

## Negotiating Citizenship on the Frontlines: How the Devolution of Canadian Immigration Policy Shapes Service Delivery to Women Fleeing Abuse

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*This article examines how nongovernmental service providers navigate devolutionary trends in Canada, in both immigration control and integration policy, when responding to migrants who come to them for help and support. Drawing upon conceptualizations of citizenship as a “negotiated relationship” (Stasiulis and Bakan 2003), I explore how social service providers, who work amidst a complex interplay of federal, provincial, and local policies, can influence both who is deemed worthy of social membership and what rights an individual can successfully claim from the state. Empirically, this article focuses on observation of community meetings and conversational interviews with service providers in violence against women shelters in Toronto, Ontario, Canada’s most populous and diverse city. While service providers navigate different levels of government to advocate for women’s rights to seek safety from abuse, I argue that both individual service providers and the organizations in which they work monitor and constrain the degree to which they openly challenge state authority to restrict immigrants’ “right to have rights” (Arendt 1951 [1979], 296).*

This article contributes to our understanding of the devolution of immigration policy by examining how social service providers negotiate with different levels of government to advance the rights of migrant women in Canada. Scholarship on immigration federalism in North America has highlighted the devolution of immigration enforcement to local authorities (Decker et al. 2009; Varsanyi 2008; Spiro 2001) along with increased participation of

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regional and local governments in managing the integration and settlement of immigrants (Graham, Swift, and Delaney 2009; Cameron and Simeon 2002). While there is rich scholarship on federalist social policy in Canada, the devolution of immigration policy has garnered less attention.

Tomas Hammer's (1985, 1999) classic distinction between *immigration control* policy (keeping out unwanted immigrants) from *immigrant integration* policy (managing the recruitment, settlement, and integration of desired immigrants) offers a pragmatic heuristic to analyze the separate and at times competing interests of federal and local governments in determining the composite of the nation, while responding to local interests. In Canada, immigration policy represents one of the rare concurrent powers, with federal paramount. The federal government maintains authority over immigration control, while immigrant integration policy has been significantly downloaded to provincial and municipal governments (Boushey and Luedtke 2006). Across North America and Europe, growing security concerns over migration coupled with neoliberal logics have also fueled the incorporation of diverse local and non-state actors into immigration control activities (Rodríguez 2008; Gilbert 2007; Lahav 2000). Thus, the distinction between immigration control and integration policy may be less clear for not-for-profit service providers in Canada, whose everyday interactions with migrant women are shaped by overlapping jurisdictions.

This article examines how not-for-profit service providers navigate devolutionary trends in Canada, in both immigration control and integration policy, when responding to migrants who come to them for help and support. Drawing upon conceptualizations of citizenship as a "negotiated relationship" (Stasiulis and Bakan 2003), I examine how anti-violence against women service providers—as "parastate actors" who are nongovernmental actors that rely on state funding (Wolch 1990)—play a role in determining both who is deemed worthy of social membership and what rights an individual can successfully claim from the state. Empirically, this article focuses on observation of community meetings and conversational interviews with service providers in violence against women shelters (VAW shelters) in Toronto, Ontario, Canada's most populous and diverse city (Statistics Canada 2010). Exploring VAW service delivery to women with precarious status offers an opportunity to understand the ways in which service providers negotiate dimensions of citizenship in times where social rights are vital to personal safety.

The City of Toronto has a population of 2.48 million with 5.5 million residents in the surrounding suburbs, locally referred to as the Greater Toronto Area (GTA). Toronto represents a global city with more than two hundred different ethno-cultural backgrounds; half of Toronto's population was born outside of Canada, and half of all immigrants have resided in Canada for less than fifteen years (City of Toronto 2006). While Toronto is the financial capital of Canada, many immigrants are economically marginalized, with poverty rates as high as 46 percent for recent immigrants as compared to 33 percent for racialized<sup>1</sup> populations and 32 percent for

children below the age of six (Social Planning Toronto 2009, iii). Toronto's diverse population and the concentration of poverty among immigrants thus pose challenges to immigrant settlement and integration.

Exploring social service delivery in Toronto offers an opportunity to understand the ways in which service providers navigate the devolutionary landscape of immigration control and immigrant integration policy to form new assemblages of identity, territory, rights, and membership. In this article, I begin with an analysis of precarious immigration status in Canada and theories of citizenship as a relationship or negotiated practice. I then provide an overview of Canadian immigration policy and how devolution of both social and immigration policy has shaped feminists' negotiations with the state. Finally, I provide empirical examples to illustrate how service providers negotiate different dimensions of citizenship for women with precarious immigration status in Toronto. Empirical analysis will focus on (1) the socio-political context of women's shelters in Toronto, (2) practices that define identity and membership in VAW shelters, (3) strategies to negotiate access to social assistance for women residing in a shelter, and (4) efforts to deflect immigration enforcement practices within the space of the VAW shelter.

## LITERATURE REVIEW

### PRECARIOUS MIGRATORY STATUS IN CANADA

Canada welcomes migrants for economic, family, and humanitarian reasons, but increasingly confers temporary legal status on migrants, curtailing their full inclusion into democratic society. As a result, a growing proportion of residents in Canada, including refugees, temporary workers, and nonstatus immigrants have what Goldring Bernstein, and Bernhard (2010) refer to as "precarious status." Precarious status indicates the lack of any of the following: "(1) work authorization, (2) the right to remain permanently in the country (residence permit), (3) social citizenship rights available to permanent residents (e.g. education and public health coverage), and (4) not depending on a third party for one's right to be in Canada (such as a sponsoring spouse or employee)" (240–41). In families with mixed or unclear statuses the entire family—including citizen children—may face deep social exclusion that can contribute to negative social and health outcomes (Bernhard et al. 2008; Fix and Laglaron 2002).

