1-1-2006

Women as sponsors : gendering Canadian family class immigration policy

Rebekah Cunningham
Ryerson University

Follow this and additional works at: <http://digitalcommons.ryerson.ca/dissertations>

Part of the [Sociology Commons](#)

Recommended Citation

Cunningham, Rebekah, "Women as sponsors : gendering Canadian family class immigration policy" (2006). *Theses and dissertations*. Paper 454.

JV
7284
• C86
2006

WOMEN AS SPONSORS: GENDERING CANADIAN FAMILY CLASS
IMMIGRATION POLICY

by

Rebekah Cunningham

A Major Research Paper

presented to Ryerson University

In partial fulfillment of the requirements for the degree of

Master of Arts

in the Program of

Immigration and Settlement Studies

Toronto, Ontario, Canada, 2006

©Rebekah Cunningham, 2006

UMI Number: EC53815

INFORMATION TO USERS

The quality of this reproduction is dependent upon the quality of the copy submitted. Broken or indistinct print, colored or poor quality illustrations and photographs, print bleed-through, substandard margins, and improper alignment can adversely affect reproduction.

In the unlikely event that the author did not send a complete manuscript and there are missing pages, these will be noted. Also, if unauthorized copyright material had to be removed, a note will indicate the deletion.

UMI[®]

UMI Microform EC53815
Copyright 2009 by ProQuest LLC
All rights reserved. This microform edition is protected against
unauthorized copying under Title 17, United States Code.

ProQuest LLC
789 East Eisenhower Parkway
P.O. Box 1346
Ann Arbor, MI 48106-1346

Author's Declaration

I hereby declare that I am the sole author of this major research paper.

I authorize Ryerson University to lend this major research paper to other institutions or individuals for the purpose of scholarly research.

I further authorize Ryerson University to reproduce this major research paper by photocopying or other means, in total or in part, at the request of other institutions or individuals for the purpose of scholarly research.

WOMEN AS SPONSORS: GENDERING CANADIAN FAMILY CLASS IMMIGRATION POLICY

©Rebekah Cunningham, 2006

Master of Arts
Immigration and Settlement Studies
Ryerson University

Canada's family class immigration policy has been studied as a gendered policy that has differential and harmful effects on women sponsored by their male spouses for immigration to Canada (Côté et al., 2001; National Association for Women and the Law, 1999; Thobani, 2000). As women are commonly seen as migrating for marriage and men for work (Sweetman, 1998), there has been little research done on the experiences of women who sponsor male spouses for immigration to Canada.

This study explores the experiences of sponsoring women, mainly how their economic and family situations are affected by immigration policy and process. Using multiple forms of data, particularly judicial cases and interviews with sponsoring women the study extracts themes related to immigration policy, immigration process, neo-liberalism, and the Sponsorship Agreement. It concludes that immigration policy and process create barriers to the family reunification of sponsoring women and their partners, increase the economic marginalization of women, and re-victimize women who have been abused by sponsored partners by holding them responsible for the Sponsorship Agreement.

Key words: Women, Immigration, Canada, Policy, Family Class

Acknowledgment

I would like to acknowledge the contributions of my study participants, who generously shared their experiences and insights with me. I would also like to thank my advisor, Dr. Vappu Tyyskä, and my second reader, Dr. Sedef Arat-Koc, for their contributions to this study.

Table of Contents

Introduction.....	1
Theory: Social Construction of Gender and Universalized Law.....	3
Figure 1: Main Flow of Power in the Immigration Process.....	6
The Literature: Sponsored Women's Experiences.....	8
Locating the Researcher.....	16
Methodology.....	18
Figure 2: Flow of Power in the Immigration Process, Affected by Resistance.....	22
Interview Participants, Basic Narratives.....	23
Policing the Borders: Experiences with the Power of the State.....	25
The Immigration Process and Officer Discretion.....	33
Neo-Liberal Influences on Immigration Policy.....	39
The Sponsorship Agreement.....	40
More Humanity, Please: Overall Views and Policy Recommendations of Participants....	43
Conclusion: Policy Recommendations and Areas for Future Research.....	45
Appendix: Interview Questionnaire.....	51
References.....	52

Introduction

The feminist movement has long employed the slogan "The personal is political", to speak about the importance of women's experiences of oppression in their daily lives (Abbott & Wallace, 1997). Speaking of her experience of immigration and settlement, Himani Bannerji remarks, "These years have produced their own consciousness in me, and I have learnt that also the reverse is true: the political is personal" (Bannerji, 2000, p. 88). Canada's family class immigration process reflects Bannerji's statement, requiring immigrants to submit detailed information about their past and current family relationships to Citizenship and Immigration Canada (CIC). An officer of the CIC must judge family-class immigrants' eligibility to settle in Canada based upon the genuine nature of their relationship to a Canadian citizen or permanent resident, who must take financial responsibility for the applicant in a "sponsorship agreement" (CIC, 2005 - Family Class Immigration).

Family class immigration, in which immigrants are able to sponsor family members from a specific list of allowed relatives, is strongly associated with women. This formulation supports the common-sense understanding of why men and women migrate. Men are commonly seen as migrating in search of work, and women as migrating upon marriage (Sweetman, 1998). Canada's immigration numbers paint a more complicated picture. Over the past ten years, Canada has annually admitted many more female economic immigrants than family class immigrants (CIC, 2005 - Facts and Figures, p. 9). Overall more women than men arrive in Canada as family class immigrants, 38,500 women to 23,700 men in 2004 (CIC, 2005 - Facts and Figures, p. 9). However, between 1995-2004, at least 30% of spousal family class permanent residents

annually were men (an average of 11,600 men and 21,000 women per year) (CIC, 2005 - Facts and Figures, pp. 12-13).

Despite this complicated reality, family class immigration is "gendered", in that it is associated with women, and is evaluated according to frequently negative societal ideas about women (Sweetman, 1998; Thobani, 2000). As such, it should be a primary target of gender-based policy analysis. Gender-based analysis, according to Status of Women Canada, is "a process that assesses the differential impact of proposed and/or existing policies, programs and legislation on women and men" (Status of Women Canada, 2004, 1.2, paragraph 1). Gender-based analysis recognizes that even though laws may appear to be universal and to apply to all citizens, laws exist in a social world in which groups of people have access to different levels of power and resources (Comack, 1999; Côté et al., 2001).

There is a small body of literature examining the impact of Canada's family-class immigration policy on sponsored women. This literature has been an important tool in attempts by women's groups to reform family class immigration policy (Walton-Roberts, 2004). The impact of immigration policy on women who sponsor male partners is nearly absent from CIC analysis, and from many other gender-based analyses of immigration (Sweetman, 1998). Women who sponsor male partners defy common-sense understandings of how immigration works, and raise a number of interesting questions about gender and immigration policy. Does the policy itself assume sponsors to be male? If so, what are the gendered effects of immigration policy on sponsoring women? How does the sponsorship and immigration process affect sponsoring women?

The purpose of this study is to explore the experiences of women who have

sponsored their male spouses or partners for immigration to Canada. This study will be exploratory in nature because of the lack of prior research on sponsoring women. In identifying and discussing themes in the experiences of sponsoring women, I hope to open up avenues for future research and policy analysis. I wish to contribute to current knowledge of how immigrants experience family reunification, as well as to gender-based analysis of Canadian immigration policy.

Theory: Social Construction of Gender and Universalized Law

Two basic theoretical assumptions behind this study are that much of human reality is socially constructed, and that laws are both constructed by social ideas and have the power to construct social realities. In this case, the main focus will be on the social construction of gender, with a secondary focus on race/ethnicity, and on Canadian family class immigration law.

Status of Women Canada (2004) defines “gender” as the following:

Gender is the culturally specific set of characteristics that identify the social behaviour of women and men and the relationship between them. Gender, therefore, refers not simply to women or men but to the relationship between them and to the way it is socially constructed (1.1, paragraph 1).

This definition is rooted in sociological theory. Gender characteristics have traditionally been explained through biology and psychological "sex role" theory, but sociological critics believe that biological and psychological theories do not adequately explain how gender roles are related to power relations, and how gender roles are created, reflected, and reinforced by social institutions (Kimmel, 2004).

In *The Gendered Society* (2004), Kimmel uses social construction theory as a

sociological explanation for gender differences. Social construction theory is predicated on the idea that human traits are developed through social means, rather than being inborn. To examine gender sociologically, Kimmel explores gender identity, gendered interaction, and gendered institutions.

In terms of gender identity, Kimmel (2004) explains gender not as a thing a person possesses, but a set of activities that a person does. Gender identity is less a property of the individual than a product of that individual's interactions with others. Gender identity varies between societies and within societies, but patterns of gender are developed through interactions and enforced by institutions. Gender is "done" in every interaction, and different gendered behaviours are exhibited in different social situations. Institutions are gendered as well, even though they purport to be universal, and individuals within institutions are gendered beings.

Kimmel's social construction theory is very concerned with power, explaining gender roles and expectations as the results of group struggles for societal power. Believing that gender differences are a product of gender inequalities rather than the cause of these inequalities, Kimmel (2004) explains that different societies have different gender rules, and that individuals are compelled in various ways to follow those rules. Kimmel believes that "our social world is built on a systemic, structural inequality based on gender; social life reproduces both gender difference and gender inequality" (p. 113). Ng (1997) expands on the definition of systemic inequality, defining it as a historical process based on the ideology of the superiority of one gender (or race, as will be discussed below) over another.

