who were spouse or partner of citizen or permanent resident can apply for permanent residency on their own through VAWA self-petition or obtain a U-visa and deportations can be cancelled	Yes, immigrant women of any status who were spouse or partner of citizen or permanent resident can apply for an expedited TRP and/or the H&C; deportations can be paused if TRP in process and after first stage approval for H&C
	Is the process of obtaining/maintaining status onerous?	Yes	Yes	Yes	Yes
Economic Insecurity	Are all immigrant women eligible for government financial, housing and health supports?  <i>Note: In Australia and the UK, federal government administers most public benefits</i>	Yes, for several (not all) categories of permanent residents and temporary migrants experiencing IPV; housing support limited. Receipt of benefits not detrimental to immigration application	Yes, but only those who are eligible for the immigration provisions for IPV and only for 3 months while applying for permanent residency; No Resource to Public Funds for others with precarious status	Varies by state, eligible for most public benefits if self-petitioning; could be subject to a 5-year bar for federal benefits but remain eligible for state benefits. Receipt of benefits not detrimental to immigration application	Varies by province, must prove sponsorship breakdown and women with precarious status may not be eligible. Receipt of benefits could affect H&C application after stage 1 decision.
Lack of info, language barrier, social isolation	Is accurate information about rights, laws and social supports (such as transition houses) being provided to immigrant women in their language?	Yes, detailed pre-departure family safety pack for several categories of temporary visa holders with factsheets and low literacy storyboard on IPV. Available in 46 languages.	No	Yes, detailed pamphlet provided pre-departure in English to those arriving on marriage-based visas.	Optional pre-arrival settlement services (with low uptake) for most permanent residents; general information package, provided upon arrival with small section on IPV, in English.
Lack of culturally safe & appropriate services	Are specific tools being used to address unique needs of immigrant women?	Several federal and state-funded community-based research and/or service provision initiatives funded under the National Action Plan (ongoing); centralized phone interpretation line	None	Two yearly grants available under the VAWA for culturally specific programs	Project-based funding to community-based organizations through the GBV strategy, most for 3-year projects to develop promising practices to work with immigrant survivors & families

## **Chapter 9. Policy Criteria, Measures, and Options**

This chapter presents the key criteria and measures that are used to evaluate the benefits and drawbacks of the proposed policy options. Three proposed policy options are presented as well.

### **9.1. Policy Criteria and Measures**

The main objectives of this policy analysis are safety and equity. Administrative ease, stakeholder acceptance, and cost are also important considerations. Criteria and measures are identified under each objective and each consideration to effectively evaluate the policies. Table 4 displays a summary of these criteria, along with measures and scores for each. Findings from the analytical methodologies will be used where possible to inform the evaluation of each policy option using these criteria.

**Table 4. Policy Criteria and Measures**

Criterion	Definition	Measure	Score
<b>Key Objective: Safety</b>			
Empowerment	Extent to which option will empower immigrant women to seek and access formal supports for IPV	Significant increase in % of immigrant women seeking and accessing formal supports	3
		Moderate increase in % of immigrant women seeking and accessing formal supports	2
		Small increase in % of immigrant women seeking and accessing formal supports	1
Service quality	Expected improvement in services meeting immigrant women's intersectional needs	Significant improvement	3
		Moderate improvement	2
		Small improvement	1
<b>Secondary Objective: Equity</b>			
Target group	Extent to which option helps all immigrant women, including the most vulnerable	Helpful to all immigrant women	3
		Helpful to most immigrant women	2
		Helpful to a small subset of immigrant women	1
<b>Consideration: Administrative Ease</b>			
Ease of implementation	Ease of implementing policy based on the level of coordination and collaboration between actors and changes to existing procedures	Easy to implement	3
		Moderately difficult to implement	2
		Difficult to implement	1
<b>Consideration: Stakeholder Acceptance</b>			
Service Providers & Advocacy Groups	Level of support from service providers and advocacy groups	High level of support	3
		Medium level of support	2
		Low level of support	1
Federal government	Level of support from federal government	High level of support	3
		Medium level of support	2
		Low level of support	1
<b>Consideration: Cost</b>			
Cost	Cost to federal government	Low cost	3
		Moderate cost	2
		High cost	1

### 9.1.1. Key Objective: Safety

The overarching objective and motivator of this study is to reduce the structural barriers immigrant women face in seeking and accessing formal supports for IPV, which ultimately impacts women's safety. Achieving this ultimate objective involves the process

of empowering women to reach out to supports (Cattaneo & Goodman, 2015), making empowerment the first criterion under this objective. Under this criterion, policies are evaluated on the extent to which they empower immigrant women, as measured by the expected increase in the percentage of immigrant women seeking and accessing formal supports. If the policy option is expected to lead to a significant increase, it receives 3, moderate increase receives 2 and small increase receives 1.

A woman's decision to leave an abusive relationship successfully is greatly influenced by the quality of services, including an understanding of immigrant women's pre- and post-migration context, IPV, as well as their cultural and linguistic needs (Guruge et al., 2009; Thurston et al., 2013). Thus, under this criterion, policies are also evaluated on the expected improvement in services so that they adequately meet immigrant women's intersectional needs. If the policy option is expected to lead to a significant improvement it receives 3, moderate improvement receives 2 and small improvement receives 1.

Both criteria, empowerment and service quality, are weighed equally as safety is the most important objective of this study and deserves twice the weight when compared to other objectives.

### **9.1.2. Secondary Objective: Equity**

The equity criterion evaluates how well the policy option helps address the barriers facing *all* immigrant women, including the most vulnerable such as women with precarious status, newcomer women, women facing language barriers, racialized immigrant women, and sponsored women. The main consideration is on whether this policy option excludes certain immigrant women. If the policy option helps all immigrant women it receives 3, if it is helpful to most it receives 2, and if it is helpful only to a small subset (e.g., one immigration class) it receives 1.

