"Once you arrive, *se te sala todo"* (everything is salted): Latina Migrants' Search for "Dignity

and a Right to Life" in Canada

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ABSTRACT

This study explores how Latina women fleeing gender-related violence seek protection for themselves and their children under Canada's humanitarian laws. Rising emphasis on border control contributes to a growing number of forced migrants whose transnational movement is constructed as "illegal". Migrants who fall outside legal migration channels are exposed to precarious conditions that can lead to further violence. Through interpretive analysis of in-depth interviews with women from Mexico and Central America, we explore how immigration policies produce gendered forms of "illegality". We also highlight how women's migration in search for rights and protection represents a form of substantive citizenship.

KEYWORDS: immigration policy, forced migration, substantive citizenship, asylum seekers, non-status immigrants

INTRODUCTION

Women fleeing gender based violence are among the growing numbers of forced migrants from Central America and Mexico who journey north in search of safety. In 2015, the Office of the United Nations High Commissioner for Refugees (UNHCR) (2015b) reported an increase in women seeking refuge in the United States from Honduras, El Salvador, Guatemala and Mexico due to escalating violence from armed criminal groups, state authorities or their intimate partners. Although significantly more forced migrants enter the United States than Canada, Mexico is one of the top five source countries of people submitting refugee claims within Canada (Human Rights Research and Education Centre, 2011). Between 2000 and 2014, 46,355 Mexicans submitted refugee claims in Canada (UNHCR, 2015a). A large majority of asylum seekers from Mexico and Central America, however, have been denied refugee status in Canada (Rehaag, 2013).

While Canada remains a leading nation in refugee resettlement, Canadian law has narrowed the definition of who is a refugee, restricted refugee claimants' access to vital health benefits, and has dedicated more resources to deporting migrants whose asylum claims are denied or dismissed (Arbel & Brenner, 2013). Between 2004 and 2014, Canada deported 148,057 people; 70% of whom were refugee claimants (Ovid, 2014). As a result fewer people are submitting refugee claims within Canada: Canada received 20,223 new refugee claims in 2011, but only 10,356 in 2012 after reforms were implemented (Keung, 2015).

State methods to deter asylum seekers in Canada are part of an international trend to curtail the mobility of migrants who challenge the United Nations definition for refugee protection. With the exception of Germany and Sweden, most European countries, the United

Kingdom and Australia have established restrictive policies governing refugee migration, stronger interdiction practices to prevent migrants from entering their territory and restricted rights for asylum seekers. In 2012, Canada embraced the concept of a "safe country of origin" when it created a list of Designated Countries of Origin (DCO) in 2012, which enables Canada to offer differential treatment to people who originate in countries that are deemed to have functioning democratic systems (Bhuyan *et al,* 2014). The concept of a "safe third country" was already established in 2004, with the Canada-U.S. Safe Third Country Agreement. Both policies mirror efforts in the European Agenda on Migration (European Union, 2015) to reify the binary construction of refugee producing versus refugee receiving nations in international law (Macklin, 1995). Migrants who originate in "safe countries" may be barred for accessing protection as UN convention refugees, whereas migrants who arrive from a "safe third country" (e.g. entering Canada via the United States) may be barred from submitting an asylum claim in the country of their choosing.

Despite increased measures to deter asylum seekers, Castles (2003) argues these policies predominantly fail. Migrants are willing to endure ever more treacherous journeys, contract with dangerous traffickers, and are subject to daily risks, intimidation and harassment associated with their precarious status (De Genova, 2010). This "illegal" immigration has emerged as a social problem for countries around the world that frame the "illegal migrant" as an object of border control (De Genova, 2002). The construction of "illegality", for De Genova (2002), relies on the same juridical apparatuses that produce categories of belonging (e.g. citizenship) and thus represents a political identity *vis-à-vis* the state. Moreover, the spatialized condition of "illegality" reproduces the physical borders of nation-states in everyday life along innumerable places throughout the interiors of migrant-receiving states (De Genova, 2002).

This article builds upon emerging scholarship that examines the production of "illegality" in tandem with gendered patterns of forced migration (Boehm, 2012; Menjivar & Abrego, 2012). As Boehm (2012) writes, "a gendered examination of how states legally categorize immigrants adds to understandings of how gender and intersecting identities are intertwined with migration flows" (p. 92). While gender is a fluid category in social practice that includes trans and non-binary ways of being, immigration policies produce a heteronormative gender binary. Furthermore, migration law permits states to discriminate along multiple axes—racial, economic, ability, gender and sexual orientation—to meet state objectives (Dauvergne, 2008; Lubhéid, 2013).

