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## ***GENDERING MIGRATION, LIVELIHOOD AND ENTITLEMENTS: MIGRANT WOMEN IN CANADA AND THE UNITED STATES***

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## **I. Introduction**

Although women have always migrated, developments in the last quarter of the twentieth century sustain both their presence in international migration flows and their recognition as migrants. In less-developed nations, structural adjustment programs shrink opportunities for male employment and for traditional forms of profit making, and contribute to declining government revenues. In turn, imperatives of finding alternative means for making a living, making a profit, and securing government revenue stimulate the international migration of women and men alike (Sassen 1988). Moreover, growing insecurities cause states, households and individuals to increasingly rely on women's labor for their survival, a phenomenon that has been referred to as the "feminization of survival" (Migration Policy Institute 2003; Sassen 2000). Women, of course, have always been heavily involved in their families' and communities' survival; but the phrase highlights the increasingly public and visible forms of women's contributions to state and household economic strategies in the face of extreme conditions and growing world-wide demand for their services. One consequence is the increasing percentage of women in migration flows to all world regions, including North America (Zlotnik 2003).

Reflecting the broad similarities between Canada and the United States, many aspects of immigrant women's experiences are similar in the two countries. Despite the efforts of the women's movement of the 1970s and 1980s, and the subsequent enactment of affirmative action legislation, gender stratification, defined as asymmetrical relations of power and access to resources that privilege men, persists in both Canada and the United States. Consequently, the modes of entry into North America are gendered, implying that men and women frequently enter under different criteria governing the admission of permanent residents. Migrant women often enter as wives and dependents of men who sponsor their admission, and they are usually less likely than men to enter on humanitarian or economic grounds. However, the effects of gender stratification do not end there. Many migrant women engage in paid work; like their native-born counterparts, immigrant women face a gender stratified labor market where they frequently are employed in female typed occupations, stereotypically labelled as "women's jobs".

These jobs held by migrant women occur within similar economies. In both Canada and the United States, the move away from farming and heavy manufacturing began early in the twentieth century, and then escalated so that by the close of the century, employment in both countries was overwhelming in service industries. But in post-industrial economies, both the residual manufacturing and the growing service sectors can provide good and bad jobs. Migrant women in both Canada and the United States have their share of both, with examples ranging from seamstress work to domestic, cleaning and nursing occupations. Overall, the negative impacts of gender combine with those of being an immigrant, with the result that immigrant women are "doubly" disadvantaged," and most likely to be over-represented in marginal, unregulated, and/or poorly paid jobs.

Both Canada and the United States have undergone similar developments in their immigration policies. From the start, first as areas of settlement, then as British colonies, and finally as independent nation-states, both countries sought migrants as permanent residents. Beginning in the 1960s and continuing throughout the remainder

of the century, both countries dismantled their earlier immigration policies which permitted migration only for those of European, and thus white, origins. Combined with increasing global economic and political penetration, one result of the new immigration legislation of the 1960s and beyond was a dramatic shift in the origin, and colour composition, of permanent residents. Canadian and US cities now present a vibrant mix of ethnic and racial groups and individuals from every corner of the globe. Despite the very real opportunities that immigration continues to provide to newcomers in these countries, and despite the remarkable accomplishments and achievements of immigrants over time, it is nonetheless true that outcomes and opportunities are not evenly distributed, especially as regards employment. A very real potential for immigrant women now is to be “triply disadvantaged” in the labor market by virtue of being female, foreign-born and phenotypically “non-white.”

However, contemporary experiences of immigrant women in Canada and the United States do not wholly reflect the effects of gender, immigrant and racial stratification systems and the impacts of altered immigration policies. Stratification systems and immigration policies evolve and are applied within historical, political and ideological contexts in Canada and the United States. Among its many distinctive historical attributes, the United States shares a long land border with Mexico, thus setting the stage early on for state regulated migration on a temporary basis. The Bracero program permitted the legal and temporary entry of Mexicans to work for American farmers. Today, the strong business lobby for temporary labor migration also advocates for the recruitment of temporary information technology workers, and provisions are found in American immigration legislation. Another equally important legacy of shared borders is the development of sustained flows of migrants who entered the United States illegally, without government authorization. As a result, both temporary workers and illegal migrants are key items in any discussion of female migration into the United States. In Canada less attention is paid to these two categories of migrants, partly because the land border is shared with the United States rather than with a newly developed country.

