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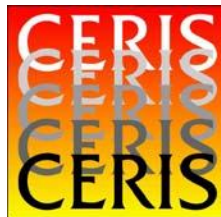
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Contents

Introduction	2
Literature Review	4
Theorizing Gender and Migration in North America.....	4
Intersectionality of Violence in the Lives of Latina Immigrants	5
Linking Violence with the Ontological Insecurity of Liminal Legality	6
A Brief Overview of Gender-based Asylum and the Safe Third Country Agreement in Canada..	8
Research Design & Methodology.....	9
Participants.....	10
Translation & Transcription	10
Sites of Analysis	11
Exposure to a Spectrum of Violence and the Loss of Political Life.....	12
Unsafe Passages to Canada as “Humanitarian Arrivals”	15
From Hiding One’s Identity to Having to Prove One’s Identity to Gain Asylum	16
Liminal Legality as Refugee Claimant.....	19
Establishing a Sense of Belonging within Liminal Spaces	20
Discussion	23
References.....	24

Unprotected and Unrecognized: The Ontological Insecurity of Migrants Who Are Denied Protection from Domestic Violence in Their Home Countries and as Refugee Claimants in Canada

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Executive Summary

Over the last fifteen years, Canada has received an increasing number of women from Mexico and Central America who are submitting refugee claims based on domestic, social, and political violence, and on the failure of political and judicial institutions in their home countries to protect them. This group of female humanitarian arrivals, however, has been largely denied refugee status. While gender-based claims are statistically more likely to be successful relative to other types of claims in Canada (Osgoode Hall Refugee Law Professor Sean Rehaag, personal communication, April 4, 2012), claims based on spousal or domestic violence are overwhelmingly dismissed or denied, primarily because women cannot verify that their home country failed to protect them (MacIntosh, 2009).

This paper involves an intertextual analysis of Canadian refugee policy and narratives from interviews with twenty-five Spanish-speaking women living with precarious migratory status in Toronto, Canada. In particular, we explore in what ways the interplay of refugee determination and the Third Safe Country Agreement produce multiple forms of *liminality* (or precarious migratory status) for female asylum-seekers in Canada. We also explore in what ways exposure to violence contributes to *ontological insecurity* (or a lack of security rooted in their very identity) that women face in their countries of origin, during episodes of transit between and through different national spaces, and as refugee claimants in Canada.

Key Words:

violence against women, immigration, precarious migratory status, substantive citizenship, gender-based asylum claims, refugee, liminality, ontological insecurity

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Introduction

Over the last fifteen years, Canada has received a noticeable growth of women seeking refuge from Mexico and Central America in part due to domestic, social and political violence, and to the failure of political and judicial institutions in their home countries to protect them. Mexico in particular has been one of the top ten source countries of people submitting refugee claims in Canada from 1996 until 2009, when Canada introduced a visa requirement for Mexican nationals to deter humanitarian arrivals. Large numbers of humanitarian arrivals, however, have been largely denied refugee status with many perceived as neither economic migrants nor humanitarian arrivals worthy of permanent residence. While Canada is perceived as a "leader" in international law with regard to guidelines for women claiming gender-based violence—gender-based refugee claims are statistically more likely to be successful relative to other claims (Osgoode Hall Refugee Law Professor Sean Rehaag, personal

communication, April 4, 2012)—women seeking refuge due to spousal or domestic violence are overwhelmingly dismissed or denied, primarily because they could not verify that their home country failed to protect them (MacIntosh, 2009). Large numbers of “failed refugee claimants” from Mexico and Central America have contributed to growing numbers of Latina migrant women in Canada who face insecurity because of the combined lack of recognition of gender violence in their home countries and unrecognized humanitarian claims in Canada, resulting in their precarious migratory status.

This paper involves a narrative analysis of in-depth interviews with twenty-five Spanish-speaking women living with precarious migratory status who participated in the Migrant Mothers Project, a participatory-action research project in Toronto, Canada, which explores how different forms of gender-based violence shape women’s migration to Canada and their experience with Canadian immigration¹. Spanish-speaking women from Mexico, Central America, and Colombia were invited through community-based organizations that serve migrant women to be interviewed. Women were also invited to participate in a peer-led solidarity group to exchange knowledge and strategies for mutual support, and for resistance to the social exclusion and uncertainty produced by their precarious status.

While juridical citizenship and its abject “others” (Nyers, 2003) remain significant in defining rights within a nation-state, we employ Isin and Turner’s conceptualization of “practicing substantive citizenship” to emphasize how women take part as members of society, through negotiating the “norms, practices, meaning and identities” (Isin & Turner, 2002: 4) of everyday social relations. In this paper, therefore, we explore how migrant women who are seeking safety, rights, and belonging in Canada practice *substantive citizenship* (that is, citizenship which includes social and well as legal rights) for themselves and their children. In particular, we explore how women negotiate their legal status, rights, identity, and sense of belonging within liminal spaces that are produced through violence, migration, and immigration policy. Isin (2002) characterizes the political mobilization of those with precarious status as acts of citizenship by people, who “constitute themselves as political agents under new terms, taking different positions in the social space than those in which they were previously positioned” (Nyers, 2003, quoting Isin, 2002: 276). As an example, women asylum-seekers campaigning to have female-specific forms of violence included in refugee determination caused Canada to be the first nation to introduce *Guidelines on Women Refugee Claimants Fearing Gender-Related Persecution* in March of 1993 (Alfredson, 2009).

¹ For more information about the Migrant Mothers project, see the project website <http://www.migrantmothersproject.com/>

Our analysis draws upon the framework proposed by Erica Palmary and colleagues (2010), to examine what forms of violence (*e.g.*, gendered violence) are considered political, and thus worthy of state intervention (in both women’s home countries and receiving countries). For some women, their movement away from their spouse’s abuse is inextricably linked to state violence; the subsequent failure in Canada to recognize gendered forms of state violence then contributes to the structural violence women experience as people with precarious or undocumented immigration status. Through exploring women’s narratives of violence, migration, and immigration, we examine how women “practice citizenship” within multiple states of liminality. We also identify women’s strategies to create a sense of belonging with attention to the role of community-based organizations in supporting women’s strategies to establish themselves and their children in Canada.

In the next section we review literature on gender violence among Latina² immigrants in North America and theories of liminality for migrants with precarious status. We then discuss our research methodology and analysis with regard the following themes: a) exposure to a spectrum of violence and a loss of political life, b) unsafe passages to Canada as “Humanitarian Arrivals”, c) liminal legality as a refugee claimant, and d) establishing a sense of belonging within liminal spaces.

