



Domestic Violence in Immigrant Communities
Case Studies

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Domestic Violence in Immigrant Communities: Case Studies

**DOMESTIC VIOLENCE IN IMMIGRANT
COMMUNITIES: CASE STUDIES**

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DOMESTIC VIOLENCE IN IMMIGRANT COMMUNITIES: CASE STUDIES

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FOREWORD



Domestic violence is not a new phenomenon. However, in these pandemic times, with increased isolation of couples in their homes, it has become a critical emergency. Many Immigrant women face additional cultural and social pressure to stay silent and take the treatment so as not to have the family lose face.

The book, *Domestic Violence in Immigrant Communities: Case Studies* could not have been better timed. The chapters in the book are organized in a way to offer the most guidance to social workers and lawyers working in the family court. To my mind, one of the most compelling sections is the one entitled “questions for reflection and discussion”. It tackles intersectional vulnerabilities, migration and trans nationalism and social policy and the law. Utmost in all this is the need to realize the trauma faced by these women when they are most vulnerable.

Legal terms, and steps to follow in family court, criminal court and the integrated domestic violence court are described in detail. Further, chapters on the legal aid system in Ontario on which many immigrant women depend, what help can be provided by the office of the children’s lawyer, and how domestic violence affects certain categories such as family sponsorship and refugee applications are all carefully and systematically outlined.

I have known Archana Medhekar over many years as a caring and compassionate lawyer, ever ready to help the most vulnerable in our society. Her co-authors and collaborators are all seasoned scholars

and professionals with many years of research/work experience with immigrant women and families, many of whom have experienced violence. Real life cases emerging from closed legal case files highlighted in this book make for compelling reading.

It is now over fifteen years since I retired from full time work. I still remember, though, the extreme reluctance of many immigrant women to testify in bail court, even with guidance from duty counsel and the Victim Assistance program.

The authors of this book could not have chosen a better time to publish this book. I am sure it will be used as a good reference tool by anyone who will be dealing with family law matters in family and criminal court and domestic abuse hearings in bail court.



Meena Nadkarni

Retired Ontario Justice of the Peace and
Former Citizenship Court Judge

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- Meena Nadkarni

ENDORSEMENTS

“This book provides important insight and context to help understand the very challenging set of issues that face immigrant women in Canada who are victims of spousal abuse. The book starts with a concise discussion and analysis of the issues, and then offers a rich and moving set of narratives about 15 individual cases. Each case is unique, but similar themes run through all of them. These women face intersectional issues of discrimination and disadvantage based on gender, race, class, immigration status and lack of English language proficiency. They also face significant social, familial and cultural challenges in even recognizing that they are in an abusive relationship and need help. The legal system often offers a siloed approach, with the potential for proceedings in family, criminal, domestic violence and child protection courts. These victims and their children need legal and social service professionals who are aware of the complexity and potential inconsistency of justice system responses to these cases, and can also understand the human context and challenges that these women face.

Domestic Violence in Immigrant Communities: Case Studies provides a unique and very timely set of materials that will be especially useful for students in social work, law, policing and immigration & settlement studies. While the individual stories are disturbing, students will be inspired when they learn about the intervention and supports that can help improve the lives of these women and their children.”

– Prof. Nicholas Bala, Faculty of Law, Queen’s University

“A timely book in the wake of COVID-19 and the mounting pandemic shadow of gender-based violence, both locally and globally. The authors utilize a multidisciplinary and critical lens to situate narratives of racialized immigrant women at the crossroads of theory, law, and professional settings. Each chapter takes the reader through a reflective journey with the underlying intention of disturbing a chain of systems that sustain and perpetuate gender oppression.”

**-Dr. Soheila Pashang, Professor, School of Social and Community Studies,
Humber College**

“The authors of this important open-access book should be congratulated for putting together a unique collection of material aimed at eradicating domestic violence. This book provides a first-class insight into the challenges facing immigrant women who experience domestic violence in Canada. Fifteen case studies give readers a remarkable window into women’s lives. The authors buttress these heart-breaking stories with detailed information that will be invaluable to social work and law students, as well as to the practitioners who hope to protect their clients. The authors leave us with significant questions about what needs to change to resolve this urgent crisis. I recommend this clear, concise, and helpful book to all readers who wish to contribute to ending intimate partner violence.”

-Professor Constance Backhouse, University of Ottawa

“The stories of immigrant, refugee, non-status women survivors of gender-based violence, offered as case studies in this book, highlight their strength, courage, and resilience, not only to survive but also to fight back for their rights and to make better lives for themselves and for their children. The case studies presented in this book powerfully illustrate the complex intersection of multiple systems of immigration law, family law, child welfare, and criminal law, with historical and ongoing transnational systems of patriarchy and societal cultural forms of oppression that contribute to increased vulnerability to gender-based violence and human rights violations. As practitioners, educators, advocates, and students in interdisciplinary fields of law, social work, social services, immigration studies, and other human services, we have the obligation to honour and amplify these voices, and often untold stories in all our work. We have an ethical, moral, and professional responsibility to learn from these stories and to work towards eliminating all forms of gender-based violence and dismantle the historical, systemic, structural, and cultural forces that create and maintain these forms of violence.”

-Dr. Sajedeh Zahraei, Senior Manager, Professional Development and Training, OCASI – Ontario Council of Agencies Serving Immigrants; Sessional Lecturer, Factor-Inwentash Faculty of Social Work, University of Toronto

“The violence experienced by women and children in the 15 case studies in this book is definitely heart-rendering and frankly difficult reading. But these case studies, together with the literature review and questions provided for reflection and discussion, are essential reading if we are to better understand the impact of domestic violence in our immigrant communities. These women’s stories are not only about physical and emotional abuse, but also about a family justice system that often lacks awareness of the cultural influences that leave these women financially, emotionally and socially isolated. How can we adequately address their abuse if we view it only through the narrow lens of our own personal cultural experiences? Throughout, the authors highlight the importance of an interdisciplinary approach to help address the complex issues faced by immigrant women and their children. This interdisciplinary approach is essential. ‘Domestic Violence in Immigrant Communities: Case Studies’ provides us with a needed wake-up call. It should be recommended reading for every professional working with immigrant families in the family justice system in Canada.”

–Judith. L. Huddart. Founding member and Past Chair of Collaborative Practice Toronto, Past Chair of Canadian Bar Association’s National Family Law Section and past President of Ontario Collaborative Law Federation.

“Immigrant women’s stories and their experience of violence are always a complex story to tell. These experiences involve the survivorship of interpersonal and structural violence while focusing on how patriarchy, sexism, racism, and multidimensional discrimination remain persistent throughout their experience of migration. Purnima George, Archana Medhekar, Bethany Osborne, and Ferzana Chaze have taken the approach of case studies and stories that capture the multidimensional experiences; drawing attention to the collective experience, but also the distinct and unique aspects of their stories. The book invites the reader to reflect on beyond the experience of violence; on causation and solutions available, and on the role of various legal and social actors and instruments of law and policy available. This book will help legal and social work students and practitioners to deepen their understanding of violence against women from immigrant communities. Authors have made sure to include a range of perspectives, sources of problems, and how cases can be addressed from both legal and social

perspectives. Practitioners and students will be immensely benefited from the literature review, legal terms, and list of international instruments. Inspiring and well-executed book, it is timely and illustrates the intersectional experiences of immigrant and racialized women”.

-Deepa Mattoo B.A, LL.B, MBA, PGD, Executive Director, Barbra Schlifer Commemorative Clinic, Toronto

“The case studies in this book are difficult to read without sadness and outrage at humankind’s capacity for causing pain; they are also hard to read without recognizing the extraordinary humility, and professionalism of their advocate/s. While the book is written with Canadian law as the context, it is absolutely relevant to ALL communities impacted by the migration of populations. At a time when the world is experiencing the largest migration of populations in humankind’s history, the identification of the experiences of women and the importance of understanding their cultural context is laid bare in the stories and the discussions. The global context and glossary should make the signatories to UNSCR 1325 and CEDAW pay attention and require that their educational programs for practitioners include this useful book. This book may also serve as an orientation text for advocates entering family law, staff at shelters, police departments, and first responders including medical practitioners. The current pandemic makes its publication even more timely as we see the surge in DV across the globe and wrestle with creative measures to increase safety for all.”

-Prabha Sankaranarayan, President and CEO, Mediators Beyond Borders INTERNATIONAL, People building peace.

“Domestic violence in immigrant communities: Case studies is a compelling read. Conceptualized by social work and legal scholars and practitioners deeply committed to social and political justice and well being for immigrant women, this book draws on a range of legal cases to throw light on family violence – a politically charged issue in Canada where domestic violence is often discursively mobilized to further racially rank communities – as it takes place at the intersections of gendered and racialized vulnerabilities and regimes of migration and settlement. In doing so it invites readers to not paint immigrant female survivors of domestic violence with a broad brush, rather place such violence and women’s response within nuanced structural conditions. The theoretical framework of intersectionality and the tangible resources built into the project will be helpful educational tools in social work, law and socio-legal studies etc. as students are introduced to a highly complex issue demanding multi-systemic knowledge in family law, migratory patterns and policies, domestic violence and sexual assault support services and victim and witness assistance programs etc. These stories took courage to tell and work with and I credit the authors and contributors for taking the leap. It is heartening to also see a number of emerging professionals contributing their emotional and intellectual energies to this project. What makes this book beyond timely is its execution at a time of increased risks of domestic violence due to a public health emergency of historic proportions, and subsequent closure or curtailing of services that women and families often access during situations of domestic violence. I look forward to referring this important and resourceful book to students across social work, socio-legal and other relevant programs.”

-Dr. Soma Chatterjee, Associate Professor, York University, Keele Campus, School of Social Work (Faculty of Liberal Arts and Professional Studies)

"I strongly recommend "Domestic Violence in Immigrant Communities: Case Studies" for University and College Social Work and Social Service Worker students. These real world examples illustrate the complex intersections of race, gender and immigration status in cases of domestic violence and the challenges women face while navigating the legal, child welfare, and social service systems. Hearing the stories of resiliency and survivorship motivate us to integrate an empathetic understanding and an intersectional, culturally responsive lens when working with women that have experienced domestic violence. The book highlights the need for community coordination and advocacy efforts to bring about real systemic change. I look forward to integrating the case studies and the critical reflective questions as a teaching tool with our students.

-Nicole Johnson, Social Service Worker Professor, Sheridan College

"This multi-faceted book forces the reader to imagine the faces of these families, as more than people in a case study, but as neighbours, colleagues, friends and family. Their experiences are shocking and difficult to read but thoughtfully and respectfully composed. Recognizing the complex challenges faced by racialized families, we are encouraged to understand how culture intersects with family violence, and of our responsibility to expand our thinking beyond what we "know". As professionals, we are honoured to help families to transition to a path of stability and safety. As we extend our hands temporarily, the authors invite us to hold close the reality of the present and future lives of families affected by violence. It is our responsibility to respond especially to the persistent challenges faced by racialized women as they intersect with ongoing services, and to be mindful of the scars left behind that may create roadblocks to safety. The authors invite us to engage in reflective practice and provided resources with cultural depth to prepare the reader to be fully available to listen for, and respond to, the needs of families. I highly recommend this book as a heartbreaking reminder of the community responsibility we all have to each other and as a valuable resource that equips the reader with the ability to sensitively respond in the face of family violence."