### **9.1.3. Consideration: Administrative Ease**

As discussed throughout, several community-based organizations and government agencies/departments at the provincial and federal level are involved in ensuring safety for immigrant women. Although this analysis focuses on federal policies,

the implementation may require some level of collaboration and coordination between various community-based organizations and agencies/departments within the federal and provincial governments. Thus, ease of implementation is considered by evaluating the level of collaboration and coordination required between the various actors involved in the policy implementation process as well as the level of changes required to existing policy framework and government procedures. If the policy option is easy to implement as indicated by relatively few barriers to involving and coordinating with relevant entities, it receives 3, if it is moderately difficult to implement it receives 2, and if it is significantly difficult to implement it receives 1.

#### **9.1.4. Consideration: Stakeholder Acceptance**

The stakeholder acceptance criterion evaluates the extent to which the policy option will be accepted by relevant stakeholder groups. As identified in Chapter 5, the key stakeholder groups are service providers from community-based organizations (“service providers”) as well as advocacy groups primarily in the anti-violence and immigrant-serving/settlement sectors but also include health and legal service providers. Since all options are meant to benefit immigrant women experiencing IPV and since they are a marginalized and vulnerable group who have little input in policy decisions, they were not included explicitly in this criterion, but their interests can be expected to be reflected by advocacy groups and service providers. The federal government is also a key stakeholder since the policy options are federal level. This criterion is measured by examining the literature and news sources for evidence of acceptability by stakeholder groups. If a policy option receives high support, it receives 3, moderate support towards a policy receives 2, while low level of support receives 1. The total score for stakeholder acceptance is divided by two to get the average as stakeholder acceptance should not weigh more than the key objective of safety, overall.

#### **9.1.5. Consideration: Cost**

Budgetary impacts are also an important consideration when analyzing proposed policies. The measure for cost includes the upfront and ongoing costs to federal government of direct funding, or costs associated with contracting service providers to implement the option. A policy option with a relatively low cost receives 3, moderate cost receives 2, and high cost receives 1.

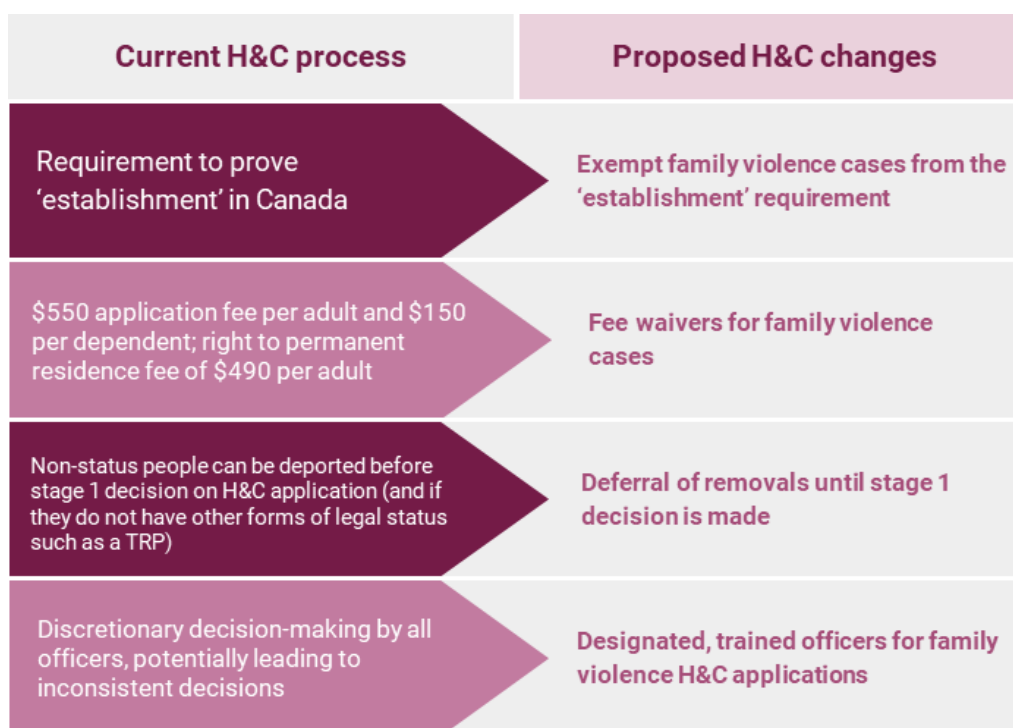
## **9.2. Policy Options**

Although many services for victims/survivors of violence fall under provincial/territorial jurisdiction, I propose three federal level policies because stakeholders have long called for federal government to do more to support the work of provinces and territories (Ending Violence Association Canada, 2016). All three options aim to address safety for immigrant women first and foremost and are derived from the analysis.

### **9.2.1. Option 1: Enhancing the Humanitarian and Compassionate Process**

This policy option proposes improving accessibility of the H&C application for family violence cases. Precarious immigration status puts immigrant women at a greater risk of IPV and is a barrier to seeking supports. The two avenues currently available to immigrant women with precarious status experiencing IPV are the expedited TRP and the H&C applications. Of those, only the H&C application is a direct pathway to permanent residency and therefore addresses precarity fully. One of the major critiques of the H&C application, has been about how arduous and long the process is. Although the 2019 changes introduced an expedited H&C application process and address the concerns regarding the amount of time it takes to process the application, it did not address the level of burden it places on the victim. Thus, immigrant women continue to face significant challenges in their ability to access the H&C. It can also be daunting for women, without the right legal support, to go through the application given a low acceptance rate (Alaggia et al., 2009). Figure 2 summarises the proposed changes to the H&C process, with each item explained in more detail below.