The political systems of the two countries also contain differences which shape the climate within which migrant women enter and live out their lives. At both the federal and provincial levels, the Canadian system is a parliamentary one, in which party leaders typically maintain strong control over their party’s elected members of parliament. At the federal level, two governing bodies exist, an elected parliament and an appointed senate, with appointments terminated either by resignation or retirement at age 75. Federal-provincial relations are codified and on-going, achieved by Premier meetings, and by federal-provincial meetings between representatives of departments. In such a system, regulations are not enshrined in legislation, which instead states major guiding principles. As a result, alterations in immigrant admissions policies can occur with little visibility via bureaucratic guidelines rather than requiring continual legislative adjudication. As well, government departments have some discretion to fine tune guidelines, as happened with respect to refugee women facing gender related persecution.

In contrast, the United States system of governance is congressional, consisting of an elected House of Representatives and elected Senate. Party control over elected members is more precarious, and energetic politicians can be highly entrepreneurial, sometimes contradicting party platforms on issues. Accompanying

the implicit system of checks and balances found in the governing structure (the legislative consisting of Congress and the Senate, the Executive and the Judiciary) is the development of a powerful lobbying system comprised of fiercely engaged interest groups. These features of governance affect development of immigration policies in the United States. Immigration legislation is highly visible and subject to capture and contest by interested parties. Difficulties in obtaining consensus over many diverse issues contained in a comprehensive immigration bill mean that immigration legislation has been piecemeal from the mid-1980s on, with separate acts or laws focussing solely on refugees, or on temporary workers, or on other issues such as amnesties. Within this context, it comes as no surprise that specific acts combine to produce competing results and that some issues surrounding immigration policies are subject to continual revisiting. For example, despite on-going discourse on the need to have policies that are labor focussed, family reunification remains the biggest component of immigration to the United States. American debates and legislation on temporary workers and amnesties are also reoccurring events.

In the realm of ideologies and belief systems, Canada and the United States are different yet similar. Despite on-going devolution of responsibilities to the provinces, the Canadian federal government remains more engaged in the policy and social support arenas than currently holds in the United States. These differences ultimately may reflect fundamental differences in societal values. Individualism is emphasized in the United States and collectivism in Canada, each rooted in the initial principles of nation-statehood of “life, liberty and the pursuit of happiness” for the United States, and “peace, order and good government” for Canada (Lipset 1990). Consistent with such value differences are the distinctive health care systems of the two countries, with privatized, user pay in the US versus federally funded, provincially supplied and universal health care coverage in Canada. These differences in turn affect access to health care for migrant women and their children.

Although differences exist in governance, in policy engagement, and possibly in values, both countries are similar ideologically in two respects. First, both are described as liberal welfare states, in which safety nets are extended to members on the basis of their attachments to paid work. Second, in both, ideological, political and policy climates have shifted over the 1980s and 1990s to include neo-liberal principals that emphasize the importance of an unfettered economy, and a minimally engaged government with respect to regulating the market and providing benefits. Such neo-liberal principles and accompanying policy climates have three implications in the field of immigration generally and for immigrant women in particular. First, rules and regulations that make up migration regimes bear the imprint of neo-liberal discourse. This is seen in debates over whom to admit, which increasingly emphasize the entry of those who can contribute to the market and enhance global competitiveness. It also is evident in the encouragement of growing numbers of temporary workers, many of whom are high skilled, as well as in the increased user-fees and administrative surcharges found in both countries, but particularly in Canada.

