

Sponsoring Immigrant Women's Inequalities

BY SUNERA THOBANI

L'organisation de l'immigration, qu'elle soit indépendante, par famille, par classe, par genre et la régulation du parrainage, rendent les immigrantes particulièrement vulnérables à un contrôle patriarcal de plus en plus envahissant. L'auteure note que les changements proposés dans les régulations du parrainage n'effaceront pas mais intensifieront l'exploitation raciale/patriarcale des immigrantes

Founding a white Canada

Immigration has been central to the historical production (and reproduction) of the Canadian nation since its inception. The nation was founded through the colonization of Aboriginal peoples, the subjugation of their sovereignty, and the erosion of traditional and customary rights (Culhane; Green; Maracle). Aboriginal women were subjected to white, male domination, as well as to a strengthening of patriarchal relations within Aboriginal communities by the *Indian Act* (Fiske; Goodleaf).

Along with this colonization, the immigration of European settlers, particularly that of European women was critical for nation building and capitalist development (Stasiulis and Jhappan). Designated "preferred races" by the Canadian state, European settlers and their descendants have been integrated into the Canadian nation, their citizenship the measure of this integration (Thobani).

In this racialized project of nation building, immigration policy sought to strictly control, and often halt, the entry of third world immigrants. Designating them "non-preferred races," the state organized the provision of their labour to the economy, but discouraged their permanent settlement (Li and Bolaria). Women from third world countries were expressly targeted for exclusion. They were defined as posing a two-fold threat to the nation: the presence of these racially "inferior" women was defined as "polluting" the nation, and their ability to reproduce future generations of "non-preferred races" was defined a threat to the whiteness of the nation (Thobani). This overt racialization of immigrants was maintained into the 1960s and 1970s.

Racializing and gendering immigration

The Immigration Act 1976–77 emphasized labour market needs and family relations. It removed overt references to "race" and included a specific "non-discrimination"

clause on the grounds of "race, national or ethnic origin, colour, religion or sex" [Section 3(f)]. The Act organizes immigration into two main categories: (i) the family class (which makes immediate family members eligible for sponsorship and requires sponsors to assume financial responsibility for their dependents for up to ten years), and; (ii) the independent class (whose eligibility is based upon the allocation of points for education, skills and qualifications).¹

The Act has allowed a major shift in immigration patterns, significantly increasing the presence of third world peoples, and in particular women, helping to make their labour available to the economy. Immigration under the family class has been greater than under the independent class, and while women represent over half of all immigrants, they are more likely to enter under the family class (Boyd 1998).

A number of scholars have defined the point system as a neutral, non-discriminatory one (Green and Green; Hawkins). Feminist and anti-racist scholars, however, dispute this claim. They argue that while the Act made a commitment in principle to ending racist and sexist discrimination, it did not do so in effect. Discrimination remains ongoing on two counts: firstly, through the unequal allocation of resources for immigration processing which favours "developed" countries with large white populations, and; secondly, through granting immigration officers discretionary powers so their subjective prejudices can influence the allocation of points in immigrant selection (Abu-Laban; Das Gupta; Jakubowski; Ng and Sprout). Immigration officers tend to process the applications of women under the family class. Men, on the other hand, are more likely to be processed under the independent class as heads of households (Boyd 1998, 1992; Das Gupta; Ng and Sprout).

With regulations making sponsored relatives financially dependent upon their sponsors, this processing of women under the family class increases their vulnerability to increased control by sponsors (Abu-Laban; Boyd, 1998, 1992; Das

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Gupta). While this analysis has played an important role in our understanding of the workings of immigration policy, the Act in fact does much more: it organizes the ongoing racialization of the nation and immigrants, as well as the gendering of immigration.

One of the stated objectives of the Act is "to enrich and strengthen the cultural and social fabric of Canada, taking into account the federal and bilingual character of Canada" [3 (a) and (b)]. This definition of the "character" of Canada as bilingual, of course, refers to English and French. In committing itself to strengthening the "cultural" and "social" fabric of Canada, whose character is specifically defined as "bilingual," the Act becomes complicit in perpetuating a particular colonial construction of "Canadian-ness." Thus, the Act does not seek—even in principle—to end the racialization of the nation which had been the specific objective of preceding immigration policies. It sought instead to strengthen this "bilingual" character of the nation, as well as its attendant "cultural and social fabric." In this objective, the Act represents a historical continuity in the racialized distinguishing of immigrants: immigrants who are defined as compatible with the nation—on the basis of their cultural, social, and linguistic characteristics—become ideologically constructed as future citizens, to be integrated into the nation as Canadians; immigrants who are defined as incompatible—on those very grounds—become constructed as immigrants, outsiders to the nation.