**Figure 2. Option 1 Summary**



This option entails the exemption of 'establishment' criteria for family violence H&C applications as social isolation and economic dependency can be part of the abuse and make meeting this requirement unrealistic and challenging, as outlined in section 7.1. As well, the application fees for the H&C application in cases of family violence should also be waived as it is prohibitive and an additional burden on top of any legal fees which may be required if women are not covered by legal aid. Currently, the TRP application for victims of family violence is fee-exempt, clearly recognizing the economic barriers faced by immigrant women, so the high fees for H&C should be similarly exempt. Australia, the UK, and the US all have some form of fee waivers for permanent residency applications for immigrant women who have experienced violence, thus precedent to do the same exists not only within Canada's own provisions for immigrant women experiencing IPV but also amongst all peer countries. Deferrals of removals should also be put in place for immigrant women pursuing H&C due to family violence until the H&C application is processed and if pursuing a judicial review in Federal Court (Neufeld, 2009; The Canadian Bar Association, 2019).

Furthermore, designated IRCC officers with specialized training would be a crucial part of this option. Currently, there is no interview or hearing involved and as

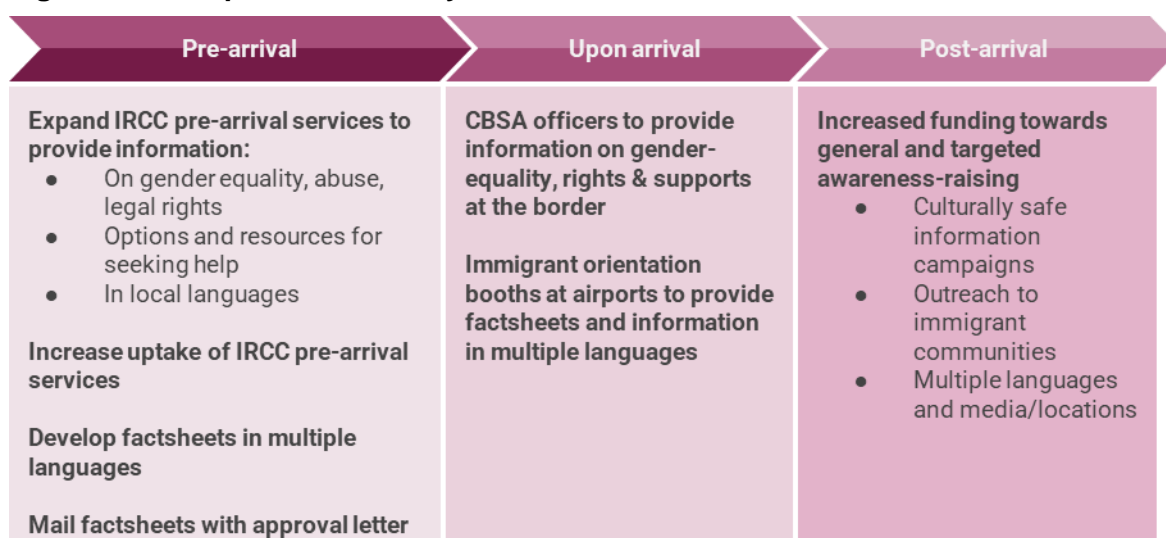


many aspects of the H&C decision are discretionary, it creates inconsistency in the application of policy. Although discretion allows for greater flexibility in decision-making to account for varying circumstances, it can also lead to similar situations being assessed differently by different officers. For example, officer discretion currently determines whether the applicant can be exempt from the financial inadmissibility – social assistance clause in section 39 of the IRPA, particularly after first stage approval when social assistance receipt is negatively looked upon. This is especially concerning as the only route to appealing a H&C decision is by applying in federal court. Thus, the IRCC officers processing H&C applications for family violence cases should specifically be trained in the dynamics of family violence and trauma. As in the US, a dedicated group of trained officers should review family violence applications (West Coast Leaf, 2012). This would ensure that a trauma-informed approach is applied by officers processing these claims and help mitigate the disproportionate burden of proof and unreasonable expectations placed on the women. Having a designated team would allow the government to deal with any potential fraud concerns as well because a specialized team means they can better discern fraudulent claims and evidence from genuine ones. It should be noted that in countries like the US where more options are available to immigrant women experiencing IPV under VAWA, there is no reliable empirical support for assertions of fraud (Kandel, 2012).

### **9.2.2. Option 2: Building Awareness of Rights and Supports**

This policy option is to enhance immigrant women's access to information about their rights and laws in Canada related to IPV and immigration as well as the supports and options available to them. This includes providing information at several points in the migration journey and settlement process in spaces that they access; the information would be provided in multiple languages through various forms of media in a culturally safe manner. Although multilingual information may already exist, the problem is in dissemination and accessibility (formats, language, settings) which this option aims to address. Figure 3 summarizes this option.

**Figure 3. Option 2 Summary**



Firstly, women would be informed about their rights and supports both pre-arrival and upon-arrival. IRCC’s pre-arrival settlement services<sup>8</sup> would be expanded to ensure all immigrant women, especially sponsored spouses and dependant spouses of principal applicants, receive information in a language they can understand and ensure that the topics covered include gender equality, their legal rights, what constitutes as abuse, and their options to seeking help (Canada. Parliament, 2015). Between fiscal years 2015/16 and 2017/18, only 36% of pre-arrival services were offered in local languages (IRCC, 2018). The expansion of information provision pre-arrival would be accompanied by a promotion strategy about the availability of these pre-arrival settlement services as the uptake remains low at only 12% of all eligible newcomers; this is because 71% of newcomers are not aware of its existence or find out too late in the immigration process (IRCC, 2018). In addition, an information pamphlet or factsheet should be provided to all immigrants, pre-arrival and upon arrival; this should be clear and accessible with key phone numbers and information about rights and resources in a variety of languages. The 1-page factsheets that are part of Australia’s pre-departure family safety pack are a good example since they include key information in concise and simple, non-technical, language; they are also available in 46 languages (see Section 8.3 for more details).

<sup>8</sup> Pre-arrival settlement services provide permanent residents and refugees with the same types of services as in-Canada settlement services, except language assessment and training. IRCC funds service provider organizations (SPOs) such as immigrant-serving agencies, industry/employment specific organizations or educational institutions to provide needs assessment and referrals; information and orientation; employment-related services and community connections.

