UNDERSTANDINGS OF SPOUSAL SPONSORSHIP IN SOUTH ASIAN INTERNATIONAL ARRANGED MARRIAGES

Policy Brief of a Research Study Conducted by:

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With Funding Support From:

Prairie Metropolis Centre of Excellence for Research on Immigration, Integration, & Diversity
&
Immigration and Intergovernmental Relations Branch
Alberta Human Resources and Employment
POLICY BRIEF

Context of Spousal Sponsorship

Globalization has increased opportunities for marriage and family life by making it possible to form and unite families across international borders (Raj & Silverman, 2002). As one of the world’s key immigrant-receiving industrialized nations and a country that is internationally recognized for its multicultural policy valuing diversity and pluralism (Berry, 2001), Canada is a place where many individuals from developing countries want to build their family lives. National immigration statistics suggest that approximately 25 to 30 percent of immigrants arriving in Canada annually are sponsored under the family reunification program to join family members who are Canadian citizens or permanent residents. This amounts to 62,000 to 65,000 people per year (Citizenship and Immigration Canada, 2005). The majority of family members sponsored to come to Canada by Canadian citizens or permanent residents are spouses, with a disproportionate number of them (60 percent) being wives (Citizenship and Immigration Canada, 2005). Half of the sponsored family members entering Canada are coming from developing nations in the Asia/Pacific region, with India and Pakistan being among their top source countries (Citizenship and Immigration Canada, 2005).

South Asians from India, Pakistan, and the surrounding areas of Bangladesh, Nepal, and Sri Lanka represent the second largest and fastest growing visible minority group in Canada (Statistics Canada, 2001). The group includes Hindus, Muslims, and Sikhs from the various regions (Assanand, Dias, Richardson, & Waxler-Morrison, 1990; Ibrahim, Ohnishi, & Sandhu, 1997; Tran, Kaddatz, & Allard, 2005). Their cultural practice of arranged marriage is often applied across international borders, leading male Canadian citizens or permanent residents to sponsor family-chosen brides from their home countries. Two studies conducted in the year 2001 across three different provinces (Alberta, Ontario, and Quebec) found that some South Asian women entering Canada through cross-country arranged marriages misunderstand their rights as sponsored persons and the powers their husbands have over them as their sponsors. Misunderstandings seemed to make the women vulnerable to experiencing domestic violence, as well as unique forms of immigration abuse, like sponsor-imposed barriers to integration in the form of prohibitions against seeking ESL training and employment, forced social isolation, threats to terminate financial support, and threats of deportation (Cote, Kerisit, & Cote, 2001; Husaini, 2001). In 2002, Citizenship and Immigration Canada took a number of steps to protect vulnerable women. These steps included reducing the duration of sponsored persons’ dependency on their sponsors from 10 years to 3 years, barring men with abuse histories from sponsoring foreign brides, and making changes to sponsorship documents to inform sponsored persons of their rights, protections that exist for them, and their sponsors’ limitations.

Purpose of the Study

This research study aimed to assess how the steps Citizenship and Immigration Canada has taken are working. The study consisted of three parts: (a) a content analysis of all sponsorship information available through Citizenship and Immigration Canada to assess its coverage of various aspects of the sponsorship relationship and sponsor and sponsored person’s rights and limitations, (b) interviews with English proficient and non-English proficient South Asian women who entered Canada as sponsored spouses after the 2002 changes to the Immigration and Refugee Protection Act to assess their understandings of sponsorship, integration experiences, marital experiences, and knowledge of community resources in the event of experiencing maltreatment, and (c) interviews assessing understandings of sponsorship among South Asian males who had arranged marriages in their home countries and initiated sponsorship applications to bring their wives to Canada during or after the year 2002. Each part of the research study was expected to inform further policy and procedural changes to promote the integration of sponsored women in Canada and to safeguard against spousal maltreatment.
Summary of Key Findings

