

**INTERNATIONAL SYMPOSIUM ON INTERNATIONAL
MIGRATION AND DEVELOPMENT**

Population Division
Department of Economic and Social Affairs
United Nations Secretariat
Turin, Italy, 28-30 June 2006

**GENDER ASPECTS OF INTERNATIONAL MIGRATION TO
CANADA AND THE UNITED STATES***

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*The views expressed in the paper do not imply the expression of any opinion on the part of the United Nations Secretariat.

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A. INTRODUCTION

Historically and today, Canada and the United States are two of the major catchments regions for international migrants. Together they contain nearly 44 million migrants or approximately 23.5 percent of the world's total.¹ While popular imagery depicts the United States as the major magnet for migrants, Canada – with a population one-tenth that of the United States – admits a greater proportionate share of immigrants to North America. In the first four years of the 21st century (2000-2003), twenty percent of all immigrants destined to North America arrived in Canada. Today, as revealed in the 2001 and 2000 Canadian and American censuses, nearly two out of ten (18.4 percent) Canadians are foreign born compared to one out of ten (11.1 percent) in the United States.

Both countries share many similarities in their immigration histories. Throughout the 20th century and beyond, push factors, deterrent factors such as war and economic depression, the boom of robust post-war economies and changes in immigration policies created similar variations in the temporal flows of migrants, most of whom were admitted as permanent residents. Another similarity, however, went unnoticed until the 1970s and 1980s when scholarship on migrant women highlighted the fact that women were active participants in these flows. Female migrants represented as much as 60 percent of the migration flows during the Depression and World War II (Boyd, 1992, Table 8-1). Since then, percentages have ranged from slightly below half of all flows to more than half, as shown in Figure I for the period 1986-2005. (The dip in 1991 for the United States reflects the sex selective impact of the 1986 Immigration Reform and Control Act that permitted the legal admission of people who had been illegally residing in the United States for 5 years or more prior to 1982.)

The growing awareness that migration flows include women and girls underlies the call in recent years for a gender perspective on international migration. Gender is a preferred term here rather than sex, because gender refers to the norms, behaviors, and expectations associated with being female or male. A gender perspective is not limited to the collection of information on both males and female migrants, although this is an important step in highlighting the often unique situations of both men and women. Rather, a gender perspective asks four key questions²:

- How do the norms, social relationships and hierarchies associated with being female or male affect the potential for migration and the experiences of migration for women and men?
- How do gender inequalities in destination countries affect the experiences of migrant women and men?
- To what extent and in what ways does migration benefit or disadvantage women and men?
- What steps must be taken to endure equal opportunities and outcomes for migrant women and men?

Addressing these questions provides insight into the gendered nature of migration, the experiences of migrant women in all aspects of migration including return, the inequalities and opportunities that await them in their destination countries, and the nodes of policy interventions at domestic, bilateral and/or multinational levels. Within this larger context, this paper has a more specific objective: to demonstrate the gendered nature of permanent, temporary and illegal migration to Canada and the United States, to highlight a few consequences for immigrant women, and to indicate tools of intervention that include gender based analysis, special programs, NGO activities along with government agreements and policies.

B. MIGRATING TO NORTH AMERICA

1. *Gendering Permanent Migration*

Both Canada and the United States view migrants as permanent settlers, and admit most migrants with the right to live permanently in the host country. Such migrants are called “permanent residents” under Canadian immigration legislation, and “aliens” in American immigration law, although in this paper the term “immigrants” is used to denote permanent residence status. In principle, women who seek permanent resident status in Canada and the United States enter in ways similar to men. They may be admitted on the basis of their family ties, their economic contributions or on the basis of humanitarian based concerns. Within each of these three categories of “admissibility”, they may enter as independent or autonomous migrants who are bureaucratically defined as “principal applicants,” or they may enter as “tied movers” who are members of a migrating family or household unit.

But reflecting social and cultural ideals, practices and displays of masculinity and femininity that constitute gender roles, relationships and hierarchies, women are more likely than men to be admitted in administrative and visa categories as family members and as spouses rather than as workers. In the United States for example, between 2001 and 2004, females were 60 percent of those legal permanent residents who entered in the second family class as spouses, children and unmarried sons and daughters of alien residents; they were nearly two-thirds of those entering as parents of American citizens and 61 percent of those entering as spouses of American citizens (unpublished figures supplied by Department of Homeland Security, Office of Immigration Statistics). In Canada, where published immigrant data distinguishes by gender, females were 61 percent of the Family class admissions, and 47 percent of those admitted in the Economic and Humanitarian classes. The gender divide is even more obvious among those who are the principle applicants. Here females represent 60 percent of principal applicants in the family class, reflecting their petition to join members of their families already in Canada and subsequent sponsorship; they were 29 percent and 37 percent respectively of all principal applicants in the Economic class and in the Humanitarian class, which includes those admitted as United Nations Convention refugees.

These figures highlight the fact that the mode of legal entry is closely associated with gender. However gender also is embedded in immigration rules and regulations. Here the risk is that such regulations often appear gender neutral but have gender specific implications for the ease of entry and the entry status of women and men. For example, criterion of admissibility that assess economic migrants on their years of work experience may disadvantage the entry of women workers if they have interrupted their labour market participation for care-giving or other family responsibilities. Or, criteria that include the capacity to “make ones way” or “make a living” may mean that women are less likely than men to meet refugee admissibility criteria necessary for permanent settlement in an industrial country. This would seem especially likely for women who lack high levels of education as a result of gender stratification in their source counties, and who may have married at young ages and borne many children as a result of societal norms (Boyd, 1998).