Conceptualizing precarious migratory status along a continuum is an effort to distinguish how the production of illegality and exclusion in Canada's immigration regime is distinct from the phenomenon of "*sans papiers*" in France or "the undocumented" in the United States. Shifts in Canadian immigration policy have produced new and longer episodes of temporary and precarious status through more restrictive refugee determination processes and marked growth in temporary foreign worker programs. In 2009,

nearly one million temporary residents were accounted for by Citizenship and Immigration Canada (Citizenship and Immigration Canada 2009). Considering the total population in Canada is around 34 million, up to one in thirty-four people living in Canada have a form of precarious migratory status. This calculation does not account for the unknown number of people residing in Canada without legal status.

Emerging scholarship on precarious status in Canada explores how national regimes of citizenship are inherently exclusionary and produce separate legal codes and practices to differentiate groups of people within the same national space (Sharma 2007). In her research with labour migrants in Canada, Basok (2004) analyzes citizenship “not as a status but as a process which involves negotiation over access to and the exercise of rights” (48). Similar to Isin and Turner (2007), Basok (2008) places less emphasis on legal rules and state membership and more emphasis on “norms, practices, meaning and identities.” Bosniak (2000) similarly illustrates how citizenship is practiced along different dimensions—a legal status, a system of rights, a form of political activity, or a form of identity and solidarity—while maintaining the material and political significance of the language of citizenship. Analyzing citizenship amidst the devolution of immigration policy draws attention to the sites and scales where citizenship is negotiated, reinforcing that “struggles over belonging in real places are central to the daily practice of individuals as citizens” (Varsanyi 2006, 235).

#### CANADIAN IMMIGRATION POLICY

Immigration policy in Canada is constitutionally deemed a concurrent power, consisting of shared jurisdiction between the federal government and Canadian provinces<sup>2</sup> (Makarenko 2010). Historically, the federal government oversaw the selection of desirable immigrants and naturalization of citizens—towards maintaining imperialist, gendered, and racist hierarchies (Sharma 2006; Bannerji 2000)—through a series of parliamentary acts beginning with the Immigration Act of 1869 and most recently the Immigration and Refugee Protection Act of 2001. There are currently three departments in the Government of Canada responsible for overseeing immigration policy. Citizenship and Immigration Canada manages temporary and permanent immigration, the integration of permanent residents, and Canadian citizenship. The Immigration and Refugee Board of Canada is an administrative tribunal responsible for overseeing humanitarian claims. The Canada Border Services Agency (CBSA) oversees border services and is responsible for detaining and/or deporting people who are unauthorized or are deemed a threat to national security.

The accumulation of bilateral agreements between the federal and provincial governments has decentralized immigration integration policy in Canada, with “no policy coherence” (Banting 2011). Beginning in the 1960s, Quebec called for more power to determine immigration goals and policies

that better suited the province's French language and cultural heritage (Barker 2010). Quebec is currently the only province with control over immigration selection, with its own immigration offices (i.e., the Government of Quebec operates consulates) outside of Canada. While other provinces were historically more ambivalent to immigration policy, the introduction of bilateral agreements under the Provincial Nominee Program provides provinces an outlet to select permanent residents among the pool of temporary foreign workers residing in their territory. In more recent years, the provincial Government of Ontario has sought to gain greater control over immigration, in part due to philosophical and political differences with the more conservative federal government led by Prime Minister Harper (Keung 2011).

#### DEVOLUTIONARY TRENDS IN IMMIGRATION AND SOCIAL POLICY

Devolutionary trends in Canadian immigration policy have thus far focused on immigrant settlement and integration while maintaining federal paramount over immigration control. While the Government of Canada has not appointed local law enforcement officers to detain suspected unauthorized persons or to enforce federal law, there is a trend towards greater cooperation among government agencies. The Canadian Border Services Agency carries the primary responsibility for immigration control, with the assistance of the Royal Canadian Mounted Police (RCMP) and the Canadian Security Intelligence Services. As the national police force, the RCMP is responsible for enforcing a broad range of federal law, including immigration and border enforcement. Because the RCMP is contracted by many municipalities and three Canadian territories, it represents an arm of the federal government operating at local levels. A recent pilot project launched in 2010 by the Government of Canada to strengthen cooperation between CBSA, the RCMP, and "local communities" indicates the investment in recruiting both state and non-state actors at the local level to address border crimes and impede the flow of unlawful trade and travel (Public Safety Canada 2010). Within the strategy of "cooperation," local law enforcement in the City of Toronto publically affirmed in 2009 that they are lawfully required to share information with CBSA and have participated in arresting migrants who have outstanding warrants for deportation (Hanes 2008).

The devolution of social welfare policy in Canada has resulted in a retrenchment of welfare state provision, as programs/services once under national purview devolved to local levels, without the funding structures to support them (Graham, Swift, and Delaney 2009). Canadian federalism historically included the cost sharing of health and human services between the federal and provincial governments, under federal oversight. Decentralist aspirations coupled with fiscal pressures concretized in 1995 with the Canada Health and Social Transfer, a block grant program that both substantially cut federal spending on social welfare programs and literally transferred funds for social and health programs for provinces to administer (Doherty,

Friendly, and Oloman 1998). While constructions of legality in immigration law are authorized at the federal level, increased responsibility of local governments to administer federal programs has led provincial and at times municipal governments to be more involved in scrutinizing legal status for the purposes of eligibility screening (Gilbert 2009). Devolutionary trends have also bolstered neoliberal values of citizenship such that the purview of regional and local governments to serve residents is influenced by prevailing and at times competing ideologies of human rights, market citizenship, and securitization (Bhuyan and Smith-Carrier, forthcoming).

Elsewhere, I have argued that devolutionary trends in social policy have enabled different levels of government to confer rights to people residing within the political boundary of a province in ways that may contradict federal immigration policy (*ibid.*). Nevertheless, the continued primacy of federal immigration control—particularly the policing of noncitizen subjects—produces an uneven terrain of social rights for people with precarious status. Privatization of social services also functions as a form of devolution, particularly for immigrant integration policy. Thus, while service providers may not be directly involved in immigration control, their interactions with local law enforcement and the potential identity information sharing between welfare services and CBSA can lead to circumstances where access to services triggers immigration enforcement and ultimate deportation.