How does social construction theory apply to women sponsored or sponsoring

through the family class? Ideas about immigrant women are constructed through the system of patriarchy, which continues to operate in Canadian society despite progress in legal equal rights for women. Patriarchy is discussed here as a system because it is defined as the systematic domination of women by men in both “public” and “private” life (Abbott and Wallace, 1997). A major way that patriarchy operates in Canadian society is in the devaluation of “women's work”. Women's unpaid labour in the home is socially constructed as normal and expected, and women are overrepresented in jobs that are constructed as women's work, which are undervalued and underpaid (Abbott & Wallace, 1997). Canada's history as a colonial settler nation also constructs ideas of racialized (non-white and particularly “Third World”) immigrant women, framing them as submissive and as needing rescue from their own cultures and from the men in their communities (Razack, 1998). Current immigration legislation, although it is no longer explicitly racist, is built around “managing” immigration. Some scholars interpret the managing of immigration as a subtle continuation of earlier laws that sought to restrict the number of racialized immigrants to Canada, because these immigrants are still seen as undesirable and economically unsuitable (Jakubowski, 1999). Thus, in Canadian society, racialized women are constructed through both patriarchy and systemic racism (Ng, 1997; Razack, 1998; Thobani, 2000).

These constructions of immigrant women can be seen in Canadian immigration law and process. Canada's immigration system is a gendered institution, reflecting in supposedly universal law the constructions of immigrant women (Côté et al., 2001; Jakubowski, 1999). People who interpret and enforce Canada's immigration law, such as immigration officers and federal judges, are gendered beings who make decisions based

on their own gender identity and often on the prevalent social constructions listed above (Razack, 1998; Walton-Roberts, 2004). The constructions of immigrant women in immigration law and process have significant impacts on the social and material reality of immigrant women, exposing women to economic marginalization and family violence (Côté et al., 2001, National Association of Women and the Law (NAWL), 1999).

Issues of power are important in family-class immigration. For an individual immigrant applying through the family class, the immigration system is a top-down system with few opportunities for response or change. Individual immigrants and their sponsors do not have many opportunities to challenge either immigration law or the decisions made during the immigration process. **Figure 1** illustrates the main flow of power during the immigration process:

Figure 1: Main Flow of Power in the Immigration Process

On the political and policy development level, women's groups have had some success at challenging provisions in family class immigration law that they believed had harmful effects on women (Walton-Roberts, 2004). However, many of the ideas that shape immigration policy are hegemonic, and thus very difficult to change. Hegemonic ideas are ideas that have become so commonly accepted by a society that they operate invisibly. They are not openly debated like ideologies, and are therefore difficult to discuss and to challenge (Hirsch and Lazarus-Black, 1994). A number of the social constructions affecting women and immigrant women could be seen as hegemonic, such as the devaluation of “women's work”, the idea that “Third World” women are bound to patriarchal cultures, and the idea that immigration must be carefully managed to prevent the entry of too many “undesirable” (a code for racialized, female, poor, and supposedly unskilled) immigrants¹.

Another hegemonic idea in Canadian society is that law is universal, impartial, and objective (Comack, 1999). Since immigration law is written in a universalized manner, it conceals the cultural constructions of immigrants that occur both on a systemic policy-development level and on the individual level of decisions made by immigration officers (Comack, 1999; Côté et al., 2001). One way to make these constructions visible is to operate from the standpoint of immigrant [or sponsoring] women, showing how the women themselves experience immigration policy (Ng, 1997). The literature reviewed for this study and the study itself focus on this standpoint, starting from the perspective of sponsored and sponsoring women when analyzing immigration policy.

1 The quotations used in this sentence and throughout the paper signify that these terms and ideas are used for clarity of understanding, but that I do not necessarily agree with the sentiments behind the terms or with negative connotations that are often associated with the terms.

The Literature: Sponsored Women's Experiences

The literature reviewed for this study included general feminist theory about Canadian immigration policy and existing gender-based analysis of family class immigration policy. Most of this literature was developed in the context of the policy development process for the current Immigration and Refugee Protection Act (IRPA), which included a gender-based analysis of the Act's provisions.

It has been a federal government policy to conduct gender-based analysis of proposed policies and legislation since 1995, in order to determine the differential impacts of government policy according to gender, and to identify potential harms to women before legislation is passed (NAWL, 1999). CIC performed a preliminary gender-based analysis on the IRPA (CIC, 2002 - Immigration and Refugee Protection Regulations – Gender Based Analysis Chart). This document identified a number of potential harms to immigrant women in the Act. It proposed further study on a number of issues, such as women having less access to sponsorship due to economic marginalization and being at risk of family violence while under the sponsorship agreement. It did not propose any major change to the provisions of the Act, and it is no longer available from the CIC website. The remaining literature reviewed provides gender-based policy analysis of immigration legislation or the gendered outcomes of immigration policy. While the literature addresses a number of different bills and immigration legislation, I strive to discuss issues that remain relevant under the current Immigration and Refugee Protection Act.

Most literature concentrated primarily on the experiences of sponsored women. After reviewing the themes that emerged from my interviews with sponsoring women, I

organized information from the literature review similarly, for the purpose of continuity and comparison. These themes are linked to the power dynamics involved in family class immigration, and include: "bordering" the nation, officer discretion and the immigration process, neo-liberal influences on immigration policy, and how the sponsorship agreement shapes gendered relationships.

Bordering the Nation: The State's Power to Select Immigrants

A major idea in Kelly and Trebilcock's *The Making of the Mosaic: A History of Canadian Immigration Policy* (1998) is that throughout its history, the Canadian government has maintained the power to select immigrants according to its nation-building goals. Kelly and Trebilcock illustrate how these goals are influenced by interest groups within society and by cultural constructions of who should become a member of the Canadian nation. Regardless of what those goals are, the State maintains exclusive and final power to select who is allowed to enter and become a citizen. This power to "border" the nation means that despite the removal of explicit sexist and racist immigration laws, the ideal of Canada as a white settler nation continues to influence both policy development and decision-making in individual immigration cases (Jakubowski, 1999; Razack, 1998; Thobani, 2000).

Jakubowski puts forth the proposal that family class immigration challenges the government's selective power over the immigration system. While economic immigrants are selected through the point system and refugees through the complex refugee determination system, family class immigrants are primarily selected by their sponsors rather than by the State. This idea is supported by some aspects of family class immigration that are aimed at limiting or managing the number of family class

immigrants to Canada, thus increasing the government's discretionary control over all classes of immigration. The definition of “family” used in the policy includes only spouses or common-law partners, parents, grandparents, and dependent children (CIC, 2005 – Family Class Immigration), limiting the number and type of relatives that can be sponsored. Those family members who do meet the CIC definition of family are limited in their ability to quickly join their sponsors in Canada due to rules designed to encourage immigrants to apply from abroad. Due to frequently lengthy processing times, sponsored immigrants whose sponsors live in Canada often must choose between a lengthy separation from their sponsor or (if they are able to enter Canada with visitor status) a lengthy period in Canada without the right to work or attend school (Côté et al., 2001).

These attempts to manage family class immigration have negative consequences for sponsored women. Disallowed family members such as siblings, cousins, and grown children are very important in many cultures around the world, and particularly so as a support network for women (NAWL, 1999). Many sponsored women experience isolation when they arrive in Canada, which leaves them vulnerable to spousal violence (Côté et al., 2001; NAWL, 1999), and NAWL recommends the ability to sponsor non-nuclear family members as a way to allow immigrant women to access a support network and reduce their own vulnerability.

Côté (et. al., 2001), in interviews with sponsored women, illustrates some of the many difficulties encountered by women during the application process. Sponsored women applying from outside Canada reported lengthy separations from their husbands and sometimes their children. Sponsored women applying from inside Canada reported lengthy periods of time without access to government services and without the right to

work or study in Canada. Work and study permits required fees, were limited in duration, and sometimes took months to arrive. These women reported feeling trapped and powerless, unable to truly begin their life in Canada due to their inability to work or access services. Côté's policy recommendations to rectify these difficulties include the abolition of demands that spouses apply from outside Canada, and that spouses applying inside Canada are automatically allowed to study, work, and access services while their application is being processed.

Officer Discretion and the Immigration Process

Canada's immigration officers are primarily responsible for interpreting and enforcing immigration policy during the application process. The phrase "officer discretion" is familiar to many potential spousal immigrants, as officers have the final discretion over such details as whether a sponsored spouse is allowed to enter Canada during the application process, or whether a marriage is deemed to be genuine. As products of a society with particular constructions of immigrant women, officers make decisions that can disadvantage sponsored women (Ng, 1997).

Walton-Roberts (2004) illustrates one of the many complications involved in CIC officials judging the validity of marriage. She discusses how officers in the Punjab area of India are required to learn about local customs in order to judge whether marriages are genuine. While this practice may help some marriages that are judged non-normative in Canada to become accepted, for instance arranged marriages, it can result in denials when couples break from local tradition. As an example, Walton-Roberts quotes a CIC rejection letter in which the officer explains that divorce is abhorred in Sikh culture, and that a groom's family would carefully investigate a divorced woman before she was

deemed an acceptable marriage partner. This reading of Sikh culture plays on the idea that “Third World” women are universally subject to the norms of patriarchal culture, and punishes a woman who seeks to deviate from those norms.

Officer discretion also governs whether potential spousal immigrants are allowed to enter Canada as visitors, either before applying for immigration or during the immigration process. Several researchers (Jakubowski, 1999; Ng, 1997) suggest that officer discretion may place immigrant women, particularly racialized immigrant women, at a disadvantage during the immigration process, due cultural misunderstandings and negative or imperialist views of immigrant women. This issue will be discussed in-depth during my study of sponsoring women.

Neo-liberal Influences on Immigration Policy

A major theme in current Western feminist policy analysis is the effect of neo-liberal economic thought on policy, and the effect of neo-liberal policy on women. Neo-liberalism refers to a set of assumptions around the idea that free markets are the best way to allocate goods and services. Neo-liberals advocate a limited role for the state, government program cutbacks, "efficiency", individualism, and consumerism. Neo-liberal immigration policy primarily values the potential labour force contribution of immigrants, and attempts to minimize the potential "cost" of immigration to the state (Abu-Laban and Gabriel, 2002). Much of the Canadian feminist movement considers neo-liberalism to be an anti-woman project (Cameron and Gonäs, 1999), in which the corporate agenda leads to policy that increases the poverty and marginalization of women. Feminist analysis questions aspects of immigration policy such as the "landing fee" and government attempts to make sponsored immigrants ineligible for social assistance (Côté

et al., 2001; NAWL, 1999).