-Mary-Anne Popescu, AccFM, AccEM, Executive Director, Ontario Association for Family Mediation (OAFM)

"I have had an opportunity to read your book and find it to be a helpful resource for students as well as fellow practitioners. It is a long awaited resource, especially for work with families from Racialized and various Ethnic communities who have come from many war torn countries and lack the knowledge about the Canadian system. Domestic Violence/Intimate Partner Violence continues to infiltrate many families in Canadian society and it is important that we equip ourselves with the tools to work with these families. As a Domestic Violence specialist I see the need for a book such as this one as it is so relevant to the work I do. I applaud you for taking this major step to address these critical issues".

-Antoinette Clarke, MSW, RSW, Grd.Dip.Soc.Adm, AccFm Comprehensive Family Mediator & Executive Director, Peel Family Mediation Services; Faculty, York University

“Domestic violence is a pervasive social problem that respects no boundaries of cultures or continents. For immigrant women who arrive in Canada with the anticipation of a better life, the experience of domestic violence is extremely painful, distressing and alienating. At my first employment in Canada as the executive director of a community agency that supported immigrant women in their pursuit of a violence-free family life, I became intensely aware of the barriers faced by women, including the lack of information. I was also privileged to listen to stories of resistance, resilience and survival –women successfully navigating complex and sometimes inconsistent systems with the help of culturally sensitive interventions. The power of human agency and the effectiveness of appropriate services in challenging oppression and creating an empowering environment was all too clear to me.

This pioneering work provides the much needed analytical and practical tools for an emancipatory approach to domestic violence. The stories in this book are all unique and personal; however, some threads are common to all of them: patriarchy, devaluation of women and the pervasiveness of gender-based violence irrespective of age, class, race or status. The authors have explored the complex contextual factors that are unique to each of the cases. Presented in an accessible format, this book offers a holistic approach to address the issue of domestic violence and is an excellent resource for practitioners and students in the helping professions. The interdisciplinary perspective is a unique strength of the book”.

-Dr. Usha George, Director, Ryerson Centre for Immigration & Settlement, Professor, School of Social Work, Ryerson University

“SAWC is pleased to endorse this e-learning Pressbook using case studies to support the work of violence against immigrant women. We congratulate you on bringing out this excellent resource that will enable professionals, front-line staff, and students to better understand the complexities and challenges of immigrant women trapped in abusive and violent situations. This excellent resource is a much needed, well-researched support that can be used in several spaces to address the issues of violence and abuse in immigrant communities”.

- Kripa Sekhar, Executive Director, South Asian Women’s Centre

A NOTE FROM THE AUTHORS



Dear Reader,

When we conceived of this project in the Fall of 2018, we had no idea that we would be completing this publication in the midst of the first global pandemic in more than a century. We are also keenly aware that the social isolation measures to contain the COVID-19 virus have intensified the risk for many women globally (Campbell, 2020), as they are forced into isolation with their abusers during a time of emotional intensity and much uncertainty. A scan of the literature¹ from the beginning of 2020 reveals that there is a growing level of awareness of this risk, and a willingness to provide different types of resources to meet the needs of women and children who find themselves in these high risk situations.

During the month of April 2020, the United Nations Secretary General, Antonio Guterres, called for urgent action on the issue of domestic violence by world leaders, recommending that countries ensure

1. This review of literature has included newspapers, magazines, academic journals and government websites

shelters are deemed essential services; that they invest in online services and outreach groups, and set up emergency warning systems in pharmacies and grocery stores (Sachedina & Forani, 2020). In a survey done between March 29 and April 3 by Statistics Canada, one in 10 Canadian women is “very or extremely concerned about the possibility of violence in the home” while self-isolating (Government of Canada, 2020a). Petra Molnar, Acting Director of the international human rights program at the University of Toronto shared that offering solutions is “tough because it highlights how limited our societal supports are for people going through domestic violence” (Gerster, 2020). Those support gaps become even more apparent when the people who find themselves in situations of domestic violence are from marginalized communities, like immigrants and refugees (Gerster, 2020).

And there has been a response: an increased awareness, in Canada and globally, as individual and governments recognize the increased vulnerability and risk of women and children because of social isolation. In some countries, like Belgium and France, victims of domestic violence have been given housing in hotels when shelter spaces were exhausted (France24, 2020; Gogin, 2020). In Canada, Prime Minister Justin Trudeau announced that the government will contribute \$40 million to Women and Gender Equality Canada. About \$30 million of that will go to more than 500 women’s shelters and various sexual assault centres across the country. The remaining \$10 million will go to Indigenous women and children’s shelters (Government of Canada, 2020b). In the Province of Ontario, a \$4-million dollar, one-time emergency payment, was announced by the Attorney General that will help more than 50 agencies across Ontario, including victim crisis assistance organizations, Indigenous organizations and those based in rural areas- to help them stay operational and accessible (Patton, 2020).

Despite increased awareness and increased funding, the fact remains that those who are most vulnerable will remain most vulnerable. Boseveld (2020) suggests that “The reality is, though, that the pandemic is only highlighting an existing problem. Gender-based violence was already a critical emergency in this country—COVID-19 is causing cracks exactly at the pressure points that advocates have long pointed out, and that governments have long failed to meaningfully address”. Investments are being made as a measure to prevent catastrophic results. This is an important step to protect the many women and children who are at risk in this environment of self-isolation. It also needs to be more than just a stop-gap measure in a time of great need. It needs to be the first of many steps to invest in, and create change in our systems and services that support families and communities so that they are more responsive to the diverse needs, and especially to the needs of those who are most vulnerable within our communities.

As the creators of this book we felt that apart from contextualizing this book historically, it is important to individually locate ourselves in relation this book. Each of us comes to this project with a very different set of experiences and lenses. Below, we reflect on our own subject location in relation to the stories of the women shared in this book.

Purnima George



My association with domestic violence in Toronto started 14 years ago with the supervision of a South Asian graduate student's thesis on exploring effective response to domestic violence for South Asian women in Toronto. Being an activist academic from India, I felt responsible to engage with issues of my communities in Canadian context. This experience and contacts with community members led to a request from South Asian activists, lawyers and practitioners to use my academic privilege and provide a critical and a culturally appropriate perspective on domestic violence. There was an urgent need felt for doing this work based on the negative media publicity and culturalization of domestic violence happening then in South Asian communities, by the mainstream society. I was once again called upon to act, to stand up for and to push for change through research. The two published papers

of this research have brought forward the voices of survivors, practitioners, lawyers and activists who have challenged the culturalization of violence happening in the GTA at that time and have also provided an insight on an effective response to addressing domestic violence in the South Asian communities. I bring these insights to the current project in understanding the domestic violence experience of racialized women with varied immigration status.

Though the journey that began fourteen years back was accidental, the commitment was intentional, of that of standing with and for immigrant women similar as me. Even though I started this journey as a privileged outsider, during the journey, my status changed to that of an insider when I was called upon to 'walk the talk' (to practice what I was writing) and denounce the domestic violence happening in the life of a loved one in the family. Similar as my life, my hope is that reading these cases ignites a fire and encourages you to commit yourselves to end domestic violence.

Archana Medhekar



As I reflect on the journey of our research project, I realize that it is intertwined with my own experiences as an internationally trained woman lawyer. Storytelling is primal, but very powerful. Stories can connect us and allow us to make better sense of the world around us. I believe that these case studies are the stories that represent the human face to the problem of Domestic Violence ("DV") faced by immigrant women. Serendipity led my career path towards the legal profession almost 25 years ago. In India, I was immersed in the world of science. I loved the sport of cricket and played for my university's women's cricket team. One of my teammates was set ablaze publicly by her boyfriend – pouring kerosene on her body in a broad daylight- when she refused to marry him. This incident shook me

to the core, and ignited my passion to pursue law school and work on gender-based violence issues. Law is an effective instrument of social change. While practicing in India I was passionate about using this instrument in creating an equal and just society. When I immigrated to Canada, I was a "No Name" immigrant until I re-qualified as a lawyer. In a short time, my family litigation practice was full of cases involving the vulnerable

population such as immigrants, refugees, and non-status women and children. I worked on numerous complex family law matters, representing victims of domestic violence and on child protection matters. The family cases invariably intersected with immigration and criminal law and encompassed the lives of many children.

These clients were not ‘ideal clients’ for a lawyer. They were ‘difficult clients’ who were loud, demanding, hard to engage, unpleasant, but deserving. I listened with empathy and had compassionate conversations. To win their trust I needed a bigger frame of reference than my own experiences. Many clients presented with complex international issues involving parallel litigation in another country. Some cases required expert evidence which was not affordable to these women. The women I represented sometimes faced harmful religious and cultural practices and pressure from the community to stay in their abusive relationships. This was in addition to the other issues that often co-existed such as trauma developed from fleeing from civil war and forced migration, issues related to sexual orientation, and mental health. Many reported ongoing safety concerns post-separation which impacted their psychological well-being. The adversarial system demanded documentary or other corroborating evidence to prove their case, which was not always available or easily accessible. These cases would be screened out of the alternative dispute resolution mechanisms.

Individuals knocked at the door of a courthouse as a desperate call for a resolve, when the policies for prevention or early intervention proved to be inadequate. One common theme in every DV case was abuse in a safe place called ‘home’ at the hands of the most trusted family member. As these women struggled to reveal the details of their intimate relationships, telling these stories was the beginning of the closure they needed.

Social Justice Advocacy and the business of law are often at odds with each other. I developed a hybrid model of a private law practice. I worked with a team of interdisciplinary support professionals and we brainstormed solutions together, eventually empowering women to make their own decision. I watched them heal, build resilience and witnessed their journey from being a victim to becoming the survivor.

There is an urgent need to use a human rights-based approach to create a gender-responsive justice institutions and need to take collective action to tackle the issue of DV. These case studies could be used to better understand the client needs and create a better outcome for survivors and children affected by DV.

I will remain indebted to my fellow researchers for our lively debates and this interdisciplinary project between the fields of law and social work. The unwavering support of my family – including my parents, husband, and son – has made it possible for me to throw myself wholeheartedly into such demanding work. Maya Angelou’s words will continue to inspire me “Do the best you can until you know better. Then when you know better, do better.”

Bethany Osborne



For the last two decades, I have had the privilege of working with women who have experienced different forms of violence. It might seem odd for me to term my experience in this work as a privilege- though I wish I lived in a world where violence did not exist, because that is not a reality, it is a privilege to be able to support those who are coming out of situations of violence. My work in a number of different communities has involved seeking solutions and finding ways for women to tell their stories with the end goal, that change will happen, and that perpetrators will no longer be able to commit acts of violence with impunity.