#### THE BATTERED WOMEN'S MOVEMENT AND WOMEN'S FULL CITIZENSHIP

Since the 1970s, the battered women's movement played a key role in the broader women's movement for full citizenship. VAW shelters originated out of the need to provide refuge to women who otherwise would have been unable to leave abusive partners. Shelters provided a space to flee violence but also developed social programs to support women's transition to independent lives, including access to social assistance, affordable housing, criminal justice, and paid employment. As Nancy Janovicek (2007) writes of the women's shelter movement in Ontario, "Because they offered safety from abusive husbands, transition houses were also a profound critique of the assumption that the family offered protection to women and children, its more vulnerable members" (3). The right to social assistance in order to establish independence from an abusive spouse required changes in the administration of welfare benefits to women and their children who were previously considered dependents of their spouse/father. Thus, violence against women advocacy has been and continues to be instrumental in negotiating women's claims to social rights.

Feminist antiviolence organizations have typically negotiated with different levels of government to advocate for laws and social policies to support women's autonomy and right to safety (Daniels 1997). At the outset of the battered women's movement, the Canadian federal government deferred



responsibility for funding transitional houses and shelters to the provinces, while both federal and provincial governments transferred the administration of financial aide for people residing in shelters to municipal governments. While VAW shelters continue to rely on a combination of provincial, municipal, and private funding (e.g., grants and donations), as charitable organizations, VAW shelters remain subject to federal tax law.

Reliance on funding through charitable status and contracts with the state has produced what Cynthia Daniels (1997) refers to as “the paradox of state power—a state which both promises state protection, but protects the interests of men” (1). Feminist writer Maria Bevacqua (2000) argues that in seeking state approval to attract volunteers and public support, the violence against women sector has had to “collaborate with the very structures they sought to transform” (74). Bevacqua critiques both the reliance on state funding and the working relationship anti-violence against women organizations developed with law enforcement and other institutionalized players. Indigenous scholar and activist, Andrea Smith (2000), points to the neoliberal move within VAW shelters, which has produced a professionalized service that eclipses and reframes the historical political role of VAW spaces. As neoliberal policies have created and reinforced the institutionalization and professionalization of VAW work and antiviolence work in general, the state plays an increasingly dominant role in how service providers and funders conceptualize issues as well as strategies to respond to violence against racialized women (Davis 2000; Smith 2000).

To illustrate, Bonisteel and Green (2005) detail how the Progressive Conservative’s government in Ontario in the 1990s stringently interpreted Canadian tax policy for charitable organizations, monitoring the 10 percent limit agencies could spend on nonpartisan advocacy. During this time, the Ontario Minister Responsible for Women’s Issues was openly criticized by Members of Parliament for waging an “ideological war against women . . . [and for] threatening women’s groups in her community with funding cuts if they didn’t stop criticizing the very severe situation that this government was creating” (Legislative Assembly of Ontario 1996, quoted in Bonisteel and Green 2005, 5). Since the 1990s, restrictions on the political activity of charitable organizations have contributed to an “advocacy chill” among violence against women services (Bonisteel and Green 2005; Harvie 2002). Cuts to social and health services have since forced violence against women organizations to operate on limited funds, contributing to organizations’ inability to provide culturally and linguistically appropriate services to marginalized and immigrant women (Smith 2004).

Community reports and scholarship on nonstatus immigrants has identified that women living with precarious legal status in Canada face significant constraints on their social rights when responding to gender-based violence (Alaggia, Regehr, and Rischynski 2009; Nyers, Zerehi, and Wright 2006). This group is known to experience an increased risk of homelessness, fear of calling the police, fear of losing their children, and risk detention and

deportation when seeking professional support (Alaggia and Maiter 2006; Raj et al. 2004; Menjivar and Salcido 2002; Sharma 2001). Understanding service providers' roles in managing the risks of deportation and negotiating rights to social and health services offers one entry point into exploring how devolutionary trends impact where citizenship is negotiated.

#### DATA AND METHODS

This research draws from ethnographic participant observation and semi-structured interviews conducted in the GTA with violence against women service providers' management personnel and their funding bodies. The study aims were to explore (1) how immigration status and citizenship influence everyday encounters with social service providers, (2) how providers manage sensitive identity information for service users, and (3) how identity documentation requirements can impact an organization's ability to provide comprehensive services to those in need. The focus on the delivery of services to victims of domestic violence provides a means to examine access to social and health services when service needs are vital to personal safety. While barriers to accessing services have been previously identified through community reports and empirical research (Alaggia, Regehr, and Rischynski 2009; Nyers, Zerehi, and Wright 2006), there has been less attention to how service providers address oppressive barriers facing immigrants with precarious status.

Data collection took place between July 2009 and June 2010. A total of fifteen semi-structured interviews were conducted: five with front-line staff and seven with management personnel at VAW shelters; interviews were also conducted with three funding officers who explored the relationship between government funders and these organizations. In all but one interview, participants consented to be audio recorded. Interviews were then transcribed for analysis. Notes were taken during and after all interviews to supplement the audio recording. Participants' names and identifying information were removed from interview transcripts and notes to protect privacy and maintain confidentiality.

All participants were women who ranged in age from twenty-six to sixty; four were identified as Caucasian and Canadian; and eleven of the fifteen were identified as immigrants or the children of immigrants. Participants included staff from nine different violence against women organizations in Toronto and funding administrators from both provincial and city governments. I also conducted participant observation in a number of coalition meetings held at the Woman Abuse Council of Toronto—a coalition of over thirty community-based and public agencies—and participated in the Shelter Sanctuary Status campaign since 2008, which is a grassroots effort to mobilize antiviolenence service providers to call for access without fear policies in Toronto. These experiences provided a broader view of the political context



of feminist antiviolence and immigrant rights work in Toronto. Quarterly meetings with a community advisory board composed of service providers and women with precarious status provided ongoing guidance for the research.