The current major "classes" of immigration, family, economic, and refugee, reflect the government's explicit goals for its immigration program. According to CIC, "Helping families reunite in Canada is a key objective of Canada's immigration policy" (CIC, 2002 - Fact Sheet, paragraph 2). In actuality, the selection of immigrants for economic purposes appears to be valued more highly than family reunification. This valuation is linked to patriarchy and to the devaluation of women's contributions both in and outside the home. Thobani (2000) suggests that family class immigration itself is associated with the negative idea that immigrant women are economically non-productive. Immigration numbers since 1980 appear to reflect a shift in priorities towards choosing more economic immigrants versus family class and refugee class immigrants after the mid-1990s (CIC, 2005 - Facts and Figures).

Cost recovery for government programs is one aspect of neo-liberal economic policy (Abu-Laban and Gabriel, 2002). Canada's immigration policy involves fees at various points in the application process, notably the "landing fee", which was set at close to a thousand Canadian dollars during the time that this literature was written. Côté (et al., 2001) discusses immigration fees as a barrier that impedes the family reunification of poor people. The sponsored women interviewed by Côté also discussed difficulties in coming up with immigration fees. Sometimes their landing was postponed because they had to rely on their husbands to supply immigration fees (as they did not yet have the right to work in Canada), demonstrating that immigration policy can exacerbate existing gender inequality by denying women the ability to financially support themselves.

The Sponsorship Agreement, which requires sponsors to financially support their

spouse for a particular duration of time (ten years before the current IRPA, three years in the current legislation), is a major instrument of neo-liberal policy in the immigration process. Sponsors are required to repay any social assistance that their sponsored spouse accrues during the sponsorship period. Thobani (2000) suggests that the sponsorship agreement stems from constructions of immigrant women as economically non-productive, despite evidence to the contrary:

The irony of sponsorship regulations is that studies have repeatedly demonstrated that immigrant women had a higher labour force participation than Canadian-born women in the 1970s and 1980s and that, on average, immigrant women have entered the paid workforce within three months of their arrival (p. 298).

The Sponsorship Agreement and Gendered Relationships

Côté (et al., 2001) demonstrates that the impact of the Sponsorship Agreement on the lives of sponsored women goes beyond the economic. Through interviews with sponsored women, Côté shows that the sponsorship system has the effect of re-organizing power relations in the relationships between sponsoring husbands and sponsored wives. The nature of the Sponsorship Agreement gives husbands a position as intermediaries between the CIC and their wives, which husbands can exploit by omitting information about the nature of sponsorship. The agreement itself, combined with immigrant women's difficulties finding stable jobs, structures wives as financially dependent on their husbands. The sponsor's power over the status of an application in process gives husbands the ability to control their wives through the threat of withdrawing their sponsorship. Overall, this institutionally created form of dependence leaves women vulnerable to exploitation and violence in their relationships. Eight of the sixteen women in Côté's study reported experiencing spousal violence in Canada, and

discussed how their husbands used sponsorship as a tool to coerce, control, and isolate their wives.

In response to the political involvement of immigrant women's groups on this issue, the Canadian government reduced the length of sponsorship to three years from ten years, and passed legislation stating that spouses convicted of violence cannot sponsor another spouse to Canada (Walton-Roberts, 2004). Walton-Roberts calls this a partial victory for the civic engagement of immigrant women because these gender based changes were not made without direct pressure from women's groups on the specific issue. Also, changes were not made unless they were considered economically expedient.

Thus, in the current IRPA, many provisions remain that are based on negative social constructions of immigrants, and that have a disparate effect on immigrant women. Additionally, the gender-based reforms that have been made continue to operate under the unspoken assumption that sponsored spouses are women, and sponsors are men. This is despite the fact that some vulnerabilities to sponsoring women were identified in the CIC's own preliminary gender based analysis (CIC, 2002, Immigration and Refugee Protection Regulations - Gender-based Analysis Chart), including the recognition that immigration fees could have a disproportionate effect on female sponsors due to economic marginalization.

Overall, the gendered impacts of Canadian immigration policy stem from two aspects of the system of patriarchy: the economic marginalization of women (Thobani, 2000) and the disproportionate risk of spousal abuse faced by women (Côté et al., 2001). These patriarchal aspects of society are intensified and reproduced by Canadian immigration policy, which seeks to manage family class immigration through rules such

as limiting the definition of a family member, and rules that erect barriers against speedy family reunification. Racialized women face a double burden when applying as spousal immigrants to Canada, facing the gendered impacts formal rules designed to manage immigration and the pitfalls of officer discretion, which can be influenced by Canadian readings of non-Canadian cultures.

The main portion of this study will examine how immigration legislation and the immigration process affect the lives of women who sponsor their spouses to Canada. As immigration policy appears to assume that sponsors are men who have access to more power and privilege than sponsored wives, what kinds of gendered impacts does immigration policy have on sponsoring women? Are there gaps in the policy that create pitfalls and vulnerabilities for sponsoring women as well? What gendered impacts are experienced by both sponsoring women and sponsored women?

Locating the Researcher

My interest in immigration policy began when I immigrated as a sponsored spouse in 2003. My first experience with Canadian immigration officials was at the border, where my Canadian citizen fiancé and I were told by an official that we needed to marry before my visitor's permit expired, or I would not be allowed to remain in Canada. He gave me a visitor's permit for four months instead of the standard six. After that introduction to officer discretion, my immigration process was relatively smooth. We married sooner than we had planned so that I could apply for immigration. I exhausted my savings on moving and immigration-related fees. I waited nine months for permission to work, and I well understand the feeling of being paralyzed described by the

sponsored women in Côté's study. Eventually I "landed" as a permanent resident to Canada and was able to access health care and look for work.

The years 2002-2004 seemed particularly difficult for spousal class immigrants to Canada, due to a rocky implementation of the new IRPA. Spousal immigrants navigated the removal of fiancé class immigration² and faced lengthy processing times for both inland and overseas applicants. Some unlucky applicants that I met waited 2-4 years, especially if there were complications with CIC processing centres losing paperwork, with legislation changes, or regarding children from previous relationships. Through my participation in an on-line support group for spousal immigrants to Canada, I learned about the difficulties that immigrants faced dealing with CIC during this time period, and began to develop the questions that I explore in this study.

My own experiences helped in asking questions about immigration policy and process, as well as in establishing rapport with women interviewed for this study. However, I was careful to give interview participants the primary space to tell their own immigration stories. I have little doubt that my own immigration experience resulted in my decision to use feminist standpoint methodology (discussed below), focusing on the sponsorship stories of individual women and on how those stories illuminate the gendered effects of immigration policy.

2 Fiancé class immigration allowed the sponsorship of a fiancé under the family class in previous legislation. This "class" of immigration was removed under the current IRPA. See discussion under Policing the Borders: Experiences with the Power of the State.

Methodology

In order to best explore the experiences of women sponsoring their partners to Canada, several sources were used. The primary sources used for original research were interviews with three sponsoring women and public records of federal immigration appeals cases. Interviews were of primary importance because I wished to take a "feminist standpoint" approach, in which policy analysis begins with the experiences of individual women. The feminist standpoint approach allows the researcher to pinpoint specific effects of policy on individual women (Sjolander, Smith, and Stienstra, 2003). It argues that people in different positions in society experience different social realities, so that speaking to individual women is the best way to access knowledge about their experience (Abbott and Wallace, 1997).

The interviews were open-ended, including basic questions and possible prompts (see Neuman, 2006), focused on obtaining the participants' own narrative of their sponsorship experience and the effects of the immigration process on themselves and their families. The interviews were structured in terms of obtaining information on basic family background, the decision to sponsor a spouse to Canada, the immigration process itself, and positive and/or negative aspects of the settlement experience as affected by immigration policy and process (See Appendix for interview questions). Part of my feminist approach was to consider my study participants as partners (rather than subjects) in the study (see Sjolander, Smith, and Stienstra, 2003), in order to highlight that they are co-experts with me in discussing and interpreting immigration policy. Thus, I asked for their suggestions on how to improve immigration policy, listened to any policy analysis that they offered, and gave them the opportunity to review and comment upon the study

once I had written up my results. This approach is important in terms of valuing women's experiences and viewpoints, which have been historically devalued (Abbott and Wallace, 1997). It also provided a richer policy analysis for this study, as my participants identified several new themes and their insights contributed to my analysis.

Interview participants were identified through purposive sampling (Neuman, 2006), in which a researcher focuses on finding study participants who meet an unusual criterion, in this case, female sponsors. Purposive sampling is used in cases, such as this one, where other sampling methods (such as random sampling or sampling by asking participants to identify other members of a specific community) would not be fruitful for identifying participants who meet the desired study criteria. Recruitment was challenging, as female sponsors are not a commonly identified social group, are a relatively small group of immigrants, and do not have their own organizations or associations. Due to a desire not to put any sponsor's application at risk, I decided to only interview sponsors whose spouses had been landed permanent residents for 1-5 years. This made recruitment more difficult, as sponsors do not necessarily maintain ties to support groups or immigrant-serving organizations after their spouses are successfully landed.

In order to identify participants, I used social networks, asking friends, fellow students, and co-workers to inform any female sponsors they might know about the study. I also posted a recruitment notice on targeted Internet message boards, including message boards related to Canadian family class immigration and Canadian community classifieds boards. Originally, three participants were identified through social networks, and two were identified via Internet recruitment. Unfortunately, one social network participant

withdrew from the study before the interview, and an Internet participant did not have the time to successfully complete an e-mail interview. Due to time restrictions on the research, I completed the study with the remaining three participants.

Although interview participants and their sponsored spouses were from different ethnic groups and countries of origin, most had access to a certain degree of privilege in Canadian society. All participants spoke English fluently and two were members of white ethnic groups. All participants had at least some college or university education and access to employment that kept them above the poverty level. Their education and employment possibilities gave them potential access to the middle class, although their young age and lack of income/savings presented financial challenges during the immigration process. All participants were familiar with Western marriage norms, and thus were able to present their relationship in a manner that would be familiar to Canadian-born immigration officers. Thus, relying completely on this small number of relatively privileged participants limited the issues I was able to discuss and analyze.

