



December 8, 2023

**To:** Canada Border Services Agency (CBSA)

**Attn:** Innovation Policy Unit -Immigration and External Review Policy Directorate

**Topic:** Consultation on CBSA's guiding principles and commitments on gender-based violence

**Submitted by:** Alliance for Gender Justice in Migration (AGJM)

To whomever it may concern,

The Alliance for Gender Justice in Migration (AGJM) is honoured to have the opportunity to provide feedback to the consultation launched by Canada Border Services Agency (CBSA) regarding its draft guiding principles and commitments on gender-based violence.

### **About AGJM**

The Vancouver-based Migrant Workers Centre (MWC) and the coalition it leads, Alliance for Gender Justice in Migration (<https://mwcbc.ca/alliance-for-gender-justice-in-migration/>) funded by Women and Gender Equality Canada (WAGE), is playing an active role in the current debate about migrant worker policy reform at the federal level.

The Alliance for Gender Justice in Migration (AGJM) is concerned with the often-neglected concerns facing women and gender-diverse individuals. We are a network of people with lived experience, academics, advocates, and service providers from across Canada formed to identify trends and promote policy solutions aimed at ending discrimination against women and gender-diverse migrants in Canada.

Migrants are at the centre of our policy development because we believe policy regarding rights and protections for undocumented migrants cannot be properly developed without their knowledge, understanding and expertise based on lived experience.

### **Feedback**

The feedback presented herein is intended to engage CBSA in expanding its guiding principles and commitments, as well as becoming more aware of implementation considerations based on the research conducted by AGJM to date. AGJM invites CBSA to review the policy statements released on our website for further information on the research topics discussed in this feedback.



1. Commitments should be expanded to indicate how the unique barriers noted on the guiding principles could be addressed. This includes, but is not limited to, the following:
  - develop concise and simple media types that summarise laws, rights and services relevant to individuals facing gender-based violence in English and other languages.
  - create an anonymous phone line that allows individuals facing gender-based violence to consult on their individual situation without fear of deportation.
  
2. As part of the proposed victim-centred and trauma-informed training, it is essential that CBSA employees are exposed to lived experiences and real-life perspectives and stories that will help reduce unconscious bias, stereotyping, generalisations or assumptions about victims and survivors of gender-based violence. The training also should expand on the type of gender-based violence as individual acts of GBV are inextricably linked to wider social norms, values, and structures that create and perpetuate unequal power relations.
  - a. Violence can be exerted interpersonally but also structurally and systemically through laws, policies, and practices that fail to protect. Without a broader structural conceptual understanding of GBV, more 'narrower' notions can often be employed and perpetuate stereotypes of foreign 'persecutory cultures' by feeding directly to culturalist interpretations and indirectly to anti-immigration discourses.
  - b. Women and gender-diverse individuals of precarious status often experience a 'social entrapment' wherein the multitude of barriers they experience as they try to seek help in cases of violence are reinforced by inadequate institutional responses. In the case of migrant women with precarious status, the fear of interacting with law enforcement and other authorities due to fear of deportation prevents many from taking legal action against the abuse or harassment they suffer.
  - c. Women and gender-diverse migrants with precarious status may experience state and institutional violence in a number of ways, including through immigration policies, detention and deportation, border violence, racism and discrimination, and lack of access to justice and services. Due to their unstable and temporary immigrant status, they may experience gender-based violence in interactions with government officials, such as police or immigration agents, through discriminatory practices, harassment, and abuse of power, including detention, deportation, and forced separation from their families.



3. Given sex work disproportionately affects racialized women and gender-diverse individuals and the related violence they face, CBSA's guiding principles and commitments should acknowledge this area in particular. The following are proposed commitments to help sex workers facing gender-diverse violence avoid further trauma/exploitation:
  - a. As targeted violence is often committed by those who know sex workers have no effective recourse to protection, legal protection policies should be developed to allow self-disclosure of abuse at point of entry locations.
  - b. Given sex work is sometimes the only option to gender-diverse individuals with precarious status and social conditions, a review of existing anti-trafficking policies and programs that assume sex work is a form of trafficking should be made. A labour and human rights analysis should be used to examine each case.
  - c. To ensure policies and conduct are rooted in anti-racism, anti-sexisms, anti-trans and anti-homophobia, law enforcement raids and intrusions into sex workers' workplaces should be ceased, especially as they may lead to immediate deportation without considerations to labour and human rights.
4. Another group that should be acknowledged in CBSA's guiding principles and commitments is pregnant women and gender-diverse that may have faced gender-based sexual violence. This is important to reduce long-term impacts to the health of the parent and baby through proper prenatal and also allow the right to a safe abortion if desired. This also includes enacting legislation and policies within Regional Health Authorities to prevent or limit health authorities from sharing patient information to CBSA.

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