Research on gender and migration identifies contradictory effects on gender roles and social practices. While migration is seen as a "powerful catalyst for social change" (Parrado & Chenoa, 2005, p. 606), migration has differential impacts on women and men. Migration offers access to wages and greater consciousness of gender equity for some (Mahler & Pessar, 2006), but also contributes to poverty and social isolation, particularly for undocumented immigrants. Recent scholarship on the racial and gendered impacts of deportation highlight that Black and Latino men make up the majority of deportees from the United States and Canada (Davis-Ramlochan, 2013; Golash-Boza, 2013).

The nexus of patriarchal control in migrant women's lives stems from both political and intimate relations. Boehm (2012) documented that migrant women along the U.S.– Mexico border "are repeatedly subject to control from the state and from the men in their lives" such that unequal gender power relations impact women's options to negotiate their intimate relationships and their movement in and out of states (p. 107). Upon entering Canada, women who are fleeing gender related persecution are less likely to meet the criteria for labor or family migration, thus

are left with entering Canada as tourists (if they can qualify), as dependents on their spouse/partner, or to claim asylum upon entry. Entry, however, does not ensure access to rights. As Lubhéid (2013) found in her research on border crossings in Ireland, migrants who enter on temporary visas are more vulnerable to losing their immigration status.

The unique contribution of this article is to illustrate how immigration policies that deny women legal channels to seek protection, produce forms of gendered "illegality" that increase women's exposure to interpersonal and structural forms of violence. A second aim of this article is to conceptualize how women practice substantive citizenship, through their efforts to establish themselves under Canadian humanitarian laws. While juridical citizenship remains significant in defining rights within a nation-state, we employ Isin and Turner's (2002) conceptualization of "substantive citizenship" to emphasize how migrant women take part as members of society through negotiating social "norms, practices, meaning and identities" (p. 4).

As background for our analysis, we discuss the context of humanitarian migration to Canada from Central America and Mexico. We review literature on the production of "illegality" and theorize citizenship as a negotiated practice. With regard to our empirical study, we present our research methodology, followed by the key themes that emerged from our interviews with Latina migrants. We conclude with a discussion of the ways in which migrant women practice substantive citizenship transnationally, through their efforts to realize their subjectivity as rights-bearing people within Canada.

LITERATURE REVIEW

Global Crisis in Refugee & Forced Migration

In 2014, the surge of refugee migration across Northern Africa, Syria and Iraq produced what UN Commissioner António Guterres aptly called a "mega-crisis" (Esthimer, 2014). This

flow of refugees surpasses Post World War II migration, overwhelming neighboring nations and the international response to refugee resettlement.

Despite the increase in forced migration, however, the majority of people who are dislocated do not fall into the definition of "refugee" set forth by the 1951 Refugee Convention. Of the estimated 51 million people who were forcibly displaced in 2013, up to 95% remain within their country of origin as internally displaced peoples or flee to neighboring countries (Zetter, 2015). A much smaller proportion, 93,200 in 2014, resettle with UNHCR's assistance in one of the 23 countries that participate in third country resettlement (UNHCR, 2014). In contrast, in 2013 as many as 1.1 million journeyed to a country where they could submit an asylum application, primarily in post-industrial nations in Western Europe, North America, Australia and South Africa. For the most part, people dislocated as a result of intensified economic globalization, internal conflicts, and environmental degradation lack a specific claim of state persecution and thus are not covered under existing legal frameworks (Benhabib, 2004; Crépeau, Nakache, & Atak, 2007; De Genova, 2010).

In the Canadian context, the term "refugee claimant" refers to people who submit asylum claims within Canada, to be reviewed by the Canadian Immigration and Refugee Board (IRB). Canada also has a process for people without status to apply for permanent residence on Humanitarian & Compassionate Grounds (H&C). The H&C guidelines consider the unjust harm that removal from Canada would impose upon an individual who has established a life in Canada. Forced migrant is a broader term that recognizes people who are displaced either internally (within their home country) or transnationally, as a result of environmental constraints, political unrest, and/or state persecution. We follow the critical practice of De Genova and other

scholars, who challenge the pejorative language that states deploy to justify the exclusion of people from the nation (e.g. "illegal", "irregular").

Migration from Central America and Mexico to Canada

Beginning in the 1960s and 1970s, Canada welcomed thousands of Cuban and Chilean refugees and continued to serve as a "natural haven" for people fleeing war and political conflict across Central America in the 1980s; Canada resettled over 20,000 refugees from El Salvador, Guatemala, and Nicaragua, some of whom were being deported from the United States (García, 2006). Canada's humanitarian approach differed dramatically from the United States, partly due to its geographic isolation but also in consideration of U.S. military and economic involvement in the region.