Second, in both countries, the pull toward free-market policies are consistent with lax enforcement of wage and workplace regulations, the persistence of stratified labor markets in which immigrant women often find themselves in the bottom strata, and listless affirmative action/employment equity legislation, which in turn also affects immigrant women. Third, in both countries, residents risk diminished

entitlements in wake of the disengagement of governments from the provision of benefits, general erosion and privatization of social provision and deregulation of labour markets. These changes, which are consistent with neo-liberal commitments, have the potential to disproportionately affect the poor, and especially poor immigrants with educational or language deficits.

Immigrant disadvantage, then, occurs within the erosion of entitlements available to all residents in the US and in Canada; stratifying and awarding formal entitlements according to the legitimacy of perceived membership in the nation-state is not as a dominant approach as in Europe. Nonetheless, legal residency, gender and race can operate as stratifying, exclusionary criteria in all societies and the differences between the United States, Canada and Europe in the sources of immigrant disadvantage are those of degree rather than being absolute. As discussed in the later sections of this paper, the stratification of entitlements appears to have happened with respect to migrant women who are Live-in Domestic Workers in Canada and with respect to migrant women and men in the United States following Proposition 187 in California and major welfare reform legislation in 1996. And, hierarchical citizenship statuses, as an additional strategy to avoid the high costs of immigrant integration, may increasingly appear on the North American policy horizons. Signs exist in the growing numbers of temporary workers and in recent proposals in the US and Canada to hugely augment this group by converting irregular migrants into temporary workers.

Taken together, the migration of women and their livelihoods and entitlements in Canada and the United States reflects the forces of globalization and country similarities and differences in principles of stratification, in economic structures, in systems of governance, and in adherence to neo-liberal principles. As a result, the situation of migrant women in North America defies a simple story, particularly when comparisons are made between Canada and the United States. In some circumstances, the situation of migrant women in both countries is remarkably similar; in other circumstances, differences exist. Such similarities and differences are evident in the three core sections of the paper, which begins with a look at changes in migration patterns, giving first an overall analysis of new migration regimes and then a close look at their effects on women. The next area of concern is that of gendered work environments and how these are tied to recent government decisions. Finally, the paper examines immigrant entitlements, showing where government actions regarding social programs affect all immigrants generally as well as immigrant women specifically.

## **II. Changed Migration Regimes: what can we expect?**

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<sup>1</sup>. In contrast to settlement refusal countries like Australia, New Zealand, Canada and the United States, European countries sought to limit long-term immigration and bring in

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<sup>1</sup>. Such migrants are called “permanent residents” under Canadian immigration legislation and “aliens” in American immigration law. This report uses the term “permanent resident” or “immigrant” interchangeably when referring to those migrants who are admitted with the right to permanent residence.

temporary workers throughout the third quarter of the twentieth century. That broad distinctions between “settler” and “guest-worker” and “colonial” migration regimes still apply is seen in the fact that all four “settler” countries still welcome large-scale immigration, and access to both labor markets and citizenship remains strikingly easy in comparison with Europe. Most immigrants to Europe must make lengthy adjustments in status from temporary to permanent residence before becoming eligible for citizenship. In contrast, the overwhelming majority of legal immigrants to North America achieve permanent residence automatically upon entry, and are eligible for legal citizenship within three to five years. Exceptions include visitors, students, and temporary workers. This relatively generous treatment of immigrants is reflected in Canada’s refusal to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, which entered into force on 1 July 2003 with 27 signatory nations. Canadian officials argued that “(t)he vast majority of persons who would be considered as migrant workers under the definition of the Convention enter Canada as permanent residents....(and)...enjoy legal rights and social benefits as Canadian citizens<sup>2</sup>”. They found that the Convention did not fit the Canadian case, and despite fully supporting the aims of the policy, declined to be party to the Convention<sup>3</sup>. Nonetheless, the recent ascendancy of neo-liberal discourse has been accompanied by a shift in how immigrants are viewed in North America. Specifically, economic rationalization of immigration policy has led to efforts to target the recruitment of highly skilled workers, to reduce obligations to lower-skilled workers, and to reduce the numbers of “expensive” asylum-seekers.