From 2011-2014, I was the Research Coordinator for a project called the *Migrant Mothers' Project*, a project that used participatory research methods to examine how immigration policies contribute to different forms of gender-based violence. One part of the research study involved interviewing women with precarious immigration status and discussing their experiences of violence. So often it was domestic violence that drove them to flee their countries of origin, and once they found themselves in a safe country, the immigration policies in Canada told them that their experiences were not legitimate, and often forced them to live 'illegally'. In a number of cases, their country of origin was declared a 'safe country' by the Canadian government through the Designated Countries of Origin Policy².

What I have learned, working with women who have experienced domestic violence is that for women who are caught in this cycle of violence, the concept of safety or 'safe country' feels like it is a privilege that does not apply to them. Living with violence can feel so isolating and that is one of the greatest tools of the perpetrator of the violence.

It was a privilege to work on this project, to work with the research team who were committed to seeing this project come into being. The cases that you will read in the pages ahead are all cases that involved women that Archana Medhekar provided legal counsel to as they sought to extricate themselves and their children from situations of fear, deprivation and isolation. What I learned from each of these women is that what exists at the end of a legal proceeding in Family and/or Criminal Court does not immediately look like success. Sometimes women are left in precarious financial situations or need to deal with the mental health impacts of the violence and the legal proceedings, and they often are left supporting their children as they process their trauma from the abuse. However, the success lies in the fact that they were able to leave, that they found support and that they are able to move forward into a new reality where they have the freedom to live without violence, and can continue to make choices that benefit themselves and their families.

Ferzana Chaze



As an immigrant woman myself, it is difficult to hear stories of domestic violence in immigrant communities. There is the awareness that, as immigrants, the women in these case studies and I share many similarities that increase vulnerability to DV. The separation from friends, family and support system; financial insecurity after immigration; changes in family roles and relationships; parenting challenges and racialization are common to many immigrants. Some of the women in these case studies did experience privilege in terms of language proficiency and education. These privileges did not, in the end, protect the women from experiencing domestic violence. "This could have been me" is a thought that often crosses my mind, as I am sure it will be, of many of the immigrant women who read and engage with the stories in this book.

As an immigrant from India, the frequent association of domestic violence with South Asian cultures is of particular concern to me. Undoubtedly, certain cultural practices prevalent in South Asian communities or other communities, are oppressive to women. What is problematic, however, is the blanket association of a particular

2. The Designated Countries of Origin (DCO) policy was in effect from December 15, 2012- May 17, 2019 and designated particular countries as those that did not normally produce refugees and respect human rights and offer state protection. It was meant to deter abuse of the refugee system by people who come from countries generally considered safe. Refugee claimants from these countries had their claims processed faster. More information about this policy can be found at: <https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/claim-protection-inside-canada/apply/designated-countries-policy.html>

culture or religion with domestic violence. My past research (Chaze, 2017) examined how media accounts of South Asian immigrant families highlight and amplify the negative role of culture and religion in these communities. Such media accounts serve to underline perceived differences between South Asian immigrants and other “Canadians” which, in turn, allow for institutional control or regulation of these differences. In the case of DV, while it is important to acknowledge and resist/reject harmful cultural practices, it is also important to explore and highlight the potential benefits and applications of other cultural practices (for example, involvement of extended family in marital relationships) to intervene in domestic violence.

Over the years, as a social work practitioner, researcher and educator I have encountered many stories of DV. I am deeply disturbed by the oppression immigrant women encounter in their homes, and in the process of seeking help to deal with domestic violence. I am thankful to the participants who have allowed us to share their stories through this book. They are resilient, strong women who have fought, often against all odds, to escape DV and to carve out a different future for themselves and their children. It is my hope that their stories will help to shed light on some of the intersecting oppressions experienced by these women, and to pave the way for systemic and institutional changes that can make a difference in the lives of immigrant women experiencing domestic violence.

We would like to end by saying that violence casts a long shadow, but as social service and legal practitioners, as educators and future practitioners, we have the opportunity to support women, to educate ourselves about the different challenges that racialized immigrant women face when they find themselves in a situation of domestic violence and try to navigate the system, finding resources to support themselves and their children. This text provides both context, considerations and resources, to support you as you think about your role.

Thank you,
Ferzana, Bethany, Archana and Purnima

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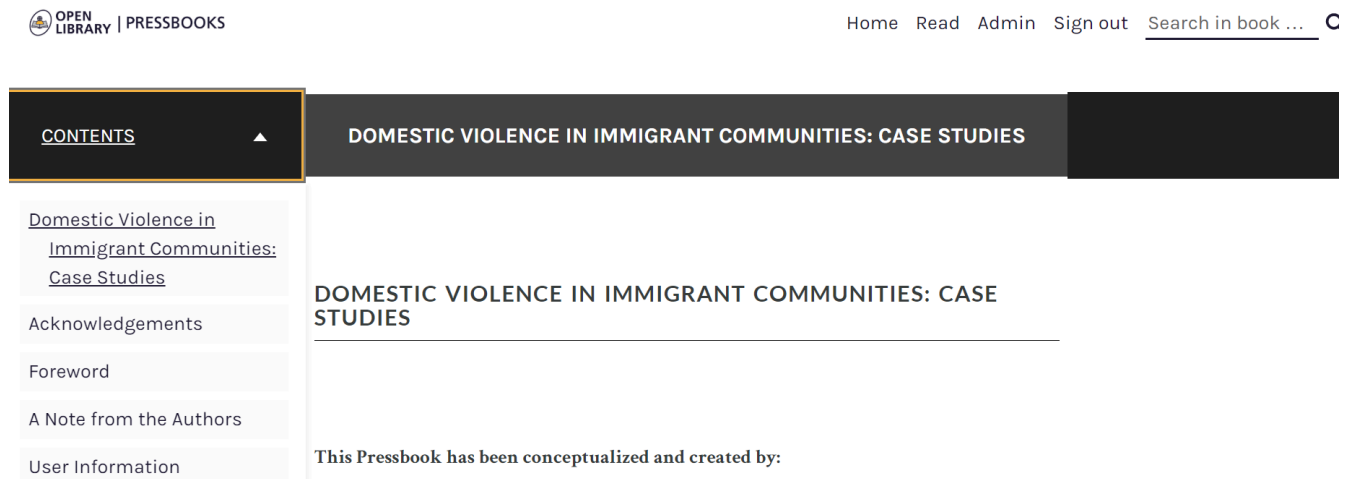
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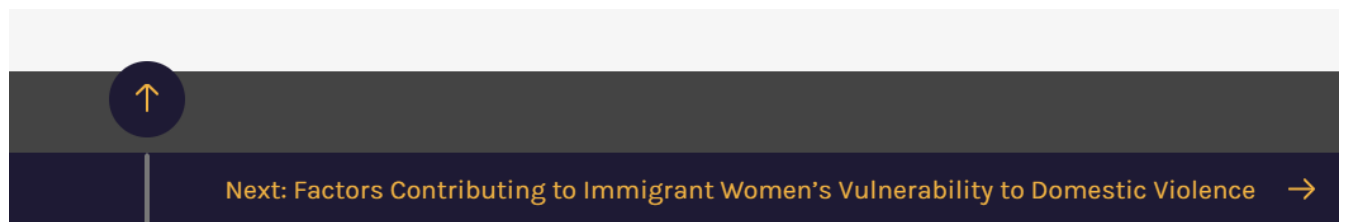
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The screenshot shows the bottom navigation bar of the Pressbook. On the left, there is a dark grey bar with a circular button containing an upward-pointing arrow. On the right, there is a dark blue bar with the text "Next: Factors Contributing to Immigrant Women's Vulnerability to Domestic Violence" and a right-pointing arrow.

Glossary Terms

Glossary terms appear in the text with a dotted underline. Hover over the words and click on them to see the glossary explanation.

Case Study Questions

At the end of each Case Study, you will find hyperlinks to a series of questions divided into few

thematic areas. You can click on the hyperlinks and be directed to the different questions. The questions that you choose to use will be dependent on the course of study or the purpose that you are using this text for.

Click on the links below to access case study questions related to the following:

[Intersectional Vulnerabilities](#)

[Practitioners' Subjectivity and Social Location](#)

[Social Policy and the Law](#)

[Migration and Transnationalism](#)

[Providing Supports to Victims of DV](#)

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- ss2
- ss4

PART I.

LITERATURE REVIEW

CHAPTER 1.

INTRODUCTION

The terms Intimate Partner Violence (IPV) and Domestic Violence (DV) are often used interchangeably in the literature. Socio-cultural norms and values are likely to influence perspectives about domestic violence. Therefore, it is important to have a proper definition that people can refer to in order to understand the extent of domestic violence. For this paper we understand domestic violence/Intimate Partner Violence (IPV) to be “physical, sexual, or psychological harm by a current or former partner or spouse” (Government of Canada, 2014, para. 1).

As in other parts of the world, domestic violence is a serious issue in Canada, and impacts women more than men (Government of Canada, 2018). In addition, women report higher rates of injury caused by abuse (Government of Canada, 2018). DV affects 1 in 3 Canadian women in their lifetime and abuse can continue even after separation. Compared to men, women are twice as likely to be reported being sexually assaulted, beaten, choked, or threatened with a gun or knife (Government of Canada, 2018). Domestic violence can also be a predictor of Intimate Partner Homicide (IPH) and in most countries, the number of women murdered by their husbands is two to five times higher than the number of men murdered by their wives (Vatnar & Bjørkly, 2013). However, it is difficult to get a full picture of the prevalence of DV as it largely happens within the privacy of the home and is often not reported (Dias et al., 2012, p. 119). This literature review focuses on DV experienced by immigrant women, many of whom are racialized.



Little is known about the prevalence of domestic violence against racialized immigrant and refugee women specifically. However, it is acknowledged that racialized immigrant women may be more vulnerable to domestic violence due to various factors such as economic dependence, language barriers and lack of knowledge about community resources (Canadian Women’s Foundation, n.d. para.7). There are many factors that increase the vulnerability of immigrant women to domestic violence, as well as affect women’s decisions to

seek help. Race, class, gender and sexuality are not independent of each other in women’s abuse stories but intertwine and intersect with each other (Tam et al., 2015) to create unique experiences of

DV. Though there is also a scarcity of literature on the experiences of LGBTQIP2SAA¹ immigrant women as well as immigrant women living with a disability (Mastrocinque et al., 2016; Thiara et al., 2011; Walker, 2015), it is likely that these women experience even more distinct forms of DV.

Immigration is a complex process and can bring with it many acculturative stresses and potentially negative consequences for families, and especially to women. Immigrant women experience many challenges: real or perceived precarious immigration status; isolation due to a loss of the natal family in the home-country; dependence on and obligations to the marital family due to rigid gender roles; lack of English language proficiency and a lack of credential recognition that in turn spurs economic stress related to being deskilled or underemployed (Guruge et al., 2008; Souto et al., 2016). Even the physical environment, such as the climate or change in diet can produce stressors.

All these immigration-related stressors may increase the potential for interpersonal conflict and violence within the family (Chaze & Medhekar, 2017). In some cases, abuse may have begun in a woman's home country and then intensified due to the new stresses of life in Canada (Guruge et al., 2010; Souto et al., 2016). Rare, but worth noting, research has shown that for women facing abuse, becoming an immigrant in Canada has the potential to become a protective factor. Immigration, can sometimes, empower women to face their violent situation as they find better legal and social supports in Canada than in their countries of origin (Souto et al., 2016).