Since 1996, Canada has been the leading country that offers protection to Mexicans seeking asylum. From 2000 to 2012, Mexicans whose refugee claims are recognized in Canada represented 70% of all Mexican refugees worldwide (UNHCR, 2015a). While Canada approved 5,022 Mexican refugee claimants during this period, the vast majority of Mexican refugee claimants had their claims denied or dismissed. To illustrate this, in 2001, 11% of Mexican refugee claims were approved by the IRB as compared to 42% for all IRB decisions that year. In 2009, Canada took steps to deter refugee migration with a visa requirement for Mexican nationals in 2009. Mexico also appears on the DCO list of "safe" countries[1]. Both policy measures have effectively reduced the number of Mexicans who submit asylum claims within Canada.

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[1] The Designated Countries of Origin list of "safe countries" was established by Citizenship and Immigration Canada in 2012. This list designates some countries as having laws and/or a justice system that protect their citizens. This list is used as a tool to reject refugee claims from these countries. More information about this policy can be found at http://www.cic.gc.ca/english/refugees/reform-safe.asp

Intersectionality of Violence in the Lives of Latina Immigrants

According to the United Nations and World Health Organization (WHO), physical, sexual, psychological and economic violence against women is a universal phenomenon that has reached epidemic proportions (United Nations, 2010; WHO, London School of Hygiene and Tropical Medicine, & Council, 2013). A study conducted by the WHO and partners (2013) estimates that on average, 35% of women worldwide experience intimate or non-intimate partner abuse (WHO et al., 2013). Feminist scholars in North America define violence against women as inextricably linked to systems of patriarchal control that oppress and discriminate against women (Dobash & Dobash, 1998; Meyer Emerick, 2002). Black feminist and critical race scholars who attend to the structural root causes of violence, however, caution that gender does not operate alone, but in confluence with intersecting forms of oppression including racism, classism, heterosexism, transphobia, abelism and national origin (Collins, 1990; Crenshaw, 1995; Sokoloff, 2008). The spectrum of violence against women takes place in both public and private situations and includes rape, sexual assault, sexual harassment, stalking, physical abuse, psychological abuse, and murder (WHO et al., 2013).

Political and economic instability across Central America and Mexico has contributed to epidemic proportions violence against women. In 2015, the UNHCR conducted interviews with Latina women who were held in detention in the United States while awaiting a review of their asylum claims (UNHCR, 2015b). Women in this study shared that violence from armed criminal groups, from police or state authorities marked their daily lives in the form of "threats, extortion, physical or sexual assault over extended periods" as well as exposure and proximity to high levels of violence in their communities (UNHCR, 2015b, p. 4). UNHRC also reported that many Central American women seeking asylum experienced "degrading forms of domestic violence,

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including repeated rapes and violent physical abuse, such as beatings with baseball bats and other weapons" (UNHCR, 2015b, p. 4). The majority of these women had sought safety in their home countries, but authorities were unable or unwilling to provide protection.

We draw on theories of structural violence to theorize how the production of "illegality" contributes to different forms of violence against women. Menjivar and Abrego (2012) define "legal violence" as the "accumulative and injurious" effects of migrant illegality among Central American immigrants in the United States. "Legal violence" captures how "forms of structural and symbolic violence are codified in law and produce immediate *social suffering* but also potentially long-term harm with direct repercussions for key aspects of immigrant incorporation" (Menjivar & Abrego, 2012, pp. 1384-1138). Laws contribute to structural violence when they normalize the exclusion of many immigrants who must endure indefinite family separation, work exploitation, and limited access to education, health care and social services.

Precarious Immigration and Substantive Citizenship

Unlike the United States, where undocumented immigration is part of a long history of migration, labor, social and cultural interdependence with Mexico (Chomsky, 2014), the majority of undocumented people in Canada enter with a temporary visa as tourists, temporary foreign workers, sponsored family members or refugee claimants (Goldring, Bernstein, & Bernhard, 2010). When migrants overstay their visa or violate the terms associated with their legal status they are re-designated as non-status.

Grassroots activists estimate that up to 500,000 non-status people reside in Canada (Bhuyan, Osborne, Zahraei, & Tarshis, 2014); with more than half estimated to live in the Greater Toronto area. Previous studies suggest that non-status immigrants in Canada originate from all over the world (Pashang, 2011), whereas Black men from Northern and Central Africa

are the principle targets of Canadian detention and deportation practices (Chan, 2005). Due to the lack of reliable data on the non-status population in Canada, it is hard to estimate specific gender or country of origin demographics.