Gender biases in immigration regulations have the potential to be minimized both by the implementation of gender based analysis and by special programs targeted at women. As developed over the years, and articulated in Canada’s Federal Plan for Gender Equality presented to the United Nations Conference of Women, gender based analysis is consistent with the emphasis in the Beijing Platform for Action on the importance of mainstreaming a gender perspective in all policies and programs in order to determine the impacts on women and men.³ Gender based analysis did provide a framework for more gender sensitive changes in several sections of Canada’s recent Immigration and Refugee Protection Act (IRPA), effective June 2002.⁴ Starting in 1995 in the United States, a President’s Interagency Council on Women was mandated to encourage gender mainstreaming; this agency was replaced in 2001 with the Office of International Women’s Issues although its impact is debated.⁵

Special programs targeted at women and girls also may help remove the potential indirect gender biases that can occur with immigration policies. In response to a UN request to assist vulnerable women in UNHCR camps in the late 1980s, Canada developed a "Woman at Risk" program, which was followed by similar initiatives in Australia and New Zealand. "Women at Risk" lack the normal protection of a family unit, and find themselves in situations where the local authorities cannot assure their protection.⁶ They do not have to have the same potential for settlement as do other refugees or humanitarian based cases. However, the numbers admitted are small, representing fewer than 2,500 women and their dependents through the late 1990s; the program has since been extended to include other vulnerable groups and renamed the Urgent Protection Program (UPP). The United States does not have a formal "women at risk" program (Boyd and Pikkov, 2005).

C. TEMPORARY MIGRATION: A POTENTIAL BACKDOOR OR A TRANSITORY STATE?

Both Canada and the United States permit entry on a temporary basis. Such entries include those on holiday, embassy personnel and other foreign government officials, and persons in transit. However, from the point of managing migration and/or benefiting from temporary migrants, the three main groups of interest are: students, refugee claimants or asylees whose appeals for permanent residence are waiting adjudication, and those admitted on a short term basis for purposes of employment.

1. Students

Numbers admitted as students in Canada and the United States have steadily increased over the past decades, with approximately 150,000 and 620,000 students in Canada and in the United States respectively in 2004. Females represent 48 and 46 of the 2004 total admitted as students in Canada and in the United States⁷. In alphabetical order, the top six source countries of male and female students to Canada were France, Japan, Mexico People's Republic of China, Republic of Korea, and the United States. Both countries permit students to apply for permanent residence at the end of their term although acceptance is not assured. The United States requires that applicants demonstrate in their applications that they offer unique skills so as not to jeopardize the opportunities of U.S. residents, including the native born. In Canada, international students are currently assessed under the same point system as other potential skilled workers applying from outside Canada except that international students can get 5 additional points if they study in a Canadian postgraduate institution more than 2 years. Excluding a brief announcement in 2000 when Canada indicated it would implement procedures to facilitate change of status to permanent residence status by graduating students (and which never became operational), both countries appear to tread lightly on the explicit recruitment of temporarily admitted students for permanent settlement even though the contribution of foreign students to science and engineering labour pool is widely acknowledged by U.S. researchers and lauded as potentially enhancing Canada's knowledge based economy.

2. Refugee Claimants

In recent years, numbers generally have increased for those who show up at the border and seek permanent residence on the basis of refugee status or humanitarian considerations. Males usually outnumber females in these flows, a statistics that may reflect the lower economic resources available to women and greater physical dangers for a solitary female in transit. As was true for regulations governing the admission of economic and family migrations, the procedures and/or grounds for having claims for refugee status recognized may also be gendered, handicapping women refugee claimants more so than men. Disadvantages arise in part because the U.N. Convention's definition of a refugee focuses on the actions of the state and the violation of civil and political rights. Such foci are androcentric in that they fail to acknowledge forms of persecution which occur within private settings, which represent violations

of human rights, and/or in which the state fails to protect individuals from harm (Boyd, 1998; Boyd and Pikkov, 2005).

Again, gender mainstreaming and putting special procedures in place may lessen or remove such potential gender specific impacts. Canada was the first country worldwide to issue guidelines to address gender related persecution, released on International Women's Day, 1993. Fear of gender related persecution now may be part of the subsequent adjudication process to determine if claimants are admissible as refugees or on other humanitarian grounds. It includes taking into consideration the fact that women may fear persecution solely for reasons pertaining to kinship (i.e. because of the status, activities or views of their spouses, parents, and siblings, or other family members); that they may fear persecution resulting from certain circumstances of severe discrimination on grounds of gender or acts of violence either by public authorities or at the hands of private citizens from whose actions the state is unwilling or unable to adequately protect the concerned persons (this also includes the failure of the state to protect from domestic violence; and that they may fear persecution as the consequence of failing to conform to, or for transgressing, certain gender-discriminating religious or customary laws and practices in their country of origin.⁸ Between the 1993 introduction of the Guidelines on Women Refugee Claimants Fearing Gender-Related Persecution and December 31, 2002, the IRB finalized 2,331 Gender-Related claims. As of December 31, 2002, a total of 1,345 of these claims had been accepted, 691 rejected, and a further 295 claims were either withdrawn, abandoned, discontinued or otherwise finalized.⁹

Since 1993, similar guidelines have also been adopted by other countries including the United States (Scialabba, 1997), Australia and most recently the United Kingdom. Despite their differences (Macklin, 1999), both American and Canadian guidelines note the need to be gender sensitive when considering the grounds for persecution, as well as the need to make special efforts for women claimants during the refugee determination process (such as having female interviewers). However, although successful cases exist that demonstrate the use of gender based claims of persecution, determining how gender based claims are actually treated in Canada and in the United States and quantifying results remains difficult.¹⁰ The acceptance rates of all refugee claimant cases have dropped in Canada since the early 1990s. As well, concern exists that the Safe Third Country Agreement, signed by officials of Canada and the United States on December 5, 2002 as part of the Smart Border Plan may reduce the capacity of all persons, including women, to make refugee based claims (Macklin, 2003).¹¹

3. Temporary Workers

The number of visas issued on a temporary basis to workers has increased in both countries. In both Canada and the United States, temporary worker categories address labor shortages in “skilled” sectors and “lower skilled” sectors. In Canada the management and monitoring of the increasingly lucrative flow of temporary entrants is a deliberate policy.¹² In the United States, visas for temporary work similarly provide needed labour, but they also provide a backdoor entrance for permanent immigration, particularly in the H-1B category (Lowell, 2001). These workers are professionals and other highly-skilled individuals, who usually hold a baccalaureate or higher degree. Both countries receive temporary workers from the other; in Canada a significant majority of temporary foreign workers originate from the United States although such individuals have a relatively shorter average duration of permits than do those from other countries.¹³ Under chapter 16 of NAFTA, citizens of Canada, the United States and Mexico who meet the criteria can gain quicker, easier entry into the three countries to conduct business-related activities or investments.¹⁴