1. LGBTQIP2SAA: lesbian, gay, bisexual, transgender, questioning, queer, intersex, pansexual, two-spirit (2S), androgynous and asexual.

CHAPTER 2.

FACTORS CONTRIBUTING TO IMMIGRANT WOMEN'S VULNERABILITY TO DOMESTIC VIOLENCE

Immigration Policy and Status

Canada's immigration policy can create and/or exacerbate gender inequalities (Alaggia et al., 2009; Chaze & Medhekar 2017; Maher & Segrave, 2018). According to Maher & Segrave (2018), Canada's immigration policy is recognized "for creating critical barriers for immigrant and refugee women because it ensures or creates dependency on family structures for economic security in a range of ways" (p. 505). Chaze & Medhekar (2017) describe how women often immigrate to Canada under the Family Class or as spouse or dependents under the Economic Class (2017) and may so have few job prospects, increasing their likelihood of being dependent on their spouses or spouse's family for support.



In addition, research has found that some immigrant women can have little knowledge or may be misinformed about their residency status and about the immigration process (Alaggia et al., 2009, p. 5). Partners/abusers often do not tell their wives their immigration status, or they will hide their passports and important documents. They may not inform the woman of important correspondence from the immigration authorities as a way of maintaining control (Hague et al., 2010, p. 30). An abusive partner can distort the truth about the

immigration process and threaten his partner with deportation if she reports the abuse (Reina et al., 2014; Tam et al., 2015; West Coast LEAF 2012). If a woman believes that deportation is possible, she may choose not to report the abuse (Tam et al., 2015; Vidales, 2010). The effort to migrate is immense and prospects in the home country may be worse than present conditions in Canada; the lack of information pertaining to her status fuels a fear of deportation and makes her vulnerable to abusive relationships (Alaggia et al., 2009). Further, for women experiencing language barriers, it becomes more difficult to understand the immigration process as well as explaining her situation to people/law officials. Additionally, immigrant women may also be reluctant to disclose abuse to formal authorities as there is a reluctance to involve them (Alaggia et al., 2009).

Financial Insecurity and Dependence

Immigrant families to Canada often face economic challenges as they can find it difficult to find suitable and sustainable employment due to many factors such as lack of credential recognition, employer expectations of Canadian work experience, and language/accents barriers (Chaze, 2017). As a consequence of these barriers, immigrant families often suffer a decline in socioeconomic status (Chaze, 2017; Matsuoka et al., 2012). This creates a stressful environment for immigrant families. Racialized immigrants are even more likely to experience declines in socioeconomic status and it may take them longer to recover their economic standing in subsequent generations (Basavarajappa & Jones, 1999; Kazemipur & Halli, 2000; Okeke-Ihejirika & Salami, 2018). Working multiple low-paying jobs and/or taking on debt to pay bills can result in frustration, fatigue and rising tensions; all which may contribute to making immigrant families vulnerable to conflict, affecting women in their marital relationships (Okeke-Ihejirika & Salami, 2018).



Despite being in a difficult position economically, many immigrants send financial support to family back in their home countries. Decisions around such remittances can be a constant source of contention and conflict for many immigrant couples (Okeke-Ihejirika & Salami, 2018).

Immigration can negatively impact a woman's ability to be financially independent. Immigrant women may have been traditionally financially dependent on their husbands or families in their home countries. Women who might have been employed in the country of origin may have to give up work to look after children after migration. When women do work, the money they make can be taken away from them by their spouse (Alaggia et al., 2009). Money can provide freedom as it allows women to purchase items for themselves, get aid, and ultimately support themselves. However, when there is financial abuse, it takes away their autonomy forcing women to stay dependent on their spouses and to continue to live in abusive relationships.

Age can exacerbate the financial challenges experienced by immigrant women. In a study by Souto et al., (2019), older immigrant women experienced difficulty finding jobs due to language barriers, lack of Canadian experience, ageism, racism, and sexism. Older immigrants are often not eligible for Old Age Security (OAS) or Guaranteed Income Supplement (GIS) due to the 10-year residency requirement. They can be at the mercy of their families as their immigration sponsors; potentially being taken advantage of and enduring long hours of tending to children and domestic chores without compensation (George & George, 2013). Lack of financial self-sufficiency makes immigrant women more vulnerable to domestic violence (Matsuoka et al., 2012), and makes it harder for them to leave abusive relationships as they have no one to turn to for support. The abusive spouse may be their sole provider who provides minimal support.

Cultural Beliefs and Practices

Gender roles vary dramatically across the world; there are expansive differences in how families make decisions, and how men and women divide labour and responsibilities within a family. An area where men have more control than women is around decisions regarding migration. The literature suggests that men are generally considered the principal actors in migration and have more agency in deciding when and where to emigrate. This quickly puts a woman in a position of lesser power, given her choice to immigrate may not have been her own to begin with (Okeke-Ihejirika & Salami, 2018).

There are many cultural beliefs and practises at play that affect the violence that racialized immigrant women face. Patriarchy, a universal ideology that “refers to a set of ideas and beliefs that justify male domination over women in society” (Ahmed et al., 2004, p. 262), creates gender inequalities in immigrant family relationships. Strong patriarchal values can normalize the subordination of women in relationships, and these values can be used as an excuse for abuse and violence (Ahmed et al., 2015). It has been found that these values can sometimes be so culturally ingrained that some women who agreed with patriarchal norms were less likely to see spousal abuse as a form of violence (Ahmed et al., 2004).



Upon immigration, patriarchy in marriages can become further entrenched, as husbands may have better language skills and better job prospects than their wives, which further exacerbates a woman’s dependence on the husband, and further facilitates their isolation (Souto et al., 2016). Along with a patriarchal structure, some immigrant families may demonstrate strict hierarchy, based on chronological age and gender roles (Chaze & Medhekar, 2017).

“Family honour” and family unity is very important in some cultures, such as the South Asian culture (Ahmad et al., 2009; Alaggia et al., 2009). Keeping the family together is a prized cultural value for some immigrant families (Mehrotra, 1999; Vidales, 2010). Within certain cultures, domestic violence becomes a family issue that families may normalize, tolerate, or even ignore in order to protect themselves from stigma and shame that may occur in the community if the abuse was to be uncovered. As well, there can be a fear of losing status in the community (Baobaid, 2002). The notion of shame and stigma may force a woman to stay in an abusive relationship and may make them more vulnerable to future abuse.

A potential cultural factor concerning immigrant women's vulnerability to abuse can be arranged marriages. While many 'overseas' arranged marriages (where one partner is emigrating from a different country of origin) are happy and successful, there is research that indicates that such marriages may sometimes end in conflict due to parties not disclosing details around past relationships, substance abuse, difficult finances and criminal records (Hague et al., 2010, p. 33). Sometimes these marriages are predicated on an increase in status for one party and, as such, background checks are not thorough or overlooked. Such international arranged marriages can start optimistically, but may end in abuse for the woman and in a distant country with little support from the incoming spouse's natal family (Hague et al., 2010).

Language Barriers

A lack of language proficiency may make it difficult for women to understand their rights related to their immigration status (Chaze & Medhekar, 2017) or understand their rights and resources which can increase women's vulnerability to abusive situations. The magnitude of their childcare and domestic work responsibilities (Ahmad et al., 2004, p. 263) or paid work in low skill jobs where high levels of language proficiency are not necessary (Souto et al., 2016) may make learning English a low priority.



As well, abusers may inform their wives that they do not need to learn English and in fact stop them from learning English (Erez, 2000). This prevents women from finding employment and ultimately having to remain dependent on the abuser financially (Tam et al., 2015). Having limited understanding about their new environments, and limited capability to explain their situation makes immigrant women vulnerable to further abuse.

Often it is immigrant men who arrive first in Canada and may find employment opportunities in less manual, higher professional work. This disparity in English levels as well as resulting income levels can exacerbate power issues within immigrant marriage relationships (Souto et al., 2016; Vasques-Lockwood, 2001).

Isolation, and Lack of Knowledge About Community Resources

Lack of language proficiency may prevent immigrant women from meeting new people and building community, ultimately isolating them within their current relationships and to the home. Isolation further exacerbates abusive situations as they have no supports to turn to. Further, immigrant women have often left their natal family in their home country and are without traditional supports that they might have relied on to intervene in situations of domestic violence (Okeke-Ihejirika & Salami, 2018). In Canada, immigrants can be stripped of these culturally appropriate supports, leaving them to navigate conflict and difficult situations alone. Even when traditional supports (family, friends, communities) are available, forced isolation by their partner can prevent immigrant women from accessing these supports (Tam et al., 2015).



It is difficult to find community resources when one cannot speak the language and lacks community support. Indeed, there is a dearth of culturally and linguistically appropriate services in Canada that are available to respond to immigrant women facing abuse. Not having culturally competent resources, such as translation/interpretation services, creates access issues as well as trust issues with abused immigrant women, leaving them vulnerable (Matsuoka et al., 2012).

Immigrant LGBTQQIP2SAA women have even fewer resources available to them. Research suggests that settlement organizations, designed to facilitate integration and hence prevent isolation, generally operate from a hetero-normative stance and likely do not meet the needs of LGBTQQIP2SAA immigrants (Fournier et al, 2018; Kosnick, 2016; Luibhéid, 2008). Even when immigrant serving organizations are inclusive of LGBTQQIP2SAA communities, if LGBTQQIP2SAA immigrants are not made explicitly aware that settlement services are available for them, they may not be willing to access the services (Giwa, 2018).

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CHAPTER 3.

SEEKING HELP FOR DOMESTIC VIOLENCE

Immigrant women's stories are extremely varied, and each may face different aspects of and levels of oppression. Their responses to domestic violence are just as varied as their life circumstances, but there are some commonalities as to what they can and will do. Ahmad et al. (2013) identify that there is often a 'turning-point' where violence is confronted, and a woman makes a decision to change her situation. This shift in thinking to address violence can be influenced by many factors such as the woman's refusal to accept her situation and a tenacity to resolve her problem, availability of social supports and concern for the safety of children and the desire to be a positive role model for them (Ahmad et al., 2013, p. 1060).



The severity and duration of the abuse are overwhelming factors in the woman's decision to report. While some women often tolerate abuse to maintain a male figure in the home for their children, or stay because of emotional attachment to abusive partners, they often seek help when the violence escalates and the lives of the women and their children are at risk (Tam et al., 2015).

The likelihood of a woman reaching out for help increased when a weapon was involved or verbal threats of harm or death uttered (Tam et al., 2015). A Canadian population study reinforces this; women who reported a higher number of violent incidents were significantly more likely to seek all forms of help than were women with fewer violent incidents (Vatnar & Bjørkly, 2013). As well, women who reported suffering physical injuries as a direct result of abuse were more likely than women who

had not, to use all forms of support. Fear for one's life is the biggest predictor of a woman's use of supports (Vatnar & Bjørkly, 2013).

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CHAPTER 4.