In order to access a larger community of sponsoring women and to gain an understanding of issues affecting sponsoring women with less privilege in Canadian society, I reviewed scholarly literature, media coverage, and records of immigration cases that have been brought before the Federal Court of Canada over the past five years. Media coverage and court cases were identified through Internet and web site searches for Canadian family class immigration issues. Specific court cases were chosen by searching for cases related to family class immigration, then narrowing cases to those involving female sponsors. Several of these sources illustrate gendered outcomes that female sponsors may encounter but that were not fully experienced by my participants, such as

separation and spousal abuse.

To analyze this material, I performed cross-sectional analysis of indexed categories, which involved identifying themes (or categories of analysis) that emerged from these multiple types of materials, deciding which of these themes were most common and useful for my analysis, and re-examining my sources in order to sort information into themes for analysis (see Mason, 2002). I identified four major themes that emerged from my literature review and also appeared to be emerging from my study of sponsoring women's experiences. I then sorted my multi-sourced data according to those themes, and analyzed the results in the spirit of narrative inquiry (see Neuman, 2006). Narratives are stories that we use to make sense of our social realities, and narrative inquiry attempts to preserve a narrative quality when analyzing data, presenting analysis with “a sense of movement and a coherent sequence of events about an engaged social actor in a specific context” (Neuman, 2006, p. 475).

The following is that analysis; an exploration of experiences and insights that sponsoring women bring to the themes of policing the borders, officer discretion, neo-liberal influences on immigration policy, and the sponsorship agreement. The themes themselves follow a temporal narrative of immigration, from the policy that sets the stage (and necessitates choices) for an immigration application, through the application process and encounters between immigrants and immigration officers, to the effects that immigration policy has upon settlement and family relations after a sponsored spouse is landed. They also follow the top-down motion of the immigration process, focusing on how policy development and policy interpretation lead to gendered consequences for individual immigrants. However, the narratives presented also offer a counter motion:

acts of resistance against family class immigration policy and decision-making, as well as family class immigration as a site of resistance. These acts of resistance complicate the idea of immigration as a completely top-down system (See **Figure 2**, p. 24), as women are seen to resist policies designed to border the nation, official definitions of family, and the stipulations of the Sponsorship Agreement. The ability of women's groups to influence policy development (immigration law) has been discussed in the literature review. Women's ability to influence the process or resist the effects of policy in their daily lives will be discussed in the upcoming sections.

Figure 2: Flow of Power in the Immigration Process, Affected by Resistance

Interview Participants, Basic Narratives

All interview participants are identified by pseudonyms in order to protect their confidentiality. For the same reason, exact details of their backgrounds are not reported in this study. These basic narratives help to define the context from which participants speak throughout the study.

Linda came to Canada from Hungary when she was a teen. Her family applied within Canada as refugees, and she received her permanent residency a number of years later. Linda met her husband in Canada; he was also from Hungary and was in the process of applying for refugee status when they met. Linda's husband did not receive refugee status due to accidentally missing a hearing date, but by that time he and Linda were planning to marry. They decided that she would sponsor him as her spouse and go through inland sponsorship so that they would not be separated. They retained a lawyer to facilitate the process. Although their application process itself was smooth, Linda's husband was threatened with deportation several times due to his uncertain status in Canada. With the help of their lawyer and by using delaying tactics, they managed to keep him in the country until their application was accepted.

Terry came to Canada from Asia as a small child (Terry has a pan-Asian identity, as her family is from a number of different countries). She and her family were sponsored refugees. After she graduated from university, she went abroad to work for a year. She met her husband, who was also abroad from his home country of Ireland, while she was working. They planned to marry, but had not yet married when he accompanied her back to Canada. Terry's husband was able to obtain visitor's status at the airport, and they promptly married and applied for his immigration inland. Although Terry and her

husband did not have any problems with their application, it took seven months to process, during which time they struggled financially and Terry worried about their financial future.

Allix was born in a prairie province of Canada, and describes her ethnicity as "white Canadian". She met her husband, who is from Cuba, when she participated in an international exchange program after high school. Allix and her husband became close and were romantically involved before she returned to Canada and he remained in his home country. However, her decision to marry her husband and sponsor him for immigration to Canada was motivated more by a desire to help him leave his home country than to be in a permanent relationship with him. It took several years for Allix to earn the money for the process, which she went through while attending university. They were married by proxy, as he could not easily leave his home country and she did not have the money to travel there. Once they were married and she sponsored him, her application was approved very quickly, with no interview required. Allix's husband landed in Canada with no difficulties. Although they now live in different parts of the country, Allix is still married to the man she sponsored.

A few differences between my participants are relevant to my analysis. Linda and Terry applied under the current IRPA, while Allix applied under the previous immigration legislation. Participants also had very different narrative styles and focus. While Linda spoke primarily of her own experience and stuck closely to her own story, Terry made references to her knowledge of other people's immigration stories, and Allix made a number of theoretical observations drawn from her academic background. These differences are acceptable to my methodology, as I encouraged all participants to tell their

stories in their own way.

Policing the Borders: Experiences with the Power of the State

Just as sponsored women face difficult choices in terms of reuniting with their partners, sponsoring women and their partners must decide whether to apply from outside or inside Canada. Both Linda and Terry's husbands applied from inside Canada, but both had to negotiate immigration policies written to govern who is allowed to enter or remain in Canada. Neither husband was able to work during the application process. Their experiences highlight three aspects of how immigration policy borders the Canadian nation: difficulties with "dual intent" when attempting to enter the country for inland processing, the need to marry before starting the immigration process, and the inability of sponsored spouses to work during the application process.

Inland versus outside Canada immigration processing has undergone a number of changes over the past five years. Until February of 2005, family class spousal applicants could only apply for permanent residence from within Canada if they had valid temporary immigration status such as a visitor, work, or study permit (CIC, 2005 - Change in Policy). Immigrants without that status (failed refugee claimants, immigrants whose status had expired, immigrants abroad from a visa-required country, etc.) had to submit an application to be allowed to remain in Canada on humanitarian and compassionate (H&C) grounds. Prior to the current IRPA, spouses only had to prove that their relationship was genuine in order to gain a positive H&C evaluation (Côté et al., 2001). After the passage of the IRPA, spouses needed to prove that separation would cause "hardship" in order to qualify for the H&C exception (*Pashulya v. Canada*, 2004).

There are many H&C cases involving female sponsors during the three years that spouses were expected to prove hardship in order to apply from within Canada. Officer decisions in those cases show that it could be very difficult to prove "hardship". One officer decided that removing from Canada a husband who had been running a business there for several years, leaving his wife in a house with a mortgage that she could not afford to pay, did not constitute excessive hardship (*Pashulya v. Canada*, 2004). Another officer concluded that it would not cause excessive hardship to separate a husband from his wife and 15 month old child, despite the fact that the wife did not have other economic supports in Canada, noting that, "wife had been employed before having her child, and that the applicant had not provided sufficient evidence to show that his wife could not regain her employment" (*Sandhar v. Canada*, 2004). An officer in a third case determined that it did not constitute unusual hardship to return an applicant to Nigeria, when the applicant's wife/sponsor was working two full-time jobs, and still required financial help from the applicant to send her 22-year-old son to school (*Osagie v. Canada*, 2005). In all three cases, the risk of financial hardship to sponsoring women and their children was not deemed great enough by the immigration officers.

The racialized dimension of these cases comes from the fact that immigrants from visa exempt (mostly white, Western) countries had access to inland processing, due to the ease of obtaining temporary visitor status. Applicants from largely racialized, visa required countries were subject to providing a major burden of proof that they would suffer hardship from separation during the application process, the exact meaning of "hardship" being up to the discretion of the deciding immigration officer. This is an example of how racialized immigrants are subtly constructed as unworthy claimants by

immigration policy and process, and as a result, racialized women are subjected to further economic marginalization.

One group of sponsoring women faces a triple burden while attempting to sponsor their spouses and family from Canada. Canada's Live-in Caregiver Program (LCP) fills a high demand for domestic workers by recruiting immigrants (almost all women) with the promise that they will become landed immigrants after working as a full time, live-in caretaker for at least two years (Arat-Koc, 1999). Women in the Live-in Caregiver program face the devaluation of their domestic work by being ineligible for immigration under the point system despite a high demand for their labour. They face racism in their treatment from employers, in that women in the LCP from Western Europe are seen as nannies and only expected to perform child care, while women from the "Third World" are expected to perform general domestic labour (Arat-Koc, 1999). Finally, they face extremely lengthy periods of separation from their spouses and children, whom they cannot bring to Canada upon joining the program, ostensibly due to the live-in requirement. Cohen (2000) reports that most LCP participants are separated from their families for seven to ten years. They gain the caretaking experience necessary for entry into the LCP in a country such as Singapore or Saudi Arabia. Once they arrive in Canada, they must work for at least two years before applying for landed immigrant status for themselves. Once they are landed, they can begin the lengthy sponsorship process for their family. After seven to ten years of separation, sponsoring women in the LCP face major family difficulties upon reunification, including tension and conflict in their relationships with their husbands, and estrangement from their children (Cohen, 2000).

Spousal applicants from visa-exempt nations face a different obstacle when

attempting to enter Canada. Terry, who sponsored her husband in 2003, recalls their difficulties in planning for him to enter and remain in Canada with her while applying for landed immigrant status.

Everybody was saying 'you can't do this in Canada, you're supposed to apply for this back home. He was trying to think of how he can go around the system by trying to pretend he was in [his home country, when he was actually in Canada] and getting his parents to fill in paperwork, but it wasn't working at all. It was so incredibly difficult, and it was really frustrating at first trying to get his [visitor status³].