The analysis of citizenship as a “negotiated relationship” draws upon governmental scholarship to theorize the productive capacity of discourse (Rabinow 1984; Foucault 1979, 1980) and the ways in which social actors in liberal democracies—including service providers—take part in the regulation of migrants and their participation in society (Grewal 2005; Ong 1996, 2003). This analytic framework focuses on how individuals self-govern as well as discipline others via market participation and liberal democratic constructions of rights and freedoms. I employ Lipsky’s (1980) conceptualization of street-level bureaucrats to examine encounters that individuals have with service providers as “a kind of policy delivery” (3). Service providers in not-for-profit violence against women organizations, while not directly employed by the state, function as part of what Wolch has described as the “shadow state.” Thus, not-for-profit service providers are endowed with discretionary power akin to that of front-line workers in public social services (Wolch 1990). Encounters between service providers and service users enable workers to conform to or resist policy directives in their everyday decision making. Their high levels of discretion and relative autonomy from authority allow service providers to play a critical role in deciding who is included within the boundaries of citizenship and to what extent individuals can successfully claim social rights from the state.

#### THE SETTING: ADVOCATING FOR WOMEN’S SAFETY AND FULL CITIZENSHIP IN VAW SHELTERS

The Ontario Ministry of Community and Social Services, Violence against Women Prevention Unit is the primary funder for thirteen VAW shelters in the Toronto region. The Ministry operates nine regional offices across the province and one in Toronto. VAW shelters range in size from nine to twenty-five rooms (most with multiple beds to accommodate a woman with her children). Shelters operate in unmarked, undisclosed locations in residential neighborhoods. VAW shelters are part of a range of shelter services provided to people who are vulnerable to homelessness and insecurity, including emergency housing and family shelters. In addition to providing emergency accommodation, VAW shelters may provide child care, counseling services, and advocacy and referral for housing, employment, immigration, health care, and social assistance. VAW shelters typically operate at maximum capacity, regularly turning away women and children seeking safety.

Women residing in VAW shelters in Toronto today are linguistically, ethnically, and racially diverse, reflecting the diversity of Toronto and the socioeconomic factors that lead women to seek emergency shelter.

According to one shelter manager: “We often say they’re a combination of mostly newcomers and old-comers. We get a fair number, a disproportionate number of Aboriginal women to the population and lots of newcomer women . . . Typically [we’re] working with the women with the least safety nets under them” (Shelter Manager 1, February 8, 2010). Service providers and managers with long histories in the violence against women movement talked about how broader social welfare reforms and the current economic downturn significantly impact the women they serve. The following statement from a shelter manager captures how social welfare reforms introduced in Ontario under the Harris Government in the 1990s contributes to the socioeconomic factors affecting women fleeing abuse in Toronto:

About five years ago we noticed that there was a trend in shelters, that we were serving about half of the women and kids that we had served probably 10 years ago . . . We found that all of a sudden we had people staying four to six months, and sometimes up to a year. A lot of different reasons for that. Some of it is immigration. Some of it is lack of affordable housing. Some of it is the lack of ability to access any kind of private market on your social systems check. So all of those things combined meant that women were kind of stuck. So we couldn’t get people out. So people couldn’t come in. (Shelter Manager 1, February 8, 2010).

While the current Government of Ontario, led by Premier Dalton McGuinty, instituted a *Domestic Violence Action Plan for Ontario* in 2004 to signal its support for women’s issues, violence against women programs in Ontario remain underfunded. Furthermore, current funding focuses on service delivery while prohibiting advocacy and community mobilization, strategies that were vital to the social movement that fought to raise public consciousness of violence against women as a social justice and women’s rights issue.

#### NEGOTIATING SOCIAL MEMBERSHIP IN THE VAW SHELTER

According to provincial guidelines, VAW shelters in Toronto are open to “any woman who identifies herself or is identified as having been physically, sexually or emotionally abused by her partner and/or significant other” (Government of Ontario n.d., 1). Thus, entrance into a VAW shelter is a political activity that acknowledges violence against women as a social problem. Referring to feminism as a guiding principle, service providers state that they “don’t care” about women’s status when providing services. Thus, with regard to social membership, entrance into the shelter is open to all women who seek safety from abuse. Although shelters in the area have adopted different criteria for the category of “woman” (i.e., some including transgender women and some not) and “children” (i.e., different age limits for male children residing in the shelter with their mother), provincial guidelines state that shelters should be accessible to marginalized women,

including those with precarious immigration status. The Ministry of Community and Social Services does not, however, require organizations to document or report demographic information about women residing in Ministry-funded shelters; thus, the province does not monitor who is benefiting from this resource.

The circumstances of women who have precarious status while residing in VAW shelters include women who no longer have status due to the expiration of a visitor visa, women in the midst of “sponsorship breakdown,”<sup>3</sup> and women waiting for a decision on their refugee claim or their application for permanent residence on humanitarian and compassionate grounds (commonly referred to as an H&C application). In some cases, a woman may already have a warrant for her deportation, due to a failed refugee claim or H&C application. Women residing in shelters may have children who also have precarious status, although younger children are often Canadian citizens by birth.

Shelter management would at times seek to distance their work from the production of illegality that follows people without status. One shelter administrator deployed the term “precarious status” to communicate to her board that the majority of shelter residents were “legal”; they had some sort of status and were somewhere in the process of seeking permanent residence through the legal immigration system:

We’ve been using the term precarious status for women who are still involved with the immigration system in some way and haven’t managed to attain their landed status or citizenship . . . We found that most women are in fact somewhere in the legal process. You know they are either in the refugee process or they have applied and been turned down and they’re about to make an appeal. Or they’ve applied for an H&C or you know they’re somewhere in that process . . . But almost all of the women that we serve are somewhere in that process which I think is a really important clarification which we wanted to bring to our board. (Shelter Manager 2, April 7, 2010).