They could be modeled for Canada and mailed along with the approval letter for permanent residency as is done in the US. Upon arrival, along with providing the factsheets, IRCC-funded service providers at immigrant orientation booths would be better equipped to provide this information in multiple languages. In addition, CBSA officers would also be trained to provide information on gender equality, rights, and supports.

Secondly, since settlement needs span across a range of time especially for women whose settlement needs emerge after a transition phase in their family status, such as IPV, information provision would need to be on a routine, ongoing, basis (Han, 2009; Jackson et al., 2018). This option therefore also proposes ongoing funding towards general and targeted awareness-raising through culturally safe information campaigns and outreach to immigrant communities. Information about supports like transition houses should be easily accessible, in multiple languages, and clarify misconceptions about them as well. All types of media and locations would be targeted to have a broader reach such that it reaches even those with low literacy skills and those who are more isolated. Examples include, but are not limited to, social media; community newspapers; posters on public transportation; television and radio programs (especially ethnic media); grocery stores; colleges; health care facilities; religious places; and English language classes. While being important work, most anti-violence community-based organizations receive little to no funding to do awareness-raising and prevention (Maki, 2019), let alone this type of awareness-raising.

### **9.2.3. Option 3: Creating Inclusive Services**

This option is to increase the inclusivity of services recognizing the unique challenges faced by immigrant women. Stable and ongoing funding would be provided to community-based organizations in provinces with demonstrated need for three components noted below (Figure 4). This funding could be in the form of ongoing grants, similar to the grants in the US, or be flowed through national umbrella organizations such as Ending Violence Association of Canada and Women's Shelters Canada or through provincial umbrella organizations like the BC Society of Transition Houses, Affiliation of Multicultural Societies and Service Agencies of BC etc. Any funding model would need to not be onerous to obtain. Currently, services addressing the needs of immigrant women remain in the margins of government funding agendas and many

providing those services are required to reapply for funding annually (Guruge & Humphreys, 2009). Thus, transition houses and women’s shelters often lack the capacity/resources to provide all services in a manner that fully meets the needs of women from different cultural, ethnic and language backgrounds and with precarious status (Maki, 2019; Canada. Parliament, 2019). Inadequate core operational funding in both the anti-violence and immigrant-serving sectors greatly limits their ability to provide ongoing training to staff and retain good quality staff who can attend to immigrant women’s more complex needs, especially of those with precarious status experiencing IPV, and provide culturally appropriate services (Maki, 2019; Holtmann & Rickards, 2018). The lack of funding limits the ability of both sectors to collaborate and coordinate to adequately provide more trauma-informed assistance without duplicating or having gaps in services (Holtmann & Rickards, 2018).

**Figure 4. Option 3 Summary**



The first component is community-based education and partnerships/collaboration between anti-violence organizations and ethno-cultural community-based organizations as well as cultural and religious leaders in immigrant communities. Ethno-cultural organizations are more likely to be able to impact community norms and encourage help-seeking without fear of stigmatization; they play a vital role for women who are unlikely to seek services outside their community due to language and cultural barriers (Raj & Silverman, 2002; Bhuyan & Schmidt, 2018). This component is similar to Option 2, however, with a greater emphasis on building

partnerships with the community for a more active community role including promoting bystander intervention. OCASI's Immigrant and Refugee Communities Neighbourhood Friends and Family Peer Champions Campaign is an example of such an initiative (IRCNFF, n.d.).

The second component is the facilitation of hiring and retention of trained multilingual and multicultural staff and/or working in partnership with interpreters, as needed. Improved collaboration with interpreters that are readily available and trained in maintaining confidentiality, objectivity, and sensitivity would significantly facilitate access to services; this is particularly important for rural communities where interpreter access is more limited or where multilingual and multicultural staff is not readily available.

The third component is the provision of training, workshops, and print resources to better equip service providers in the anti-violence sector to respond to the multiple intersecting factors affecting immigrant women experiencing IPV including cultural safety, and an understanding of immigrant experiences. As well, it would be to improve GBV-related programming in immigrant-serving/settlement agencies on an ongoing basis, in addition to the project-based funded provided under the GBV Strategy.

While domestic violence service organizations are fully aware of issues of sexism as experienced by clients, and multicultural service providers understand the effects of racism, what we are missing is the ability to collaborate in order to achieve a better understanding of the intersectionality of these disparate and important influences (Holtmann & Rickards, 2018, p.300).

Thus, training for service providers as well as increased collaboration between the two sectors are important.

## Chapter 10. Policy Analysis

This section provides an evaluation of the policy options using the criteria and measures outlined in Chapter 9. Scores are summarized in Table 5 at the end of this chapter.

### 10.1. Option 1 Analysis: Enhancing the H&C Process

#### *Safety*

In terms of empowerment, this option removes some of the burden associated with the H&C application to make it more accessible to immigrant women experiencing IPV. Improving the ability of immigrant women to obtain permanent legal status and defer any removal proceedings in the meantime would mitigate the barriers arising from precarious immigration status such as fear of deportation and losing their children. It would also address economic barriers as women would be able to access social services that often require permanent residency for eligibility. However, the H&C process requires significant legal support and it is, in fact, recommended to not proceed without legal assistance (Witelson & Parsa, 2019). As well, women would also need to be informed about the availability of H&C (and the TRP) options otherwise they may continue not to access supports (Mosher, 2009). Even then, there is always uncertainty regarding the outcome of the applications. Thus, although it addresses one of the key barriers that are salient in immigrant women's search for safety, it has some limitations and therefore can be expected to lead to a moderate increase in percentage of immigrant women seeking and accessing formal supports, scoring 2.