For the content analysis, a total of 27 sponsorship related documents were available through Citizenship and Immigration Canada, primarily in electronic format in English. The only right attributed to sponsors in these documents was the right to cancel sponsorship, whereas sponsored persons’ right to permanent residence in Canada, right to employment, and right to personal safety from abuse were mentioned. However, both sponsor and sponsored persons’ rights were either mentioned in a small minority of documents, or were mentioned in very low frequencies, such as in only a single sentence. In terms of available information related to the nature of sponsorship, there is a much greater emphasis in the content of sponsorship documents on the duration of the sponsorship commitment, meeting the basic needs and health care needs of the sponsored person, and on sponsorship application and adjudication procedures. Since close to one-third of South Asian sponsored women cannot speak or read and write in English (Citizenship and Immigration Canada, 2003), and their limited English proficiency would likely impair their computer literacy, it appears that available sponsorship information may only benefit English-speaking women.

The studies conducted in the year 2001 discovered misunderstandings of sponsorship, integration barriers, and spousal maltreatment among mixed samples including both English proficient and non-English proficient sponsored women (Cote et al., 2001; Husaini, 2001). The results of the women’s interviews conducted in the present study suggest that recent changes to Canadian family sponsorship policies and documents have generated more accurate understandings of the nature of sponsorship, personal rights, and existing protections for sponsored persons among English proficient South Asian brides. English proficient women in this study were able to access both on-line and hard copy documents outlining the conditions of the sponsorship relationship. They were aware that as their sponsors, their husbands had more “responsibilities” attributed to them than “rights over them”. They were also aware of their permanent resident status. Their knowledge of sponsorship led to the expectation of support during the resettlement process in Canada. Their husbands appeared to be following through on their sponsorship commitment by assisting them with economic, social, and societal integration. If their husbands were to withdraw support or abuse them, the women knew of options they could pursue and resources they could access based on their readings and social contacts. Since the women knew that they could not be deported or sanctioned in any way for accessing such resources, they didn’t express hesitation about community resource connection. Rather, they placed their personal safety and well-being first, which is consistent with the statements that Citizenship and Immigration Canada has added to sponsorship documents, however brief or limited.

Consistent with the findings of Shirwadkar (2004) and Kang (2006), the results of the present study suggest that recent changes to Canadian family sponsorship policies and procedures have not improved the plight of non-English proficient women. Shirwadkar (2004) conducted a study of South Asian domestic violence victims in Ontario, and reported that among them were sponsored wives who felt insecure in their immigration status in Canada due to language barriers. Similarly, in interviews with South Asian women activists in British Columbia, Kang (2006) reported that activists were working with many cases of non-English proficient women who had been severely abused and manipulated. Due to language barriers, the non-English proficient women who participated in the present study were completely reliant on third party interpretations of the nature of sponsorship. The relaying of the conditions of sponsorship by their husbands led to miscommunication of the sponsor and sponsored person’s rights, limitations, and residency status. It also led to the omission of mentioning important protections that exist for the women. Consequently, the women did not recognize any rights they had apart from their right to perform domestic duties. Their lack of
awareness of their rights and status seemed to make the non-English proficient South Asian women vulnerable to various types of human rights violations.

The non-English proficient South Asian sponsored women who participated in this study reported four different types of violations of basic human rights: (a) violation of the right to personal security through severe physical battering; (b) violation of the right to material subsistence through sponsor failure to provide adequate food and clothing, in direct breach of the sponsorship agreement; (c) violation of integration rights related to English language learning, pursuit of education and employment, and navigating societal transportation systems; and (d) violation of the right to freedom of association. Sadly, the women’s mental health suffered, as they knew the treatment they were receiving was not acceptable, yet resigned to it due to a lack of perceived options. Sponsored women in the studies conducted prior to 2002 shared a similar plight (Cote et al., 2001; Husaini, 2001). The non-English proficient women’s interview disclosures suggested that there were four primary barriers to accessing community resources for help in their difficult life situations: (a) their obvious language barriers, (b) lack of knowledge of relevant community services or programs, (c) extensive sponsor control that minimized their contact with people outside of their husbands’ families and that led to intense supervision, and (d) fear of deportation if one was to make an abuse report or seek help.