Emerging scholarship in Canada, conceptualizes citizenship as a set of practices, where migrants "negotiate" with state and non-state actors to access health care and social services, challenge labour violations, or lodge human rights claims (Basok, 2004; Bhuyan, 2012; Isin, 2002; Stasiulis & Bakan, 2003; Villegas, 2013). Bosniak (2006) argues that while citizenship remains a significant political identity within legal systems, in everyday life, the notion of citizenship incorporates a range of social practices that encompass ones sense of identity, belonging, rights and status. Framing substantive citizenship as a social practice highlights how migrants may enjoy some rights despite being registered as non-citizens, while conversely some citizens are unable to realize their entitlements in the face of long standing marginalization, particularly for racialized and indigenous populations.

Our analysis of migration as a response to violence reinforces Isin's (2002) characterization of acts of citizenship by people, who "constitute themselves as political agents under new terms, taking different positions in the social space than those in which they were previously positioned" (p. 276). We consider how migrants express identities as rights-bearing people within the nation, even as they are denied juridical citizenship in Canada.

RESEARCH METHODOLOGY

This research employed feminist, participatory and qualitative research methodologies "to bring attention to women's lives, generate methods for women's voices to be heard, and to mitigate the power differences between researcher and researched" (Bhuyan, Genovese, et al., 2014, p. 209). Through all phases of the research, we worked closely with a research advisory

committee comprised of service providers, legal advocates, activists and immigrants who have precarious status in Canada. Towards the end of our data collection, we co-sponsored a peer-led solidarity group for Spanish speaking women who have precarious status. Ten women met weekly for three months, offering mutual aid to each other as well as finding creative ways to communicate with service providers and policy makers. While the solidarity group was not a formal part of data collection, this space generated knowledge among community partners towards mobilizing research for social action.

Interview Recruitment

Between July 2011 and March 2012, we conducted conversational interviews with 23 Spanish-speaking women from Mexico, Colombia and Central America[2]. Through consultations with our community partners in Toronto, we observed a spike in non-status women from Mexico and Central America who were seeking protection from domestic violence. The research, thus, focused on Spanish-speaking women from this region who do not have permanent residence or citizenship in Canada.

With the understanding that migrant women might be distrustful of University-based researchers, we used targeted recruitment methods. We distributed flyers at domestic violence shelters, rape-crises services, drop-in programs, refugee and immigrant settlement organizations, and community health centers. We also conducted information sessions with service providers and potential participants to share the goals of our research and build trust in the community (Bhuyan, Genovese, et al., 2014). Participants were given the option to conduct their interview in

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[2] We interviewed a total of 25 women for this study, however two women who originated from Peru, requested to participate in our interviews. Because these two women were outside our original recruitment protocol and had markedly different stories of migration and violence, we elected to omit their narratives from the analysis presented in this article.

who was ill and one remained in Canada. Two women who received negative decisions and were

unsuccessful through the appeal process were subject to deportation. One of these women

cooperated with immigration officials and left Canada on her scheduled date of removal. Several

women had also submitted H&C applications[3]. Four women in our study had received positive

decisions on their refugee claim; one had recently become a permanent resident. Towards

ensuring anonymity of the research participants, we do not report the specific country of origin

for women from countries in Central America which had fewer numbers of participants

Data and Analysis

Interviews lasted from 1-2 hours and followed a conversational format. We asked

participants to describe why they came to Canada and their experiences with Canadian

immigration. We also asked how they support themselves and what their experiences with social

and health service providers had been. Towards the second half of the interview, or in some

cases during a follow-up interview, we asked participants if they had ever been in an abusive

relationship or what types of violence they had experienced in their lives. The interviews ended

by asking participants to talk about any lessons they would like to share with other women in

similar situations.

Audio-recorded interviews (n=20) were transcribed into Spanish then translated to

English. In some transcripts, we retained original words in Spanish towards contextualizing

meaning of language use (Jaceldo, 2001; Lopez, Figueroa, Connor, & Maliski, 2008). Consistent

with our interpretive framework, notes taken by the interviewer or the transcriptionist were

inserted into the transcript to contextualize the conversation (Bailey, 2007). For example, the

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[3] At the time of our interviews, in 2011, refugee claimants were permitted to simultaneously submit applications for permanent residence on Humanitarian and Compassionate grounds. This is a separate path to permanent residence from the U.N. convention refugee review process.

interviewer notes may indicate non-lexical sounds (i.e. cough, sniff) or non-verbal expressions of the speaker (i.e. spoke in a whisper or spoke in a higher tone which indicated happiness) (see Table 2 for the transcription key).

[Insert Table 2 here]

Our data analysis employed "abductive reasoning" (Peregrine & Yanow, 2011, p. 24) which involves a circular process of working with analytic themes which are developed a priori and then revisited throughout the research process. Our attention to discourse employed theories of language-in-use (Gee, 1999); we explored in what ways speakers' language use produced identities, or subject-positions, within dominant and counter-narratives (Allen, 1995). For example, we paid attention to how a participant's talk about "women's rights" reflected or differed from the constructions of rights in Canadian public policy.