Overall, the population of temporary workers is mostly male; females are between one-quarter and one-third of all temporary workers receiving Canadian and United States visas. In both countries women and men are found in highly skilled and in the low skilled sectors, with IT and health representing the former and agricultural workers and domestics representing the latter. Published or web-based statistics are limited for both countries, but both countries have temporary health care professionals. In the United States, various visas exist, usually for high skill health workers (Ray, Lowell, and Spencer, 2006, p. 189). Women are most likely to predominate in the H-1A (expired in 1995) and H-1C visa categories,

which target nurses.¹⁵ In Canada although health care workers are not among the top five sectors of flows (primary industries, sales and services, natural and applied sciences and social science, education and government) the trend line is upward. In December 2004 there were 4,611 temporary health professionals in Canada, up from nearly 1,500 in 1996.¹⁶ The sex composition of this pool of health workers is not publicly available.

In the occupations defined as less skilled, male temporary workers in both countries concentrate in agricultural jobs; in Canada, Seasonal Agricultural Workers Program (SAWP) allows for the entry of agricultural workers from Mexico and the Caribbean to assist in the harvesting of Canadian crops. For the past 10 years, workers coming to Canada under this program have been overwhelmingly male, accounting for 97% of the total in 2004.¹⁷ Women predominate in the Live-in Caregiver Program (LCP) which brings workers to Canada for live-in caregiving when there are not enough Canadians to fill the available positions. Workers hired under this program care for children, seniors or people with disabilities, without supervision, in a private household.¹⁸

The LCP is an unusual program in that it provides a bridge to permanent resident status. While such bridging mechanisms also exist in the United States with respect to the H-1B visas, workers in the LCP are considered to be in occupations at moderate levels of skill. This bridging arrangement reflects earlier abuses and the pressures of NGO groups to remove those associated with continual renewals without entitlement for permanent residence. Those admitted through the LCP may apply for permanent residence in Canada after completing two years of live-in caregiving employment within three years of their arrival in Canada. In recent years the educational and language requirements have been strengthened, and it is thought that some of the caregivers are former nurses and teachers. A similar program does not exist in the United States although a small “Au Pair” program has existed since 1986 as an educational and cultural exchange with a strong child care component. Among the requirements is that the applicants be between the ages of 18 and 26. A sub-sector of the program (Edu-Care) also exists with a stronger educational component.¹⁹ The larger numbers and greater availability of illegal workers in caregiving may partly explain the absence of program in the United States that is similar to Canada’s LCP (Ray, Lowell and Spencer, 2006)

Workers who enter Canada as temporary workers in the LCP are almost all women. Levels declined from the mid 1990s on, then rose in the early 2000s. In 2004, Canada admitted 5,850 workers under this program, the highest level since 1991. The vast majority of these workers now are women from the Philippines (85%). Other source countries have varied through time, with most numbers coming from the United Kingdom, France, Slovakia and India. Actual annual landings also declined during the 1990s but now are increasing again.²⁰ (Citizenship and Immigration Canada, 2005, pp. 11-13). The stock of foreign workers who came here as live-in caregivers has also increased steadily over the past several years. As one might expect from the flow data, foreign workers from the Philippines also dominate the stock data, accounting for 14,327 of the 16,297 total numbers of foreign workers in the program. A small survey finds that the decision of these Filipino women to come to Canada is largely driven by the financial and social welfare of their families; sending remittances home is considered to be very important (Stasiulis and Bakan, 2005, pp. 102-103)

The LCP also is an unusual program because it bears the imprint of considerable public scrutiny alongside NGO interventions. While the government ultimately sets policy for special programs, public inventions and NGO lobbying can be of influence. A number of NGO groups exist in Canada that are focused around the concerns and needs of immigrant women working as domestics, particularly those in the Live-in Care Program. The groups have been active since the 1970s, with INTERCEDE, a Toronto based organization, active in lobbying the federal government.

D. IRREGULAR MIGRANTS

The category of irregular migrant includes: 1) those who enter a country legally with valid documentation but who violate the terms of their admissions (for example, those on visitors’ visas); 2) those who enter a country legally but with fraudulent documentation; 3) and those who enter a country

illegally, that is without undergoing formal admission. Terms such as “non-status” or “undocumented” migrants are also applied to the irregular population.

The irregular population in the US is estimated at about 10 million, representing a little over one-quarter of all foreign-born in the country. Backlogs for permanent residence status are thought to be responsible for a good part of this population; family members can wait for as long as 10 years for a visa.²¹ A majority of these in line are women and children, Women are estimated to comprise about 41 percent of irregular migrants in the United States; about 90 and 62 percent of these men and women are in the America labour force, with women often working as domestics, or sub-contracted cleaners.²² Women do not appear to have benefited as much from legalizations that occurred under IRCA in 1986, which were easier to obtain for men (Powers, Seltzer and Shi, 1998). Yet, the fact that US born children have full legal citizenship complicates any requirement that workers return to countries of origin. Currently, it is estimated that there are 3 million US citizen children whose parents have irregular status.²³

In Canada the issue of irregular migrants has suddenly become very public after two decades of neglect following the amnesty-based federal “Long Term Illegal Program” between August 1983 and July 1985. The past three Liberal immigration ministers (Coderre, Sgro, Volpe) all announced plans to “regularize” illegal immigrants, but these plans did not materialized (Keung, 2005). More recently, on March 28 of 2006, Immigration Minister Monte Solberg ruled out an amnesty for undocumented workers in Canada, claiming that Ottawa does not want to encourage individuals to disobey the processing rules and regulations by jumping the queue; the Canadian Border Services Agency is on track to deport about 10,000 illegal immigrants this year (Jiménez and Den Tandt, 2006).