Literature Review

Theorizing Gender and Migration in North America

We situate our analysis of “humanitarian arrivals” in Canada within scholarship that seeks to engender migration studies. The large number of humanitarian arrivals in Canada who originate in Mexico and Central America are produced by complex “push and pull” factors; Canada remains a desirable destination for immigrant settlement and is perceived by the international community as “safer” than the United States with regard to refugee determination. Since the introduction of the Canada-U.S. Safe Third Country Agreement, however, movement across the United States to Canada for humanitarian reasons has been significantly curtailed. People seeking to claim refugee status are

² Research literature employs several terms—Latina, Latino, Hispanic, Spanish speaking—to refer to people from Mexico, Central, and South America who live in the United States and Canada. However, given the visibility of immigrants from Mexico and Central America, many studies that employed broad terms like “Latino” were primarily talking about Mexican immigrants (both documented and undocumented) or Mexican-Americans. In our paper, we employ the term “Spanish-speaking” to describe women in our study who originated in Mexico or Central America, to refrain from imposing an ethnic or national identity marker on participants in our study. Otherwise, we reflect the terminology employed in community, policy and academic literature, when referring to Latino, Latina or Hispanic communities.

required to submit their claim in the first “safe” country they “touch” with exceptions for people who have family in Canada. Conservative estimates place 11.5 million undocumented immigrants living in the U.S (The CNN Library, 2012). According to the United Nations Commissioner for Refugees, although the United States settled more refugees in 2008 than any other country, based on population, Canada still resettled more refugees per capita than the United States (Grady, 2010). In the year 2010, only 49 of the 3000 defensive asylum applications from Mexico were accepted in the United States (a 1.6% acceptance rate). In Canada, the acceptance rates remain higher than those of the US but the new policy that requires Mexican immigrants to have a visa before they can apply for asylum is meant to act as a deterrent for asylum seekers (Lucatero, 2011).

Intersectionality of Violence in the Lives of Latina Immigrants

Over the past two decades within Canada and the United States, theory development regarding violence against women, and service delivery for them, have grappled with the multiple and often intersecting oppressions that fuel gender-based violence, while supporting women’s efforts to flee or recover from violence. Attending to intersecting and interlocking oppressions that produce violence against immigrant and migrant women requires analysis of how patterns of migration are engendered, how immigrant populations are racialized in receiving countries, and how immigration policies produce vulnerabilities and dependencies that are easily exploited in situations where domestic violence occurs.

Violence in its many different forms is pervasive in the lives of many people worldwide. Because of their subordinate social status, women and children are often the victims of interpersonal and structural violence. The 2010 UN report *The World’s Women 2010: Trends and Statistics* argues that physical, sexual, psychological, and economic violence against women is a universal phenomenon (UN, 2010: 10). Although many scholars and activists have examined factors that can increase the occurrence of domestic violence and the impacts of domestic violence, very few have made the link between interpersonal and state violence within Mexico and Central America. Cecilia Menjivar draws these links in her study of violence among Ladina women in Guatemala. She writes:

Often, women arrive from countries where domestic violence simply is not reported because of a lack of legal protection or [because of] cultural prescriptions that prevent women from reporting violence. Resources for women in these situations are few and far between, leaving them to infer, initially, that the same applies in the destination countries (Menjivar and Salicido, 2002: 910)

So often it is domestic violence and the lack of legal protection for themselves and their children that force women to flee from their home countries. However, their stories of violence as explanation for

their claims of asylum are often not considered legitimate. Their home countries (*e.g.*, Mexico) are considered to have legal systems in place that will protect women from their violent partners. When their asylum claims fail, going “home” is not a safe option for many women. As a result, their circumstances force them into a state of “illegality”.

Considering the significant role of immigration status, we seek to conceptualize in what ways the production of “illegality” and “deportability” of migrant women contributes to their social risk for intimate-partner violence and thus represents a form of structural and symbolic violence. Our analysis builds upon the framework proposed by Palmary and colleagues to examine how women have been rendered visible in migration studies and what forms of violence (*e.g.*, gendered violence) are considered political, and thus worthy of state intervention.

Linking Violence with the Ontological Insecurity of Liminal Legality

The concept of liminality is not new to migration scholarship. Chavez (1997) employed von Gennepp’s (1960) and Turner’s (1974) analysis of stages in rites of physical passage—separation, transition, and incorporation—to highlight the degree of settlement among Mexican migrants living in the United States. Chavez commented that previous scholarship at the time had presumed that undocumented immigrants were inherently temporary. In his work with Mexicans living in San Diego, Chavez demonstrated that for many undocumented immigrants, a period of transition (liminal state) that characterized their tumultuous path of leaving their homes to clandestinely enter the United States was often followed by degrees of incorporation into social and civic life in San Diego. Chavez provocatively refers to this pattern of migration from Mexico to the U.S. as a form of permanent settlement, despite the lack of legal citizenship (and in marked contrast to European settlers who entered North America without “authorization” through history but without being marked as “illegal”).

Cecilia Menjivar (2006) uses Victor Turner’s concept of “legal liminality” coupled with Susan Coutin’s (2005) analysis of “legal nonexistence” to describe the space that vulnerable migrant women occupy in the deportation era. Through her ethnographic study of Guatemalan and El Salvadoran women in San Francisco, Menjivar provides thick description of the geopolitical context of liminal legality for Guatemalan and El Salvadoran women living in the United States, where many are caught in between conventional legal categories. Menjivar argues that “spaces *between* conventional legal categories affect the immigrants’ immediate lives as well as long-term membership, thus raising the possibility of new forms of citizenship through migration” (2006: 1003; emphasis in original). Both Menjivar (2006) and De Genova (2002) highlight the productive capacity of different legal statuses and

the function of “illegality” in shaping practices of citizenship, belonging, and the counter-forces of exclusion.

To better explicate ways in which liminality is associated with precarious status in Canada, we revisit Turner to see how his conceptualizations of liminality can shed light on contemporary forms of being with regard to gender and migration. Turner identified states of being “betwixt and between” within rites of passage from one recognized status in the social structure to another. Turner’s conceptualization of liminality included conditions that are: a) unmarked (not recognizable to the logics of others), b) polluting (*i.e.* potentially dangerous or damaging to non-liminal states, especially to those who have not been through the liminal state), c) breeding uncertainty, and d) distinct from marginalized statuses, which, while subordinate, are recognized in the social structure. In our analysis, we explore how women living with precarious status in Canada reflect the unmarked, polluting, and uncertain features of liminality, with attention to different states of liminality women pass through when fleeing violence and migrating to Canada to seek permanent residence as refugee claimants.

The context of violence, migration, and precarious migratory status in Canada, however, does not always (or often) relate to a “rite of passage” with an assumed process of moving between two recognized statuses (*e.g.*, pregnancy, adolescence). Thus, we draw upon Coutin’s analysis of “legal nonexistence” or Menjivar’s “liminal legality” to explore the spaces of liminality in which women negotiate legal status, rights, identity, and sense of belonging. Goldring and Landolt (2010) define precarious status in Canada as a) lack of work authorization, b) inability to remain permanently in Canada, c) legal dependency on a sponsor (*i.e.*, employer or family member), or d) lack of social rights associated with citizenship and permanent residence. While many people with precarious status are officially recognized within the bureaucracy of Citizenship and Immigration Canada, they also lack basic human, social, and political rights which lack significantly impedes their ability to achieve substantive citizenship.