In the following section, we present themes related to our research objectives: how immigration policies shape migrant women's responses to domestic violence and their ability to find safety and security for themselves and their children. The themes we present include: a) exposure to a spectrum of violence, b) unsafe passages en route to Canada, c) the shifting constellation of rights, status and belonging, and d) shifting perceptions of Canada: from protector to perpetrator.

SITES OF ANALYSIS

Exposure to a Spectrum of Violence

Our interviews reinforce De Regt's (2010) commentary that exposure to violence, particularly gender-based violence, marks different phases of the migration process. Forms of interpersonal violence from a spouse or boyfriend were relayed in stories of physical, emotional, verbal, and sexual abuse; some of which were life threatening. For example, one woman was

forced into sex work while transiting through Mexico. Some women were repeatedly sexually assaulted or stalked by acquaintances in their home country. Some women also reported experiencing sexual assault after arriving in Canada; one woman was sexually assaulted by her doctor; one reported being raped by her landlord. The breadth of violence that women had been exposed to before, during and after periods of migration are troubling indicators of the level of insecurity that female-identified migrants face.

Women reported their experience of interpersonal violence in their home country was often linked to political or community violence. In some cases, women described threats or acts of violence from an individual directly involved with the police or a state official. Five women in our study had an abusive husband/boyfriend who was a police officer. Two women were directly threatened or abused by someone who was involved in a drug cartel. One woman was physically assaulted by her brother because he disapproved of her political activism.

Marisol, whose ex-husband was a police office, recalled how he used to beat and threaten her with his government issued pistol. When asked if she ever reported the abuse to the police, Marisol responded,

> The thing is… the problem was that he was a policeman, right? He knew people, but the
> problem is that he used to say… "If you report me, I'm going to jail, but when I get out,
> I'll kill you, you good-for-nothing," He used to tell me, "I'll make mincemeat out of
> you.' … And one believes it, well when I felt his threats, I would tremble, I felt my body
> trembling. I couldn't control my nervousness. Nervousness, because someone like that, I
> mean I don't know… (Marisol, interview, October 2011).

In Marisol's case, her inability to document her ex-husband's abuse contributed to the negative decision on her refugee claim in Canada. Lacking an official police report, the symbolic violence

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that Marisol's reported, being threatened with the state issued gun, did not assuage the refugee board's assessment of Mexico as a "safe country of origin".

Several women in our study openly disparaged the police in their home country as unresponsive to their claims of violence or viewed going to the police as pointless. Many also feared retribution from their abusers especially when their abuser was linked to law enforcement or organized crime. Three women shared similar stories of reporting violence to the police, but the police either did not file a report or the record of the abuse disappeared.

While all of the women in our study shared stories of interpersonal violence prior, during and after migration, several also suffered structural forms of violence as a result of their precarious status in Canada. Living with precarious status had a number of negative consequences. It contributed to some women delaying prenatal care or health care, having little or no income for adequate food, living in inadequate housing, and enduring the ongoing threat of deportation. Women who were at risk of being deported expressed that they felt "hunted" by immigration officials.

Violence and the Loss of Identity as a Rights-Bearing Person

Several women talked about themselves as rights-bearing people. The lack of security they experienced when faced with violence in their home countries and during periods of migration, however, corresponded to a loss of identity, rights and a sense of belonging. These women could not turn to their country's legal systems to protect them, making them feel like "foreigners inside their own country" (Mecha, interviewed on April 13, 2012).

Yenniffer, who fled her home country in Central America after threats to her life became unbearable, characterized the loss of her "primary rights". Yenniffer's uncle, who held a political office, had her and her husband abducted and physically assaulted out of retribution for losing a

family inheritance. Fearing for their lives, Yenniffer and her husband fled their home country and endured an arduous journey over land through the use of *coyotes* (paid smugglers). Yenniffer describes the relationship the loss of rights in the following account:

 You know what power is for someone who doesn't respect the life of others, knowing that the first three, the primary rights in my country are violated, because the first three rights in my country from the political Constitution of my country say: "Every person has a right to a name and to a nationality, to… to a name." Because of my name, because of my last name, for being the daughter of who I am, I can't return to my country. I can't be a normal person. I can't breathe, and once again, being here, that right of mine was violated. My right to life was violated. My right to education was violated" (Yenniffer, interviewed January 2012).

Yenniffer's narrative illustrates how the lack of state protection produced a loss of her personhood within the laws of her country. The loss of rights represents a violation that continues to play out in Canada where Yenniffer's education as a lawyer has little value.