Further, in organizing immigration into the categories of the independent and family classes, the Act organizes the gendering of immigration. The very naming of the independent class ideologically constructs it as a masculinized category. In western patriarchal terms, men are defined as independent economic agents, as heads of households, because they are men, whereas women are defined as the dependents, as the "family," of men (MacDonald; Mies). The Act reinforces this patriarchal definition and ideologically constructs the independent

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class as masculine, while constructing the family class as a feminized one. The very naming of this category organizes it as a feminized class, a construction which is further reinforced by its designation as a category of "dependents," thereby associating it with everything which is not "masculine." Where men are defined as independent economic agents, women and children are defined only by their relation to these "independent" male actors—as their "dependent" family members. By organizing immigration into these categories, and in specifying unequal conditions for each, the Act in effect

gendered immigration, denying immigrant women autonomy and independent status once they enter the country. This distinction masculinizes the independent class as an independent, economically productive category, while feminizing the family class as one of "non-economic," "dependents" who must be sponsored. Further, and most significantly, this ideological category of "dependent" is made actionable by imposing upon immigrant women a literal dependency on their sponsor for ten years through the sponsorship regulations. Whereas earlier immigration policies sought to keep women of the "non-preferred races" (see Bolaria and Li; Thobani) out of the country, the *Immigration Act* allows them entry, but on the condition of making them dependent on sponsors, and making invisible their very "economic" contributions to the Canadian nation.

These ideological practices mean that men who enter under the family category are able to escape their "dependent" status because they are men. In the capitalist economy, men are defined as workers and economic actors. Socially, they are defined as heads of households. This "maleness" of immigrant men—some of whom might be sponsored—allows them to overcome their "dependent" status once they are in the country. For sponsored women, on the other hand, their actual status as women reinforces their "dependent" status even after they enter paid work. A number of studies demonstrate that most sponsored immigrant women enter the paid labour-force relatively soon after their arrival into the country (Boyd, 1992; Das Gupta; Ng and Estable; Samuel), but this reality is ignored by the Act. Nor is the unpaid labour of immigrant women which reproduces immigrant families, including future generations of workers for the "national" economy, recognized as an "economic" contribution. Thus, despite the reality that sponsored immigrant women make very tangible contributions—through their paid and unpaid labour—immigration categorization renders this reality invisible.

The Act's separation of the independent and family categories also makes a ranking of the worth of these categories inevitable. This categorization ensures that in the ranking of the "value" of immigrants to the nation, the family class comes up short in capitalist terms which define individuals by their financial and "economic" worth. The Act allows, quite literally, applicants under the independent category to "score" points for their economic measure. Applicants under the family class, on the other hand, are ranked largely on the basis of their family relationship.

Immigration regulations also institutionalize the unequal access of sponsored immigrant women to social entitlements such as social assistance, old age security, social housing and job training programs. Although sponsored immigrants are eligible for citizenship after a three-year residency, the sponsorship regulations remain in effect for ten years. Therefore, immigration policy contin-

ues to organize unequal citizenship rights for sponsored immigrant women even after they become tax-payers and *de jure* citizens. The welfare state's underlying principle—that members of a society, as tax-payers, have a legitimate right to access programs collectively funded by their taxes—does not apply to these women. The taxes paid by immigrant women into “national” revenues becomes yet another form of their economic contribution to the welfare of “citizens” who have greater access to these programs. Likewise, sponsors themselves become discouraged from making claims to social security programs—even if they have legal entitlement. In order to qualify for sponsorship, sponsors have to demonstrate their ability to be self-supporting and to provide financial support to their sponsored relatives (EIC). The result is both sponsor and sponsored immigrant are made subject to a lesser citizenship through the sponsorship agreement, further reinforcing the ideological construction of immigrants as “lesser” than Canadians-as-member-of-the-nation.