Terry's husband was able to enter Canada, but was only allowed in because he had purchased a round trip ticket. Terry and her husband were dealing with the concept of dual intent when attempting to cross the border. According to the IRPA (Department of Justice Canada, 2006), "An intention by a foreign national to become a permanent resident does not preclude them from becoming a temporary resident if the officer is satisfied that they will leave Canada by the end of the period authorized for their stay (Part I, 22)." Thus, potential spousal immigrants who hope to immigrate from inside Canada must prove that they have both permanent and temporary intent when crossing the border. Besides being inherently contradictory, this regulation is difficult to understand, and it is difficult for an immigrant to know how to present evidence of temporary intent when entering Canada in order to join one's spouse.

Terry's husband was able to prove temporary intent with a two-way airplane ticket, a ticket that he never intended to use. Terry's remark on the situation is not uncommon among immigrants I have met: "It seemed silly just to go through all this, especially since if you don't want to be honest, it's easy to circumvent the system. It seems silly to make

3 Terry said "visa", but likely meant his visitor status, as her husband is from a visa-exempt country.

so many rules that can be cheated.” During my own immigration process, I learned that common wisdom among spousal immigrants is that rather than attempt to prove dual intent, one should enter Canada claiming to be a visitor and then “decide” to marry during the visit.

In February of 2005, a policy change allowed spouses and common-law partners of Canadian citizens and permanent residents to remain in Canada while their permanent residence application is being processed. Former Immigration Minister Volpe stated: "This change addresses real concerns about the hardships that some couples would experience if they had to be separated during the application process" (CIC, 2005 - News Release), so it appears that the CIC recognized the problems caused by the revised H&C requirements.

However, a CIC web page discussing the new policy change states that,

Spouses and common-law partners who want to apply from within Canada to be permanent residents must still show that they want to enter Canada for a legitimate temporary purpose (to visit, to work, to study). The Department will refuse visitor applications if the applicant is not a genuine visitor and if the Department believes that the applicant will not leave Canada when the visitor visa expires" (CIC, 2005 - Change in Policy).

In other words, the confusing nature of dual intent remains, and spousal immigrants who are attempting to join their spouse and immigrate inland must either attempt to prove dual intent or mislead officers while crossing the border.

Linda, who applied after the 2005 policy was enacted, found that her husband was not able to take advantage of the policy. She was told that because her husband was a failed refugee claimant, he could be removed from Canada at any time. When I asked Linda why she chose inland processing, she replied, “We never considered separating.

There was no question. Because I live here, I am going to sponsor him.” If Linda's husband had been removed from Canada, it would have been very expensive for both of them, so they did whatever they could to help him remain in the country during the processing time. At one point, they were told to buy an airplane ticket for him, so they bought it as far into the future as they could. Their delay tactics and assistance from their lawyer allowed Linda's husband to remain in Canada until he received his landed status.

All three study participants felt that they needed to marry before they were able to start their sponsorship application. Prior to the current IRPA, immigrants were able to apply as fiancé class if they had not been able to marry before reuniting in Canada. Allix was not able to apply through the fiancé class because she did not meet the financial requirements, which were waived for a spouse. The current IRPA removed the fiancé class, replacing it with the ability to apply as a common law couple. While this change was excellent for same-sex couples who previously had not been able to sponsor each other, it created difficulties for couples who had not been able to live together prior to applying. Both Terry and Linda married before they had originally planned to marry, expressing the opinion that applying while married offered a better chance of the application being accepted.

For Terry, both economic pressure and the desire not to be separated led to the decision to marry two months after her fiancé came with her to Canada. They decided to “give up the wedding”, and were married at City Hall.

We didn't tell anybody because we didn't want people to think we were getting married just to get him into the country; it sounds as if we were being forced to get married. We kind of were, but we didn't want people to think that it was something we wouldn't have done.

The removal of fiancé class immigration takes away a self-protective option from sponsoring women. Once a woman is married to the man she has sponsored, it becomes more difficult and expensive to terminate the relationship should the man become abusive upon joining her in Canada. It is possible that the fiancé class was removed partially due to the requirement that a sponsored immigrant marry the sponsor after arriving in Canada. While that requirement could put sponsored women at risk of spousal violence and control, it provides sponsoring women with an opportunity to escape violence and control before marrying their sponsored spouse. This illustrates how difficult it can be to reform immigration policies in order to protect women; since women can be either sponsored or sponsoring spouses, reform attempts must examine whether they are putting one group of women at risk by protecting another group.

Neither Linda nor Terry's husband was able to legally work during the inland application process. The lack of permission to work in Canada during the inland application process has particular gendered impacts on sponsoring women, who often face economic marginalization and work in undervalued fields. Linda's husband, a skilled tradesperson, worked in Canada during the refugee determination process. As he was living with uncertain status during the family class immigration process, he did not work, and he and Linda received financial help from their family.

Terry and her husband had particular difficulty with his lack of worker status during the immigration process. Though they had some savings going into the process, it was quickly depleted. Terry had difficulty making enough money to support them both, and her husband sought out “under the table” jobs. Since Terry had no idea how long it would take for their application to be processed, this time period was particularly

stressful. "I was making plans in the back of my mind, like, how do we borrow money, and who can we live with?" Once Terry's husband achieved landed immigrant status, he quickly found a well paying job.

The examples above demonstrate how attempts to border the nation and manage family-class immigration impact the lives of sponsoring women. In the case of sponsoring women, family class immigration policy puts them at economic risk by separating them from their spouses or requiring them to financially support both themselves and their spouse. This is a clear gendered impact of immigration policy on sponsoring women who face economic marginalization.

These examples also show how individual immigrants often find it necessary to resist immigration rules in order to remain together and survive economically. These "ordinary acts of resistance" (see Hirsch and Lazarus-Black, 1994) affect only individuals and do not work towards systemic or political change. Immigrants who resist immigration rules often do so at risk of damaging or negating their application. Most immigrants with legitimate cases would prefer not to risk their case by misleading officers at the border or work "under the table" during the application process, but may feel these acts are necessary due to the restrictive rules placed upon family class immigration applicants.

Allix's sponsorship of her husband was a more purposefully political act of resistance. She discussed how she and her husband shared a political "commitment to helping people find ways to cross borders". For Allix and her husband, family class immigration itself became a site of resistance against the policies of skilled worker and refugee class immigration, classes that were not available to Allix's husband due to

political and economic restrictions. There are a number of interesting ethical and policy-related questions raised by Allix's sponsorship, which will be explored under other topics below.

The Immigration Process and Officer Discretion

Three major themes arose concerning officer discretion over immigration cases. The first was that officer discretion can be helpful to the immigration process, but it is difficult for immigrants to obtain access to officers. The second is that, similarly to sponsored women, sponsoring women may have difficulties with the way that officers assess the validity of their marriage. The third is how Allix's sponsorship highlights the complications involved in defining “family” rather than giving women the ability to define their own family.

Officer discretion can be helpful and humanize the immigration process, on occasions when immigrants and sponsors have access to the officers. Linda in particular was able to obtain access to the officer processing her case because she had hired a lawyer. Because Linda's lawyer was able to communicate on her behalf, Linda's case was processed quickly so that her husband was not removed from Canada before he was approved as a spousal immigrant.

Terry, who decided for financial reasons not to hire a lawyer, describes her husband's waiting period as stressful. Terry received no communication from the CIC during the waiting period, and could not find a way to contact the CIC about the status of her husband's application. Thus, even though hiring a lawyer theoretically should not speed up the processing of an immigration case, this suggests that immigrants with the

resources to hire a lawyer do gain access to CIC officers in a way that is not available to immigrants without resources.

Canada's Immigration and Refugee Protection Regulations⁴ state that:

For the purposes of these Regulations, no foreign national shall be considered a spouse, a common-law partner, a conjugal partner or an adopted child of a person if the marriage, common-law partnership, conjugal partnership or adoption is not genuine and was entered into primarily for the purpose of acquiring any status or privilege under the Act.(Department of Justice, 2004, Section 4).

All spousal family class immigrants must submit proof that they are in a genuine relationship, by answering a sponsored spouse/partner questionnaire. The questionnaire asks immigrants to provide information and documentary evidence on how they met, how their relationship developed, how they decided to get married, how their wedding was planned and executed, and on cohabitation and/or mutual finances⁵ (CIC, 2005 – Form IMM5490). Many questions on the form assume a traditional Western relationship, asking "Who proposed?" and "Was there a Honeymoon?" The form requests that applicants attach any kind of proof of relationship that they feel might be helpful, putting the burden of proof on the applicants.

The case of *Khan v. Canada* (2005) demonstrates how one applicant had difficulties with officer discretion when he provided the details of his marriage to an older woman of a different religion. The officer reviewing Mr. Khan's application determined that his marriage was questionable, because Mr. Khan's sponsoring wife was 10 years older than he, because he was Muslim and she was Sikh, and because the applicants' joint

4 The Immigration and Refugee Protection Regulations interpret the IRPA, instructing CIC officers in carrying out immigration and refugee legislation

5 The form cited is for applicants outside Canada. The Sponsorship form for in-Canada applicants is simpler, but contains similar questions.

restaurant ownership signified "a business relationship and not necessarily a personal one" (paragraph 9). In this case, the male officer's gender construction of wives as being younger than husbands (thus less powerful) and race/religious construction of Muslims and Sikhs as people who do not intermarry was the likely basis for his determination that a marriage was not genuine. It is unknown whether the officer would have made a different decision if Mr. Kahn and his wife had been white, but it is possible considering earlier evidence (from Walton-Roberts, 2004; Razack, 1998) that Canadians hold a view of "Third World" women as more culture-bound than their Western counterparts. The officer's negative appraisal of the restaurant ownership was a particularly problematic result for Mr. Kahn and his wife. Providing evidence of financial ties is generally considered helpful in proving the genuine nature of a marriage. In this case, however, co-owning a restaurant was not considered an appropriate husband-wife activity by the immigration officer. In the *Khan* case, the judge did decide to grant a new review of the application, based on the value-laden decisions and on the fact that the immigration officer did not interview Mr. Khan about his relationship.