In terms of service quality, designating a group of trained IRCC officers processing family violence H&C applications, would theoretically lead to women's needs being met. Their understanding of the dynamics of family violence among immigrant women would ensure more compassionate and trauma-informed decision-making, as well as more consistency in the interpretation of H&C policies. This is important considering that most H&C decisions are largely discretionary, based on non-binding guidelines in a policy manual rather than being clearly defined in the IRPA. In combination with the fact that these applications are now expedited (since July 2019), which previously could take up to 2 years and a deferral of removals in the interim as

suggested, this option is expected to lead to a significant improvement in immigrant women's needs being met and receives a score of 3.

### ***Equity***

The H&C is an avenue for women with precarious status, i.e., temporary and non-status women, who do not qualify under other immigration classes to apply for permanent residency. Thus, this option does not help overcome barriers to seeking help for those immigrant women who are already permanent residents, such as sponsored spouses or refugees whose barriers are less likely to be related to immigration status. In fact, the H&C is not an option for *all* women with precarious status either. Women in the following situations are ineligible to apply: women who have had their refugee claims denied within the last 12 months (unless they have a child or can prove a life-threatening medical condition); those with an existing refugee claim; or those declared as a designated foreign national<sup>9</sup> within the last 5 years. Despite its limitations, since this option helps temporary and non-status women, who are the most vulnerable, it receives a score of 2.

### ***Administrative Ease***

This option requires involvement of two federal government departments. IRCC would be involved in changes to H&C eligibility and fees as well as implementing officer training for officers processing family violence H&C applications. Collaboration with a community-based organization would be required to develop officer training. CBSA would implement deferrals of removal orders while a H&C application is in process even before first stage decision. Some level of coordination may be required since both organizations work quite closely together in their administration of the IRPA, however it would be minimal. As well, no new programs are introduced, only some changes to existing policy. Thus, this option is relatively easy to implement and scores 3.

### ***Stakeholder Acceptance***

In terms of service providers and advocacy groups, each of the changes to the H&C specified under this option have been suggested in reports and briefing notes

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<sup>9</sup> A Designated Foreign National is a person who has arrived in Canada in an "irregular" way and the Government of Canada cannot determine if the person is admissible.

produced by these groups to federal government and to the UN Special Rapporteur on violence against women (Mattoo et al., 2017; Han, 2009; EVA Canada, 2016; West Coast Leaf, 2012). In fact, the expedited H&C had been advocated for by some groups for over 10 years before it was implemented in 2019 (Han, 2009). Thus, the level of support for this option is expected to be high, scoring 3.

In terms of federal government support, the federal government's GBV Strategy clearly lays out as a priority group immigrant and refugee women including non-status women. With the COVID-19 pandemic casting a light on the issue of gender-based violence, the federal government will likely be more receptive to improved protections for victims of family violence. However, given the fact that changes to H&C and TRP were made as recently as 2019, the federal government may not be as supportive of creating further changes in such a short timespan. In addition, concerns about an increase in potential fraud may also diminish support for loosening of the H&C criteria. Thus, this option scores 1 signifying a low level of support from federal government.

### **Cost**

The ongoing cost of changes proposed in this option is largely associated with fee exemptions. IRCC does not currently track and report revenue just from the H&C program, making any estimation challenging. However, the dependent child application fee revenue under the H&C class (not just family violence cases) is about \$600,000, so even if that is tripled the cost would be under \$2 million of foregone fee revenue (IRCC, 2020c). Deferral of removals would allow CBSA to also allocate resources now spent on handling removals or deferral requests more efficiently. There will be some upfront administrative costs to the departments to change H&C eligibility requirements and update training of IRCC officers which may not be covered under the usual administrative costs of the departments. Overall, the upfront and ongoing costs are expected to be minimal, scoring 3.



## **10.2. Option 2 Analysis: Building Awareness of Rights & Supports**

### ***Safety***

In terms of empowerment, this option directly addresses one of the key barriers highlighted in the analysis, i.e., lack of information, which is interrelated with social isolation and language barriers. Access to formal supports, such as the social and health systems, is shaped by immigrant women's access to information (Bhuyan & Schmidt, 2018). Having information is a key component of understanding what types of behaviours are defined as abuse in Canada, the availability of supports and services, and the immigration-related rights and avenues for protection. It leads to women having a choice of action and reduces the extent to which the perpetrator falsely asserts or exaggerates their power (Segrave, 2017). IRCC's evaluation of pre-arrival settlement services highlighted the importance of information on gender equality and cultures and that providing it in local languages significantly promotes effectiveness of services. In addition, people who have accessed pre-arrival services also access in-Canada settlement services at a higher rate than those who do not access pre-arrival services (IRCC, 2018). Thus, highlighting the importance of pre-arrival services to not only provide information directly to women (about IPV and other settlement needs), but also to connect them with settlement services in Canada which would mitigate social isolation, language barriers and even economic barriers. In fact, immigrant-serving agencies which provide settlement services such as English language classes, are often the first point of contact for IPV supports by immigrant women who do not have informal supports for disclosure (Thurston et al., 2013). Since this option also targets information to communities at large, it would help to empower community members that form informal supports to whom women often disclose abuse first (Thurston et al., 2006; Aujla, 2020). Receptivity to messaging about IPV is enhanced when the source is internal to the community as it minimizes common reactions that the information is based on "Western ideology" and not relevant to their community (Raj & Silverman, 2002). Thus, this option is expected to lead to a significant increase in immigrant women seeking and accessing formal supports and scores 3.

In terms of service quality, it may seem at first glance that this option does not directly influence service provision. However, aspects like providing information in

multiple languages and in a culturally safe manner in spaces that women already frequent comprise as an improvement in service quality. And since this option addresses communities and builds the capacity of informal supports, it also indirectly contributes to services that better meet immigrant women's needs. Informal networks are expected to facilitate cultural safety while women navigate formal supports. Thus, this option would lead to a significant improvement in the quality services provided pre-arrival, upon-arrival, and on an ongoing basis, leading to a score of 3.