In short then, the *Immigration Act* organizes the nationalization of white immigrants on the basis of their social, cultural, and linguistic compatibility with the nation. Indeed, they become defined as essential to the nation's reproduction. The racialization of these members of the nation means that they become distinguished from immigrants of colour, even when both groups enter the country under the same legal category. To compound this racialization, the gendering of immigration further defines the family class, and immigrant women, as not making economic contributions to the nation. And whereas Canadian-born women of colour have *de jure* citizen status, their racialization on the basis of their cultural, linguistic, and social “diversity” associates them with immigrant women of colour. The result is both are made to assume the ideologically constructed status of “outsider-to-the-nation.” Therefore, it is women of colour who have come to be most strongly associated with “costs” to the nation, we have come to personify this category as outsiders to the nation and a burden on its resources. The race/gender/class nexus embedded in the Act borders all immigrant women as a most potent threat to the “nation.”

Sponsoring inequalities for the twenty-first century

The Immigration Act, 1976–77 has remained in effect into the 1990s. However, immigration policy is undergoing significant changes with the current restructuring of the Canadian economy, and a strategy for immigration for the twenty-first century has been outlined by the state. This strategy seeks essentially to increase restrictions upon future third world immigration for permanent settlement into Canada, as well as further limiting the grounds upon which claims to Canadian citizenship can be made (Thobani). A number of the recommendations outlined in this strategy have been implemented by the federal government (the re-introduction of the head tax on immi-

grants and reduction of overall immigration levels being among the chief ones), further changes—which will also include a new *Immigration Act*—continue to be proposed by the government.

Recent changes proposed in the document, *Building on a Strong Foundation for the Twenty-First Century: New Directions for Immigration and Refugee Policy and Legislation* state that the objective of “enriching through immigration the cultural and social fabric of Canada” remains “still supported by Canadians” (CIC). In this, the state has signaled its intention of maintaining the racialization of the nation and immigrants for the foreseeable future. Indeed, the official definition of the nation as bilingual and bicultural—English and French—is being given even greater currency as the federal government seeks to contain the sovereigntist aspirations of the Quebec separatist movement.

These proposals also call for the “reinforcement of the family class as the traditional cornerstone of Canada's immigration program” (CIC 1998). Specific changes proposed include: reducing the sponsorship period; increasing the enforcement of the sponsorship agreement; suspending the sponsorship agreement in cases where sponsored immigrants or sponsors are convicted for violence, and; recognizing common law and same-sex couples for sponsorship.

In maintaining the family class as a separate class with sponsorship requirements, the current proposals will maintain the feminization of this category. Likewise, the proposals will continue to render invisible the economic contributions of this class. Acknowledging the economic contributions of the family class would challenge its construction as a “dependent one,” this would undermine the legitimacy of the sponsorship agreement and would reveal the intensification of patriarchal control to which immigrant women are made subject. In maintaining the sponsorship relation, the state's intentions are to continue making immigrant women's economic worth and work invisible, while continuing to construct us as a burden on the nation's resources.

The proposal to reduce the sponsorship period from the current ten year is certainly a step in the right direction. However, in simultaneously proposing the strengthening of the enforcement of sponsorship regulations, any progressive move is undermined. Even if the sponsorship period is reduced, the unequal social entitlements of sponsored immigrants to social assistance programs and their dependency on the sponsor will be maintained. Indeed, it will be policed even more closely. The proposals call to “expand Citizenship

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and Immigration Canada's power to undertake collection action against defaulting sponsors and share proceeds with the provinces" (CIC 1998). In doing this, the federal government is increasing the incentive of provincial governments to police more closely claims by sponsored immigrants to social assistance, and to use the provincial social service system for this increased surveillance. With most people of colour in Canada being racialized as outsiders to the nation regardless of our legal status or the



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length of our residency in the country, it is safe to anticipate that the claims of most people of colour (and most particularly of women of colour) to social security programs will be policed more closely as one consequence of this specific proposal.

Another significant change proposed to the sponsorship agreement is the suspension of sponsorship if either the sponsor or the sponsored immigrant is convicted for perpetrating violence. The state currently intensifies the dependency of sponsored immigrant women on their sponsors through the sponsorship regulations, making these women more vulnerable to violence and abuse. Therefore, the change necessary to protect these women from violent sponsors is to do away with the sponsorship relation which creates (or increases) this dependency and the women's vulnerability. Instead, this proposal seeks not to reduce women's dependency and vulnerability to violence, but attempts to intervene after the violence is committed, and even then, only with the involvement of the criminal justice system with the stipulation that sponsorship will be suspended only after conviction. This proposal means the state will continue to make sponsored women vulnerable to violence, as well as making them even more reluctant to move out of the