The case of *Dhillon v. Canada* (2004) is an example of how non-Western cultural practices can cause a marriage to come into question. In this case, the sponsor was a Canadian permanent resident sponsoring her husband, who was in India. The couple was appealing an Immigration and Refugee Board (IRB) decision not to grant them a new hearing on Ms. Dhillon's denied sponsorship application. The couple were both religious Sikhs, and their marriage had been arranged according to custom. Their marriage was found not to be genuine for a variety of reasons, many of which involved differences in gendered understandings between the couple and the IRB. First, the IRB was not

impressed that Ms. Dhillon did not list a large catalogue of things she liked or admired about her husband (Ms. Dhillon listed lifestyle and religious reasons for liking her husband, such as that he was a vegan, wore a turban, and was also an observant Sikh), and did not like the fact that Mr. Dhillon was stoney-faced and did not appear "affectionate" in the submitted photos. The Board did not accept Ms. Dhillon's explanation that the photos were official Temple wedding photos, and the formal poses were culturally normative. Secondly, the Board did not understand why Ms. Dhillon signed letters to her husband with her full name, and while Ms. Dhillon attempted to explain, she was interrupted by a member of the board, who interjected with, "Well, I'm just a little puzzled, because I know that when I write to my husband I certainly don't call him by his full name and then sign my full name when I'm signing the letter". Regardless of whether this couple's marriage was, in fact, genuine, the determination of the marriage's genuine nature was coloured by expectations that the couple would act according to marriage standards that were familiar to members of the IRB.

Linda, Terry, and Allix all reported that they did not have difficulties with proving the validity of their relationship to the CIC. Only Linda was asked to undergo an interview, and described the interviewing officer as "friendly". Terry and Allix were well aware of the privileges that allowed their paperwork to be processed without difficulty or undue scrutiny. Terry mentioned several times that she and her husband had an easier time with the process because of their education and language fluency: "I was thinking, if we weren't educated and if English wasn't our first language, for sure you'd need a lawyer, 'cause there's some technical jargon in there." Allix spoke directly to her own position of privilege when asked about her preconceptions of the immigration process:

The only thing I imagined was the movie *Green Card*. I had no fears, I had no confrontation or prior knowledge of an immigration system. I guess I thought it was just a matter of filling out papers, and in the end, that's what it was for me. Which is really shocking to me now that I know more about the immigration system. I assume it was because I was applying for this from a position of privilege.

For Allix, some of the attributes that signified privilege included a “white-sounding name” and her sponsorship from a small rural town in a prairie province. Allix believes that her application was not scrutinized closely because of her position of privilege, despite the fact that according to CIC regulations, her marriage should not have been allowable.

Allix's story underlines a different kind of complication to having an immigration officer judging the genuine nature of a romantic relationship. Although Allix knows that her sponsorship of her husband was technically illegal, she questions whether it was immoral. During our interview, she wondered aloud why it should be wrong to sponsor someone with whom she had a primary emotional relationship, and for whom she was willing to sign a ten-year sponsorship agreement, risking her financial future. Allix reported that neither she nor her husband are very attracted to North American marriage ideals, which ironically is a major reason they remain married. They are not interested in marrying anyone else. The ethical question that this raises is whether people like Allix, who define family in a non-traditional manner, should be restricted from sponsoring family members to Canada.

The narrow definition of family in CIC policy, therefore, is problematic for people from cultures considered more “traditional” than Canada and for people with more non-traditional or supposedly unconventional definitions of family. The National Association

of Women and the Law (1999) notes that the issue of non-traditional family definitions came up in consultations with gay, lesbian, bisexual, and transgender (GLBT) organizations. This issue remains despite the ability for gay and lesbian couples whose relationships emulate heterosexual marriage to sponsor each other for immigration to Canada. Some relationships within the GLBT community or between other people who have defined their own family for various reasons (childhood abuse, asexuality, transgender identity, etc.) may not be recognized by CIC policy or by CIC officers. Allix referred to this issue, saying, “That’s the problem I have with how we try to get gay marriage recognized, y’know... ‘We’re just like everybody else!’”. A system that would allow immigrants to define their own family would more effectively ensure that relationships considered “unconventional” would have a legal platform for recognition and be less subject to difficulties with officer discretion.

Immigration issues involving officer discretion are difficult to directly study or prove. While my study participants believed that their privilege contributed to the acceptance of their immigration applications, it is much easier to examine issues of officer discretion when an immigration case is not accepted, such as in the cases of *Kahn v. Canada* (2005) and *Dhillon v. Canada* (2004). In terms of gendered impacts, a sponsoring woman could be negatively reviewed either for defying traditional expectations (such as in *Kahn v. Canada*) or for acting in accordance with cultural traditions that are unfamiliar to officers (such as in *Dhillon v. Canada*).

The experiences of sponsoring women illustrate several of the many complications involved in judging the validity of a personal relationship. Some relationships are judged with closer scrutiny when they do not meet an officer's cultural

expectations. Others, such as Allix's relationship, are not scrutinized because they meet cultural expectations, and contain no obvious signs of being undertaken for the purpose of immigration. As the determination of marriage validity is one aspect of managing family class immigration, we should ask if the determination process in effect serves to lower the numbers of people from non-Western cultures who are able to reunite with their spouses. The case of relationship determination for couples with GLBT identities and other non-normative ways of defining relationships is also interesting, and deserves further research.

Neo-Liberal Influences on Immigration Policy

Immigration fees had a similar impact on my sponsoring participants as they did on previously studied sponsored women. They contributed to economic difficulties in combination with the inability of sponsored husbands to work during the immigration process. For young couples like Terry and her husband, who are starting careers and enter the immigration process with some money saved, immigration fees drain the savings and leave less money for couples to live on until they are both able to work.

Allix, as a young student during the sponsorship process, had the most difficulty with immigration fees. Not only did Allix need to gather the money for Canadian immigration fees, she paid a number of bribes and fees to officials in Cuba in order to obtain required paperwork. "They put you through a lot of red tape because they know you have access to foreign currency and they want to get access to it," Allix remarked. It took her about two years to raise the money needed for the process.

Neo-liberal ideology has been connected to the process of globalization in political theory (Patten, 2003). An extended discussion of how the processes of

globalization, global economic competition, and the continuing consolidation of wealth in Western nations may be linked to the experiences of individual immigrants is outside the scope of this paper. However, the stories of individual immigrants highlight examples of how Canadian immigration policies present a moneymaking opportunity for nationals of other countries, resulting in further financial hardship for hopeful immigrants. Some participants in the Côté (et al., 2001) study paid large sums to immigration brokers in their home countries, and Allix paid bribes to Cuban officials in order to obtain paperwork required by the Canadian government. Whether officially sanctioned and legitimized by the ideology of neo-liberalism, or taken unofficially as the price of facilitating the immigration process, immigration fees represent a barrier to family reunification.

The Sponsorship Agreement

As might be typical for young married couples who anticipate a lifelong partnership, Linda and Terry reported that they didn't think a great deal about the Sponsorship Agreement before signing it. Linda stated that she didn't think twice while signing the agreement: "I would have signed anything, he's my husband so I'm responsible for him, which is not a problem." Terry simply stated that she had no concerns about her husband's ability to find work, and that her confidence was repaid when he found a good job very shortly after obtaining permanent residence. On the other hand, Allix spent a long time thinking about the Sponsorship Agreement before deciding to go ahead with her sponsorship. She had no doubts about her husband's ability or willingness to work, but she noted that, "I was young, and ten years is a long time." She

was also concerned that he might have difficulties adjusting to the differences between his home society and Canadian society. In the end, it came down to trust that her husband would not put her in the position of needing to support him. "If he did end up needing additional support, there was no way that I could do that unless I dropped out of school, and I wasn't going to do that." In fact, Allix's husband has repaid her a large portion of the money that she spent on his immigration⁶, and she has never needed to worry about her sponsorship. "To be honest," she said, "when I took out my file before the interview, I hadn't thought about the Sponsorship Agreement for a long time."

Unlike the sponsored women in the Côté (et al., 2001) study, the sponsoring women in my interview did not report any major relationship problems related to the Sponsorship Agreement. Linda and Terry both signed three-year sponsorship agreements under the current immigration legislation, and Allix signed a ten-year sponsorship agreement under the previous legislation. Linda and Allix reported that they never spoke about the Sponsorship Agreement with their spouse. Terry joked that she only brought up the Sponsorship Agreement when she and her husband were fighting.

Terry's joke, although it indicated that she did not consider the Sponsorship Agreement major source of conflict in her relationship, highlights that sponsoring women do gain a measure of power and control in their relationships. Like sponsoring men, they are able to withdraw their sponsorship during the application process, and may (like Terry) become the primary breadwinner for the family. However, this power may not always be liberating. For some sponsoring women in the Live-in Caregiver program,

6 The concept of repaying immigration fees is interesting in terms of gender relations. Not only did Allix's husband repay Allix for the costs of his sponsorship, several women in the Côté (et al., 2001) study reported that their husbands expected them to repay immigration fees. Unfortunately, I do not have enough information to conduct an in-depth discussion of this issue.

their position as the primary wage earner in the household leads to feelings of resentment in the relationship and contributes to violence in the family (Cohen, 2000). This demonstrates that patriarchy in the family cannot be overturned simply by having outside forces (whether economic or policy-driven) grant more power to women in relationships, so the Sponsorship Agreement cannot necessarily be seen as a policy that grants domestic empowerment to sponsoring women.

The Sponsorship Agreement can also be a major burden on female sponsors in the case of a relationship breakdown. A Vancouver-based group called Women Against Abusive Sponsored Spouses (WASS) is pressuring the Canadian government to amend its policy in cases of marriage sham and spousal abuse (Noorani et. al, 2006). The spokeswomen for WASS are both women who thought they were entering into genuine marriages, until their husbands became abusive and made it clear that they primarily married in order to obtain sponsorship to Canada. Both women divorced, and one of them was able to obtain an assault conviction against her husband. However, because the Sponsorship Agreement has no exit clause of any kind, both women are still financially responsible for the men who abused them. One of the women discovered that her ex-husband had been claiming social assistance for some time when the British Columbia government sent her a collection letter for 27,000 dollars. As of the radio broadcast (Noorani et. al., 2006) in which they were interviewed, both women were still fighting to be released from the Sponsorship Agreement on the grounds that they should not have to support men who were abusive and married them under false pretenses.