Examples of circumstances which give rise to precarious status include (but are not limited to):

- temporary foreign work visas,
- international student visas;
- refugee claims awaiting hearing before the Immigration Review Board during which time a stay of removal protects claimants from deportation;
- “failed” refugee claims (*i.e.*, which were dismissed or denied) awaiting Pre-Removal Risk Assessment but providing claimants a stay on deportation;

- “failed” refugee claims followed by a warrant for deportation (*i.e.*, leaving claimants deportable);
- an “overstaying” (*i.e.*, remaining in Canada after expiration of a temporary visa but under the radar of immigration enforcement);
- unauthorized entry (less common but very visible with the recent landing of Tamil nationals on the coast of British Columbia), which is a criminal offense, rendering the person a “smuggled” individual with only “bogus” refugee claims.

A Brief Overview of Gender-based Asylum and the Safe Third Country Agreement in Canada

Canada is perceived as having an open immigration policy and hosting a number of refugees disproportionate to the general population. Refugee flows into Canada have been relatively stable, around 25,000 new claims per year, with approval rates averaging between 40-45% (Human Rights Research and Education Centre, 2011). There are currently two ways that people can apply for refugee status in Canada in accordance with the United Nations Convention for Refugees: the *Refugee and Humanitarian Resettlement Program*, which is a program that people residing outside of Canada can apply to, to seek protection and the *In-Canada Asylum Program* which is for people making refugee protection claims from within Canada (Citizenship and Immigration Canada, 2009).

At present, refugee claims may be submitted from within Canada at anytime, irrespective of the length of time one has been in Canada or how one entered. Once an applicant has submitted a claim, an immigration official verifies the applicant’s eligibility and the file is transferred to the Immigration and Refugee Board (IRB), an independent administrative tribunal determining the claim’s legitimacy through the review of a Personal Information Form (PIF) and subsequent hearing (approximately 12 months later). An individual awaiting a decision, referred to as a “refugee claimant”, is provided a stay of removal (if without status and deportable), work authorization, and eligibility for basic public benefits (*e.g.*, subsidized housing, income assistance, and basic health insurance). If the IRB determines the refugee claim to be legitimate, the claimant becomes a protected person and can apply for Canadian Permanent Residence from within Canada. If, however, the IRB dismisses or denies the claim, the claimant is entitled to make an appeal for judicial review. If this appeal is denied, the individual, referred to as a “failed refugee claimant”, may submit a Pre-Removal Risk Assessment (PRRA), which takes into consideration changes in the claimant’s circumstances since the original IRB decision (CIC, 2012). During this process, individuals may also apply for permanent residence on “humanitarian and compassionate” grounds, which typically requires demonstrating that the individual (and family) is fully established in Canada so it would be unjust to forcibly remove them.

The refugee determination process has been critiqued for being very slow and contributing to significant “back-logs”; it can take up to 8 years to finalize a refugee claim (Showler, 2009: 1). The average time it takes for a first decision from the IRB is 18 months. Thus a “backlog” of 60,000 claims has left thousands of refugee claimants in limbo for years, waiting for a chance to appeal or for delay in their removal from Canada (Showler, 2009). Since 2009, there have been reforms in Canadian immigration policy, with a major overhaul of Canadian refugee determination currently proposed by the conservative government. Proposed changes would streamline the process of applying for refugee status from within Canada with shorter time frames, limited appeal process, and no stay of removal for applicants awaiting an appeal. The proposed reforms also seek to deter “bogus” refugees by instituting automatic detention of refugee seekers at the discretion of the Minister of Immigration and by restructuring immigration policies (*i.e.*, requiring visas to enter Canada) to deter refugee claimants from countries which have produced larger numbers of refugee claimants in recent years (*e.g.*, Mexico and the Czech Republic, the latter due to the rise in Roma people seeking refuge in Canada).

The Safe Third Country Agreement between Canada and the United States (U.S.) is part of the U.S.–Canada Smart Border Action Plan, established in 2004. Under the Agreement, all refugee claimants are required to request refugee protection in the first safe country they arrive in unless they have documentation that would allow them to travel to another country (*e.g.*, a work visa for that country) or if by staying in the first safe country, it would negatively affect family unity, the best interests of children, or public interest (Government of Canada, 2012). The Canadian Council for Refugees (CCR), a national refugee advocacy group, as early as 2005 began to suggest that the Third Safe Country Agreement has reduced the number of refugees who actually make it safely to Canada to apply for asylum and opened up asylum seekers to human rights abuses by the U.S. Government (Canadian Council of Refugees, 2005).

Despite these changes, women and their children still make it across the border from Mexico and other Latin American countries, into the U.S. and eventually into Canada. Often by the time that they have done this, they have traveled thousands of kilometers, and because of their indeterminate status, have been vulnerable to many forms of violence. We captured some of these stories through the research interviews that we conducted between July 2011 and January 2012. Our research will be described in the following sections.

Research Design & Methodology

This research employs an interpretive research design framed by theories of meaning-making in public policy and social relations as described by Yanow (2000). We examine how migrant women who seek safety from violence construct meanings and identities with regard to their histories of migration, their immigration status, and their sense of identity and belonging in Canada, and argue that they are thereby shaping not only policies in practice but also the very meaning of the state and citizenship (Chavez, 1997; Otkar, 2001; Schmidt, 2000).

Participants

Between July 2011 and January 2012, we conducted conversational interviews with 25 Spanish-speaking women from Mexico, Colombia, and Central America who were recruited through community-based organizations in Toronto. Women's countries of origin included: Colombia (2), Costa Rica (1), El Salvador (2); Honduras (2), Mexico (14), Nicaragua (2), and Peru (2)³. Women ranged in age from 19 to 63 years; half were married at the time of the interview, with their partner living either in Canada or another country. Over 2/3 of the women interviewed have children. Over half of the women with children had children 18 years and under; the majority of women had both younger children under the age of 18 as well as children over the age of 18. All participants were invited to take part in a ten-week peer-led solidarity group for Spanish-speaking women in a precarious migratory status, which was co-sponsored with a local women's anti-violence organization.

Translation & Transcription

All interviews that were audio recorded (with participants' consent) were transcribed first in Spanish and then translated into English. Both the original Spanish transcripts and English translations were "cleaned" by a team of research assistants to ensure accuracy and consistency in accordance with the transcription key.

We employed Brislin's translation method (Hazuda, 1996; Jaceldo, 2001; Lopez, Figueroa, Connor, & Maliski, 2008; Twinn, 1997; Willgerodt, Kataoka-Yahiro, Kim, & Ceria, 2005) for all research documents (*i.e.*, interview questions, consent forms, interview transcripts) which were first

³ Two women from Peru responded to our call for participants and shared stories of migration and violence that corresponded to our research questions. Although we were hesitant to interview women from outside our geographic target area, given the wide range of political, social, and economic contexts of different countries in Latin America, we decided to include these two Peruvian women out of respect for their initiative and bravery in contacting our research team.

translated from the source language to the target language and then translated back to the target language (*ibid.*). We also followed Willgerodt and colleagues' (2005) approach to "decentering" to address discrepancies which arose between the original and the translated versions, editing the original versions to be more consistent with their translations (*i.e.*, interview questions first developed in English, then translated to Spanish, would be edited in both English and Spanish to produce as much congruence in meaning as possible (Willgerodt *et al.*, 2005).