Goldring, Bernstein, and Bernhard (2010) conceptualized “precarious status” to invoke the uncertainty and potential deportability of migrants who are not permanent residents in Canada. Yet, the use of this term in the excerpt above illustrates how some service providers construct women with precarious status as “legally present” immigrants when communicating to their board of directors and the broader public. This statement also illustrates how not-for-profit organizations, while vocal about immigrant women’s rights, are compelled to maintain an image as law-abiding for their board of directors, funders, and the broader public.

While women with precarious status are accessing VAW shelters, status plays a role in interactions with shelter service providers. Through the course of conducting an “intake” and developing rapport with women, shelter workers ask questions about migratory status as a way to assist shelter residents with their applications for social assistance and for general safety

planning; “Immigration status is not something that we are looking at for a woman to be allowed to enter, to live in the house. However, we ask the question because that makes an impact on all the services” (Shelter-Based Service Provider 1, August 26, 2009). Status also determines what resources the shelter would need to support women and children residing in the shelter. During individual interviews with service providers and management, participants in this study unanimously expressed concern for women with precarious status and their desire to support women who are vulnerable due to the immigration system. However, in broader community and coalition meetings, violence against women service providers commonly portrayed nonstatus women as a “burden” on services that already have limited resources. Because women without status are ineligible for many forms of social entitlements and safety nets (e.g., social housing, rent supplement programs, provincial health insurance, child care support, legal employment) nonstatus women are more likely to remain for longer and to require non-traditional sources of funds or support.

The length of stay in a VAW shelter is one mechanism that illustrates how a woman’s right to shelter can pivot around her immigration status. Shelters vary in their rules regarding length of residence. Some have no predetermined length of stay, while others limit stays to three months, with exceptions made for women in extraordinary circumstances. Both front-line staff and management emphasize that VAW shelters operate as emergency shelters. Providing support to women and helping them transition out of the shelter is considered critical to opening space for other women. There were many factors that contribute to decisions to limit length of stay, including lack of external funding, pressures to be able to demonstrate that shelter beds are used by a maximum number of people, internal assessment of who will most benefit from the shelter, and recognition that shelters are not the best environments for long-term residence.

While none of the research participants talked about overt practices that excluded women based on status in shelters, decisions to limit stays for women with precarious status was discussed within an assessment of a woman’s ability to demonstrate movement towards economic independence. Women who are ineligible for public housing or unable to pay for affordable private housing were sometimes characterized as “no better off” if they stayed three months versus a year in the shelter. Thus, the “emergency” state of women’s shelters characterizes not only the context in which a woman might seek temporary residence, but also speaks to an overall social and political context where many women fleeing abuse, especially those with children, have fewer opportunities to establish stable households. Considering the overarching neoliberal regulatory context that impacts both service providers and service users, women with precarious status may be penalized because they are less able to perform up to the standards of neoliberal citizenship—through paid work and self-sufficiency.

NEGOTIATING SOCIAL RIGHTS RELATIVE TO IMMIGRATION STATUS  
IN CANADA

While several participants in this study talked about rights that the women they work with *should* have, eligibility and access to health and social services are legislated through a combination of federal, provincial, and municipal laws. The following service provider's narrative illustrates the different frameworks for defining rights as universal—invoking the Canadian Charter for Rights and Freedoms or international conventions—versus a privilege of citizenship:

Priorities change as soon as people's status changes as well. When you do not have status any small thing is a big thing, is a big deal. If I get just a little appointment at the community health centre. It's a big achievement, when you do not have status. When you are a refugee claimant, you have access to medical attention, but you want to go to university. So that's your dilemma. When you're a [permanent] resident, you can now access medical attention, but you want to leave the country more frequently. You see, people's priorities change when their status changes . . . Citizens have such high expectations in terms of what they want to achieve. So different from the person without status. It is heart breaking . . . once you are in the ground level, anything would be a benefit. But it shouldn't be that way. Because medical attention for a pregnant woman, it shouldn't be a privilege, it should be a right. (Shelter-Based Service Provider 1, August 26, 2009).

Similar to the United States, the Canadian Charter for Rights and Freedoms is stronger on civil protections and weaker with regard to social and economic rights. In this context, nongovernmental service providers play a critical role in supporting women's claims to social rights through linking women with community resources and helping them access resources that may protect women from their abusers without increasing their risk of deportation (Nankani 2000).

Due to the large proportion of residents who are involved in the immigration process, shelter staff often function as immigration advocates. Knowledge about immigration law, thus, affects providers' ability to advocate for their clients' rights. Basok (2004) illustrates how social exclusion of migrants is perpetuated through depriving migrants of "the *knowledge*, skills and support required to *negotiate* their rights effectively (47, emphasis in original). Shelter staff and management staff similarly report having varying levels of immigration knowledge and employ different strategies to connect women with immigration advice, obtain funds to pay for legal representation, and support women's applications for social and health benefits. In one shelter, a front-line staff person was a former immigration paralegal who could assist women in making informed decisions about immigration options and in filling out immigration applications. Other shelter workers rely on pro bono immigration lawyers who could consult with residents who might be interested in applying for refugee or humanitarian relief. Access to and participation in the production of legal immigration knowledge is often a

determining factor in whether women with precarious status would make rights-based claims and if their claims-making activities would be successful.

As part of their comprehensive approach to advocacy, service providers in VAW shelters typically assist women in applying for public benefits for themselves and their children. The standardized practice of shelter intake is to inquire about a woman's eligibility for social assistance, public housing, or other supports. Women who do not have status are often presented with the option to submit a refugee claim or H&C application, in order to—at least temporarily—gain access to these social rights. Consistent with principles of empowerment in domestic violence advocacy, shelter workers portray their role as presenting “options” from which women could choose:

We try to really leave it up to the client to decide what she wants to do. We want to present all the options and we're not trying to be unrealistic about what the possibilities are and what they are not. But you know, she may not know all of the possibilities, so we provide as much information as we can, but it's up to her to decide. (Shelter-Based Service Provider 2, August 6, 2009).