The situation described by the WASS spokeswomen (Noorani et. al., 2006) reveals a problem in the application of universalized law, particularly when that law

obscures gendered assumptions such as the assumption that sponsors are male. WASS has been active in petitioning the British Columbia government to pressure the federal government for a review of family class policy surrounding sponsorship. WASS would ideally like to abolish the Sponsorship Agreement, but failing that would like to ensure that there are protections so that a victim of sham marriage or domestic violence is not liable under the Agreement (Santiago, 2004).

The Sponsorship Agreement has gendered consequences for both sponsored and sponsoring women, related to women's far higher risk of being the victims of relationship violence. In enforcing collection of social assistance money from women who have been deceived or abused, the government re-victimizes these women rather than penalizing their sponsored spouses, who remain in Canada and may continue to collect social assistance.

More Humanity, Please: Overall Views and Policy Recommendations of Participants

At the end of every interview, I asked my study participants for their policy recommendations. All three participants made suggestions that would humanize the immigration process, reducing the stress that immigrants feel when interacting with the bureaucracy surrounding immigration policy, and reflecting a desire for Canada's immigration system to demonstrate a sense of welcoming and valuing new immigrants.

Linda's only policy recommendation was that the inland application policy be more lenient, so that couples like Linda and her husband do not have to choose between separation and significant financial sacrifice. Overall, she says it is much better “now

that we know he can stay and we can start to build our lives here.”

Terry wished that there were a policy to contact immigrants via a letter or phone call during the process. “We were anxious during the process because we didn't know what was going to happen. It would be nice to get a call or letter instead of no contact, and wondering if the application was under a desk somewhere.” In general, she expressed the sentiment that it would be nice to have some level of access to immigration officials, but otherwise she felt her process had been reasonable.

In retrospect, it wasn't that bad. At the time you want everything to be so simple and easy, but I understand... they can't let everybody in and they can't hire a million people to process. You hear [other people's immigration] stories, and you think 'wow, that sounds really unfair', but for us it was easy.

When asked for her policy recommendation, Allix spoke about her wish for the immigration process to mirror the value that Canada purports to place on immigration. “I wish I felt as if through the immigration process, I felt like I was doing a good thing for Canada, that the process made you feel like immigration to Canada was something to celebrate.” Speaking of the acceptance letter she received, she said,

You would think that they would at least put 'Congratulations' on the top, but they don't, they say 'Now give us \$1000 landing fee and you must complete this form and you have these responsibilities.

The policy recommendations of my participants express a wish for more humanity and understanding on the part of immigration policy. They also express a desire for Canada's immigration process to express the value that Canada purports to place on immigration and multiculturalism. If family reunification truly is a top priority for Canada's immigration system, these suggestions should be valued as ways to remove barriers and create a feeling of welcome and belonging for family class immigrants.

Conclusion: Policy Recommendations and Areas for Future Research

The experiences of sponsoring women as explored in this study point to a number gendered outcomes related to family class immigration policy. These gendered effects impede the family reunification of sponsoring women or place sponsoring women at risk of social and economic marginalization. Some of them are shared between sponsored and sponsoring women, and some are unique to sponsoring women. In this section, I will summarize the major gendered effects discussed in this paper, as well as policy recommendations to mitigate harms to sponsoring women. Finally, I will list topics that I was not able to address in-depth, but would be interesting areas for future research.

As discussed throughout this paper, the devaluation of women's work in Canadian society means that women are at higher risk of economic marginalization than men. Canada's family class immigration policy puts sponsoring women at financial risk through attempts to “border the nation” by limiting sponsored spouses' ability to apply from inside Canada and to work in Canada while applying for immigration. For sponsoring women who are not able to earn enough money to support their family, the inability for a sponsored spouse to work in Canada furthers their economic marginalization and could place children at risk of poverty (as in several of the legal cases discussed above). The economic risks to sponsoring women could be mitigated by a policy that allows immigrants to apply for an open work permit along with their permanent resident application, and that quickly grants that permit to spousal immigrants.

Canada's allowance of “dual intent” in entering the country appears designed to assist in the family reunification of immigrants. However, immigrants are not given a clear explanation of how to prove their dual intent when they are entering Canada, which

puts legitimate family class applicants at risk of being turned away at the border. This hinders the family reunification of all immigrants, as well as contributing to the economic marginalization of sponsoring women who need the economic support of their partners in Canada. Especially in light of the CIC's 2005 decision to allow immigrants from visa-required countries to join their spouses in Canada, Canada's dual intent policy should be easily available to spousal immigrants. CIC materials should also clearly explain how to declare and prove dual intent to an officer at the border, so that legitimate family class immigrants are not turned away.

The removal of fiancé class sponsorship and its replacement with the recognition of common law relationships creates difficulties with couples who have not had a chance to cohabit or have not had a lengthy relationship before planning to marry⁷. These couples face the choice of marrying earlier than they had planned or facing lengthy separation before they are able to afford both a wedding and the cost of immigration. Lack of fiancé class immigration also removes a protective option from sponsoring women (as not all relationships are eligible for application as common-law or conjugal partners), who have fewer opportunities to live with their spouse in Canada before marriage. Immigration policy should provide a way for couples to reunite in Canada for the purposes of planning a marriage and establishing a household. Alternately, the ability to define one's own family (see the next policy recommendation) would remove the need

⁷ A spouse or partner can be sponsored under family class immigration if they are married, common-law partners, or conjugal partners. Common-law partners are people in a permanent relationship who have cohabited for at least one year. Conjugal partners are people who have been in a permanent relationship for at least a year but have not been able to marry or cohabit due to an immigration, marital (for people who wish to remarry in countries where divorce is not allowed), or sexual orientation reason. The CIC web site specifically states that couples who are engaged to be married should not apply as conjugal partners, but should apply after the marriage has been formalized (CIC, 2005 – Spouses, Common-Law Partners, and Conjugal Partners).

for any couples to marry before sponsorship.

Officer discretion on immigration applications can endanger the family reunification of sponsoring women. Some female sponsors complicate ideas that women from the "Third World" are submissive and disempowered, since their sponsorship puts them in a position of responsibility for their husbands. This, along with other aspects of a woman's life that demonstrate independence, could cause problems during the determination of marriage validity. At the same time, women who participate in more "traditional" non-Western marriage practices or transgress Canadian marriage norms may also have the validity of their marriage questioned. Officer discretion is a difficult problem to address, as officers may not be actively aware of hegemonic ideas that shape their decision-making process. My policy recommendation would be for the government to create a system that allows sponsors to define their own family, for at least a small number of sponsorships. This would avoid the need for the government to judge the validity of spousal relationships and provide immigrant women with a way to reduce isolation by sponsoring close relatives such as cousins and sisters.

The Sponsorship Agreement, by creating a formal relationship of dependence by one spouse on another and by making women responsible for their spouse's social assistance claims, poses risks to sponsoring women. In particular, sponsoring women who are abused by their spouse do not have a way to nullify the Sponsorship Agreement, and are thus re-victimized if they are put in a position of paying for the social assistance of their abuser. I agree with other scholars (Côté et al., 2001; NAWL, 1999) that the Sponsorship Agreement should be abolished. When the experiences of sponsored women and sponsoring women are combined, one can see that attempts to reform the

Sponsorship Agreement are problematic. Steps taken to protect sponsored women from spousal violence or neglect within the context of the Sponsorship Agreement could unintentionally result in risks for sponsoring women who are experiencing spousal violence or neglect. In order to remove the institutionally structured dependence of sponsored women on their sponsors as well as protecting abused sponsoring women from re-victimization through the Sponsorship Agreement, the agreement should not be required for spousal immigration.

A number of issues arose from this study that would be interesting avenues for future research. One issue is the connection between economic class, refugee class, and family class policy in terms of restrictions. Has the family class become more restrictive because immigrants were using it as a site of resistance against restrictions in other classes? If Canada's refugee system accepted more applicants and if more people practicing high demand but lower status occupations (such as trades and domestic work) were able to immigrate as skilled workers, would fewer immigrants attempt to apply through the family class? Would policy developers feel more comfortable opening the family class to currently restricted relatives such as siblings and adult children?

Another area that should be studied is how same-sex and transgendered (whether same- or opposite-sex) couples experience immigration under the current legislation. Now that same-sex couples have access to family class immigration just as opposite couples do, what are their experiences with immigration policy and process? In particular, how do same-sex and transgendered couples experience officer discretion at the border and during the determination of relationship validity?

Following up on the judicial cases involving officer determination, it would be

interesting to explore how to respect both the traditions of different cultures (such as arranged marriages) and respect women who choose not to follow common traditions in their country (such as women who divorce and remarry when those practices are strongly discouraged by their religion or culture).

The position of responsibility that the Sponsorship Agreement grants to women provides an interesting avenue for gender studies. Do some sponsoring women experience their responsibility under the Sponsorship Agreement as empowering? Does the Sponsorship Agreement itself cause conflict in some relationships between sponsoring women and sponsored men? These questions could be explored in a study with a larger pool of sponsoring women.

Finally, in response to my participants' policy recommendations, a scholar might wish to learn how friendly contact with CIC officials during the immigration process contributes towards new immigrants' feelings of belonging to Canada. If an immigrant experiences the immigration process as welcoming and celebratory, do they have a higher chance of expressing civic engagement in the long term than an immigrant who experiences the immigration process as unwelcoming and highly regulatory?

Overall, the experiences of sponsoring women provide an interesting view of Canada's immigration system as a gendered institution. Sponsoring women, although given a position of responsibility through the Sponsorship Agreement, may also experience economic marginalization and patriarchy in their family relationships. When sponsoring women experience patriarchy and systemic racism, immigration policies designed to border the nation through “managing” immigration or to recover costs as consistent with neo-liberal ideology create social and economic hardships for these

women and their families. Social constructions of women, particularly racialized women, also influence CIC officers and put legitimate family class immigrants at risk of being turned away at the border or judged not to have legitimate spousal relationships.