Illegal migration to Canada is explained in terms of the mismatch between the in demand in the Canadian economy and that are open to newcomers, and the kind of independent immigrants to Canada that are selected by means of the point system (Goar, 2004). Increasing levels of educational attainment among the Canadian born and the gentrification of lifestyles that accompanies it mean that there is greater demand for relatively unskilled labor in agriculture, construction, manufacturing, and domestic services while at the same time, the application of the point system means that many applicants with manual skills and low education cannot qualify for legal admission. (Jiménez, 2003).

Estimates of the size of the irregular migrant population range from 20,000 to 200,000 with one recent May 27, 2006 television show citing 500,000.²⁴ There appears to be no solid research behind these figures, and the origins of any numbers may well derive from a news report quoting a Canada academic as saying that 8% of all foreigners who come to Canada are illegals (Jiménez, 2003). Newspaper stories of arrests and deportation suggest that women have a strong presence among these irregular migrants. That women are also part of the irregular flows is both consistent with the United States situation and with results from the Canadian legalization program in 1983-1985. Statistics for those who had resided in Canada illegally for 5 years and sought admission in this early program reveal that women represented about half the total number of applicants, with percentages rising to 70 percent for applicants from the Caribbean. Nearly two-thirds worked as domestics (Boyd, 1989), work that is hidden in the household, and lends itself to cash payments in the informal economy.

1. Trafficking Women

The trafficking of persons is a gendered aspect of illegal migration. In North America it has received considerable attention, fuelled by the much larger world-wide phenomenon and the fact that the United States is a major destination for trafficked persons. Root causes of trafficking are those of poverty, low levels of development, lack of opportunity, gender inequality, and a lack of respect of human rights. Globally, the activities that make-up this “modern form of slavery” include begging, forced labor particularly in sweatshops or farms, removal of organs, and prostitution and other forms of sexual exploitation. Although men and children are part of the trafficked population, most are women and young children, usually working in the sex trade.

Trafficking is hard to quantify because of its covert and illegal nature. While estimates exist as high as 4 million women and girls sold world-wide into slavery, forced prostitute or forced marriages, the U.S. State Department reports suggest smaller numbers in the range of 600,000 – 800,000 annually, of whom 80 percent are female. The United States is ranked very high as a destination country. Recent estimates of those trafficked into the United States range from 14,500 to 17,500, down from earlier higher estimates of 45,000 to 50,000 in the late 1990s. Canada is ranked high as a destination country, and estimates also vary. A 1998 study commissioned by the Solicitor General of Canada concluded that trafficking accounts for 8,000-16,000 people arriving illegally in Canada. More recently, the Royal Canadian Mounted Police (RCMP) estimates that 800 persons are trafficked into Canada per year although non-governmental organizations (NGOs) suggest much higher numbers (Gozdziak and Collett, 2005; Langevin and Belleau, 2000; Stewart and Gajic-Veljanoski, 2005; U.S. Department of State, 2005).²⁵

Not all trafficked persons enter Canada or North America illegally although most are thought to do so. Some may enter legally as students, visitors, domestic workers and as brides. A 2000 Canadian report notes that many entertainers and sex workers from Eastern Europe entered legally through a visa program that granted short term work permits for exotic dancers. Issuing of visas for entertainers has subsequently declined (McDonald, 2000; U.S. Department of State, 2005).

Trafficking not only occurs in both Canada and the United States; it also links the two countries. The RCMP estimated in 2004 that beyond the 800 persons estimated to be trafficked into Canada annually, an additional 1,500 to 2,000 persons are trafficked through Canada to the United States. Again, some estimate that this number is much higher. It is thought that relatively weak Canadian enforcement efforts, particularly in British Columbia, are responsible for a clandestine trafficking operation in which hundreds of South Korean women are smuggled through Canada into the United States (U.S. Department of State, 2005). Other sources for transporting women to the United States via Canada include Central and South Eastern Europe, China – particularly from the Fujian region, the Russian Federation, and Western Asia. Women are also trafficked into the United States from Malaysia, Mexico and Thailand.²⁶ One RCMP officer recently noted that the journey from point of origin to destination in the United States can take up to two years and involve as many as eight steps; one example involved travel from Fujian (China)-Vietnam-Egypt-South America-Europe-Mexico –the United States.²⁷

Both Canada and the United States governments are signatories to the United Nations Protocol on Trafficking which entered into force in 2003. Consistent with the principle of preventing and combating trafficking in persons, each government funds anti-trafficking initiatives abroad. Critics, however, note that the supply of trafficked women arises from poverty and under-development and that greater contributions to international development initiatives are needed (Oxman-Martinez, Hanley and Gomez, 2005; U.S. Department of State, 2005).

Both countries also have internal programs targeted at victims (Gozdziak and Collett, 2005). Nevertheless, tension remains between the prosecution and protection elements of trafficking. In the United States until the passage of the Trafficking Victims Protection Act (TVPA) of 2000, human trafficking was viewed as an immigration problem.²⁸ Canada was heavily involved in the negotiations leading to the adoption of the UN Trafficking and Smuggling Protocols. Canada's new legislation, the Immigration and Refugee Protection Act effective June 2002, makes trafficking in persons a criminal offense with penalties of up to life imprisonment and fines of up to one million dollars. However, variation exists between individuals and between various government agencies with respect to the application of a human rights based protection of victims and the emphasis placed on crime and security aspects of trafficking (Gozdziak and Collett, 2005; Oxman-Martinez, Hanley and Gomez, 2005).²⁹ Victims of trafficking may apply as refugee claimants for the right to remain in Canada although if they are arrested first, they may be deported. On May 11, 2006 the Canadian government announced that immigration officers will issue temporary resident permits (TRPs) for up to 120 days to victims of human trafficking, who also will be exempt from the processing fee and will be eligible for health care benefits under the Interim Federal health care program.³⁰ However, security issues since September 11 have generated complaints, particularly from the United States that Canada's immigration laws are lax and

both jeopardize North American security from terrorism and facilitate trafficking to the United States. As a result, Canada has negotiated with the United States a number of new and restrictive measures; critics charge these mean that would be entrants to Canada are seen first through a security lens before a compassionate or humanitarian one (see: Oxman-Martinez, Hanley and Gomez, 2005).