Within the process of facilitating women's decision making, service providers encourage nonstatus women to apply for immigration status as a primary strategy to bring women into the boundaries of formal membership in Canada's welfare state. Advocates differ, however, in their assessment of the potential risks and benefits associated with this strategy. Applying for status can expose women to the potential for denial of their application and forced removal<sup>4</sup> (i.e., deportation) from Canada. Despite the potential odds for denial, shelter workers talk about having “hope” when assisting a woman to apply for a refugee claim or H&C application. Others are more forthcoming about the low probability of a woman's successful application and discussed the potential dangers of encouraging migrant women to enter into the surveillance of the immigration regime.

Practices within the shelter that encourage women into the legal path to obtain social rights represent murky territory where service providers, while supporting women's citizenship, may indirectly be reinforcing neoliberal values of citizenship as an earned right. Some service providers constructed women who had lived without status for long periods—ten to fifteen years—prior to coming to the shelter as survivors who might be better off not applying for status, which, if denied, would lead to a warrant of arrest and deportation. The characterization of some women as able to survive on their own without government assistance may indirectly reinforce neoliberal values of self-sufficiency. Alternatively, perceiving some women who remain nonstatus and live under the radar as “better off” reinforces tolerance for “illegality” and acceptance of the stark realities that women and their children endure without the rights of citizenship. With the introduction of harsher refugee determination procedures in the Balanced Refugee Reform Act in 2010, service providers share a sense of uncertainty for women who may face further hardships once the new law is implemented.



Advocacy for women without status or whose refugee claim or humanitarian application has been denied requires workers to challenge policies and practices across social and health service sectors to secure entitlements for shelter residents. In some cases, service providers explore opportunities unique to a woman's case (e.g., asking a friend who is a dentist to provide free emergency dental care). Individual advocacy might also entail brokering with immigration officials to either delay the date of deportation or to notify the CBSA of a woman's residence in the shelter in order to secure her access basic health insurance through the Interim Federal Health Program.

Proactively notifying immigration authorities that a woman is residing in a shelter was discussed as a last resort when a woman is vulnerable to detection due to an abusive partner or other service provider who might alert immigration authorities. In one case, a woman who was in her third term of pregnancy had arrived in the shelter with a deportation warrant. After consultation, the shelter worker used her contacts in CBSA to alert them of the woman's presence in the shelter. Because the shelter worker was able to convince CBSA that this woman was not a flight risk, they authorized her access to the Interim Federal Health Program and delayed her deportation date until after the birth of her child. Although deportation was imminent for this woman, the access to health care at a critical time in her pregnancy and the extra time in Canada supported her and her child's health, while also buying her more time to complete an H&C application for relief from deportation. The following excerpt highlights how service providers gauge when to work with immigration officials proactively:

I hope that there is a certain level of humanity there, when they [immigration authorities] are receiving information because I'm not calling about any criminal, I'm calling about women who are having a difficult time. And I know how to pick my battles. I'm not gonna call if I feel it's not gonna fly. I know how to pick my battles. (Shelter-Based Service Provider 1, August 26, 2009).

In this case, the service provider gauges when to make demands from immigration officers for a particular woman's situation but only if she thinks it will lead to a favorable outcome. While these advocacy strategies are successful for individual women, they often do not address broader structural issues of inequality and exclusion.

#### NAVIGATING DIFFERENT LEVELS OF GOVERNMENT TO GAIN ACCESS TO SERVICES

Supporting women's claims to social rights involves navigating different levels of government that share responsibility for administering social and health services. Service providers, however, expressed uncertainty over which government had jurisdiction over different programs and how identifying information would be shared. Since the passage of the Canada Health and Social Transfer in 1995, the federal government literally transferred funds

for social and health programs for provinces—and in some cases municipalities—to administer (Doherty, Friendly, and Oloman 1998). In this devolutionary context, the City of Toronto is responsible for administering a range of programs (e.g., Ontario Works, the provincial social assistance program), each with different sources of funding and agreements with regard to eligibility criteria and information sharing among different levels of government.

As compared to the federal and provincial government, the City of Toronto has the broadest definition of inclusion, stating that city services are open to all residents of Toronto. In practice, however, inclusion pivots around the source of funding and related eligibility criteria the City of Toronto must adhere to when administering a program. Social entitlements with the broadest eligibility are the most directly regulated by the federal or provincial government. For example, to gain access to the Ontario Health Insurance Plan—the universal health coverage for qualified residents of Ontario—requires multiple forms of identification to prove your citizenship/immigration status in Canada and verify your residence in Ontario. In contrast, programs intended as safety nets have looser eligibility criteria (e.g., drop-in centers are open to anyone who crosses the threshold).

The administration of the Personal Needs Allowance (PNA), a basic cash supplement issued by the city to all shelter residents, exemplifies how service providers negotiate with the city's policy of accessibility, while considering the potential risks of information sharing among different levels of government. VAW shelter workers regularly assist women to apply for PNA, which provides a nominal amount of cash (i.e., Can\$35 for a single person for one week) to purchase toiletries and other personal needs. Eligibility for the PNA is consistent with the province's guidelines for Ontario Works, the province's social assistance program; individuals who are receiving welfare payments are ineligible for PNA funds. The provincial eligibility for social assistance is limited to citizens, permanent residents, and refugee claimants; however, the City of Toronto leaves the method of distribution to the discretion of the shelter. The City of Toronto currently processes PNA applications that are missing some pieces of identity information, allowing people who seek shelter but do not have identity documents—for whatever reasons—to access the basic cash supplement. While service providers frame the PNA as an entitlement for shelter residents, the following excerpt illustrates how service providers consider women's rights to access the PNA along with the possible risks associated with disclosing identity information:

If she wants to receive PNA, personal needs allowance, that is money coming from the City. Any woman living in a shelter is entitled to receive that money, however, women with non-status, especially women with the deportation orders or warrant for arrest need to be aware that if they were to receive that money, it could happen that their name could be pulled out, because the connection between Ontario Works and Immigration. It is clear that there is a

connection. It is clear that they share information. It is absolutely clear that it is happening. (Shelter-Based Service Provider 3, August 27, 2009).