ACCESSING FORMAL AND INFORMAL SUPPORTS IN RESPONSE TO DOMESTIC VIOLENCE

The resources and supports that women use in response to their experiences of domestic violence can vary as much as their stories and their circumstances. Women may turn to formal supports, such as counselling, shelters and police intervention, or to informal supports, such as friends and family (Ahmad et al., 2013). Formal supports to women experiencing DV can vary across urban centres, and such supports in rural areas is an even greater challenge (Northcott, 2010).

Racialized immigrant women are also less likely to seek legal recourse for domestic violence and there tends to be disproportionately fewer racialized immigrant women in the overall caseload of specialized domestic violence courts than Caucasian women (Tutty et al., 2008). The factors that can contribute to making racialized immigrant women vulnerable to domestic abuse are similar to factors that create challenges for these women when accessing information/supports to confront violence. Other barriers that keep women from reporting abuse is the fear of deportation, unfamiliarity with the health care system and sexism (Guruge et al., 2010). There may also be an underlying fear that reporting to the police would damage the ethnic community's image and that a woman could suffer reprisal from family and friends (Hyman et al., 2006; Ting & Panchanadeswaran, 2009). Reporting could bring further isolation to the woman herself, as some immigrant women depend on extended family members in Canada and do not want to jeopardize their family and community connections (Erez 2000; Lee & Au 2007).

Some racialized women have had negative experiences with law enforcement in their countries of origin where the police force is repressive and corrupt, and this may be a deterrent to reporting domestic abuse in Canada. These women may have a generalized distrust and fear of law officials which they transfer to members of law enforcement in Canada (Ahmad et al. 2009; Gillis et al. 2006; Tam et al., 2015).

Tam et al. (2015) report that many immigrant women are aware of potential racial discrimination; and fear that, if arrested, their partners would be treated more poorly by police, relative to Caucasian men. These racialized women generally preferred their partners not be charged or prosecuted as they simply want the violence to stop, and not necessarily that their partners be punished and that charges be laid. With mandatory prosecution policies, women lose control over what happens to their spouse once the criminal justice system response has been initiated (Tam et al., 2015). Men are often the breadwinners and women are economically dependent on their husbands. If the men go away, or lose

their jobs, the women could lose financial support, which puts them at risk in other ways (Tam et al., 2015).

Women also worry about what the fallout would be for the children if the husband, after being reported, was no longer in their lives. In some ethnic communities, women can be reluctant to deprive their children of a father. Further, many racialized immigrant women fear not being able to explain themselves or not being understood. Language can be a barrier for women to even entertain getting help. Translation services are not always available when women need help and cultural competence is perceived to be low in the Canadian justice system (Tam et al., 2015).



However, in the research conducted by Souto et al (2016) most of the women felt that unlike the discomfort they would experience in their home country, in Canada they could call the police.

Negative experiences within the Criminal Justice System, such as some apathetic justice personnel; re-victimization on the stand; lack of cultural sensitivity and the feeling of being insulted, are factors women remember when considering whether to report. Feeling heard and a sense that their claims are being taken seriously is critical (Tam et al., 2015). In addition, when justice decisions, such as restraining orders or ordered counseling, are not sufficient or enforced and women feel they have not been kept safe from domestic violence, they may not see the value of reporting again (Tam et al., 2015).

Because they have doubts and fears about their own and their partner's fair treatment in a range of systems, women may not see that Canada's systems cater to their best interests. If racialized immigrant women do not find access to formal supports or are not given proper care or shown respect when accessing supports, they may look to other alternatives. Informal support systems like family and friends are common alternatives for racialized immigrant women facing abusive situations (Ahmad et al, 2013; Okeke-Ihejirika et. al, 2018). Such support might also come from transnational relations (Ahmad et al., 2013).



Religion and spirituality can be a source of support for women facing domestic violence; a belief in something higher than oneself was helpful for some women and restored to them a sense of well-being and balance in the Ahmad et al. study (2013). Similarly, Fuchsel (2012) found that immigrant Mexican women used the Catholic church as a form of informal support. Women's experiences when revealing domestic violence to church clergy, however, were varied as some faced barriers, leading them to turn to family and friends instead.

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CHAPTER 5.

POSITIVE INTERVENTIONS IN WORKING WITH IMMIGRANT WOMEN EXPERIENCING DOMESTIC VIOLENCE

The literature informs us that immigrant women experience better outcomes for themselves when they come in contact with capable, empathetic, non-judgmental professionals (Ahmad et al., 2013; Tam et al., 2015). Immigrant women feel comfortable sharing their experiences with professionals, if they know that they will not be judged, and that confidentiality would be protected (Ahmad et al., 2013; Ahmadzai et al., 2016).



Support groups and supportive professional services can be a source of strength for racialized immigrant women experiencing domestic violence (Ahmad et al., 2013). Access to shelters or long-term housing, language classes, welfare allowances, immigration advice, legal aid, and being provided

life's essentials, like food, clothes, and school supplies for their children, can be critical for women seeking help in DV (Ahmad et al., 2013).

For immigrants, English proficiency can bring a sense of accomplishment that improves self-esteem and it can springboard the development of other skills, such as personal banking and employment skills (Ahmad et al., 2013). Language training not only facilitates language development, but can also help older immigrants develop networks of support outside of their families, obtain information, and prevent isolation (Matsuoka et al., 2012).

The importance of culturally appropriate organizations deserves highlighting. Such organizations can provide comprehensive support and advocacy in a relatable way to immigrant women and very often become a lifeline. Culturally appropriate resources are beneficial for racialized immigrant women fleeing abuse as it helps them feel understood and accepted.

Gaining help from a knowledgeable friend or a support worker is helpful when navigating supports or dealing with law officials, especially if immigrant women do not have strong English skills (Hague et al., 2010). These advocate roles or mentor roles often form organically as women find their way out of abusive situations and have a desire to help others in a similar situation.

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CHAPTER 6.

CONCLUSION

This review of the literature examined the unique experiences of racialized immigrant women in relation to DV and to barriers and facilitators to disclosure and accessing support. The next section provides the reader with a framework by which to approach the 15 cases detailed in this book.

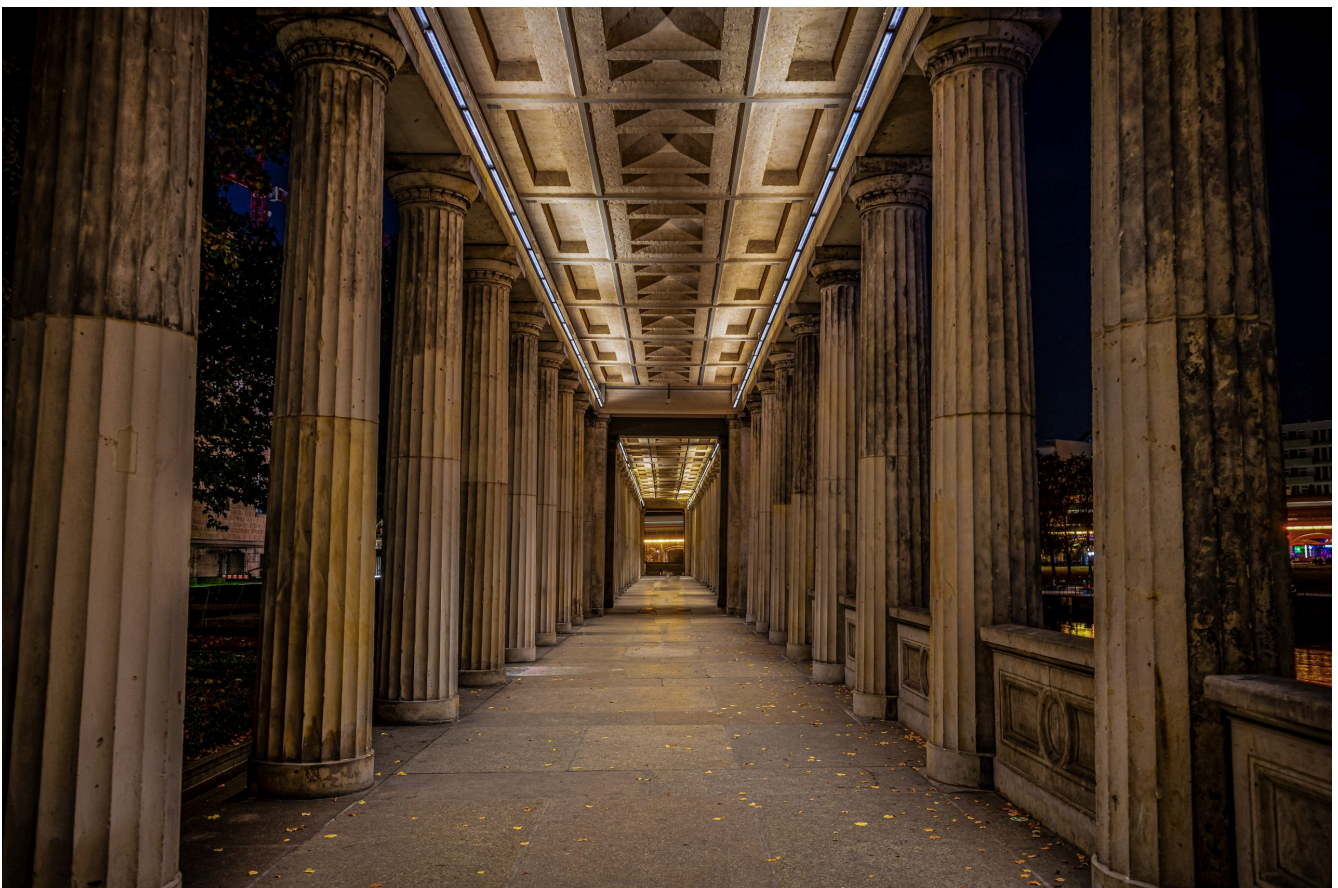
PART II.

THE CASE STUDIES

CHAPTER 7.

HOW TO APPROACH THESE CASES

The case studies in this book are a collection of facts gathered from a number of legal documents of closed domestic violence cases. The authors of this text encourage you to think about these cases with some specific theoretical or conceptual frameworks in mind (these are lenses or ways to consider the cases as you read them).



Anti-Colonialism

Anti-colonialism challenges structures that continue to uphold systems of oppression and

marginalization, while the same structures promote notions of universality and equality (Smith, 2012). Specifically, an anti-colonial framework interrogates dominating power relations structured along lines of race, ethnicity, gender, class, religion, language, disability, and sexuality (Dei, 2000; Dei & Ashgarzadeh, 2001). Within the context of the cases presented here, this framework allows us to question the effectiveness of existing Canadian institutions and social service delivery models. Such models are based on Western Eurocentric ideas and are applied universally to all women including racialized immigrant women disregarding their own ways of knowing and responding as inferior. In this manner these institutions and services reproduce marginalization.

Critical Race Feminism

Critical Race Feminism considers race as a vital aspect shaping everyday interaction of people. Viewed from this perspective, patriarchy refers to all social relations where any individual or group is subjugated to the interests of another against their will (Razack et al., 2010). Critical Race Feminists centre race and gender relations as a critical aspect influencing the experiences of racialized immigrant women as they interact with various societal institutions and service providers while addressing domestic violence.