### ***Equity***

This option targets immigrant women who are legally entering Canada as permanent residents, regardless of which immigration class they are admitted under. In addition, building community awareness would target immigrant women generally, rather than only those who are entering Canada as permanent residents; this would include not only temporary and non-status women, but also those immigrant women who have become citizens. Thus, this option scores a 3 as it is helpful to all immigrant women.

### ***Administrative Ease***

The initial implementation of the policy option would require some level of collaboration by IRCC with at least one community-based organization to develop the factsheets in multiple languages and expand information provided through their pre-arrival and upon-arrival services to new permanent residents entering Canada. Similarly, CBSA would need to collaborate with a community-based organization to update officer training to provide information upon arrival and to do so in a culturally safe manner. The only significant change to existing processes is the creation of factsheets, but the other components of this option require minimal changes such as including specific criteria in the federal government's next call to proposals for pre-arrival settlement services (to provide information in local languages) and for anti-violence services (for long term funding for awareness raising to immigrants). Overall, although once implemented, the operation and delivery of this option involves multiple actors, only some level of collaboration and coordination and changes to procedures is required to establish the option; this makes the option moderately difficult to implement, scoring 2.

### ***Stakeholder Acceptance***

Service providers and advocacy groups have consistently expressed that immigrant women tend to lack information about the options available to them and their rights in the language they understand and use. To address this, organizations like the BC Society of Transition Houses and the Ontario Council for Agencies Serving Immigrants have successfully led short-term information campaigns in multiple languages. However, service providers in such organizations frequently cite funding constraints as limitations for continual information provision/awareness raising initiatives (BC Housing, 2019). Given the fact that this option directly aims to address this gap, this option scores 3 for high level of support by service providers and advocacy groups.

In 2015, the Parliamentary Standing Committee on Citizenship and Immigration recommended to “expand pre-arrival orientation to ensure sponsored spouses receive information in a language they understand and to ensure that the topics covered include gender equality, women’s rights, their legal rights, what constitutes abuse in Canada and how to seek help.” In its response, the federal government was receptive stating that an expansion was underway and information on gender-based violence would be provided. As well, a brochure was being developed for victims of abuse in multiple languages and in plain language – in print and online – by IRCC. Although no such brochures are available on the IRCC website as promised, pre-arrival services have been expanded and a strategy to improve uptake was developed with an intended 2019 completion (IRCC, 2017). Despite this, even the 2019 Parliamentary Standing Committee on Citizenship and Immigration report on “improving settlement services across Canada” recommended to improve the uptake of pre-arrival settlement services. Although the official government response to the report has not been published, it can be expected to support the Standing Committee’s recommendation given IRCC’s internal reports have shown commitment for the same. However, it is unclear whether the federal government would be willing to take a leadership role in preparing resources like factsheets to be provided pre- and upon-arrival women given the aforementioned track record with the brochure. As well it is unclear whether the federal government would allocate long-term, core funding to ensure ongoing information provision and outreach as the current funding models in both the settlement and anti-violence sector tend to be project-based or short-term. Thus, due to mixed levels of support for the different provisions under this

option, this option receives a score of 2 for moderate level of support by the federal government.

### **Cost**

In 2015/16, IRCC spent \$96 million on the 'information and orientation' service through the settlement program (IRCC, 2017). The development and provision of resources in multiple languages can be expected to be an upfront cost of at least an additional five percent above the \$96 million, which is an increase of approximately \$5 million. There would also be upfront cost to expand the information provided by pre-arrival services and upon arrival through funding to service providers to incorporate the required content. In its 2016/17 expansion to the pre-arrival settlement program, IRCC increased spending by \$8 million so this can be estimated to be the upfront cost increase to pre-arrival services. Ongoing outreach and information provision would require significant ongoing funding as well. Thus, the cost can be expected to be high, scoring 1.

## **10.3. Option 3 Analysis: Creating Inclusive Services**

### **Safety**

In terms of empowerment, this option addresses the barriers of lack of culturally safe services, language barrier, social isolation, and even lack of information. According to Thurston et al. (2013), one of the most influential factors determining the success of immigrant women leaving an abusive relationship, often after multiple previous attempts to leave, is the availability of culturally competent services. Although immigrant-serving organizations are seen as culturally competent, this competency is lacking among other service providers (Thurston et al., 2013). Services responding to women's cultural and immigration realities have been found to be particularly empowering, the lack of which is disempowering for women (JIBC, 2007). In combination with promoting partnerships with communities to promote bystander intervention and awareness, this option can be expected to lead to a significant increase in the percentage of immigrant women accessing formal supports as involvement of informal supports from within the community facilitates cultural safety and ensures receptivity to messaging. Thus, this option scores 3.

In terms of service quality, ensuring funding towards creating inclusive services will directly lead to services that would more effectively address immigrant women's needs such as the need for being able to communicate in their own language. Funding for partnerships between the often siloed anti-violence and immigrant-serving sectors as well as with community leaders would also reduce any service gaps and mitigate fears of being ostracized by community. Thus, this option is expected to lead to significant improved in the ability to meet immigrant women's intersectional needs, scoring 3.

### ***Equity***

This option is not exclusively targeted to improving supports for a particular category of immigrant women. All immigrant women would equally benefit from community-based education and partnerships, regardless of immigration status and circumstances. Therefore, this option scores 3.

### ***Administrative Ease***

This option would involve WAGE as the primary funder for all initiatives, however implementation would require consultation and coordination with relevant provincial ministries that provide funding for worker training to prevent any overlap and effectively address gaps. Consultation with community-based organizations would be important for funding design input such as grants or helping identify organizations that would benefit from the funding in provinces with a growing immigrant population. Funding that is not project based or short-term, but ongoing, and for specific components highlighted in this option is a change to the process through which funding is currently provided; however, implementing that change is not expected to be highly administratively complex once relevant consultations are concluded since the mechanisms to provide funding to community-based organizations already exist (e.g., through grants). Overall, this option receives a score of 2 as it is moderately difficult to implement.