D. CONSEQUENCES OF GENDERED MIGRATION AND DOMESTIC POLICIES

Many of the consequences of gendered migration flows to North America are documented elsewhere (Boyd, 1989; Boyd, 1995; Boyd and Pikkov, 2004). These include: the actual vulnerability of migrant women who are sponsored as fiancées to removal if the marital agreement breaks down or if the marriage is dissolved within a specified time period, the perceived vulnerability by women to the risk of spousal abuse when erroneously told by sponsors that their rights to residency are dependent on their remaining with the sponsors; and prorated rights to Canadian language training programs prior to the 1990s. Two other noteworthy consequences associated with recent flows are those of professional accreditation and the receipt of health care.

1. Accreditation of Foreign Trained Women

Although their overall participation rates are lower than their North American native born counterparts (Boyd and Pikkov, 2004), many migrant women enter the labour market. Some risk precarious employment,³¹ however for others, particularly those who enter as skilled workers, recognition of their educational degrees and their professional training is important. Occupational mismatching, or down-ward mobility, or exit from the labor force along with lower earnings are the major consequences of non-recognition of educational degrees or professional training. To date, the United States appears to have fewer barriers to professional accreditation than does Canada (see endnote 12). However, the issue of professional barriers exists in Canada with respect to health occupations, particularly with respect to foreign trained physicians. As the flow of skilled health care practitioners increases, in response to the aging of the North American population, the recognition of nursing degrees may become more of an issue. Recent Canadian regulatory changes by the nursing profession now require a 5 year degree of new entrants into the profession. Although it remains to be seen what will be the impact on those migrants who arrive with nursing degrees, past practice indicates that migrant workers in other professions such as engineering usually are required to meet “new entrant” standards. The Canadian Council of Professional Engineers which is an umbrella group presenting the provincially based licensing boards has negotiated a number of international agreements for credential recognition. This procedure is not a government policy, although the CCP works closely with Citizenship and Immigration Canada to provide information to would be migrants about their chances for credential recognition. However, such professional board instigated agreements may be more likely in Canada in the future as it grapples with the disjuncture between recruiting trained health care workers, many of whom are women, and the internal requirements of licensing boards for professional employment.

2. Accessing Health Care: a new challenge?

Health also arises in another context. In both Canada and the United States, the entry statuses of migrant women determine the availability and accessibility of health care services. Although Canada has a nationally fund health care system, persons entering either illegally or temporarily are not eligible for state funded health care. Persons entering the country legally are eligible only after three months residency. In the United States, most medical care is privatized, primarily funded by patients or for some partially underwritten by employer provided insurance programs. As in Canada, migrants with irregular statuses are most at risk for inadequate health care. In 1996, the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) barred access to all non-emergency health and welfare programs for irregular migrants and “aliens” paroled into the US for one year (Fragomen, 1997) and

denied Medicaid benefits to legal immigrants who arrived after August 1996 (Kausahl and Kaestner, 2005). The actual effects of this legislation on migrant use of health care are still debated. Many states created substitute programs for newly arrived immigrants; however several studies report loss of Medicaid coverage, and increases in the proportion of uninsured among low educated, foreign born unmarried women in the United States (Hagen, Capps and Kabiri, 2003; Kaushal and Kaestner, 2005) . Narratives testify about the hardships incurred for migrant women. One woman reported loss of Medicaid services to various family members as a result of the legislation, followed by immense difficulties in having health care reinstated for an eligible child and over the counter drugstore treatment for other family members because of the high cost of user-pay medical services. Another delivered a child at home, and resorted to treating a second asthmatic child with herbal remedies, again because of an inability to pay for private medical care (Hagen, Capps and Kabiri, 2003).

Restrictions to health care have special implications for women who are illegal entrants and/or who are trafficked. The physical and psychological health risks faced by women who are trafficked include: food and sleep deprivation, repeated rape, physical injury such as bruising, broken bones or teeth, mouth injuries, cuts, burns; emotional manipulation including threats and blackmail; persistent sexual exploitation, social marginalization; deteriorating mental health include anxiety, post-traumatic stress disorder, depression, suicidality; somaticised symptoms including headaches, pain and body aches, dizziness, nausea, and vision disturbances; inability to recuperate and integrate into society; threats to reproductive health that include sexually transmitted disease, unwanted pregnancies, force or unsafe abortion and the absence of gynecological care and HIV testing (Stewart and Gajic-Veljanoski, 2005). Although the Canadian government has indicated that trafficked persons who receive temporary resident permits under the program announced May 11, 2006 will now be eligible for health care, it also observes only “bona fide” victims of trafficking will benefit. Those who continue to be in trafficked, and thus in clandestine, conditions also remain less likely to receive any health care in both countries.