Anti-Oppression Perspective (AOP)

An anti-oppression perspective recognizes multiple, intersecting and interlocking forms of oppressions experienced by marginalized individuals and groups (Collins; 1990; Crenshaw, 1989). Each immigrant woman experiencing domestic violence is distinctly positioned within the complexities of these oppressions based on the intersections of their age, race, gender, class, immigration status, and proficiency in the English language. These women often get locked within these multiple oppressions as the oppressions influence each other and create a unique experience of oppression.

Culturally Sensitive/Informed Approach

A culturally sensitive approach (Fernandez-Borrero et al., 2016) “promotes attitudes of recognition, respect, tolerance” (p. 448), and ensures marginalization, alienation, and silencing of individuals ceases to occur on the grounds of judgment based on Eurocentric norms. The personal and professional development of incorporating cultural sensitivity is expected to be a lifelong learning process which is primarily developed through constant interactions with diverse populations (Arthur, 2001; Fernandez-Borrero, et al., 2016). Viewed within this perspective, only strategies that are culturally sensitive and/or appropriate would successfully support women to end abuse in their lives.

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CHAPTER 8.

METHODOLOGY

The fifteen cases included in this book emerge from closed legal case files handled by Archana Medhekar Law Office and reflect the stories of racialized immigrant women who have experienced domestic violence in Canada and who have sought legal help. Permission to carry out this research was received from the Research Ethics Board of both Ryerson University and Sheridan College in June 2019. All cases included in this research had taken place within the past ten years and had been closed for at least one year prior to the start of the research. This allowed for sufficient time to have passed between the time the case had been closed and the cases published in this book.



Care was taken to ensure that no woman felt pressured to participate in this study and that they granted consent and agreed to freely participate in the research. The law office of Archana Medhekar

distributed a poster calling for voluntary participation in this project on her website. Past clients whose cases fit the eligibility criteria and who were interested in having their cases included in this study were asked to connect directly with Purnima George, one of the researchers. Upon being contacted by a potential participant, Purnima set up a phone meeting to describe the study, answer any questions, confirm that participants had the right to withdraw from the study at any time, and obtaining their informed consent. Having interested participants approach only one of the researchers was the way that the research team decided to mitigate any unintended influence on the women's decision to participate in the study and to minimize the number of people who would know the identities of the research participants, thereby increasing confidentiality.

The research team took further steps to ensure that the identities of the participants remained confidential. Once informed consent had been received, the research team created case studies of the women's stories primarily from copies of Pleadings to the family court. Additionally, the following documents were referenced as needed to better explain the complexity of each case: Family Court Documents (Answer, Reply, Affidavits such as: Affidavit in support of Custody and Access, and Affidavits in support of motions, Briefs such as: Case Conference Brief, Settlement Conference Brief, Trial Management Conference Brief, Court orders: Court orders and endorsements), Criminal court Records: (Police records such as copies of Information, 911 call transcripts), Immigration documents: (Copies of Application to the Immigration and Refugee Board and Orders), Other reports: Medical records, Access reports, S. 30 assessment reports, and Office of the Children's Lawyer (OCL) reports.

Pseudonyms were created for participants in the case studies to allow the reader to follow the narrative easily. The completed case studies were shared with the respective participants for verification and their feedback incorporated into the final case study. Such member checking provided participants an opportunity to review and give approval regarding the way they have been represented in the case study. Participants were also provided information about crisis helplines they could access in case they felt re-traumatized after reading their cases.

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CHAPTER 9.

THE CASE STUDIES

The previous section detailed the methods used in creating the case studies that form the backbone of this book. The following section includes the case studies. Each case study begins with a brief socio-demographic profile of the women and their partners. Each case then describes the pre-migration history of the couple, settlement experiences, a detailed description of the domestic violence, and the final resolution of the case.

Although all of the identifying information has been changed (names, cities of origin, current place of residence), some details were maintained to help shape some of the stories. Details like the immigration status, the kinds of jobs that each spouse had, the number and ages of children, the presence or absence of family members and the cultural background are helpful to understanding the circumstances of each of the cases.

Reading the Case Studies

These case studies are based on real cases and one thing that we learned as a research team is that when you know that a case is based on a real life situation, it can be impactful. We are all seasoned practitioners who have worked in various roles in the Social Service and Criminal Justice system, but there were times when working on this project when we needed to take a break and acknowledge that it was difficult to read about the experiences of violence that so many women had gone through.



Our recommendation to readers as you begin to read these case studies, is to pace yourself. Read one or two cases at a time and use the questions that we have included, to think about the cases. Each of the stories represents experiences of violence and the results were not always a 'happy' ending. If there was a good ending, it was because each of the women received support and was able to move forward. The women who agreed to share their stories did so, because they wanted their stories help other women. That is the purpose of these case studies: to support

your learning. More importantly, what can we learn from each of these cases, how will that learning

shape our practices and support services differently to enable us to meet the needs of all women who need support?

If you are reading through these cases and feel triggered by reading one of the cases – because of a past personal or past professional experience, we encourage you to seek support. Violence is an issue that impacts all of us, it is pervasive in the world around us, and unfortunately, it has often played a role in our lives. It can isolate us and make us feel like we are alone. However, violence loses its power when people are willing to reach out for support and are willing to tell their stories. When we share the impact of violence with someone else, we begin to feel less alone.

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CHAPTER 10.

CASE STUDY NUMBER 1: RAMANDEEP AND AMAN

| Profile | Woman | Man |
|--|--|--|
| Name | Ramandeep | Aman |
| Age at time of marriage | 22 | 24 |
| Age * | 39 | 41 |
| Country of Origin | India | India |
| Religion | Sikh | Sikh |
| Education | No Information Available | No Information Available |
| English language ability | Limited proficiency | Limited proficiency |
| Employment before migration | Never worked | No Information Available |
| Employment* | Part-time working as a school bus driver | Employed full time since October 1993 |
| Category under which immigrated | Ramandeep immigrated to Canada with her family before marriage | Family class: Ramandeep sponsored Aman under the Spousal Sponsorship program |
| Immigration status* | Canadian citizen | No Information Available |
| Number of years of marriage*: 17 Children*: <ul style="list-style-type: none">• Daughter: Guneet (14 years; displays behavioural challenges)• Son: Navdeep (11 years; diagnosed with ADHD and a learning disability) | | |

*At the time of the Family Court application

Pre-Migration History

The wedding ceremony took place in India, when Ramandeep was twenty-two and Aman was twenty-four years old. The couple planned to live in Canada and Ramandeep sponsored Aman to immigrate under the Spousal Sponsorship program. Six months after their marriage, Aman arrived in Canada. There is little background available on their pre-migration history, other than that their marriage was arranged by their respective families.

Settlement in Canada

When Aman first arrived in Canada, the couple lived with Ramandeep's father while they saved up for their first house. From the time that he arrived, it became clear to Ramandeep that life with Aman was going to be difficult. From his first week, he started drinking every day and would harass Ramandeep and the neighbours, asking them to drive him to purchase alcohol. Aman found work within one month of arriving in Canada. Early in the marriage, Ramandeep worked outside of the home, but within a few months, she suffered an accident and was unable to continue. Aman pressured Ramandeep to start a family very early in the marriage and became verbally abusive when she was unable to conceive quickly. Three years after arriving in Canada, Aman was convicted for drinking and driving, and his license was revoked for a time. Aman's verbal abuse and drinking continued throughout their marriage.

Four years into their marriage, after the birth of their first child, a daughter, the emotional and verbal abuse escalated into physical abuse. Aman would routinely hit Ramandeep and force her to have sex with him when he drank. She did not tell anyone about the abuse, hoping that she could save her marriage. The couple soon purchased a modest house, with some financial support from Ramandeep's father. Ramandeep started sleeping separately with her baby, living in the basement, and performing all the household chores and child-rearing duties. She received daily demands for sex and if she did not comply, Aman would hit her. When her daughter was four years old, Ramandeep became pregnant again. Aman pressured Ramandeep to have an abortion, but she refused. Her son was born with several medical issues. Ramandeep started working weekends to support the growing family. From the beginning, financial resources were not shared equally. For example, Ramandeep was solely responsible for extra expenses regarding the children, most notably medical bills related to their son's care while Aman held property in India and sent money regularly to his brothers for its upkeep.

Domestic Violence

Throughout the years of Ramandeep's marriage, the abuse escalated from verbal to physical and sexual. During this time, Ramandeep had little-known informal support and spent much of her time and energy raising her children. The first time the police were called to the house was fourteen years into the marriage, in February 2006. Aman was heavily intoxicated and demanded the car keys. When Ramandeep refused, Aman grabbed her by her hair, pushed her to the ground and kicked her repeatedly. The children witnessed this assault. Ramandeep fled the house with the children and called 911. The police arrived at the house and Aman was charged with assault and removed from the home. He was later convicted and ordered to have no contact with Ramandeep for one year. The police reported the incident to the Children's Aid Society. Ramandeep remained in the marital home with the children. After a separation of one year, making apologies and paying support, Aman returned home but Ramandeep did not invite him back into her bedroom. Shortly after returning, Aman told Ramandeep that he wanted to send their six-year-old son to live with his parents in India. Ramandeep agreed reluctantly and the son was sent to India for two years. The verbal and physical abuse continued, and Aman demanded sex daily. Their son returned to Canada two years later in May

2009. Both children, at this point, had witnessed much violence over the years and were afraid of their father and would hide from him. In May 2009 another call was made to the police. This time, no charges were laid but CAS was contacted.

In December 2009 after this incident, the police were called again after Ramandeep, now 39, was beaten repeatedly by Aman with a closed fist. She ended up with a bruised cheek as punishment for not having dinner ready. The children were present, and at their mother's request called 911. Aman was removed from the home, charged and convicted on grounds of assault. He was found guilty by the Criminal Court and was ordered to have no contact with Ramandeep from December 2010 for a period of a year. Aman circumvented the order and starting in April 2011, Aman would call Ramandeep on the phone and verbally abuse her when drunk.



Soon after the final incident, Ramandeep sought help from a lawyer. Because she feared for her safety, she sought a restraining order from the Family Court. She also sought a non-removal order for her children because she was afraid that Aman would attempt to take them out of Canada. Ramandeep pursued sole custody of the children as she had always been the one to care for almost all of their needs. She was agreeable, even encouraging, of the children spending time with their father, with the provision that he could not drink or smoke in their presence. Ramandeep sought retroactive child support from the time of separation based on Aman's current income as per the Federal Child Support Guidelines. Throughout the court proceedings, Aman was not upfront about all his assets (i.e. property, RRSPs and insurance). Ramandeep was left financially vulnerable because she had taken on debt to meet the needs of her children. There were sporadic conflicts between the children and, on one occasion, these conflicts caused the son to be removed by CAS. He was later returned to Ramandeep's care.

Resolution

After three years of litigation, Ramandeep gained sole custody of the children and Aman was ordered to pay child support. The marital home was sold, and the proceeds were split equally. Aman paid his child support arrears from his portion of the proceeds. Ramandeep granted Aman limited visitation of the children, believing a father-child relationship was beneficial to the children. Aman has rejected his children and does not visit them. He cites his son's behavioural issues as the reason. The son is undergoing counselling, in part, to help him cope with his father's rejection.