### ***Stakeholder Acceptance***

Service providers and advocacy groups would be in favor of funding for initiatives that build inclusivity of services. The need for culturally safe services has been highlighted in research across Canada (Holtmann & Rickards, 2018; Thurston et al., 2013; BCSTH, 2015). Ending Violence Association of Canada noted as a key

recommendation in their briefing notes to the federal government: dedicated adequate funding to train community-based anti-violence services personnel in all sectors on an ongoing basis, ensuring that the training is inclusive of the diversity of women served rather than marginalizing diversity through diversity-specific training initiatives (EVA Canada, 2016). Similarly, Women’s Shelters Canada has identified the need for increased funding to train anti-violence workers to effectively work with women with complex needs, including immigrant women (Maki, 2019). Advocates would be supportive of this policy as increased collaboration with communities and between sectors has consistently been identified as a need. In fact, some organizations have received project-based funding under the GBV Strategy for some components in this option, highlighting the need for it. Thus, overall, this option scores 3.

Federal government’s support for this option may not be clear. While on one hand, the government is supportive of improving service gaps for underserved groups including immigrant women through the GBV Strategy, on the other hand its commitment to stable, ongoing, funding for such initiatives is not evident. Through the GBV Strategy, WAGE has allocated funding toward the development of promising practices. Some organizations receiving this funding are working on partnerships with ethno-cultural organizations and religious leaders, however this funding is project-based, and it is unclear whether ongoing funding that is specifically targeted to the three components in this option would receive government support rather than general, project-based, funding for “promising practices”. Thus, this option scores 2 as support by the federal government is moderate.

### **Cost**

Similar to the previous option, this option will require significant funding by the federal government on an ongoing basis. Based on the grants provided by the US government to provide culturally specific services to immigrant women, the cost for this option could amount to \$12 million per year. In comparison, the current projects funded under the GBV Strategy geared toward immigrant women (incorporating cultural safety and community partnerships) total approximately \$6.5 million over two to five years. The upfront cost would be minimal as they would mostly be associated with the consultation and other administrative cost to design the funding. Since this option entails a significant funding increase on an ongoing basis, it scores 1 for high cost to government.

**Table 5. Summary of Policy Evaluation**

<b>Criteria</b>	<b>Option 1</b> <i>Enhancing the H&amp;C Process</i>	<b>Option 2</b> <i>Building Awareness of Rights &amp; Supports</i>	<b>Option 3</b> <i>Creating Inclusive Services</i>
<b>Safety</b>			
Extent to which option will empower immigrant women to seek and access formal supports for IPV	Moderate increase 2	Significant increase 3	Significant increase 3
Expected improvement in services meeting immigrant women's intersectional needs	Significant improvement 3	Significant improvement 3	Significant improvement 3
<b>Equity</b>			
Extent to which option helps all immigrant women, including the most vulnerable	Helpful to some 2	Helpful to all 3	Helpful to all 3
<b>Administrative Ease</b>			
Ease of implementing policy based on the level of coordination and collaboration between actors and changes to existing procedures	Easy to implement 3	Moderately difficult to implement 2	Moderately difficult to implement 2
<b>Stakeholder Acceptance/2</b>			
Level of support from service providers and advocacy groups	High 3	High 3	High 3
Level of support from federal government	Low 1	Moderate 2	Moderate 2
<b>Cost</b>			
Cost to federal government	Low 3	High 1	High 1
<b>Total Score</b>	<b>15</b>	<b>14.5</b>	<b>14.5</b>

## Chapter 11. Recommendation

Since multiple barriers, often in combination, impede immigrant women's access to IPV supports, multiple policy efforts and interventions, in combination, are required to increase the safety of immigrant women in Canada, regardless of their legal status. This study, therefore, recommends the implementation of all the options analyzed above. All three options will offer complementary benefits when implemented together, likely leading to an overall impact on safety that is greater than the sum of its parts. Enhancement to the H&C process should be implemented first as it can be implemented relatively quickly due to low costs and relatively easy implementation. This should be followed by building awareness of rights and supports and creating inclusive services. The latter options score higher on the key objectives of safety and equity, than changes to just immigration policy, which is another reason for recommending all options.

Enhancing the H&C process for immigrant women as a first step would ensure that those who are the most vulnerable due to their immigration status have an ability to obtain legal status without fearing deportation, loss of their children, and without the arduous process of obtaining it while dealing with the trauma of IPV. In fact, a high cost and burden associated with an application that is meant to be for humanitarian and compassionate reasons goes contrary to its stated intent. Since the expedited H&C for family violence was introduced in 2019, it is simultaneously important to ensure that regular monitoring is in place to ensure its effectiveness. Similarly, since the expedited TRP process for family violence victims is also relatively new, monitoring and evaluation of its effectiveness in supporting immigrant women via feedback from stakeholders, specifically lawyers involved in supporting these applications, is crucial. Several issues have been identified with the TRP for victims of trafficking upon which the TRP for family violence victims is modeled, thus ongoing assessment is necessary especially related to consistency of decisions, the burden of proof on the victim, and whether the expedited timelines are being met. There should be a policy in place that once family violence has been established, it should be sufficient grounds for an extension or issuance of a new TRP.

Enhancing immigration supports is limited in ensuring safety for women if women continue to not access them due to a lack of awareness. Building awareness of rights



and supports through the provision of accessible information at various points throughout the immigration and settlement process is therefore equally important. Literature from all three cases and within Canada highlights the need for same, but it continues to be under-funded and inadequate. With 21.9% of the Canadian population being foreign born and projections for an increasingly diverse population, in terms of immigrant status, race, languages, and culture, the information and services provided should reflect that diversity. Even though the cost of building awareness as well as of creating inclusive services may be high at first, the benefits to immigrant women's safety and the cost-savings from better social and economic outcomes for immigrant women would mitigate those costs long term. Overall, integration is an important component of Canada's immigration policies, which would be greatly facilitated by the latter two options.