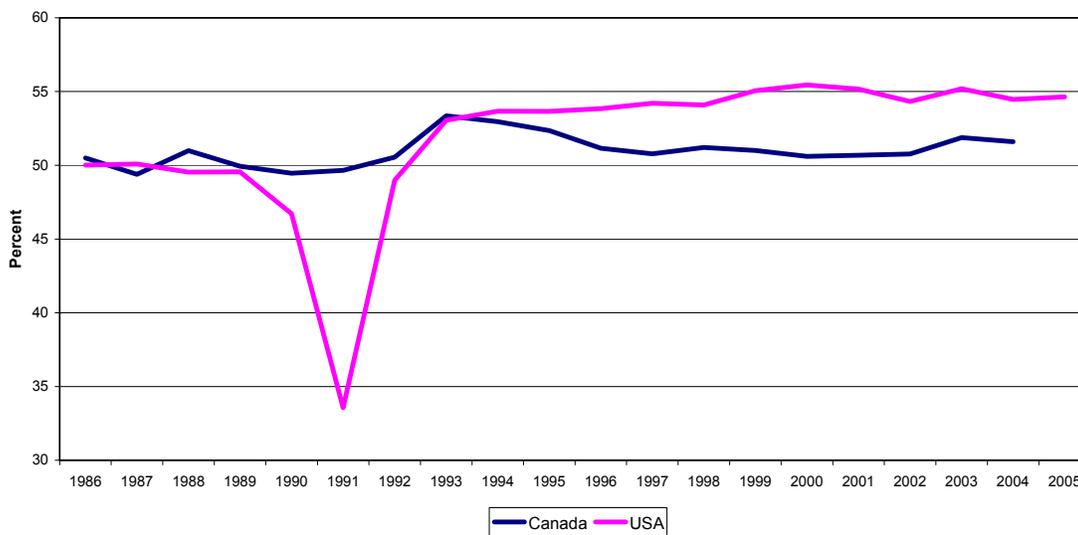
ENDNOTES

- ¹ United Nations, General Assembly. International Migration and Development: Report of the Secretary-General. A/60/871. 18 May 2006. Table 3.
[www.un.org/esa/population/hldmigration/Text/Report%20of%20the%20SG\(June%2006\)_English.pdf](http://www.un.org/esa/population/hldmigration/Text/Report%20of%20the%20SG(June%2006)_English.pdf)
Accessed 10 June 2006.
- ² United Nations Division for the Advancement of Women. (2005). *2004 World Survey on the Role of Women in Development: Women and International Migration*. A/59/287/Add.1 ST/ESA/294. New York: United Nations. www.un.org/womenwatch/daw/Review/documents/press-releases/WorldSurvey-Women&Migration.pdf Accessed 26 May 2006.
- ³ Status of Women Canada. 2003. Canadian Experience in Gender Mainstreaming, April 2000. www.swc-cfc.gc.ca/pubs/cegm2000/cegm2000_1_e.html accessed 28 March 2005
- ⁴ Citizenship and Immigration Canada. (2003b). Regulations Amending the Immigration and Refugee Protection Regulations : Gender-Based Analysis Chart. www.cic.gc.ca/english/irpa/gender-amend.html Accessed 12 June 2006.
- ⁵ Hankivsky, Olena. 2004. "Gender Mainstreaming vs Diversity Mainstreaming: A Preliminary Examination of the Role and Transformative Potential of Feminist Theory." Paper presented at the Canadian Political Science Association annual meeting. www.cpsa-acsp.ca/papers-2004/Hankivshy.pdf, accessed 28 March 2005. Permission to cite granted. Revised version in 2005 Canadian Journal of Political Science, vol. 38, No. 4, pp. 977-1001.
- ⁶ Citizenship and Immigration Canada. (2004). "Overseas selection and processing of convention refugees abroad class and members of the humanitarian-protected persons abroad classes". *Overseas Processing Manual OP5*. www.cic.gc.ca/manuals-guides/english/op/op05e.pdf Accessed on 13 February 2004.
- ⁷ Citizenship and Immigration Canada. (2003). Regulations Amending the Immigration and Refugee Protection Regulations : Gender-Based Analysis Chart. www.cic.gc.ca/english/irpa/gender-amend.html Accessed 12 June 2006.
- ⁸ Immigration and Refugee Board of Canada. (1996). Guideline 4: Women Refugee Claimants Fearing Gender Related Persecution. Update. www.irb-cisr.gc.ca/en/references/policy/guidelines/women_e.htm Accessed 14 June 2006.
- ⁹ Immigration and Refugee Board of Canada. (no date). Press Release, Backgrounder: Guidelines on Women Refugee Claimants Fearing Gender-Related Persecution. www.irb-cisr.gc.ca/en/media/background/back_women2_e.htm Accessed 14 June 2006.
- ¹⁰ Martin, David A. (2003). Treatment of Gender-Based Asylum Claims in the United States: Memorandum Prepared for the Attorney General of Canada. www.cic.gc.ca/english/policy/asylum-gender-us.html Accessed 25 May 2006.

- ¹¹ Citizenship and Immigration Canada. (2002). Final Text of the Safe Third Country Agreement. www.cic.gc.ca/english/policy/safe-third.html Accessed 8 June 2006.
- ¹² Rekai, Peter. (2002). US and Canadian Immigration Policies: Marching Together to Different Tunes. C.D. Howe Institute Commentary. www.cdhowe.org/pdf/Rekai.pdf, accessed on 7 June 2006.
- ¹³ Ruddick, Elizabeth. (2000). Canadian Immigration Data: “Administrative Data” on Permanent and Temporary Residents. Rethinking the Line pre-conference workshop. www.cic.gc.ca/english/research/papers/cbds.html Accessed June 10, 2006.
- ¹⁴ Anonymous. (2005). 2005 Foreign Worker Overview. The Monitor, Issue 10. www.cic.gc.ca/english/monitor/issue10/05-overview.html Accessed 14 June 2006.
- ¹⁵ Jachimowicz, Maia and Deborah W. Meyers. 2002. “Temporary high-skilled migration.” Migration Information Source. www.migrationinformation.org/USfocus/print.cfm?ID69, accessed on 12 February 2004.
- ¹⁶ Anonymous. (2005). 2005 Foreign Worker Overview. The Monitor, Issue 10. www.cic.gc.ca/english/monitor/issue10/05-overview.html Accessed 14 June 2006.
- ¹⁷ Ibid. (Anonymous. (2005). 2005 Foreign Worker Overview. The Monitor, Issue 10. www.cic.gc.ca/english/monitor/issue10/05-overview.html Accessed 14 June 2006.)
- ¹⁸ See: Citizenship and Immigration Canada, no date. Citizenship and Immigration Canada. (no date). Fact Sheet 19: The Live-In Caregiver Program. www.cic.gc.ca/english/irpa/fs%2Dcaregivers.html Accessed 12 June 2006.
- ¹⁹ U.S. Department of State. (2006). Au Pair Exchange Programs. Federal Register, Vol. 71, No. 110 [http://frwebgate3.access.gpo.gov/cgiin/waisgate.cgi?WAISdocID=2148584666+0+0+0&WAIAction=trieve](http://frwebgate3.access.gpo.gov/cgiin/waisgate.cgi?WAISdocID=2148584666+0+0+0&WAIAction=retrieve). Accessed on 13 June 2006.; and U.S. Department of State, Bureau of Educational and Cultural Affairs. What You Need to Know about the Au Pair Program (no date), http://exchanges.state.gov/education/jexchanges/private/aupair_brochure.htm. Accessed on 13 June 2006.
- ²⁰ (Citizenship and Immigration Canada, 2005, pp. 11-13). Citizenship and Immigration Canada. (2005). Facts and Figures: Immigration Overview. Permanent and Temporary Residents. Catalogue No. C11-8/2004-PDF. www.cic.gc.ca/english/research/menu-fact.html. Accessed 6 June 2006.
- ²¹ McKay, Ramah. 2003. *Family Reunification*. Migration Policy Institute. 1 May, www.migrationinformation.org/USfocus/display.cfm?ID=122, accessed on 4 February 2004.
- ²² Capps, Randy and Michael Fix. (2005). Undocumented Immigrants: Myths and Reality. October 25. www.urban.org/publications/900898.html Accessed 11 June 2006.; and Passel, Jeffrey S., Randolph Capps and Michael E. Fix. (2004). Undocumented immigrants: Facts and figures. 12 January. Urban Institute. www.urban.org/url.cfm?ID=1000587&renderforprint=1&CFID=7795237&CFTOKEN=46330853 Accessed 10 June 2006.