The pursuit of policies based on these objectives creates a convergence between most Western European and North American countries in terms of migration regimes, here defined as the sets of rules, regulations and practices that govern the entry and continued residence of migrants. This convergence is based not only on similar neo-liberal logics, but also on demographic landscapes, and concerns about national security and sovereign borders. In Europe, the growing similarity is perhaps most clearly seen in debates over whether large-scale immigration will be necessary to counteract Europe’s demographic decline (Power 2003), and by the movement in some regimes towards *jus soli* principles of citizenship in recognition of the need to integrate long-resident third-country nationals<sup>4</sup>.

At the same time, North American governments debate amending their “settler” regimes in ways that either explicitly or implicitly emphasize the relationship between immigration and the market. This relationship[ is evident in the discourse about the admission of permanent residents on family versus economic criteria, and in

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<sup>2</sup> <http://www.december18.net/web/general/page.php?pageID=84&menuID=36&lang=EN>  
accessed 2/15/2005 at 2:47.

<sup>3</sup> Critics counter, however, that Canada does import temporary migrants for its Seasonal Agricultural Worker Program, and that some aspects of this (admittedly small) program appear to be in contravention of convention guidelines (Verma, 2003).

<sup>4</sup> According to *jus soli* principles of citizenship law that are common to ‘settler states’, citizenship is automatically granted to anyone born in national territory. This contrasts with principles of citizenship based on blood or descent (*jus sanguines*). Most European states, with the exception of Austria, have amended their *jus sanguines* laws and now confer citizenship according to *jus soli* principles and typically make citizenship available to anyone born on national territory once they reach the age of majority. Meanwhile, Australia and the UK have begun to more narrowly interpret their *jus soli* laws (Aleinikoff 2002).

growing numbers of temporary residents in both countries in the last twenty years. Despite the generosity towards immigrants seen in North American regimes historically, such trends may foreshadow changes that could threaten this reputation. Enlarged temporary-worker arrangements, discussed in detail in the sections on temporary workers and irregular migrants have the potential to move North American policies closer to those of “guest-worker” regimes. However, despite these proposed and de facto changes to migration regimes, family reunification remains a pillar of immigration policy in both Canada and the United States, and human rights issues continue to have a bearing on refugee admissions.

### Who gets in - Family and Economic Migration

Historically, both Canada and the United States received migrants primarily from Europe, and enacted legislation that prevented or sharply curbed migration from elsewhere. Country-origin criteria for immigrant suitability were eliminated in Canada and the US in the 1960s, thereby removing overtly racist approaches to the selection of migrants for settlement. Added to this, the growing prosperity of Western and Southern European countries reduced their residents’ incentives to migrate. As a result of these legislative changes and economic trends, the origins of migrants to North America dramatically altered. By the beginning of the twenty-first century, migrants from Asia were well represented, if not dominant, in the annual flows of permanent residents to Canada and the United States. As well, migrants from Latin and South American entered the United States in large numbers, reflecting a long history of a shared border with Mexico and political influence in the Caribbean and Latin America (Table 1).

Table 1: Percent Distribution of Immigrants by Source Area, Canada and the United States, 2001

| Region                        | Canada <sup>(a)</sup> | United States <sup>(b)</sup> |
|-------------------------------|-----------------------|------------------------------|
| Total                         | 100.0                 | 100.0                        |
| Europe and the United Kingdom | 17.3                  | 16.7                         |
| US (Canada)                   | 2.4                   | 2.8                          |
| South and Central America     | 8.0                   | 41.6                         |
| Africa and the Middle East    | 19.2                  | 6.3                          |
| Asia and Pacific              | 53.0                  | 30.9                         |
| Not stated                    | 0.1                   | 1.7                          |

Source: Canada, 2002a: Citizen and Immigration, p.8. United States.

2003a. Department of Homeland Security. Table 2

(a) Calendar year, January 1 - December 31

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