The lack of protection as asylum seekers in Canada contributes to women's identity as lacking rights. Mecha, who we met the day before her scheduled deportation date from Canada, described herself as "*cero a la izquierda",* which means "less than zero". Mecha had lived for over twenty years as an undocumented immigrant in the United States, having fled a violent husband in Mexico. Mecha and her current husband were both deported from the U.S. and sent back to Mexico. Fearing for their lives, Mecha came to Canada in search of refuge, but her claim was denied. On the eve of her scheduled "departure", she stated,

I don't have [rights] because I don't have the papers, the residency… That's why I don't have a single right. I'm a *cero a la izquierda.* In Mexico, I don't have rights because I

haven't lived there for the last 22 years. I'm a *cero a la izquierda.* I don't have them here either, I don't have rights nowhere." (Mecha, interviewed in April, 2012).

Despite being members of democratic states, the women in our study experienced a lack of rights within their families, a lack of security in their home countries and as asylum seekers. Violence and movement to escape violence, thus, can produce a sense of alienation and loss of political identity. Several women described this trajectory as a form of "social violence".

The Shifting Constellation of Rights, Status and Belonging

While some women like Yenniffer described their lack of rights in their home country, the women shared examples of how their rights, status and belonging shifted across each national context they encountered. In some circumstances one dimension would eclipse another.

Our two interviews with Trenza, a woman in her early 20s who entered Canada with her six-year old daughter to seek asylum, illustrate the unpredictable relationship between status, rights, identity and belonging. Trenza recounted numerous forms of insecurity she that faced during the previous ten years, from the time she left her home country and while living in Spain and the United States prior to entering Canada. Trenza's journey began when threats from organized crime in her home country grew imminent. Trenza's parents sent her to Spain. Within months of reaching Spain, Trenza was undocumented and homeless; during which time she was raped by an acquaintance, which led to her first child. With assistance from a distant aunt, Trenza was able to apply for citizenship as a Spanish descendent. But because she was living under the control of her abuser, she had restricted movement outside their apartment, thus was unable to practice her rights as a Spanish citizen.

Trenza migrated again, when her daughter's life was threatened by their abuser. With their Spanish passports, Trenza and her daughter easily entered the United States as tourists

where they established a fairly calm life. Trenza met her husband whom she described as "a kind man" with whom she had a second child. Although Trenza, her first child and her husband were all undocumented in the United States (her second child was a U.S.-born citizen), they had a fairly full and stable existence until she was pulled over while driving with an expired license. Within days of that incident, Trenza was deported to her home country, where she experienced a constant state of fear for her life. Trenza's brother had previously been deported from the United States and brutally murdered. Trenza and her family suspected the same gang was responsible for her brother's death, which fueled her own state of high alert. During this time Trenza spoke with her husband regularly on the phone, sharing a sense of grief that the United States had "ruined" their lives. She eventually sent for her oldest child to join her out of fear that she could be deported back to Spain. With "nowhere else to turn", Trenza flew to Canada with her daughter, where she submitted a refugee claim soon after her arrival.

Trenza's movement across national spaces has unique elements due to her multiple citizenships in Central America and Spain. Despite the potential to practice citizenship transnationally, the insecurity she continues to face highlights the tenuous relationship between juridical citizenship and substantive rights. Trenza faced direct threats to her life in ways that prevented her from realizing substantive citizenship in her home country and Spain. Although she was undocumented during her sojourn in the United States, Trenza experienced a period of stability, until this life was ruptured by border enforcement practices. As "refugee claimants" in Canada, Trenza and her daughter had some of their basic needs met (i.e. housing, income assistance). Their Spanish nationality, which gave them the mobility to enter Canada, however, will likely jeopardize their chances in Canada's refugee system.

Trenza circumstances were distinct from many of the women we met who did not have the means to establish citizenship in a second country. Yet, her narrative is informative to our understanding of the complex transnational processes that contribute to the production of "illegality" for women fleeing gender-based violence.

Unsafe Passages en Route to Canada

Although the *Canada-U.S. Safe Third Country Agreement* constructs the United States as a "safe" place to submit a refugee claim, women in our study did not express any interest in claiming asylum in the United States. Several spoke about the worsening conditions for Latinas in the United States. A few women shared that they had sought refuge or tried to establish themselves in neighboring countries in Central or South America, but were unable to establish residency due to the absence of refugee laws or strict documentation requirements. Five women in our study had resided in the United States as undocumented immigrants ranging from one to twenty years; four had been deported from the United States prior to coming to Canada. Women spoke of this as a period of upheaval due to family separation and perceived exposure to violence after returning "home".