Click on the links below to access Case Study questions related to the following:

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CHAPTER 11.

CASE STUDY NUMBER 2: ZAKIA AND WASIM

| Profile | Woman | Man |
|--|--|---|
| Name | Zakia | Wasim |
| Age at time of marriage | 18 | 19 |
| Age * | 23 | 24 |
| Country of Origin | Afghanistan | Afghanistan. Wasim had refugee status in India before coming to Canada. |
| Religion | Muslim | Muslim at birth. Converted to Christianity. |
| Education | Completed grade 11 in Afghanistan. Took some additional courses in India | Completed grade 12 in India |
| English language ability | Limited | Limited |
| Employment before migration | No Information Available | No Information Available |
| Employment* | Sales employee | Sales employee |
| Category under which immigrated | Conventional Refugee category-Community Sponsorship program (2016) | Conventional Refugee category-Community Sponsorship program (2016) |
| Immigration status* | Permanent Resident | Permanent Resident |
| <p>Number of years of marriage: 5 Children*:</p> <ul style="list-style-type: none"> • Daughter: Abida (1 year old) | | |

*At the time of the Family Court application

Pre-Migration History

Zakia married Wasim in India on January 2012 at the age of eighteen (18). Both Zakia and Wasim were living with Wasim’s parents under refugee status in India. They held a UNHCR Blue Card. Though both individuals were born into Muslim families, Wasim had converted to Christianity while living in India as a refugee. At the time of marriage, he re-converted to Islam to marry Zakia. It was a first marriage for both and Zakia believed it was a love marriage. In India, both Zakia and Wasim worked

in low paying survival jobs. The day after their marriage, her mother-in-law, a lawyer, persuaded Zakia to sign a contract that stated that in the event of a divorce, she would receive no compensation. One week into their marriage, Wasim cheated on Zakia; this behaviour continued throughout their marriage.

Four years into their marriage, Wasim told Zakia that he had, once again, converted to Christianity. Wasim's family continuously emotionally abused Zakia and insulted her family and Islam. Zakia's father-in-law would throw out her religious objects calling them "bullshit". In addition, Wasim physically assaulted her, at one point grabbing her by the neck and punching her in the mouth, resulting in swelling that prevented her from eating for a week. Zakia would often experience physical abuse at Wasim's hands. On one occasion she complained to the authorities but when was told by them that her refugee application would be jeopardized if she filed a formal complaint, she did not pursue it any further.

Zakia had to hand over all her earnings to Wasim's family for rent and groceries. After complying for some time, she then insisted on keeping some of her money whereupon the family became angry and the situation deteriorated further.

Zakia became pregnant three times. Each time she was forced to undergo an abortion, as Wasim's family stated that having children would be too costly. Because she had no other options, she did so, and suffered from pain and loss.

Prior to the wedding, Wasim's family promised Zakia that she would be able to return to school to finish her education. After the marriage they discouraged her saying it would be expensive for her to return and that she would be surrounded by too many men. Nonetheless, she did return, but had to repeat grade 10 in India, as her grade 11 credentials from Afghanistan were not recognised. Ultimately, she was not able to finish grade 12 as she moved to Canada with her spouse and his family.

Settlement in Canada

Zakia, Wasim, and his extended family landed in Canada on October 26, 2016 as permanent residents. They moved to Canada as privately sponsored refugees, in the Convention Refugee abroad class. Zakia and Wasim lived with Wasim's parents and his two brothers. The couple found work in the same company and Wasim frequently cheated on Zakia with several of their work colleagues. Wasim and his family continued to take money from Zakia, and controlled her day-to-day life including her dress, food, and friends. In November 2016, Zakia found out she was pregnant. The family pressured her to have another abortion, but she refused. She had to buy maternity clothes on her own, as well as other incurred expenses.

Domestic Violence

In addition to not being able to practice her faith, Zakia suffered physical, emotional and financial abuse and neglect. Zakia and Wasim's families' differing religions was a huge point of contention. She had to pay her in-laws back if they went out on outings. She was not allowed to send money to her family in India. In addition, she was not allowed to choose her own friends. The food she ate, the

places she went and the clothes she wore were closely monitored by Wasim's family. She was not allowed to pursue her education. One winter evening, when she was four (4) months pregnant, Zakia told Wasim they needed groceries. He went with her to the grocery store but abandoned her there, forcing her to walk back home in -27 Celsius weather. When she finally reached home at 10:30 PM, she found that Wasim and his family had eaten and not saved her any food. She greeted the family and went into the kitchen to cook. The family started yelling at her for not greeting them. She explained she did greet them however she was hungry and tired, so she wanted to eat something. Her father-in-law called her a "bloody Muslim", insulted her family and their religion. Her father-in-law told her she was living in their home, not hers and demanded that she leave.



Zakia took her father-in-law seriously due to the violent nature she had observed in the family over the years. A few weeks previously, she had seen Wasim's cousin assault his sister, resulting in need for medical attention. Zakia decided to leave to protect herself and her unborn baby. She left quickly, in the middle of the night. It was the middle of winter, but she was scared and determined to not return. She had only \$20 in cash and a credit card with her. She took an Uber to a Holiday Inn and stayed there for the night. The next day at her workplace, she received a text from her spouse saying that he no longer considered her his wife. He invoked divorce using the word "talak" three times which constitutes as divorce under Islam law. They separated that day and Wasim told her he would send her the divorce papers. Her colleagues advised her to call 911, which she did. The police took her intake information and drove her to a shelter. Shortly after, Zakia disclosed the abuse to a Public Health Nurse and she was referred to the Children's Aid Society (CAS) because of her concerns about her unborn child's well-being.

Zakia and Wasim continued to see each other at work but did not interact. Zakia had to finish work early on the recommendation of her midwife due to her poor health. Wasim never spoke with her or inquired about the baby or her health. Zakia gave birth to her daughter by emergency C-section. Wasim visited her only once after childbirth and brought his colleagues with him to the visit.

Resolution

Zakia was granted sole custody of her daughter and they currently reside in government housing. Wasim is able to visit their daughter, however, pick-ups and drop-offs are arranged through a mutually agreed-upon third party. Wasim was paying monthly child support, however, he has not seen nor had any contact with his daughter since February 2019. Zakia enrolled into school to complete her high school credits.

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CHAPTER 12.

CASE STUDY NUMBER 3: MIREMBA AND JAMES

| Profile | Woman | Man |
|--|---|--|
| Name | Miremba | James |
| Age at time of marriage | 25 | 37 |
| Age * | 32 | 44 |
| Country of Origin | Uganda | Uganda, lived and worked in Canada |
| Religion | Christian | Christian |
| Education | High School | Diploma in Supply Chain Management |
| English language ability | Proficient | Proficient |
| Employment before migration | Student | No Information Available |
| Employment* | Unemployed | Full time job as a supervisor in a large grocery chain |
| Category under which immigrated | Family Sponsorship: James sponsored Miremba under the Spousal sponsorship program in 2006 | No Information Available |
| Immigration status* | Permanent Resident/Citizen | Permanent Resident/Citizen |
| <p>Number of years of marriage: 6</p> <p>Children*:</p> <ul style="list-style-type: none"> • Daughter: Dembe (6 years old) • Son: Noah (3 years old) | | |

*At the time of the Family Court application

Pre-Migration History

Miremba was living and studying in Uganda when she met James, through a family member. James was visiting from Canada at the time. Miremba and James were married in Uganda on June 10th, 2005. It was the first marriage for both. It was only after their marriage that Miremba discovered that James had a child from a previous relationship. James had a well-paying full-time job as a supervisor in a large grocery chain and he sponsored Miremba to immigrate to Canada. She landed in March

2006, nine months after their wedding. She moved into James' three-bedroom house in a large city in Canada.

Settlement in Canada

Immediately after landing in Canada, Miremba's life was impacted by James's friends and his drinking and partying. He would go to clubs and bring friends home to continue partying into the early hours of the morning. She became pregnant a few months after they arrived and had her daughter less than one year after her arrival. When Miremba asked James for money to buy maternity clothes, he refused, and she was forced to wear her regular clothes with open zippers and buttons throughout her pregnancy.

Domestic Violence

The relationship was abusive throughout the six years of their marriage. Even after the birth of their daughter, James continued to bring friends over to drink and party. On more than one occasion, the neighbours called the police complaining about loud music and people fighting. The police were never able to catch James's friends, as they would leave before the police arrived. On weekends, Miremba would have to clean up the house after the parties. James would also often have people living for extended periods in the house, some of who were tenants.

When Miremba began part-time work at a thrift store and needed James to look after their daughter, he was often neglectful. He either dropped the baby off at his cousin's house or left her with a tenant in the house. Once, when their daughter was a year old, Miremba came home and found her daughter's arms and legs had become severely swollen. She rushed her to the hospital where the child was admitted for a week. James refused to help, stating it was her responsibility. During the child's medical situation, James did not take any time off work while Miremba took two weeks off to care for her daughter. She also got some help from James' cousin to look after the child during her recovery. When deciding whether to have more children, Miremba and James had a long discussion about James changing his behaviour. He agreed to do so. When Miremba became pregnant with their son, James was pleased. A few days later he brought a woman home to stay with them and Miremba found them drinking together. Miremba called James' cousin and asked him to talk to him about his behaviour.

Three years after coming to Canada, Miremba went to the funeral of a woman in the community who had been murdered by her ex-husband. When she returned home, James had friends over drinking, and he was yelling at the TV. One of James's friends approached Miremba and threatened her, saying she should be taught a lesson like the murdered woman. Miremba was scared and asked James to intervene. The friend further threatened Miremba by saying that though Miremba didn't like him, he was going to come to the house every day. Many of James' friends had criminal records and were wanted by the police and Miremba feared for her safety. Around this time James also started an extra-



marital affair. He once brought his girlfriend to a Ugandan concert in the community and Miremba was very embarrassed.

When Miremba's son was born in December 2009, James did not take any time off to help. He continued to party and drink heavily while she did all the household chores and cared for both children. When he did help, he was irresponsible. Once, he took the baby to the park while drinking beer and lost the baby's stroller.

James did not support Miremba financially and she had to struggle to make ends meet. She cobbled together funds (from a friend and a tenant) to take a Personal Support Worker (PSW) course to better the family's financial situation. James was not providing for his family any longer (no money for food and diapers), as his employment was sporadic.

In 2011, Miremba was offered a part-time job as a personal support worker. The job was in an evening shift. James offered to switch his night shift and working day shifts to accommodate her job. Within a week of her starting the job, James went back to the night shift. He would leave the children with his cousin and Miremba would pick them up at 11:30 pm which took a toll on the daughter as she was always tired and sleepy during school.



In 2011, six years into their marriage, James was arrested for assaulting his girlfriend at a party. At this time, he told Miremba he wanted to separate. She asked if he would be interested in counseling, but he refused. James pushed Miremba into signing papers she later learned were related to the refinancing of the home. There was a meeting arranged and the community pastor and his wife officially witnessed Miremba and James's separation. In early 2012, Miremba and the children went to live at a shelter. They were forced to relocate

from the family home as James planned to return to Uganda permanently and wanted to sell the home. Though Miremba had called to inform James about the move, she received a call from the police who called the shelter to verify that Miremba was living there. James had reported Miremba and the children missing.