The research team included people with a diversity of Spanish-language experience, including first generation im/migrants from Columbia, El Salvador, Chile, and Mexico; a second generation immigrant from El Salvador, an Anglo-American who learned Spanish as a second language; and two non-Spanish speaking individuals. This team of bilingual researchers engaged in lively discussions at each stage of the project (*i.e.*, development of the interview guide, transcription of Spanish language interviews, and translation of Spanish transcripts into English), in order to contextualize the meaning of regional variations of the same language. Research assistants made note of regional variations through maintaining a list of colloquial terms and sayings uttered during an interview (Jaceldo, 2001; Lopez *et al.*, 2008; Twinn, 1997). The quoted data below are English translations, with some utterances reported in Spanish in *italics*.

Data Analysis

Research texts including post-interview notes and interview transcripts were entered into HyperRESEARCH qualitative data management software, to facilitate data management and analysis. We employed methods of intertextual discourse analysis (Fonow & Cook, 2005) and semiotic theories of language that center on discourse as a representational system for social action (Gee, 1999). Our data analysis worked iteratively across each genre of text produced as data in this research, to trace what discourses are employed and how discourses that appear in one genre relate to discourses taken up within another genre (*e.g.*, How do women talk about "rights", and to what extent does their talk about "rights" reflect the constructions of social rights in either public policy or service providers' constructions of social rights for migrant women?). Using theories of language-in-use we explored in what ways speakers' use produced identities, or rather subject-positions, within dominant and counter-narrative discourses (Allen, 1995).

Sites of Analysis

We present our sites of analysis to illustrate the many forms of “ontological insecurity” that are produced through violence and migration. We illustrate how a spectrum of gender-based and political violence contributes to the loss of political life for women in their home countries and as migrants in Canada. We discuss in what ways gender-based asylum in Canada and the Third Safe Country Agreement shape women’s migrations and border crossings. We then illustrate what strategies women employ when seeking rights and belonging within states of “ontological insecurity”.

Exposure to a Spectrum of Violence and the Loss of Political Life

During our interviews with women, women spoke about facing a broad spectrum of violence in their home country, during periods of migration, and after arriving in Canada. Women identified experiencing intimate partner violence in the forms of physical, emotional, verbal, and sexual abuse from a current or former partner; some women were sexually assaulted by acquaintances who also threatened them through stalking. Three of the women we interviewed became pregnant and mothered children following a sexual assault. While each of these women spoke of their children with love and commitment, they also spoke of struggling to remove themselves from the reach of their perpetrator.

The distinction between interpersonal violence and political or community violence was often blurred such that threats or acts of violence from a family member was linked to state authorities or gang involvement. One woman who was experiencing pressure to censor her political views as a journalist was assaulted by her brother, who disapproved of her political activism. Women also feared going to the police when their abuser was linked to law enforcement or drug/gang involvement. Several women related that when they did talk to police in their home countries, they were told there was nothing the police could do to protect them. Considering the lack of safety and recognition of violence in their home countries, violence plays a significant role in forcing women into migration; however, migration also contributes to women’s exposure and vulnerability to violence.

Several women in our study talked about the lack of safety as a lack of recognition, namely, that their lives were not valued or protected under the laws of their country. In our interview with Yennifer⁴, she talked about the loss of her identity as a loss of political life, akin to Agamben’s (1995) distinction between bare life and political life. Yennifer fled her home country once the threat to her life became unbearable. Yennifer’s uncle, who held a political office, had her and her husband abducted and physically assaulted, with an overt threat to their lives; this uncle wanted retribution after losing a family inheritance. Yennifer and her husband fled their home country in Central America and

⁴ All names of participants used in this paper are pseudonyms.

endured an arduous journey over land, crossing several countries through the use of *coyotes* (smugglers). Yennifer was four months pregnant at the time and “nearly died” due to the physical and emotional stress. In the excerpt below, she recounts the loss she faced as a loss of political life:

Because of my name, because of my last name, for being the daughter of who I am, I can't return to my country. I can't be a normal person. I can't breathe, and once again, being here, that right of mine was violated. My right to life was violated. My right to education was violated. Because from the [political party in home country], since [my uncle is a government official] In fact I had to leave my country and also my title as a lawyer. I got the [diploma] from the university, I didn't get the [license] ...from the magistrate, where they have to sign. I wasn't able to do it. (Yennifer, interviewed on January 18, 2012).

For Yennifer and each of the women in our study, their lives were unstable long before coming to Canada to seek refuge. Each of them shared stories of violence that forced them into uncertain liminal states, without economic security or protection from their family or from the state. Several women in our study were forced to flee violence in their homes (*i.e.*, spousal/partner abuse) or to leave their homes after facing threats from political or gang-involved friends or acquaintances. Although in each case, women were members of their home countries through citizenship, identity and belonging, the lack of rights within their families and lack of security in their home countries produced a sense of alienation with their families and home country.

Women's movement away from violence led them to seek safety in other countries; several women in our study migrated across two or three national spaces prior to entering Canada. Several women in the study illustrated how the constellation of status, rights, belonging, and identity for themselves and their children dramatically shifted across each national context to produce different forms of “ontological insecurity” with regard to identity, rights, and sense of belonging.

In our interviews with Trenza, she talks about how the threat of gender and political violence forced her to enter a world of uncertainty, one that she was unprepared to face, given her young age:

When I was 16 years old I began to have problems in [my home country] because men from the Mara [Mafia] showed up at the school I was studying at to recruit girls, so... by not accepting what they were offering, I began to have problems with one of them... So, when I was 17 years old, after an attempt to kidnap me, they [my parents] had to send me to Spain, to a mom's distant friend. So, I went to Spain, and one of my brothers who helped when they tried to kidnap me was sent as an illegal [immigrant] to the

United States. So I arrived in Spain, I was 17 years old. I had never been away from my parent's home, (Trenza, interviewed on September 27, 2011).

Over two separate interviews, Trenza related many episodes of forced movement to escape violence and seek safety. For nearly a decade she had lived and transited between her home country in Central America (which we won't name to protect her identity), Spain, and the United States, prior to entering Canada. In each of these national contexts, Trenza's life was endangered. The threat of gang violence in her home country exposed her entire family to insecurity and ultimately led to her brother's death. When in Spain, she went through episodes of being undocumented and homeless. She also suffered physical and emotional abuse from the father of her child with whom she had established a household, since "I wanted my child to have a father" (Trenza, interviews on September 1, 2011). After fleeing from her abuser in Spain, Trenza was received by an aunt in the United States, where she met her husband, "a kind man," and had a second child. Although Trenza, her first child, and her husband were all undocumented in the United States (her second child was a U.S.-born citizen), they had a fairly full and stable existence until one day when Trenza was pulled over while driving with an expired license. She was then deported to her home country, where she was in a constant state of fear for her life. Also, fearing her daughter would be deported back to Spain, she sent for her child to join her in her home country, but then fled to Canada with her daughter to seek refuge.