The United States was a necessary transit country for women who did not have the means or opportunity to fly directly to Canada. Although most women in our study flew directly to Canada on a tourist or traveler visa, five women traveled overland through neighboring countries and the United States before reaching Canada. Of these five, two women traveled through the United States with a valid tourist visa; two traveled with the use of a paid *coyote;* one transited on her own through Mexico, where she was forced to work for sex traffickers for a few months. Each of the women who traveled overland entered Canada at the Buffalo/Niagara border. While

technically able to demonstrate their eligibility to claim asylum in Canada, their overland journeys compounded their experiences of violence.

Lentes, who flew first to Miami then took a bus to Buffalo, expressed that she felt anxiety at the border because she did not know if she would be accepted to cross into Canada. Before approaching Canada, Lentes had arranged for an aunt, who was a Canadian citizen, to receive her in Buffalo, in order to qualify as a refugee claimant under the *STCA*. Lentes shared that she did not know her aunt well, so when she arrived in Buffalo, she was intimidated by the questions that the Canadian authorities asked her during her refugee interview. Lentes recounts:

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

In Lentes' case, she had a valid tourist visa for the United States, so was able to pass through the United States without concern that she would automatically be deported. Nevertheless, she felt vulnerable when submitting her claim at the Canadian border.

Women who had the means to purchase an airplane ticket to Canada faced different hardships. Laso described saving money for several years, to pay for airfare for herself and her three children to escape her abusive ex-husband. When they arrived at the Toronto International Airport, Laso recounted that the immigration officer said they "looked" like refugees. They were questioned about their heavy pieces of luggage and detained overnight at the airport. Because

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Laso spoke limited English, a Spanish interpreter was present during her interrogation; Laso recalls this person told her she was a disgrace to her people and that she should return home.

Shifting Perceptions of Canada: From Protector to Perpetrator

Almost all of the participants in our study chose to come to Canada because it was a place that respected women's rights. Canada represented a beacon of hope in stark contrast to the mistreatment women faced in their home countries or in comparison to the United States where women remarked that the situation for Latinos is getting worse. As Marisol describes,

> I came to Canada, uhm… I was, I was driven to come here… when one is in one's country, they tell you… that this country protects women a lot, that… that women come first, right? There are no problems, no one is going to abuse you… that… well, we [women] are protected… And one searches for that, it's like … you are thirsty to search for a better life. To flee the mistreatment that you have in your country. (Marisol, interviewed November, 2011).

Women were also counseled by strangers whom they met before or after arriving in Canada about the process of applying for refugee status in Canada. One of the women whose refugee claim was successful, shared that the travel agency where she booked her flight to Toronto provided her with information on how to apply for a refugee claim. In another case, a woman's children pooled their resources to put her on a plane so she could get her away from her abusive husband. Though she had no plan when she boarded her flight, a stranger sitting next to her explained the processes for applying for refugee status while they were en route to Toronto. Five of the women we met came to Canada for other reasons (e.g. accompanying a spouse who was on a work visa, intending to marry a Canadian then the relationship broke down, or as a tourist) and only learned about applying for refugee status after living non-status for a period of time.

Women's perceptions of Canada as "safer" or more "fair", however, were not static but rather shifted in relation to their immigration status. For some women in our study, the refugee process maintained the promise of "freedom" such that their identities as refugees provided the foundation from which to rebuild their identity and sense of belonging (Jackson & Bauder, 2014). But for most of the women in our study, their negative experiences at the border, with immigration officers in the airport, or during the refugee claim process ruptured the ideal image they held of Canada. Elizabeth describes the shift in perception of Canada as immediate: "Once you arrive, step on Canadian ground, *se te sala todo*. Everything, everything *se te sala*". *Se te sala todo* is a colloquial expression in Mexico that literally translates as "everything is salted". This expression alludes to having bad luck; that everything that one does fails with or is without reason. Disenchantment with Canada as having failed them, resonated with stories shared by the majority of the women we met who were non-status or had their refugee claims denied. For these women, the threat of deportation loomed and their options to settle permanently in Canada were dwindling to either showing up for a scheduled deportation date, or going "underground".

Women who were in the midst of their refugee determination process expressed mixed feelings about Canada. Women in this category, typically expressed hope in the potential for a positive decision. When we first met Karla, she was awaiting a second hearing on her refugee claim (her initial refugee claim was denied, but upon appeal she was granted a second hearing). Karla flew to Canada to get away from her abusive boyfriend. She entered Canada on a tourist visa, but at the time of entry, did not realize she could apply for refugee status. During her initial months, a friend she made at a women's hostel, provided housing in exchange for childcare.

In Karla's narrative of Canada, she positions her own agency as pivotal to her success in Canada's refugee determination system. On the one hand, she expresses gratitude that Canada

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provides protection to women fleeing abuse. However, she also shares her continued struggles to find stable employment, especially with regard to the racism Latinos face in Canada.