The misunderstandings of sponsorship among wives who were fully dependent on their husband’s interpretations of sponsorship are not surprising in light of the content analysis results and the results of this study involving interviews with male sponsors. The content analysis results revealed that the only right attributed to sponsors was the right to cancel sponsorship – which is very misleading, given that sponsors do not have the right to deport their wives after they arrive in Canada. Cancellation of sponsorship only applies prior to the adjudication of the sponsorship application. The South Asian male sponsors who were interviewed in this study expressed that they did not feel the need to consult official information about sponsorship in CIC sponsorship guides or brochures. The majority of them acquired information about sponsorship by word of mouth from other people they knew or didn’t bother reading the sponsorship guide accompanying the sponsorship application form. They just tended to complete the form and send it in. Not surprisingly, they seemed to understand the financial aspects of their obligations to their sponsored wives and the duration of their sponsorship commitment, but were not able to articulate the various rights their wives are granted as sponsored persons in Canada, nor their own limitations as sponsors. Not a single one of the men of diverse backgrounds indicated knowledge that he did not have the power to deport his wife back to South Asia. Based on men’s superficial understandings of sponsorship, it appears very plausible that male sponsors could communicate inaccurate information about sponsorship to their wives. Such communication could be unintentional due to gaps in their own understanding.

The men’s interviews revealed the perceived importance to them of their traditional role as the provider or “head of the family”, which interacted with their financial obligations as their wives’ sponsors. However, due to factors such as unemployment and underemployment and living in extended family arrangements where they also had to care for their parents, they expressed financial strain in the provider role. From their descriptions, it became apparent that even though male sponsors may have a desire to provide for their spouse, sometimes the sponsored woman may become an added financial burden for them that increases family stress. Male unemployment/underemployment and financial strain are key vulnerability factors in Heise’s (1998) ecological model of domestic violence that may interact with other personal and situational factors, such as women’s economic dependence on men and women’s social isolation, in creating potential for spousal abuse or neglect. As already mentioned, the interviews with the isolated non-English proficient women revealed the violation of their right to material subsistence, with some sponsors providing them with only a single meal a day, a
spring coat in winter weather, and little money for daily expenditures. Such neglect was often paired with physical battering among these vulnerable women.

Another type of resettlement challenge or stress the males reported after their wives joined them in Canada was their perception of “being used” to gain entry into Canada. Some of the men felt victimized by women from their home countries taking them for granted through sponsorship. Feelings of betrayal could also create a potential for maltreatment, and one of the males who self-reported that his wife had made abuse allegations against him described his marriage as a fraudulent one.

Policy Recommendations
I. Policy Implications Related to Sponsored Women

Magar (2003) developed a model of empowerment to address gender-based violence in India. Having originated in a South Asian context, the model is very useful in informing the process of generating policy implications based on the present research study. Magar posited that a central construct in women’s empowerment is the construct of agency. Agency refers to an individual’s capacity to act on one’s life situation and make strategic life choices. She further postulated that individual capacity is comprised of capabilities and resources. Capabilities include knowledge and skills, critical consciousness, and gender awareness, whereas resources include material and human support (Magar, 2003).

In discussing knowledge, critical consciousness, and gender awareness, Magar (2003) highlighted the importance of knowledge of women’s rights within their unique life situations. There is a clear need for the government to take two steps to ensure that sponsored women understand the nature of sponsorship and their rights within the sponsorship relationship: (a) first language translation of the sponsorship application form and sponsorship guide for non-English proficient women so they can read it themselves before signing it, and (b) implementing a rights-based orientation for sponsored women entering Canada. The orientation should explain the conditions of sponsorship, women’s rights as sponsored persons in relation to those of their sponsors, their residency status, and the protections that exist in the event of maltreatment, including specific community agencies/resources that can be accessed. The World Health Organization (2003) posited that rights-based education is a critical vehicle for reducing the vulnerability of disadvantaged groups to exploitation or abuse, and for empowering them to act against it. Given the current reliance of non-English proficient women on third party interpretations of sponsorship, such an orientation should ideally be delivered in women’s first languages as a pre-departure session in foreign embassies in the women’s countries of origin. Providing information in their home countries would proactively prepare them for their resettlement process in Canada. Shirwadkar (2004) advocated for such transnational approaches to the prevention of gender-based violence.