Service providers employed a range of tactics to navigate the potential risk of immigration surveillance, sometimes by encouraging women to apply for the PNA, but leaving out their social insurance number or, in other cases, encouraging women to write a pseudonym. Some service providers discourage nonstatus women from applying for the PNA altogether, thus blocking their access to basic income in the shelter. The range of strategies to support women's claims to PNA exemplifies the general unease among service providers over bringing visibility to their work with women with precarious status. While some providers prefer to keep this work "under the radar," others sought to challenge the injustice of denying women's rights. Through supporting and at times regulating women's claims to the PNA, service providers utilized the inclusive policies of the City of Toronto—which states that city services are for all city residents—while managing the risks associated with information sharing among different levels of government.

#### DEFLECTING IMMIGRATION CONTROL

Responding to more overt immigration enforcement practices represents one of the most divisive and uncertain issues among VAW shelters at the time of this study. During the study period, there were several incidents where CBSA officers appeared at or around a VAW shelter in search of a woman with an outstanding deportation order. These incidents caused distress to shelter residents and staff, regardless of whether individuals had precarious status, permanent residence, or citizenship. In a few cases, women who were residing in VAW shelters were contacted by CBSA to arrange for their deportation, with the shelter serving as an alternative to being formally removed to a detention centre.

Service providers engaged in a variety of strategies regarding immigration enforcement practices. On a systemic level, members of the Women Abuse Council of Toronto—a coalition of over thirty organizations involved in violence against women, child abuse, and antiviolence work—were negotiating an agreement with the Toronto Police Services outlining protocols for responding to domestic violence and referring women to VAW shelters. In this agreement, the Women Abuse Council sought to include measures to protect women without immigration status, but it was unable to reverse the current practice of information sharing that had previously been established between the Toronto Police Service and CBSA. Police cooperation with the CBSA has persisted in Toronto, despite community mobilization to encourage the police to ensure "access without fear" (Nyers, Zerehi, and Wright 2006). The implications of information sharing between the police and immigration enforcement are particularly frightening for abused women who may

resist turning to the police for help in order to avoid being uprooted through forced deportation.

Some service providers joined the Shelter|Sanctuary|Status campaign, which was launched in November 2008 by grassroots organizers from No One Is Illegal Toronto, after a series of cases in which women's refugee claims based on gendered violence were denied. The Shelter|Sanctuary|Status campaign initiated an effort to generate a collective stance among service providers to oppose immigration policies and develop internal policies to respond to immigration enforcement in violence against women spaces. On March 8, 2010, as part of International Women's Day, the campaign exposed an incident where CBSA agents appeared at a shelter to arrest a woman on immigration charges. Shelters across Toronto expressed differing views, however, about the risks involved in overtly taking a stance in opposition to immigration enforcement. While several shelters and support services readily joined the campaign, some organizations expressed fear that by confronting CBSA, they would invite public scrutiny of their support for nonstatus women, which could indirectly jeopardize their funding. The Shelter|Sanctuary|Status campaign encountered resistance from some VAW shelters who did not want to be portrayed as a "sanctuary" for women without status. Still others were critical of community organizing tactics that challenged immigration enforcement and brought media attention to women's shelters that were housing women without status, for fear that this would be detrimental to the safety of women and could lead to more enforcement activities at a particular location.

Legal consequences of not cooperating with CBSA are, in theory, similar to obstructing a law enforcement officer. At the time of this study, there were no reported incidents where an organization was challenged in how they responded to CBSA officers through either arrest or court order. There was active discussion amongst service providers, both in community meetings and public forms, where service providers spoke of their commitment to protect women on the one hand, while not wanting to "break the law," on the other. One shelter manager who took part in this study provocatively suggested that she welcomed CBSA officers to arrest her for not cooperating with their efforts to detain and deport a woman residing in her shelter, under the pretense that public attention to such an incident would actually embarrass CBSA in the public eye.

In what was viewed as a setback for the Shelter|Sanctuary|Status campaign, political agitation ultimately led CBSA to issue a national policy, clarifying CBSA's authority to enter VAW shelters if they suspect a woman is a threat to national security. The national directive, issued February 14, 2011, replaced a directive issued in the Toronto Regional Office for CBSA that had been endorsed by violence against women organizations. In response to the new CBSA policy, Eileen Morrow of the Ontario Association of Interval and Transition Houses states, "Services that work with women and children who experience violence are dedicated to keeping women safe

from violence and maintaining their confidentiality. That is our mandate and it is the mandate of all services that work to end violence against women. We'll continue to follow that mandate. If CBSA isn't prepared to comply with the Charter of Rights and Freedoms in Canada, we still are. Services will need to make decisions about how they can do that to protect women and their children from violence" (Personal communication, February 14, 2011).

## CONCLUSION

Within the complex terrain of shifts in Canada's immigration policies and the growth of people with precarious immigration status, violence against women service providers negotiate social membership—through women's participation in the shelter—and social rights for migrant women fleeing abuse. The response to women who seek services depends on organizational resources, the staff members' own level of knowledge, and their confidence in navigating and at times challenging immigration policies. In examining the role that service providers play in negotiating dimensions of citizenship—identity, membership, rights—I seek to illustrate how service providers are making policy matter in their everyday service delivery. While juridical citizenship remains under the purview of federal authority, service providers play a significant role in determining who can access state-funded social services; who is considered worthy of inclusion; who is deportable; and what rights a woman can claim from the state, even when her deportation from Canada is imminent. While service delivery does not override the salience of legal status, I argue that service providers' strategies to house migrant women and connect them to social services support women's "acts of citizenship." The ability of service providers to deflect immigration enforcement or publicly challenge state regulation of migrants, however, operates in tension with deference to federal legal constructions of immigration status and neoliberal values of citizenship.