When we (our research staff) met Trenza, she had been living in Canada for only four months with her young daughter. As a "refugee claimant", Trenza had access to some welfare supports and was receiving subsidies for housing, her daughter's health expenses, and a small amount for food. However, her two nationalities lowered the odds that Canada would recognize her claim; she approached four lawyers before finding one through a women's anti-violence organization who was willing to support her case. Trenza recalls the process of being turned away by immigration lawyers who would not represent her, before finding one who firmly cautioned her that her chances remained low:

You know what it is like to have someone say to you: "Sit down and explain to me everything you've experienced." And afterwards, to be told: "I can't take your case, ... but I can refer you to three other lawyers so you can ... explain to them." And when I go to the last one, the third one [also says]: "I can't accept [your case]." So I say to him: "...I've been to three other [lawyers]; at least I want to know why you keep telling me that you can't take my case." "Because you're a Spaniard". "How is that so?" "Yes," they tell me, "you have [Central American] and Spanish citizenship; when Canada grants you a refugee [status], they pick ... which one is better, which country. So in this case they choose Spain. And since Spain is where allegedly they help victims of

domestic abuse [nervous chuckle]...” But ... these lawyers, they saw that it was a hard case to win, so they didn't want to put themselves at risk. So none of them wanted to write me a reference letter.... What I tell the lawyer [is]: “There's something that you have to understand..... You run wherever someone opens a door for you. And I ran where I was told: ‘I'll receive you,’ and here's where they told me I was going to be received.” (Trenza, interviewed on September 1, 2011)

Within each of the national spaces that Trenza sought safety and security, she encountered violence, which contributed to her being forced into a continual cycle of ontological insecurity. Though securing Spanish citizenship (through a great-aunt) has enabled her to legally enter Spain, the United States, and Canada, the violence she endured from her elder daughter’s father prevents her from establishing any sense of safety or belonging in Spain, or from realizing her social rights as a Spanish citizen, or even as a member of the European Union.

Presently, although Trenza has been able to establish a household for herself and her daughter as a “refugee claimant” in Canada, the uncertainty of the outcome of her refugee determination leaves her in a state of legal limbo that has become characteristic of the Canadian refugee process. Ironically, the dual nationality that helped her enter Canada will likely jeopardize her chances of being “accepted” as worthy of refuge.

Unsafe Passages to Canada as “Humanitarian Arrivals”

Several women explained that they chose to come to Canada in hopes of getting asylum. Some had sought refuge in neighboring countries but were unable to establish residency due to the absence of refugee laws or strict documentation requirements. Canada represented a place where they would be treated more fairly (than the United States), where they could reunite with family who had already settled in Canada (some as refugees), or where they could find safety but remain “closer” to children whom they left behind (*i.e.*, in the United States). Yennifer spoke about being treated more “like a human being” in Canada, as compared to in the United States. Referring to the attitude in the United States, she stated, “Ay, my God, one immigrant more; more burden for the country!” Referring to Canada she stated, “They are more humanitarian here.” (Yennifer, January 2012).

In the excerpt below, Mecha, with whom we spoke on two occasions, talks about how Canada was the closest possible place she could go and still be near her children. Mecha and her current husband had lived for over two decades in the United States without legal documents; she had fled her home country years before to escape a violent partner. She recalls:

I left Mexico with my three small children... fleeing from violent abuse. He had – their dad – he had kidnapped them from me and... he took them, in order to force me to stay, and he wanted to kill me, his intentions were to kill me. I'm here, and I say, I give thanks to, to... my God, because I'm alive. I never returned to Mexico, after those ... 20 years. (Interview with Mecha, January 16, 2012).

Mecha and her current husband—a friend who had helped Mecha escape Mexico and whom she later married—lived in different regions of the United States, until they were deported by the United States Immigration and Customs Enforcement (ICE). Prior to their deportation, they were able to arrange for one of their teenage sons to be adopted into a family, so he could continue his education without interruption. She recalls her decision to go to Canada to be near that son:

Yes. I say to [my husband], “I want to be near him [Mecha’s son lives in California] but ... [we] can’t go to the United States. But my husband says to me, “Let’s go to Spain, let’s go to France, let’s go there.” I told him, “Tell me the place that is the closest to the United States, where I can ...[fly to] the United States; with that I’ll feel in my heart that I’m close to my son.” My husband says, he starts (looking) on the computer and he says, “British Columbia, Vancouver, Niagara Falls, and Toronto.” I told him, “Take me to Toronto, buy a ticket for there.” And he bought it without knowing anyone here, without having friends, no one, no one. We were coming on the plane and I was crying, and I was saying/thinking, “Oh my God!” [The participant cried while telling this part of her life] (Interview with Mecha, January 16, 2012).

Several women migrated through neighboring countries in Central America, to Spain (if they had the means and a blood relation through whom they could claim citizenship), or passing through the United States either with a tourist visa or without documents, often with the support of a *coyote*. Three of the women had previously spent a number of years (from 5 to 20 years) living in the United States without legal status, until they were detected by immigration and deported to their home country. Four of the women had long migration journeys that spanned two or more countries, including periods of time in Europe and the Caribbean, before they arrived in Canada or the United States. Four women only transited through the United States and were able to enter Canada as refugee claimants because they qualified under the Third Safe Country Agreement.

From Hiding One’s Identity to Having to Prove One’s Identity to Gain Asylum

Women who crossed into Canada through the United States, while able to demonstrate their eligibility under the Safe Third Country Agreement, faced many hardships from their arduous journey to Canada.

In the process to come to Canada, Malfadita talks about how she went to a neighboring country to apply for a tourist visa. Her visa to the U.S. had expired and she was afraid that the Canadian consulate in her home country would be stricter and turn her down. Her narrative illustrates her efforts to disguise her liminality and her desperation to find safety in Canada:

So, I put on one of my best dresses that I still had, my best pearl necklace. The real ones! [laughs]. ... We went [to the consulate] very made-up, right? So, the consul woman, when she saw me, told me, "No, you are not going to stay in Canada" --*she* told me! "Ay, I don't even want to go," I told her. Because she told me, "Why don't you want to go?" "Ay, because of the cold," I told her. "Ay, I'm no good for the cold." "I'm only going because I have a sick brother, but he wants me to go see him. But the truth is that I really don't want to." [participant makes a disgusted face]. And she tells me, "But it's not that cold!" And "You should see how nice it is right now because it's not so frozen, and you'll see the snow." I mean, she began to give me a, a tourist spiel. And so, "Fine," I tell her, "... my North American visa. Yes, it just expired," I told her. "That's why I came to ask for it here, first." In that way I was very sincere when I told her, no? It had just expired. "And do you have the passports?" she asked me. "Yes," I told her, "my daughter's." Because mine, ... I had lost it. I only had hers. In the mess of moving from one place to another, I had lost it. But at any rate my visa had expired, ... I had to get a new passport because it was also expired. So, uhm, S gave me her passport so [the consulate official] saw that since she was four months old she had had a North American visa, and that we had always used it well, right? So, she told me, "Wait, ma'am," she told me, "*Welcome to Canada.*" So I said to her, "Ah, *thank you!*" So I sat down here, and like twenty minutes later they gave me the passports with stamps and everything and it already had the visa (Malfadita, interviewed January, 2012)

Lentes, who entered Canada at the Buffalo/Niagara border, stated that she felt anxiety at the border, because she did not know if she would be accepted to cross into Canada. In the excerpt below, she recalls her feelings of insecurity when she had to turn over all of her documents to Canadian officials:

Buffalo asks you for all of your papers, and they themselves send everything to Canada, and Canada takes a few days to, to tell Buffalo ... that you are suitable to cross into

Canada. That is with daily lists, so every day we would call to find out if we were already on the list, because, my God! All of this beginning when one arrives is an anguish! The day that we were already on the list, ... they get you a taxi, and the taxi takes you to Niagara. You cross the border there, at immigration, and your family has to be there waiting for you. They took all my papers from me: my passport, my Colombian (national) ID, everything, the government of Canada keeps everything. (Interview with Lentes, January 28, 2012).