power of their sponsor. The criminal justice system has repeatedly failed to protect women who have experienced violence and have gone to the police, as the recent case of the murder of Rajwar Gakhal and her family tragically demonstrated (Jiwani). Studies on violence against women reveal that even when women are experiencing violence in intimate relationships, their priority is to end this violence, not to prosecute perpetrators (DeKeseredy and MacLeod). This is particularly true of sponsored women who rely on their sponsors to sponsor other members of their family. To demand that these women engage with a racist and sexist criminal justice system and secure convictions against their sponsors, and only then will their dependency upon sponsors be revoked is to condemn the women to continue living with violence. Sponsored immigrant women who leave violent sponsors, and who do not necessarily want to engage with the criminal justice system, will thus be more effectively denied claims to social security programs if the only condition upon which they can do so is the conviction of their sponsor.

Simultaneously, this proposal will increase the incentive of violent sponsors to control their sponsored relatives more effectively. The fear that sponsored family members might pursue criminal charges may increase the sponsor's incentive to control their actions even more strongly than is currently the case. Rather than lessen the vulnerability of sponsored immigrant women to violence at the hands of their sponsors, this proposal will only serve to increase the control which sponsors currently assert over their "dependents," and could potentially lead to an escalation of violence against immigrant women.

The proposal that common law and same-sex partners be covered under the family class could also potentially be of benefit in challenging homophobic attitudes and practices. However, even as the state proposes legitimizing same-sex relationships, doing this through the family class means that same-sex couples will also become subject to the sponsorship agreement which increases the power of the sponsoring partner over that of the sponsored partner. Therefore, rather than this change working to transform the patriarchal, heterosexual family within Canada, this proposal would subject same-sex relationships to the same relations of domination within the heterosexual relationship by increasing the control of one partner over the other.

Conclusion

The family class has already been subjected to numerous restrictions in the 1990s. The re-introduction in 1995 of the head tax of \$975 per immigrant has placed a disproportionate financial constraint on immigrants from the third world, and particularly third world women, who have relatively lesser access to financial resources. The head tax places an onerous burden upon families who await reunification. Additionally, annual levels for the

family class were reduced in the five year plan tabled by the federal government in 1995 (CIC 1994). In light of these changes, the new proposals which seek to strengthen the sponsorship agreement and to penalize sponsorship default can be anticipated to restrict further the immigration of all except the most financially solvent immigrants from the third world.

The current *Immigration Act* organizes the racialized nationalization of white immigrants on the basis of their cultural, linguistic, and social affinity to a colonial definition of Canadian-ness. On the other hand, the racialized/gendered bordering of third world immigrant women is organized on the basis of their social, linguistic, and cultural diversity, and through the non-recognition of their contributions to the nation. The current organization of the family class and the sponsorship regulations effectively make immigrant women subject to increased patriarchal control through increased dependency on sponsors. As long as immigrant women are allowed into the country on unequal terms, and are made subject to a lesser citizenship, the race/class/gender nexus will continue to be reproduced. These social relations, organized by the Canadian state, result in the construction of immigrant women in particular as an economic "burden" to the nation, and as a "threat" to the nation's social and cultural cohesiveness.

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¹Canada also allows in refugees, whose eligibility is assessed under the United Nations definition of Convention refugees. Additional categories under which migration is organized are the Non-Immigrant Employment Authorization program (Sharma) and domestic workers (Bakan). For the purposes of this paper, however, I will concentrate on the family class.