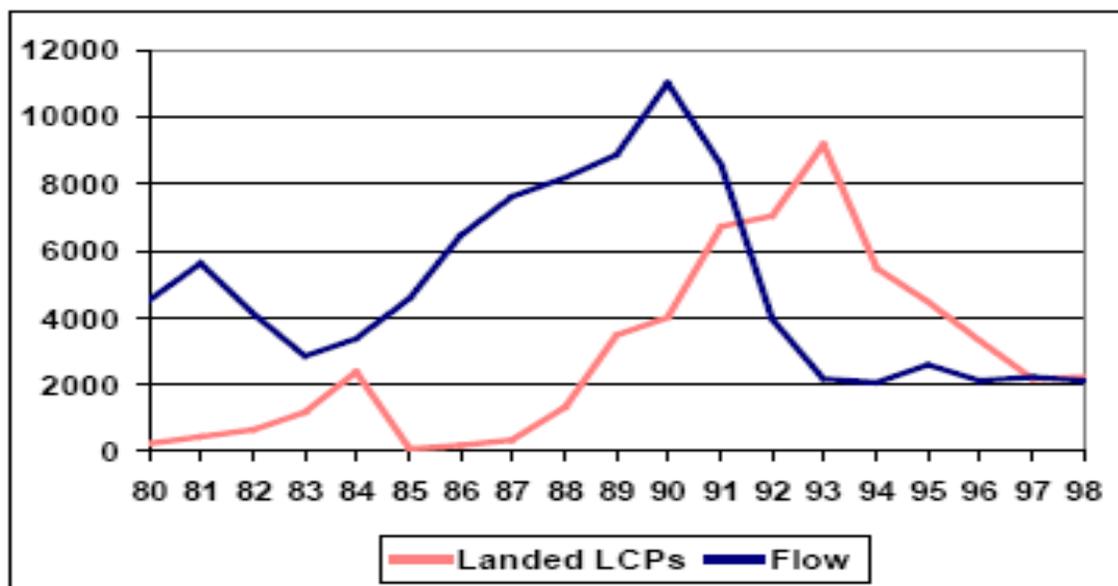
- ²³ Passel, Jeffrey S., Randolph Capps and Michael E. Fix. (2004). Undocumented immigrants: Facts and figures. 12 January. Urban Institute.
www.urban.org/url.cfm?ID=1000587&renderforprint=1&CFID=7795237&CFTOKEN=46330853
Accessed 10 June 2006.
- ²⁴ CTV News. (2006) Rallies protest deportation of illegal workers,
www.ctv.ca/servlet/ArticleNews/print/CTVNews/20060527/immigration_rallies_0
Accessed 5 June 2006.
- ²⁵ Newman, Graeme R. (2006). The Exploitation of Trafficked Women." Problem-Oriented Guides for Police Problem-Specific Guides Series No. 38. U.S. Department of Justice: Office of Community Oriented Policing Services, www.cops.usdoj.gov. Accessed on 26 May 2006.; and United Nations Office on Drugs and Crime.(2006). Trafficking in Persons Global Pattern. Pp. 1-128. Appendix, pp. 1-246.
http://www.unodc.org/unodc/en/trafficking_persons_report_2006-04.html. Accessed 26 May 2006.
- ²⁶ United Nations Office on Drugs and Crime.(2006). Trafficking in Persons Global Pattern. Pp. 1-128. Appendix, pp. 1-246.
http://www.unodc.org/unodc/en/trafficking_persons_report_2006-04.html. Accessed 26 May 2006.
- ²⁷ Anonymous. (2006). Conference on Human Trafficking in Canada. March 20. Faculty of Law, McGill University. www.law.mcgill.ca/mils/resources/Human_Trafficking.pdf
Accessed 5 June 2006.
- ²⁸ Newman, Graeme R. (2006). The Exploitation of Trafficked Women." Problem-Oriented Guides for Police Problem-Specific Guides Series No. 38. U.S. Department of Justice: Office of Community Oriented Policing Services, www.cops.usdoj.gov. Accessed on 26 May 2006.
- ²⁹ Bruckert, Christine and Colette Parent. (2004). Organized Crime and Human Trafficking in Canada: Tracing Perceptions and Discourses. Ottawa: Royal Canadian Mounted Police. Community, Contract and Aboriginal Policing Services Directorate. Research and Evaluation Branch.
www.rcmp.grc.gc.ca/ccaps/research_eval_e.htm Accessed 5 June 2006.
- ³⁰ Citizenship and Immigration, Canada. 2006. News Release: Assistance of Victims of Human Trafficking. www.cic.gc.ca/english/press/06/0602-e.html Accessed 5 June 2006.
- ³¹ Monica Boyd. (2004). International Labour Migration of Women: Past, Present and Future Challenges in North America and Europe. Expert Paper Series CM/MMW/2003/EP.2 (14 January 2004). United Nations Division for the Advancement of Women.