Before approaching Canada, Lentes had contacted her aunt, in order to be able to apply for refugee status in Canada. This made her insecure about her possibility of getting refugee status. Although she did not know her aunt well, she had to count on her support. Therefore, when Lentes arrived in Buffalo, she was nervous. She was in shock with the questions that the authorities of Canada asked her. Lentes recounts:

Because you have to demonstrate that you have family members in Canada, in order to be able to apply for refuge/refugee status, and when I arrived in Buffalo, they asked me [if] my passport is false: “Calm down, say your real name,” and I [was thinking], “How am I going to say that?” Yes, yes one can, Canada accepts because, well, the truth is that you are fleeing dangerous situations, so I told them that my passport was real, because I did have the United States visa, so that’s how I arrived (Interview with Lentes, January 28, 2012).

In Lente’s case, she had a valid tourist visa for the United States, so although she had no intention of applying for refugee status in the United States and felt vulnerable when submitting her claim at the Canadian border, she was able to pass through the United States without concern that she would automatically be deported. In contrast, several women who entered Canada *via* Buffalo relied on *coyotes* who transported them without legal authorization into and through the United States.

In Yennifer’s case, she and her husband fled their home country with the assistance of professional smugglers. Yennifer described how during their travels across the United States—at times on foot, or car, and event by bus—they were able to avoid scrutiny from immigration authorities. Yennifer recalled that she was identifiable as a migrant; she thought the immigration officers let her pass due to her obvious pregnancy and appearance of poor health. When asked how she made it through the U. S., Yennifer laughed and described her trip:

Well, you’re not going to believe me, because they say it’s not possible, but I did, I did it *via* Greyhound. The *bus*. They say, “How? They didn’t send you to immigration.” I don’t know. [laughs]. God makes things perfect... They didn’t call immigration; they

said, “All of us have a right.” I don’t know why, God must have done it, because they are... I know that they, their patriotic duty, their nation and everything you can think of, you are American, you know what it’s like. They are obligated to denounce me to immigration, [but] they didn’t do it.....Yes, and I told him, “I’m not coming to the United States, how can you do this to me?” They saw me from afar, pale, because I was more dead than alive, and that I was doing very badly ... since I arrived at Viva la Casa, everyone must have said so, everyone. ... I had bleeding, I don’t know why my daughter didn’t come [early at that time]. (Interview with Yennifer, January 18, 2012)

Yennifer’s liminal condition of pregnancy, in this case, contributed to her being able to enter Canada without scrutiny. This contrasts with Laso’s reception at the Toronto International Airport, where she was “profiled” as having fraudulent intentions (*i.e.*, she was with three children and they had several pieces of heavy luggage); they “looked” like refugees.

Liminal Legality as Refugee Claimant

The refugee claim process in Canada produces long periods of uncertainty, or “liminal legality”, as people whose applications have been accepted for review await a decision from the Immigration and Refugee Board. In the following excerpts, Lentes describes being in “limbo” where she has a legal status with some rights (*i.e.*, to work and receive public benefits), but no security with regard to how the IRB will decide her case:

Well as a refugee claimant, it’s ... so difficult, because one is nothing. One is legal, but one isn’t. So it’s very difficult, but for example if they would have accepted me and I would have been a [permanent] resident already, yes, everything would have been very different, because there are many people who already [are accepted], so ... they make do with what they have, they get any old job and they say, “No, it’s difficult to learn English, it’s better to just leave it like that.” They make do. But no, I mean if they would have accepted me, obviously I would have applied wherever I could have studied. I mean everything would have been very different; I wasn’t going to resign myself. I don’t plan on continuing to hand out the newspaper for my whole life because I didn’t study for five years to do that (Lentes, Interviewed on November 28, 2011).

Later in the same interview, Lentes describes how the state of being in limbo generates a constant feeling of risk and insecurity.

That is the risk here in everything, because one is here, one is legal because one has a work permit, one has a right to work, one has a right to everything, but in reality one is

in limbo, because you don't know here what is going to happen to you tomorrow when you get up, one is here but isn't" (Lentes, Interviewed on November 28, 2011).

Women referred to being denied refugee status as an unthinkable (but unfortunately likely) scenario. In the following excerpt, Trenza compared her fear of being denied status to socially dying:

Because [if] they kick me out of this country, I am not going to come back. I say, I am going to die one day and I am not going to come back here, I am not going to walk here. No; I mean you have the liberty to know that you liked France, and so you have a life and you can go back to France, right? --Because you can return to France. But if you asked for asylum in France, you cannot go back to France. So you say, I am going to die (Trenza Interviewed on September 1, 2011).

However uncertain the liminal legality of being a "refugee claimant", several women hoped for a positive decision from the Canadian government and could imagine a different life if they were to receive permanent residence.

Establishing a Sense of Belonging within Liminal Spaces

I had come to a place where I was meant to be.

I don't mean anything so prosaic as a sense of coming home.

This was different, very different.

It was like arriving at a place much safer than home.

Pat Conroy (1997), *The Lords of Discipline*

The majority of participants expressed a strong sense of belonging in Canada as their receiving country because they felt safer in Toronto than in their countries of origin. When discussing their history of migration, women talked about trying "to leave the past behind and forget the violence" they experienced in their home country in order "to start a new life" (Esperanza, interviewed on November 8, 2011). In some cases, women expressed nostalgia for the land where they came from. Yet the majority preferred being in a country that "brings more protection for single mothers" (Crystal, interviewed on May 23, 2012).

Pollini (1990) argues that social actors "belong" first to their families, then to their professional circles and networks, and finally to the State, through their citizenship (Translated by Janet Flor Juanico Cruz, Pollini, 1990). However, the women in this study could not rely on their families for support. On the contrary, in many cases they suffered abuse from their partners. Similarly, some women experienced harassment in their jobs and even political persecution from their governments. As a result, their narratives indicate disjuncture or even alienation from their home country. For instance,

one woman talked about being considered “the betrayer of the family” when she turned to her family for help to escape political persecution. She was labelled by her brothers as a “problem” rather than a “victim” and was physically attacked by them. As a result, she did not want to go back to her home country and she did not feel connected to it. She mentioned that she used to look for news about her home country, but that she preferred to stay in Canada because of the lack of support, few employment opportunities, and insecurity that awaited her back home.

In another case, Mecha described feeling completely vulnerable in her home country after being kidnapped by her uncle, who as a politician had the ability to control and manipulate the legal system. After this episode, Mecha lost all interest in staying in her home country and decided to join her mother in Canada as a way to escape her situation. She said that she felt she had been “treated as a human in Toronto” after being mistreated and neglected by the authorities in her home country, by the *coyotes* and by others whom she had encountered while crossing the border. Mecha told of having given birth to her baby in Canada. With her baby in her arms, she made a promise to herself and her baby to leave the bad memories and the tears in the past and work hard to provide a good life for her child.