References

- Abu-Laban, Y. "Keeping 'em Out: Gender, Race and Class Biases in Canadian Immigration Policy." *Painting the Maple: Essays on Race*. Eds. J. Anderson, A. Eisenberg, S. Grace. and V. Strong-Boag. Vancouver: University of British Columbia Press, 1999.
- Bolaria, P. and Li, P. *Racial Oppression in Canada*. Toronto: Garamond Press, 1985.
- Boyd, M. "Foreign-Born, Female, Old ... and Poor." *Canadian Woman Studies/les cahiers de la femme* 12 (4) (1992): 50-52.
- Boyd, M. *Migration, Human Rights and Economic Integration: Focus on Canada*. York University: Centre for Refugee Studies, 1998.
- Citizenship and Immigration Canada (CIC). *Building on a Strong Foundation for the Twenty-First Century: New Directions for Immigration and Refugee Policy and Legislation*. Ottawa: Minister of Public Works and Government Services Canada, 1998.
- Citizenship and Immigration Canada (CIC) *A Broader Vision: Immigration and Citizenship Plan 1995-2000, Annual Report to Parliament*. Ottawa: Minister of Supply and Services Canada, 1994.
- Culhane, D. *The Pleasure of the Crown: Anthropology, Law and First Nations*. Burnaby: Talonbooks, 1998.
- Das Gupta, T. "Families of Native Peoples, Immigrants and People of Colour." *Canadian Families: Diversity, Conflict and Change*. Eds. N. Mandell and A. Duffy. Toronto: Harcourt Brace and Co., 1995.
- DeKeseredy, W. and L. MacLeod. *Woman Abuse: A Sociological Story*. Toronto: Harcourt Brace and Co., 1997.
- Employment and Immigration Canada (EIC). *Canada's Immigration Law: An Overview*. Ottawa: Minister of Supply and Services Canada, 1983.
- Fiske, J. "Political Status of Native Indian Women; Contradictory Implications of Canadian State Policy." *American Indian Culture and Research Journal* 19 (2) (1995): 1-30.
- Goodleaf, D. "Under Military Occupation: Indigenous Women, State Violence and Community Resistance." *Still We Rise: Feminist Political Mobilizing in Contemporary Canada*. Ed. L. Carty. Toronto: Women's Press, 1993.
- Green, J. "Towards A Détente With History: Confronting Canada's Colonial Legacy." *International Journal of Canadian Studies* 12 (1995): 85-105.
- Green, A. A. and D. A. Green. "The Economic Goals of Canada's Immigration Policy, Past and Present." Paper presented at the British Columbia Centre for Excellence on Immigration, 1997.
- Hawkins, F. *Canada and Immigration: Public Policy and Public Concern*. Montreal: McGill-Queen's University Press, 1972.
- Immigration Act, 1976-77*. Ottawa: Queen's Printer for Canada.
- Jakubowski, L. *Immigration and the Legalization of Racism*. Halifax: Fernwood Publishing, 1997.
- Jiwani, Y. "Culture, Violence and Inequality." Vancouver: Conference Proceedings, *Meeting the Cross-Cultural Challenge*, 1998.
- MacDonald, M. "What is Feminist Economics?" *Beyond Law* 5 (14): 1996: 11-36.
- Maracle, L. *I Am Woman*. Vancouver: Press Gang, 1996.

- Mies, M. *Patriarchy and Accumulation on a World Scale*. London: Zed Books, 1986.
- Ng, R. and Estable, A. "Immigrant Women in the Labour Force: An Overview of Present Knowledge and Research Gaps." *Resources for Feminist Research* (1987): 29-33.
- Ng, R. and J. Strout. *Services for Immigrant Women: Report and Evaluation of a Series of Four Workshops Conducted in the Summer, 1977*. Vancouver: Women's Research Centre 1977.
- Samuel, T. J. *Family Class Immigrants to Canada, 1981-1984: Labor Force Activity Aspects*. Ottawa: Employment and Immigration Canada, 1986.
- Stasiulis, D. and R. Jhappan. "The Fractious Politics of a Settler Society: Canada." *Unsettling Settler Societies: Articulations of Race, Ethnicity, Gender and Class*. Eds. N. Yuval-Davis and D. Stasiulis. London: Sage Publications, 1995.
- Thobani, S. "Nationalizing Citizens, Bordering Immigrant Women: Globalization and the Racialization of Women's Citizenship in Late 20th Century Canada." Vancouver: Doctoral Dissertation, Simon Fraser University 1998.

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enclosed as in a cocoon
of auto-lyrical emotions
I sometimes take the liberty
to suffer for the multitudes
not for comparison's sake
(it could always be worse)
and not to learn the truth
about the plight of the starving

I wish in their hour of need
I could pass to them energy
rekindle the cold hearts
of the saints that dwell in heaven
may they pour down some manna
from the Celestial Trough
what's that to them
it's nothing

there would be no need for the West
or for painful refugee hearings
for the suicides crowded in camps
for that's
what emigration is like

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Immigration Act: A Queer Irony

Immigration
standards
ensure that there will be
no discrimination ...

And uphold Canada's
humanitarian tradition
with respect to the
persecuted ...

Officers should examine
the existence of
humanitarian and
compassionate grounds ...

If rejection results
in undue hardship for
close family members or
emotional dependents ...

These applicants may warrant
consideration because of their
personal circumstances
in relation to current laws and practices ...

Immigration
standards
deal sympathetically with requests from
spouses ...

Spouse means
a party of the
opposite
sex.

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