Two other important policy implications stemming from this research relate to the resources aspect of Magar’s (2003) model. Reports of husbands withholding food or clothing elucidated the possible incongruence between financial capability to provide for the sponsored person’s basic needs and actually being a “good provider”. It is recommended that the government establish a spousal allowance that sponsored persons can independently access and that draws on a specific proportion of the sponsor’s monthly or annual income to guarantee adequate material subsistence. Such an allowance would also have another important benefit. Dasgupta (2005) explained that one of the key problems with sponsorship policies is that women can only access social assistance after reporting abuse and most sponsored women do not have the financial resources to escape abusive situations to make a report. A spousal allowance would provide women with interim material support to exit severely abusive or life-threatening situations. An alternative to a spousal allowance would be introducing a
government initiated monitoring process to ensure that a sponsored woman’s basic needs and sustenance is being provided for.

The second policy implication related to resources for sponsored women focuses on human support in Magar’s (2003) empowerment model. Non-English proficient South Asian women in this study were unaware of anywhere they could go for help. Although English proficient women were knowledgeable of places they could go for help through both their readings and social contacts, in the event that their husbands had blocked their social contact, their community resource knowledge might also be limited. Furthermore, the close supervision and control of some of the more isolated non-English proficient women and their language barriers would make it difficult to independently access and even to find and locate community resources. It is recommended that all sponsored women be connected to an immigration or settlement agency for at least a single visit upon their arrival in Canada. The connection to settlement counselors would serve as an important safety net for sponsored women, and serve as a vehicle for their integration when their sponsors are imposing barriers.

II. Policy Implications Related to Male Sponsors and Sponsorship Adjudication

Three policy recommendations related to male sponsors have been generated based on this study. First, there is an urgent need to introduce a mandatory orientation for male sponsors to expose them to official information from Citizenship and Immigration Canada related to the nature of sponsorship, the sponsorship relationship, the rights of the sponsor and sponsored person, and the sponsor’s limitations. This would help to ensure that they develop accurate and thorough understandings of sponsorship and do not convey any of their own misunderstandings to the women they sponsor, which could further the women’s vulnerability in their marriages.

Second, it is very clear from this study that although sponsors may meet the criteria for “being capable to provide” for the sponsored wife based on having an income or financial resources that would enable the couple to live above the Statistics Canada Low Income Cut-Off, they may be experiencing significant financial strain. In such situations, the sponsored woman may become an added financial burden, elevating her risk for maltreatment. It is suggested for consideration that evaluations of financial capability to sponsor take into account: (a) the South Asian cultural definition of “family” – which often includes extended family members, and the number of other people and “dependents” in the household that the potential sponsor is responsible for, and (b) the employment challenges/history of the sponsor, such as lack of recognition of foreign educational qualifications.

Third, it appears that there may be a need to develop an adapted or culturally appropriate assessment procedure for relationship history/marriage authenticity for adjudicating sponsorship in situations involving arranged marriages through consultation with experts on South Asian marriage practices. In such marriages, women and men may have limited contact with one another prior to the marriage, so conventional assessment procedures taking into account the amount of interaction among the couple, living arrangements, etc. may not reflect the actual nature of the couple’s relationship or commitment to one another. The limited contact between marriage partners may make it even more difficult to assess the authenticity of the marriage from the perspective of each partner. With further policy and procedural change, we may be able to improve the plight of both South Asian sponsored women and male sponsors, regardless of their language abilities or their spouses’ benevolent or malevolent intentions.
Further Reading:


For a copy of the full research study, please contact Dr. Noorfarah Merali at: noorfarah.merali@ualberta.ca