These women did not find legal redress against their perpetrators in their home countries. Having been “subjected to a horrendous event that leaves indelible marks upon their group consciousness” (Alexander *et al.*, 2004:1) reinforced women’s ontological insecurity which contributing to their feeling like “foreigners inside their own country” (Mecha, interviewed on April 13, 2012). After arriving in Canada, women sought to recreate their identity in a Canadian context where they are resolving a new conflict of immigration status that takes place in their everyday life. Nonetheless, the fear of being deported or the feeling of being in limbo is not enough to make them even think about returning to their countries. In fact, they show a sense of belonging to the receiving society and to the groups where they interact more frequently in their liminal state.

During the transition toward incorporation into Canadian society, they develop a strong emotional bond with people who support them, like social workers, persons who belong to the Church, work and school colleagues, and new partners. They also become attached to the organizations and the assistance programs that protect them in the receiving country. Therefore, “belonging” refers to both possessions and inclusion. That is, practices of group identity are about manufacturing [...] and marking terrains of commonality, through which the social dynamics and politics of fitting in are delineated” (Garbutt, 2009: 85), such as the exercise of citizenship in the middle of the uncertain immigration process. The following quotations taken from the testimonies of participants exemplify the sense of belonging and the creation of a new identity related to the transition, an identity that is “always

reproducing itself through the combined processes of being and becoming, rather than surfacing from an already constituted” essence (Garbutt, 2009: 86). The following three cases illustrate this point.

Case 1: Vlaridiana. While staying in a shelter, she received legal information and counselling from a lawyer, and decided to apply for legal status on humanitarian grounds. She also received psychological support and orientation from a social worker who showed sympathy for her and her child. She participated in the activities that were organized in the institution such as workshops and celebrations. This participant said that she felt alone with her baby, but since she started living in a shelter, she felt as if she were in a family. Furthermore, the members of the shelter connected her with other community centres and social providers. In Vlaridiana’s own words:

They have gotten me therapy, I have my social worker who ... talks to me... gives me words of encouragement, words of help; that has helped me quite a bit. I feel like in a family. Before, eh, when I was living in my own apartment, I ate alone with my son. ... Emotionally I was very wounded, I didn’t see any sense in it; I didn’t have any fun. Now here, we all eat together, ... it’s something like a family environment really, ... I really have a lot of affection for Canada, the only thing that I would ask for is ... Immigration officials to not be so severe with women who have children (Vlaridiana, interview on January 4, 2012).

Case 2: Crystal is a woman who is fighting for custody of her baby while she keeps looking for ways and means to solve her own immigration status and her criminal case in court. Crystal lives in an apartment with a friend who belongs to a church where she goes to get information, advice, relief, and economical and material support. In Crystal’s own words:

Now I don’t look for so much help from the churches or anything. I already have friends who I already know can help me with Family Court. I just tell my lawyer to slow down a little bit the Family Court process until I have a response ... from immigration, so that when I leave I ... can show papers. ... I already have a job offer [in Toronto] which is related to my work in Peru, to my degree, ... so I already am a little more organized. ... I am living in a place where I am stable, (for) three months. I am no longer in friends’ houses from the church who were helping me with my son. Before, I was like that because I didn’t have a house, I didn’t have anything, I didn’t have family and I didn’t have money; my parents sent me money, but not enough (Crystal, interviewed on January 11, 2012).

Crystal explained how she negotiated their rights (seeking resources for herself and her baby) and created a sense of belonging, building at the same time an empowered identity:

... I would speak with them, or afterwards I would go to the church, aside from there, also on Saturdays and Sundays, ... telling the pastor that I don't have things for my son. ... They gave me clothes, formula, diapers, which I didn't have, so the people from the church provided that for me (Crystal, interviewed on January 11, 2012).

Case 3: Marisol arrived to Canada on a tourist visa in order to escape from her abuser. Four years after her visa expired, she decided to apply for refugee status. This was a result of the attachment Marisol and her son felt towards the social groups in Canada where they constantly participated and the activities they engaged in. For instance, she felt that she and her son were appreciated by her son's teachers and friends from high school. By coaching the female soccer team, her son has been able to expand his friendship network. He plans to stay in Canada even if Marisol decides to go back to her home country. Marisol goes to the church often because there she finds emotional, spiritual, and economical support. She said that now she prefers to celebrate Canadian holidays. In her own words:

Now I feel like more Canadian than anything, after living for eight years here. We celebrate the Canadian holidays, not the Costa Rican. Yes, overall because my son studies here and does everything here, we need to follow the Canadian culture (Marisol, interviewed on November 7, 2012).

Developing a sense of belonging in society is a key attribute of active citizenship (Flores, 2003). The women we interviewed described the ways they organize their life during an uncertain phase of their immigration process through their community membership and Canadian social assistance, while at the same time they claim rights and create an empowered identity to face the violence. Their membership in their host society is stimulated by their desire to provide a safe and secure environment for themselves and their children. Although they keep experiencing the weight of the immigration policy and its mechanisms of control, they prove that "citizenship rights are not bestowed by the simple act of birth but must be fought for. Citizenship is an active process of claiming rights rather than the passive acquisition of an arbitrary and limited set of rights" (Flores, 2003: 87), one which has to include gender equality.

Discussion

Through our interviews with women, we heard many stories about unsafe passages and multiple states of an identified liminality that came into being as women were forced into migration through experiences of violence. Violence plays a significant role in forcing women into migration but migration itself can then further increase women's exposure and vulnerability to violence. Instability due to a threat of violence (in the home country as well as in Canada) and subsequent migration directly impacts family structures – family may be spread across many countries and reunification with children and partners remains a significant challenge. Despite the circumstances that often forced women into conditions of “illegality”, these women have continued to both seek and find community and belonging for themselves and their children. Many of the women whom we interviewed experienced social isolation and exclusion through migration and their precarious status. Nevertheless, they found community and support in unexpected places, often learning to survive and thrive. Canadian immigration policy has been shaped by rapid changes over the last three years. The changes in these policies directly impact the lives of refugees and migrants. Understanding the role that multiple forms of violence plays in the lives of migrant women and the strategies that they engage in to both survive and thrive will become increasingly important as the policies regulating movement of people into Canada become more restricted.

References

- Alfredson, L. S. (2009). *Creating Human Rights: How noncitizens made sex persecution matter to the world*. Philadelphia: University of Pennsylvania Press.
- Alexander, J., R. Eyerman and B. Giesen (2004). *Cultural Trauma and Collective Identity*. New York, NY: Oxford University Press.
- Allen, D. (1995). Hermeneutics: Philosophical traditions and nursing practice research. *Nursing Science Quarterly*, 8(4): 174-182.
- Canadian Council of Refugees (December 2005). Closing the front door on refugees: Report on the first year of the Safe Third Country Agreement. Retrieved from <http://ccrweb.ca/closingdoordec05.pdf> on December 14, 2012.
- Chavez, L. R. (1997). Immigration reform and nativism: The nationalist response to the transnational challenge. In J. F. Perea (Ed.), *Immigrants Out: The new nativism and the anti-immigrant impulse in the United States* (pp. 61-77). New York: New York University Press.
- Citizenship and Immigration Canada. (2009). Refugee claims in Canada: Citizenship and Immigration Canada.
- Coutin, S. B. (2005). Contesting criminality: Illegal immigration and the spatialization of legality. *Theoretical Criminology*, 9(1): 5-33.
- De Genova, N. (2002). Migrant "illegality" and deportability in everyday life. *Annual Review of Anthropology*, 31, 419-447.
- Flores, W. V. (2003). New citizens, new rights: Undocumented immigrants and Latino cultural citizenship. *Latin American Perspectives*, 30(2): 87-100.