> I think there's a lot of racism for/towards the Latino [person], above all for the Mexican, because the Mexican is the one that comes here to ask for refuge/refugee status, to live off the government and to work [for] *cash*, yes. But it is the Mexican that cleans the bathrooms, it is he who works in construction, it is he that does the work that the Canadian doesn't want to do, because the Canadian wants to arrive and sit in front of a computer and the Mexican has to do/gets stuck doing low [paying] jobs, the work that is poorly paid, and this is the job that is most…difficult, to say it like that, physically, do you understand me? (Karla, interviewed October 2011).

Finally, despite enduring the uncertainty associated with being denied refugee status, several women in our study maintain conviction in their human rights. Towards the end of our second interview with Laso, she shared,

> I've always believed in human rights, ever since I was a little girl I've seen injustices committed, and I know why this happens, why this happens, why this happens, so living here I see that it's not perfect, a lot needs to be changed; with indigenous people, with non-status people, with the poverty that honestly, Canada gives a lot of foreign aid, and seems like a very noble country, very comprehensive, but indoors it has a lot, a lot of deficiencies. I'm a great human rights believer, and I know we all have a right to a worthy/decent life, to a worthy/decent job, to be protected (Laso, interviewed September 2011).

Laso, calls attention to Canada's failure to respect her human rights,

I think it is time to recognize the human rights, that we are people. That we are worth it.

That we have dignity. That we can provide to society, that we are not criminals, no? ….

For all the people who are suffering, who are being hunted, they are being hunted in a

figurative way, no? but it is…yes, it is something against our, our dignity, our right to

live, to have a…a safe life, a place, a job. (Laso, interviewed September 2011).

Even though Laso and her family struggle with the daily fears of deportation, she maintains a

belief that Canada is a space where human rights should be respected. Our findings illustrate how

migrant women express their subjectivity as rights-bearing people, despite their precarious

migratory status in Canada.

DISCUSSION

Our research illustrates that migrant women face several forms of interpersonal and

structural violence in their home countries, during periods of transit and in countries where they

seek asylum. As migrant women fleeing violence are denied protection, they are subject to a

spectrum of gendered forms of interpersonal and structural inequality that accompany the

production of "illegality". The prevalence of violence that migrant women face speaks to the

epidemic nature of violence against women and the failure of states to uphold the rights of

women. The weakness in state protection forces women to migrate outside of legal channels.

Constructed as "illegal" or "bogus" refugees, their experience of interpersonal violence is

layered within structures of inequality. Despite the absence of legal channels that validate the

legitimacy of women's claims, however, migrant women exercise their agency as rights-bearing

people through negotiating with states for refugee rights.

Women's response to gender-based violence through migration to Canada is inseparable

from the construction of Canada as a humanitarian destination; a place that respects women's

rights. While Canada may continue to represent a safer, more humanitarian immigrant destination relative to the United States, there is mounting scrutiny of Canada's humanitarian record towards refugees. Due to the lack of legal protection in their home countries and as refugees in Canada, many Latina migrants experience uncertainty about their immigration status, rights, and their future prospects in Canada.

Although Canadian elected officials portray forced migrants as "bogus" refugees, our interviews indicate that migrant women employ a broad conceptualization of being rights-bearing people. Not all the women saw themselves as refugees, in the legal sense, prior to migration, but most talked about having their human rights violated in their home countries and after arriving in Canada. Their efforts to settle in Canada stems from a desire to provide a safe environment for themselves and their children. In the face of significant hurdles to obtain permanent residency, migrant women in our study demonstrated perseverance when navigating exclusionary state policies. They practice citizenship and consider themselves as deserving of rights, even when states construct their migration as "illegal".

Our interviews captured some of the results of the "fortress" that the continent of North America is evolving into with security in general, and in particular, the area of immigration enforcement. Immigration policies maintain Canada's economic supremacy through extractive industries in Canada and worldwide, contributing to dislocation, systematic oppression of Canada's Aboriginal people, and exploitation of migrant labour. Many Latina migrants who come from the "undesirable" countries cannot compete as "flexible citizens" (Ong, 1999) in their transnational migrations; thus when fleeing various forms of gender-based persecution are restricted from entering wealthier nations or securing permanent residence or citizenship.

Many of the women we interviewed shared that they arrived in Canada hoping for an alternative to being undocumented in the United States or living with fear of violence in their home countries. Hopeful that Canada was a "better" option, they found themselves inside a mechanism that was bigger than just one country. Considering rapid changes in Canadian immigration policy that have taken place since 2008 in concert with immigration enforcement across North America, the reputation of Canada as a "natural haven" is subject to change. As such we need to document the impacts of border security on forced migrants, including policy analysis of gendered forms of "illegality".

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