Devolutionary trends in social policy have both privatized and decentralized the delivery of social services in Canada, positioning nongovernmental organizations, including violence against women programs, as instrumental for the delivery of social services. Violence against women programs have thus been institutionalized into what Wolch (1990) describes as a "parastate" function, administering government-funded social services while brokering the priorities of both the government and the public they serve. Trudeau's (2008) conceptualization of the shadow state takes into account the "relational interaction" between government agencies and non-profit organizations "through which state influence and regulations may be extended, inflected, and/or resisted, even if it is in subtle ways" (676). This characterization aptly describes the current status of violence against women programs, which originated out of grassroots mobilization for women's rights,

but has increasingly shifted from a political movement to a social service delivery sector (Lehrner and Allen 2008; Bonisteel and Green 2005; Davis 2000; Smith 2000).

Similar to Basok's (2004) analysis of union organizing with migrant workers, my analysis shows that VAW shelters employ their preexisting principles—in this case, principles grounded in feminism—to extend belonging in the shelter to all “women” fleeing abuse. Service providers' efforts to expand membership beyond the shelter and connect to a broader range of social and health services, however, are less than complete and potentially vulnerable to surveillance from funders and from immigration enforcement. As compared to unions, violence against women organizations represent a vulnerable service sector that is reliant on both public funds and public support, even as it symbolically challenges social norms that contribute to male violence against women. Daniels (1997) posits that “perhaps the most complex dynamic is that shelters are dependent on the society which they have been trying to change” (16). To this, I would add that VAW organizations continue to struggle to address the diverse social issues that accompany the women who seek shelter (e.g., circumstances related to women with disabilities, transgender women, non-Christian women, Indigenous women, women who use drugs) and, in the case of immigration, may be perceived as peripheral or external to the violence against women sector's focus on providing services to women fleeing interpersonal violence, as opposed to state violence or the structural violence of immigration law.

Considering that the majority of women with precarious status are racialized immigrants, their experience of domestic violence implicates the structural violence of immigration law. Averting direct conflict with the politics of immigration, while possibly strategic for the purposes of continued public support and public funding, represents a possible failure on the part of violence against women service providers to fully address how a major social institution—immigration policy—shapes the lives of racialized women fleeing domestic violence.

Although shelter staff engaged in a variety of activities to support women who came to the shelter for support, they also maintained “respect” for the law as noted in compliance with immigration enforcement practices and restrictions on access to service for nonstatus women. While service providers unanimously support women's rights to flee violence and call for changes in immigration policies that contribute to migrant women's vulnerabilities, fewer service providers exhibit a willingness to directly challenge state practices. Directly challenging the Canadian immigration regime would mean sharing the consequences of state surveillance with migrant women, which in effect could encompass violence against women service providers in the production of illegality that surrounds the regulation of migrants in Canada. While political activism against the state has historically jeopardized funding for women's organizations (e.g., Ontario Premier Michael Harris' notorious “Common Sense Revolution”<sup>5</sup>) community



organizers active in No One Is Illegal critiqued resistance within violence against women organizations as an expression of contemporary racism (Miranda 2010).

Immigrant women and children with precarious status remain a vulnerable population with limited access to resources in times of crisis. While the exercise of discretionary powers in everyday interactions with immigrants provides social service providers with tangible opportunities to advance the human rights of individuals, regardless of status, federal authority to manage the boundaries of citizenship continues to influence service delivery through both overt enforcement and bureaucratic management of identifying information. Amidst economic and political pressure to restrict social entitlements and curtail political activity that might critique the state, nongovernmental organizations and service providers are uniquely positioned to develop individual, organizational, and policy alternatives to redress the current state of injustice facing migrants with precarious status in Canada and other immigrant receiving nations. They may face significant social costs in doing so, but the costs to those marginalized by exclusionary practices of citizenship in the process of service delivery is even greater.

#### NOTES

1. I employ the term “racialized” to signify the historically specific ideological practices that construct racial meaning to classify groups and or social practices (Omi and Winant 1998). Although a range of similar concepts (e.g., “visible minority” and “racial minority”) are often used interchangeably, Jane Ku (2009) argues that these state-created categories depoliticize antiracist resistance, while masking racialized hierarchies. I follow the lead of antiracist scholars in Canada who use the concept of “racialization” to refer to “systemic and structural processes—social, economic, cultural, and political—that exclude, marginalize, inferiorize, and disadvantage certain groups and populations based on the categorization of biological features” (Zaman 2010, 164).
2. This article will focus on intergovernmental affairs between Canadian provinces, due to the distinct relationship that Canada’s territories have with the federal government.
3. “Sponsorship breakdown” occurs when permanent residents need help, but their sponsoring relative is unable or unwilling to support them. It can also refer to situations when a sponsor fails to complete the application for permanent residence such that the sponsoring relative falls out of status.
4. There is a high degree of variability in the acceptance rates of refugee claims, by country of origin, gender and depending on which IRB member is adjudicating a file (Rehaag 2006). The approval rates in 2010 averaged 38 percent overall and ranged from 76 percent approval rate for claims from Sri Lanka versus 11 percent for claims from Mexico (Quan 2011).
5. Ontario’s Progressive Conservative (Tory) government was led by Mike Harris from 1995 to 2002. During this time Premier Harris launched what he called the Common Sense Revolution to implement neoliberal restructuring of Ontario’s social and health policy, including drastic cuts to social spending for housing, welfare, and education.

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