Figure I: Percentage Female in Annual Admissions of Permanent Residents, Canada and the United States, 1986-2005 (All ages)



Source: Citizenship and Immigration Canada. (2005). Facts and Figures: Immigration Overview. Permanent and Temporary Residents. Catalogue No. C11-8/2004-PDF. www.cic.gc.ca/english/research/menu-fact.html. Accessed 6 June 2006. United States Office of Immigration Statistics (INS and Department of Homeland Security) Yearbook of Immigration Statistics, annual reports, 1986-2005.

Figure II: Live in Caregivers, 1980-1999.



* Definition constructed using special program and occupation codes.

Source: Ruddick, Elizabeth. (2000). Canadian Immigration Data: "Administrative Data" on Permanent and Temporary Residents. Rethinking the Line pre-conference workshop. www.cic.gc.ca/english/research/papers/cbds.html Accessed June 10, 2006.

References (non-web based)

Boyd, Monica. (1989). *Migrant Women in Canada: Profiles and Policies*. Report prepared for Monitoring Panel on Migrant Women, Organization for Economic Co-operation and Development, Directorate for Social Affairs, Manpower and Education (1987). Employment and Immigration Canada: Public Affairs Inquiries and Distribution, Ottawa.

Boyd, Monica. (1992). Gender Issues in Immigration Trends and Language Fluency: Canada and the United States. In *Immigration Language and Ethnic Issues: Public Policy in Canada and the United States*, Barry R. Chiswick, ed. Washington, D.C.: American Enterprise Institute, pp. 305-372.

Boyd, Monica. (1995) Migration Regulations and Sex Selective Outcomes in Settlement and European Countries. *International Migration Policies and the Status of Female Migrants*. New York: United Nations Population Division, pp. 83-98.

Boyd, Monica. (1998). Gender, Refugee Status and Permanent Settlement. *Gender Issues*, vol. 16, No. 4, pp. 5-21.

Boyd, Monica and Deanna Pikkov. (2005). *Gendering Migration, Livelihood and Entitlements: Migrant Women in Canada and the United States*. Occasional Paper # 6 (ISBN 92-9085-059-0), Geneva: United Nations Research Institute for Social Development.

Fragomen, Arnold T. (1997). The Illegal Immigration Reform and Immigrant Responsibility Act of 1996: An overview. *International Migration Review*, vol 31, No. 2, pp. 438-460.

Goar, Carol (2004). Immigration report masks truth. *The Toronto Star* (8 November).

Gozdziak, Elzbieta M. and Elizabeth A. Collett (2005). Research on human trafficking in North America: A review of literature. *International Migration*, vol. 43, Nos. 1-2, pp. 99-128.

Hagen, Jacqueline, Randy Capps and Nika Kabiri. (2003). The Effects of Recent Welfare and Immigration Reforms on Immigrants' Access to Health Care. *International Migration Review*, vol 37, No. 2, pp. 444-463.

Jiménez, Marina (2003). 200,000 illegal immigrants toiling in Canada's underground economy. *The Globe and Mail* (15 November).

Jiménez, Marina and Michael Den Tandt (2006). Amnesty for foreign labourers ruled out. *The Globe and Mail* (26 March).

Keung, Nicholas (2005). Hope fades for plan to aid illegal workers; Illegal workers fear effect of election. *The Toronto Star* (16 May).

Kaushal, Neerj and Robert Kaestner. (2005). Welfare Reform and Health Insurance of Immigrants. *Health Services Research*, vol 40, No. 3, pp. 697-721.

Langevin, Louise and Marie-Claire Belleau. (2000). *Trafficking in Women in Canada: A Critical Analysis of the Legal Framework Governing Immigrant Live-in Caregiver and Mail-Order Brides*. Catalogue No. SW21-83/2000. Ottawa: Status of Women Canada.

- Lowell, Lindsay B. (2001). Skilled temporary and permanent immigrants in the United States. *Population Research and Policy Review*, vol. 20, No. 1, pp. 33-58.
- McDonald, Lynn. (2000). *Migrant Sex Workers from Eastern Europe and the Former USSR: The Canadian Case*. Catalogue No. SW21-63/2000. Ottawa: Status of Women Canada.
- Macklin, Audrey. (1999). Comparative approaches to gender based persecution: Canada, US and Australia. In *Engendering Forced Migration*, Doreen Indra, ed., Providence: Berghahn Books.
- Macklin, Audrey. (2003). *The Value(s) of the Canada-US Safe Third Country Agreement*. Ottawa: Caledon Institute of Social Policy.
- Oxman-Martinez, Jacqueline, Jill Hanley and Fammy Gomez. (2005). Canadian Policy on Human Trafficking: A Four Year Analysis. *International Migration*, vol. 43, No. 4, pp. 7-29.
- Powers, Mary G., William Seltzer and Jing Shi. (1998). Gender differences in the occupational status of undocumented immigrants in the United States: Experience before and after legalization. *International Migration Review*, vol. 32, No. 4, pp. 1015- 1046.
- Ray, Kristin, B. Lindsay Lowell and Sarah Spencer. (2006). International Health Worker Mobility: Causes, Consequences and Best Practices. *International Migration*, vol 44, No. 2, pp. 181-203.
- Scialabba, Lori L. (1997). The Immigration and Naturalization Service Considerations for Asylum Officers Adjudicating Asylum Claims from Women. *International Journal of Refugees*, vol. 9, Autumn, special issue supplement, pp. 174-181.
- Stasiulis, Daiva K. and Abigail B. Bakan. 2005. *Negotiating Citizenship: Migrant Women in Canada and the Global System*. Toronto: University of Toronto Press.
- Stewart, Donna E. and Olga Gajic-Veljanoski (2005). Trafficking in women: the Canadian perspective. *Canadian Medical Association Journal*, vol 173, No. 1, pp. 25-26.
- U. S. Department of State. (2005). *Trafficking in Persons Report*, June 2005, Washington, D.C.: U.S. Department of State Publication 11252, Office of the Under Secretary for Global Affairs.