The experiences of sponsoring women as an example of how seemingly universal immigration policies can have harmful effects on women. Future studies should examine the position of sponsoring, as well as sponsored women in order to gain a fuller picture of the gendered effects of immigration policy. I hope that future immigration policy developers heed the recommendations of my study participants, introducing a greater sense of humanity, more access to officers, and a sense of celebrating immigration into the immigration process.

Appendix: Interview Questionnaire

The following is the basic structure of the interviews, including the most basic questions asked of participants. Depending on the flow of the interview, various prompts were used to further develop the participant's narrative of her sponsorship experience.

Section 1: Demographics

Participants were asked about their own and their sponsored partner's country of origin, ethnic identity, profession, education level, and number of children.

Section 2: Decision to Sponsor

1. (*If participant was not born in Canada*) How, when, and why did you come to Canada?
2. How and when did you meet your partner?
3. Tell me about how you and your partner made the decision for you to sponsor him to Canada.
4. What did you think about the immigration process before your partner applied? How easy or difficult did you think it would be?

Section 3: The Sponsorship/Immigration Process

1. Did your partner apply inland, or from outside Canada? Why?
2. What was the application process like for you?
3. How long did it take for your partner to be "landed"? What was life like for you while the application was being processed?
4. Did you communicate with anyone from the CIC during the application process? Can you tell me what that was like?
5. What was the landing process like for you?

Section 4: Settlement and the Sponsorship Agreement

1. What do you think about the Sponsorship Agreement? Do you and your partner ever talk about your sponsorship?
2. How has your life changed since your partner landed?
3. If you could change the immigration process, what changes would you make, and why?

References

- Abbott, P., & Wallace, C. (1997). Feminist theory and sociology. In P. Abott, & C. Wallace (Eds.), *An Introduction to Sociology: Feminist Perspectives* (2nd ed.) (pp. 17-50) Routledge.
- Abu-Laban, Y. and Gabriel, C. (2002). *Selling Diversity: Immigration, Multiculturalism, Employment Equity, and Globalization*. Peterborough: Broadview Press.
- Arat-Koc, S. (1999). Good enough to work but not good enough to stay. In E. Comack (Ed.), *Locating Law: Race/Class/Gender Connections*. Halifax: Fernwood Publishing.
- Bannerji, H. (2000). On the dark side of the nation: Politics of multiculturalism and the state of 'Canada'. In Bannerji (Ed.), *Dark Side of the Nation: Essays on Multiculturalism, Nationalism, and Gender* (pp. 87-124). Toronto: Canadian Scholars' Press.
- Cameron, B. and Gonäs, L. (1999). Women's response to economic and political integration in Canada and Sweden". In Briskin and Eliasson (Eds.), *Women's Organizing and Public Policy in Canada and Sweden*. Montreal: McGill-Queen's University Press.
- Citizenship and Immigration Canada. (2005). *Change in policy: Sponsorship of spouses and common-law partners from within Canada*. Retrieved 2006-09-11 from <http://www.cic.gc.ca/english/sponsor/faq-spouse.html>
- Citizenship and Immigration Canada (2005). *Facts and Figures 2004*. Ottawa: Author.
- Citizenship and Immigration Canada (2002). *Fact Sheet 15: Family Class Immigration*. Ottawa: Author.

Citizenship and Immigration Canada (2005). *Family Class Sponsorship of a Spouse, Common-law Partner, Conjugal Partner or Dependent Child Living Outside Canada. Part 1: The Sponsor's Guide*. Ottawa: Author.

Citizenship and Immigration Canada (2005). *Family class immigration*. Retrieved 2006-08-25 from <http://www.cic.gc.ca/english/sponsor/index.html>

Citizenship and Immigration Canada. (2005). *Form IMM5490 - Sponsored Spouse/Partner Questionnaire*. Ottawa: Author.

Citizenship and Immigration Canada (2002). Immigration and refugee protection regulations - gender-based analysis chart. Retrieved 2005-12-14 from <http://www.cic.gc.ca/english/irpa/gender-irpa.html>⁸

Citizenship and Immigration Canada (2005). *News release: Good news for spouses and common-law partners*. Retrieved 2005-09-14 from <http://www.cic.gc.ca/english/press/05/0504-e.html>

Citizenship and Immigration Canada (2005). *Spouses, Common-Law Partners, and Conjugal Partners*. Retrieved 2006-09-13 from <http://www.cic.gc.ca/english/sponsor/familymembers.html>

Comack, E. (1999). Theoretical excursions. In E. Comack (Ed.), *Locating Law: Race/Class/Gender Connections*. Halifax: Fernwood Publishing.

Cohen, R. (2000). Mom is a stranger: The negative impact of immigration policies on the family life of Filipina domestic workers. *Canadian Ethnic Studies*, 32(3).

Database: Academic Search Premier.

Côté, A. (2001). In Kérisit M., Côté M. and Côté, A. (Eds.), *Sponsorship -- for Better or*

⁸ This document is no longer available on the CIC web site.

Worse : The impact of sponsorship on the equality rights of immigrant women.

Ottawa: Status of Women Canada.

Department of Justice Canada (2006). *Immigration and Refugee Protection Act: Part I,*

Immigration to Canada. Retrieved 2006-08-29 from

<http://laws.justice.gc.ca/en/i-2.5/245785.html>

Department of Justice Canada (2004). *Immigration and Refugee Protection Regulations.*

Retrieved 2006-09-14 from

<http://lois.justice.gc.ca/en/I-2.5/SOR-2002-227/132531.html>

Dhillon v. Canada, IMM-3815-03 (Federal Court of Canada 2004). Retrieved

2006-09-02, from <http://decisions.fct-cf.gc.ca/en/2004/2004fc846/2004fc846.html>

Hirsch, S.F. and Lazarus-Black, M. (1994). Performance and paradox: Exploring law's

role in hegemony and resistance." In Hirsch and Lazarus-Black, (Eds.), *Contested*

States: Law, Hegemony and Resistance. New York: Routledge.

Jakubowski, L.M. (1999). 'Managing' Canadian immigration: Racism, ethnic selectivity,

and the law." In E. Comack, (Ed.), *Locating Law: Race/Class/Gender*

Connections. Halifax: Fernwood Publishing.

Kelley, N., & Trebilcock, M. (1998). *The Making of the Mosaic: A History of Canadian*

Immigration Policy. Toronto: University of Toronto Press.

Khan v. Canada, IMM-1291-05 (Federal Court of Canada 2005). Retrieved 2005-09-02,

from <http://decisions.fct-cf.gc.ca/en/2005/2005fc1372/2005fc1372.html>

Kimmel, M. S. (2004). In Kimmel M. S., Aronson A. (Eds.), *The Gendered Society.* New

York: Oxford University Press.

Mason, J. (2002). *Qualitative Researching.* 2nd Edition. London: SAGE Publications.

National Association of Women and the Law (NAWL) (1999). *Gender Analysis of Immigration and Refugee Protection Legislation and Policy - Submission to Citizenship and Immigration Canada*. Ottawa: Author.

Neuman, W.L. (2006). *Social Research Methods: Qualitative and Quantitative Approaches*. Boston, MA: Pearson Education, Inc.

Ng, R. (1997). Gendering policy research on immigration. In Status of Women Canada (Ed.), *Gendering Immigration/Integration: Policy Research Workshop Proceedings and a Selective Review of Policy Research Literature 1987-1996*. Ottawa: Status of Women Canada.

Noorani, A., et al. (Producers). (2006, March 20). Immigration sponsorship. *The Current* [Radio Broadcast]. Toronto: Canadian Broadcasting Corporation.

Osagie v. Canada, IMM-6788-03 (Federal Court of Canada 2005). Retrieved 2006-09-11 from <http://decisions.fct-cf.gc.ca/en/2005/2005fc120/2005fc120.html>

Pashulya v. Canada, IMM-5534-03 (Federal Court of Canada 2004). Retrieved 2006-08-27 from <http://decisions.fct-cf.gc.ca/en/2004/2004fc1275/2004fc1275.html>

Patten, S. (2003). The Democratic Deficit: Neoliberal governance and the undermining of democracy's potential. In Brodie and Trimble (Eds.), *Reinventing Canada: Politics of the 21st Century*. Toronto: Prentice Hall.

Razack, S. (1998). *Looking White People in the Eye: Gender, Race, and Culture in Courtrooms and Classrooms*. Toronto: University of Toronto Press.

Sandhar v. Canada, IMM-1022-04 (Federal Court of Canada 2004). Retrieved 2006-09-11, from

<http://decisions.fct-cf.gc.ca/en/2004/2004fc1758/2004fc1758.html>

Santiago, S. (2004). *Petition – Stop Exploitation of Marriage*. Retrieved 2006-09-02 from <http://shajila.com/petition.html>

Sjolander, C., Smith, H. and Stienstra, D. (2003). Taking up and throwing down the gauntlet: Feminists, gender, and Canadian foreign policy. In C. Sjolander, H. Smith, and D. Stienstra (Eds.), *Feminist Perspectives on Canadian Foreign Policy*. Toronto: Oxford University Press.

Status of Women Canada. (2004). *An integrated approach to gender-based analysis*.

Retrieved 2006-09-11 from

http://www.swc-cfc.gc.ca/pubs/gbainfokit/gbainfokit_pdf_e.html

Sweetman, C. (1998). Editorial. In Sweetman (Ed.), *Gender and migration* (pp. 2-6). Oxford: Oxfam GB.

Thobani, S. (2000). Nationalizing Canadians: Bordering immigrant women in the late twentieth century. *Canadian Journal of Women and the Law*, 12(1), 279-312.

Walton-Roberts, M. (2004). Rescaling citizenship: Gendering Canadian immigration policy. *Political Geography*, 23, pp. 265-281.