- Fonow, M., & Cook, J. A. (2005). Feminist methodology: New applications in the academy and public policy. *Signs: Journal of Women in Culture and Society*, 30(4): 2211-2286.
- Garbutt, R. G. (2009). Social inclusion and local practice of belonging. *Cosmopolitan Civil Societies: An Interdisciplinary Journal*, 1(3): 84-108.
- Gee, J. P. (1999). *An Introduction to Discourse Analysis: Theory and method*. New York: Routledge.
- Goldring, L. and P. Landolt (2010). Political cultures and transnational social fields: Chilean, Colombian and Canadian activists in Toronto. *Global Networks* 10(4): 1-24.
- Government of Canada (October 23, 2012). Canada-U.S Safe Third Country Agreement on Citizenship and Immigration website. Retrieved from <http://www.cic.gc.ca/english/department/laws-policy/menu-safethird.asp#exceptions> on December 14, 2012.
- Grady, P. (April 5, 2010) The refugee reform proposals won't solve the problem. Global-Economics.ca. Retrieved from http://global-economics.ca/refugee_proposals.htm on December 14, 2012.
- Hazuda, H. P. (1996). Non-English-speaking patients a challenge to researchers. *Journal of General Internal Medicine*, 11(1): 58-59.
- Human Rights Research and Education Centre. (2011). By the numbers: Refugee statistics. Ottawa: University of Ottawa.
- Inin, E. F. (2002). *Being Political: Genealogies of citizenship*. Minneapolis: University of Minnesota Press.
- Inin, E. F., & Turner, B. S. (Eds.). (2002). *Handbook of Citizenship Studies*. London: Sage Publications Ltd.
- Jaceldo, K. B. (2001). An adaptation of Brislin's translation models for cross-cultural research. *Nursing Research*, 50(300-304).
- Lopez, G. I., Figueroa, M., Connor, S. E., & Maliski, S. L. (2008). Translation barriers in conducting qualitative research with Spanish speakers. *Qualitative Health Research*, 18(12), 1729-1737.
- Lucatero, C. (November 16, 2011). "Love Thy Neighbour," --Except if he is Mexican". The Law and Global Justice Forum website. Retrieved from <http://www.lgjf.org/2011/11/love-thy-neighbor-except-if-he-is-mexican/> on December 14, 2012.
- MacIntosh, C. (2009). Domestic violence and gender-based persecution: How refugee adjudicators judge women seeking refuge from spousal violence--and why reform is needed. *Refugee*, 26, 147-164.
- Menjívar, C. (2006). Liminal legality: Salvadoran and Guatemalan immigrants' lives in the United States. *American Journal of Sociology*, 111(4), 999-1037.
- Menjívar, C. and Salcido, O. (2002). Immigrant women and domestic violence: Common experiences in different countries. *Gender & Society* 16(6), 898- 920.
- Nyers, P. (2003). Abject cosmopolitanism: The politics of protection in the anti-deportation movement. *Third World Quarterly*, 24(6), 1069-1093.
- Oktar, L. (2001). The ideological organization of representational processes in the presentation of us and them. *Discourse and Society*, 12(3), 313-346.
- Palmay, I., Burman, E., Chantler, K., & Kiguwa, P. (Eds.). (2010). *Gender and Migration: Feminist interventions*. London & New York: Zed Books.
- Pollini, G. (1990). Appartenenza socio-territoriale e mutamento culturale. In V. Cesareo (Ed.), *La cultura dell'Italia contemporanea* (pp. 185-225). Turin, Italia: Fondazione Giovanni Agnelli, .
- Schmidt, R. (2000). *Language Policy and Identity Politics in the United States*. Philadelphia: Temple University Press.
- Showler, P. (2009). Fast, fair, and final: Reforming Canada's refugee system. *Journal*. Retrieved from <http://www.cdp-hrc.uottawa.ca/projects/refugee-forum/publications/FastFairAndFinal.pdf> .

- The CNN Library (June 15th, 2012). Retrieved from <http://news.blogs.cnn.com/2012/06/15/facts-on-immigration-in-the-united-states> on December 14, 2012.
- Twinn, S. (1997). An exploratory study examining the influence of translation on the validity and reliability of qualitative data in nursing research. *Journal of Advanced Nursing*, 26(2), 418-423.
- Willgerodt, M. A., Kataoka-Yahiro, M., Kim, E., & Ceria, C. (2005). Issues of instrument translation in research on Asian immigrant populations. *Journal of Professional Nursing*, 21(4), 231-239.
- Yanow, D. (2000). *Conducting interpretive policy analysis* (Vol. 47). Thousand Oaks: Sage Publications

CERIS – THE ONTARIO METROPOLIS CENTRE

Creating and sharing knowledge on the lives of immigrants and the policies that affect them

Who we are

Established in 1996, CERIS – The Ontario Metropolis Centre is a research network focusing on the resettlement and integration of immigrants and refugees in Ontario. We engage in comparative research, knowledge transfer, and policy development, and we work in a collaborative partnership that includes universities, community organisations and different levels of government. For our first sixteen years, we were funded by the Social Sciences and Humanities Research Council of Canada (SSHRC) and a consortium of 14 federal departments and agencies.

What we do

RESEARCH

CERIS has funded over 120 research projects selected by panels of academic and community researchers and policy makers who evaluate each project's academic and policy merit. Collaborative and interdisciplinary, our research projects are designed to create new knowledge to inform current immigration policy and practice, train graduate students, support community research, and promote knowledge exchange between researchers and all of our partners.

CAPACITY-BUILDING

CERIS trains a new generation of immigration scholars and researchers. Each year, graduate students receive funding to undertake their own research. We also provide support for students to present their work at annual conferences, local seminars, and graduate student workshops and conferences. We collaborate with our partners in the community and in government providing opportunities for them to participate in research projects and to learn more about research design and methods.

KNOWLEDGE MOBILISATION

CERIS supports making relevant research more widely available to policy-makers, service providers, researchers, and diverse communities. We hold frequent conferences and seminars to share our research. We also publish materials for a wide range of users and reach out to those who can use our research to effect evidence-based change.

Why we do it

Research has shown that immigrants and refugees coming to Ontario face increasing challenges. CERIS affiliates believe that good policy decisions flow from evidence-based research. We also believe that research must translate into action and we work to mobilise knowledge by getting it in the right hands at the right time.

Where we work

Our office is located at York University in Toronto, but our network extends across Ontario. Our research examines immigration issues in large and small cities as well as in rural areas across the province.