A comprehensive and holistic National Action Plan (NAP) on GBV would supplement effective implementation of the policy options. NAPs are considered inherently good practice by experts as they ensure consistency across and within jurisdictions in policies and legislation while allowing for increased cross-sectoral coordination and collaboration. A NAP is currently under development and would allow all women and their children across Canada to have access to comparable levels of services and human rights protection. Since this study is focused on federal policies, it is important to ensure that those provinces that receive a larger or growing share of immigrants receive enhanced supports to address their intersectional needs. Another implementation consideration is coordination with the National Housing Strategy as without greater investment in building more second stage housing as well as shelters and transition houses, all women experiencing IPV remain unsafe. With limited informal social supports to rely on, this is especially important for immigrant women.

## Chapter 12. Conclusion

The COVID-19 pandemic has cast a spotlight on the ongoing pandemic of IPV and intensified violence against women globally, called a shadow pandemic. Policies to address IPV benefit from an intersectional approach recognizing that within the broad category of women, certain women face heightened vulnerability to IPV and unique barriers to seeking and accessing supports. Immigrant women, including refugee and sponsored women, women with precarious status, racialized and newcomer women, are particularly vulnerable and faced structural barriers to accessing supports even before the COVID-19 pandemic. Moving from a one-size-fits-all approach that has been the norm thus far in Canada to one that acknowledges and addresses the diversity of systemic and structural barriers facing immigrant women ensures more equitable protection to all women. The recommendations in this study are a step in this direction by enhancing immigration policy, building awareness, and creating inclusive services.

Although the recommended options focus on federal level policies, it is important to recognize that changes to federal policies and programs in isolation will have limited impact if changes are not simultaneously made to provincial and territorial policies (e.g., housing, social assistance, legal aid, etc.) as well as municipal policies (e.g., sanctuary city policies). Due to the intersectional nature of the issue, which involves all levels of government and multiple sectors, the actions required need to be multi-pronged and multi-sectoral. The structure of this study was limited to considering only a set of options focused on pragmatic steps the federal government can take, but a multitude of solutions and coordinated action at all levels is required to adequately address the issue. For example, federally, the government could ensure equitable access to important services like Canada child benefits and federally funded language classes, for which women with precarious status are not eligible. Better settlement and integration policies such as improving foreign credential recognition and economic outcomes of immigrant women through training and education could empower immigrant women experiencing IPV. In this regard, adequate Gender-Based Analysis Plus (GBA+), i.e., intersectional analysis of immigration and settlement policies, should continue to remain the focus of policy development and implementation, without which immigrant women will continue to face barriers to safety. Also important is improved data collection by addressing the methodological concerns with the GSS (e.g., by expanding the languages in which the

survey is conducted); this would make the survey sample more representative. The concerns regarding confidentiality, trust, and use of phone surveys prevalent with the GSS may be better overcome by involving service providers in surveys. Currently, Statistics Canada conducts the Survey of Residential Facilities for Victims of Abuse, however it only captures limited, overarching, information aimed at monitoring the nature and counts of residential services and admissions, as well as information on the type of clients being served as per a one-day snapshot. Thus, it does not include anti-violence service providers that do not have a residential component and is more focused on the facilities with limited “snapshot” information about the victims’ experiences. Better data collection about immigrant women’s experiences of IPV and their utilization of formal supports is therefore required.

Furthermore, future research could focus on actions at the provincial level as much work is needed in that regard. For example, provinces/territories could ensure access to social assistance for immigrant women with precarious status. Although some provincial governments have exemptions to status-related eligibility for social assistance, this should be standardized across all provinces. The provincial and federal governments should work together to ensure that women experiencing IPV, irrespective of status, can get access to education, pathways to economic independence, affordable housing, healthcare, settlement services and other social services. In 2021, a joint declaration was made by the federal, provincial, and territorial ministers towards their common commitment to a Canada free GBV and introduced a high-level framework for joint action. The declaration specifically acknowledges the greater vulnerability of non-status and temporary status migrants as well as other immigrants and refugees (Government of Canada, 2021c). This is a promising step in the collaborative provincial/territorial and federal action, in addition to the NAP that is under development. Overall, addressing broader, social, economic, political, and institutionalized vulnerabilities encountered by women in society is important to adequately address gender-based violence, including IPV.

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## Appendix. Case Study Assessment

Barrier	Measure	Case Studies Rating
<b>Immigration status</b>	Are there provisions for immigrant women to obtain or maintain status and prevent deportation, upon separation from abuser?	<p>Yes, available to all women irrespective of status</p> <p>Yes, available to women of certain immigration statuses</p> <p>No, none available</p>
	Is the process of obtaining/maintaining status burdensome?	<p>Not burdensome evidence requirements and legal and other costs to pursue immigration provisions</p> <p>Somewhat burdensome evidence requirements and legal and other costs to pursue immigration provisions</p> <p>Very burdensome evidence requirements and legal and other costs to pursue immigration provisions</p>
<b>Economic insecurity</b>	Are all immigrant women eligible for government financial, housing and health supports?	<p>Yes, available to all and doesn't jeopardize immigration application</p> <p>Yes, available to some and doesn't jeopardize immigration application</p> <p>Yes, available to some but with limitations and/or jeopardizes immigration application</p>
<b>Language barriers, social isolation, and lack of information</b>	Is accurate information about rights, laws and supports related to immigration and IPV (such as transition houses) being provided to immigrant women in their language?	<p>Yes, in multiple languages and sources</p> <p>Yes, but not in multiple languages or sources</p> <p>No or inadequate information</p>
<b>Lack of culturally safe &amp; appropriate services</b>	Are specific tools being used to target unique needs of immigrant women?	<p>Yes, they adequately meet the specific needs of diverse women</p> <p>Yes, they somewhat meet the specific needs of diverse women</p> <p>No</p>