Resolution

A lengthy court battle followed that lasted six years. James did not want to support Miremba and the children. The final settlement gave Miremba full custody and James had access to the children. Miremba got a restraining order except for purposes of access exchanges. James's pension was divided. The matrimonial home was sold, and Miremba received her share of the home. Miremba lives in affordable housing with her children and works as a personal support worker at a hospital. Miremba wishes to buy a home in Canada in the future.

Click on the links below to access Case Study questions related to the following:

Intersectional Vulnerabilities

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CHAPTER 13.

CASE STUDY NUMBER 4: SONALI AND RAVI

| Profile | Woman | Man |
|---------------------------------|---|--|
| Name | Sonali | Ravi |
| Age at time of marriage | 27 | 29 |
| Age * | 31 | 33 |
| Country of Origin | India | India |
| Religion | Hindu | Hindu |
| Education | MA & MBA degree from India | No Information Available |
| English language ability | Proficient | Proficient |
| Employment before migration | Intern as a Human Resources Executive | Sole director and shareholder of a motor freight company |
| Employment* | Working part time at a drug store, since 18.03.2016 | Sole director and shareholder of a motor freight company |
| Category under which immigrated | Family Class. Ravi sponsored Sonali under the Spousal Sponsorship program 2-year conditional PR program. (2015) | No Information Available |
| Immigration status* | Permanent Resident | Citizen |
| Number of years of marriage*: 4 | | |
| Children*: None | | |

*At the time of the Family Court application

Pre-Migration History

Sonali was twenty-seven years old and Ravi was twenty-nine when they were married. At the time of the wedding, Sonali was living in India. Ravi, a Canadian citizen, lived in a large city in Ontario and had a full-time job in the automotive industry. Along with his job, Ravi also had a motor freight business. The arranged marriage took place in India in October 2013 and it was the first marriage for both. Sonali continued to live in India for two years after their marriage as Ravi delayed applying for

the Spousal Sponsorship Program which would allow her to immigrate to Canada. Sonali landed in Canada in October 2015, as a Conditional Permanent Resident.

Settlement in Canada

Upon Sonali's arrival to Canada, she lived with Ravi, his parents and his two sisters in a house that was co-owned by Ravi, his father, and the sisters. During this time, Ravi's family was verbally abusive towards Sonali. In addition, her mother-in-law would inappropriately interfere with the couple, not allowing them privacy. For example, the mother-in-law would often come into their bedroom and insist on sleeping between the couple. On one occasion, she barged into the washroom, without knocking, when the couple was showering together.

Domestic Violence

Sonali suffered violence from both Ravi as well as her in-laws. Her mother-in-law would physically and verbally abuse her. Once, when Sonali was on the phone with her mother in India, her mother-in-law was listening to the conversation on another line. When Sonali confronted her, her mother-in-law became angry and slapped Sonali. She began to cry and called Ravi at his place of employment and he came home and took her back to his office with him.

After this incident, Sonali would go to Ravi's office with him every day because she did not want to be alone with her mother-in-law. Eventually, the mother-in-law and sisters-in-law, stopped speaking to her.

One day in winter, when Sonali was in the car with Ravi, he started arguing with her, slamming his hand into the steering wheel, and yelling at her. He told her to get out of his car and dropped her off on the side of the road. She asked a passing couple for help. The couple agreed and dropped her off at a police station. The police took Sonali back to the house as part of their investigation. The officers spoke to the mother-in-law, who stated she had no problem with Sonali living with them, but the officers gave Sonali the option of being taken to a shelter. Sonali did not want to separate from her husband and decided to go to Ravi's office. She eventually went back to the house.

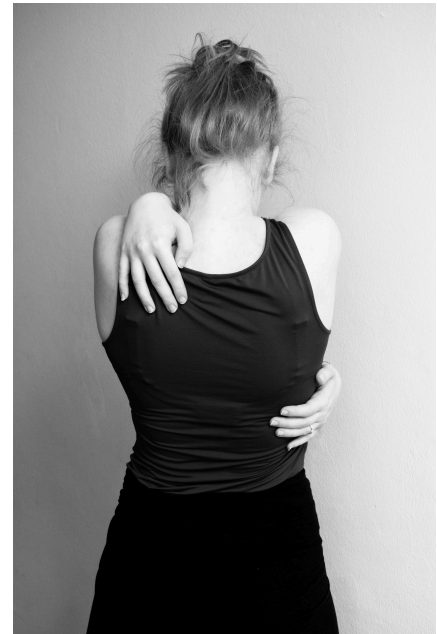
Tensions continued to increase and there was another argument between Sonali and her mother-in-law. Sonali had stepped outside of the house for a moment and was locked out by the mother-in-law. Sonali and Ravi left his family's home after the incident. After obtaining permission from Ravi's employer, they stayed at Ravi's office for three nights. They had no change of clothes and ate at a local temple. Eventually, Ravi's boss took them to his home and allowed them to use his facilities. He advised them to move out on their own to start over.

Later that winter (March 2016), Sonali and Ravi moved into a condominium that he owned, it had been purchased before the couple married but had been rented out as an income-generating

Sonali started working part-time in a large drug store chain as she never received money from Ravi. Ravi directed her to purchase all the necessary items for the condo (bed, mattress, TV, etc.) from her own account. Sonali had come to Canada with extremely limited money and once that was spent, her

mother would sporadically send her money from India. Sonali was also told that she was responsible for groceries and her own cell phone bills.

Sonali suffered verbal, physical, financial and sexual abuse at the hands of her husband. He was unpredictable and had intense mood swings, becoming angry for reasons that were not clear to Sonali. He would drink excessively and frequently exhibited strange behaviours. For example, he would drive Sonali around the city, drop her off at a random location, and then report her missing to the police. On numerous occasions, Sonali was physically assaulted by Ravi. In the spring of 2016, after an assault resulted in a bruise on her arm, Sonali went for treatment and disclosed to her family doctor she was being abused. The doctor advised her to report the abuse to the police and go to a shelter, but she refused stating that she wanted to try and save her marriage. Some time passed and once again Ravi assaulted her and caused her arm to bleed. He went with her to the hospital emergency department and forced Sonali to tell the doctors that she cut herself while washing dishes. She required stitches for the lacerations.



Ravi's behaviour was erratic, he would often do and say hurtful things to her and then apologize. During a trip to the shopping mall, he left her and approached a nearby police officer saying that Sonali was mentally unstable, and suicidal; that her lacerations were self-inflicted. Sonali spoke to the officers herself and clarified the situation. The officers asked Sonali if they should arrest and charge her spouse, to which she answered, "No". The officers dropped Sonali off at the condo. During this time, Ravi stayed with his sisters for a few nights then returned to the condo.

In January 2017 the couple went to India to attend a wedding and visit family. At the wedding, Ravi got extremely drunk and insulted her in front of family members. While visiting a neighbouring country on a tour, Ravi became angry and asked Sonali for his passport and told her not to return to his house in Canada. He then returned to the place they were staying and acted as nothing had happened. Sonali was becoming increasingly scared of his erratic behaviour.

Upon return to Canada, Ravi was fired from his job. Soon after, he assaulted Sonali again but this time she called 911. Ravi was criminally charged with three counts of assault. He was released on bail with a no direct or indirect contact with her and he was not allowed to visit their home. However, her mother-in-law consistently attempted to contact her, wanting them to reconcile. Ravi went to Criminal Court in May 2018 where he pleaded guilty to the charges. Sonali was fearful for her life and sought a restraining order. As a result of the abuse, Sonali developed anxiety, constantly feels stressed, and has difficulty concentrating. She has trust issues and difficulties forming relationships. She also suffers from headaches, which impair her day-to-day functioning.

During their separation proceedings, Ravi did not disclose his full financial status. He did not disclose the fact that he was self-employed, as he did not want this income to be computed for the purposes of spousal support. Prior to marriage, he had incurred high debts which he was unable to repay. He

had a consumer proposal in January 2013 which he was paying off throughout their marriage. Sonali found out about these financial issues at the time of separation.

Resolution

The condominium was sold and, after paying off the mortgage and taxes, Sonali got a lump sum settlement. Sonali is safe, in receipt of a substantial financial settlement and restraining order from Family Court. Ravi and Sonali eventually got divorced. She is currently working two jobs and is financially self-sufficient. She owns a condominium, which she was able to purchase, in part, with help from her family in India.

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CHAPTER 14.

CASE STUDY NUMBER 5: GAGANDEEP AND KULDIP

| Profile | Woman | Man |
|---|--|--|
| Name | Gagandeep | Kuldip |
| Age at time of marriage | 25 | 35 |
| Age * | 27 | 37 |
| Country of Origin | India | India |
| Religion | Sikh | Sikh |
| Education | High School | High School |
| English language ability | Limited | Limited |
| Employment before migration | No Information Available | Employee in construction industry in Italy |
| Employment* | Part time worker at fast food store | Full-time employee in construction |
| Category under which immigrated | Gagandeep immigrated to Canada with her family in 2005 | Family Class: Gagandeep sponsored Kuldip under the Spousal Sponsorship program in 2009 |
| Immigration status* | Citizen | Permanent Resident |
| <p>Number of years of marriage*: 2</p> <p>Children*:</p> <ul style="list-style-type: none"> • Son: Ravi: (11 months old; born with numerous health issues and had major surgery as an infant. Ongoing medication and care are required.) | | |

*At the time of the Family Court application

Pre-Migration History

Gagandeep immigrated to Canada in 2005 with her parents and was married to Kuldip in 2008. Theirs was an arranged marriage. Gagandeep and Kuldip’s parents connected through a matrimonial advertisement in a local newspaper, and the very next month the marriage ceremony was performed as per Sikh religious rituals. Prior to the marriage, Kuldip was living in Italy, working in the construction industry while his mother and sister resided in Canada.

Settlement in Canada

After the marriage, Kuldeep lived in Canada on a visitor visa and Gagandeep moved to join him in living with his extended joint family. Gagandeep sponsored Kuldeep's immigration under the Spousal Sponsorship Program and just over a year later Kuldeep received his landed immigrant status. For the first several months of their marriage, their daily living was without incident. Gagandeep worked full-time at a restaurant and Kuldeep worked in construction. However, Gagandeep became pregnant soon after they married, and their son was born in January 2009.

Domestic Violence

Less than a year into the marriage, the relationship shifted with the birth of Gagandeep's son, and it further degraded when Kuldeep received his landed immigrant status. Immediately after her C-Section Kuldeep forced himself on Gagandeep and demanded sex. His actions resulted in her requiring medical care.

In April 2009, when Kuldeep received his new immigration status, he started to abuse Gagandeep and the baby verbally and physically. The couple had a joint bank account that Kuldeep proceeded to drain. At the same time, he opened a new bank account of his own. Kuldeep would accuse Gagandeep of being disrespectful towards his mother, would hit Gagandeep as punishment, and tell her to leave the house with the baby. Their son had numerous health issues and required surgery at 3 months. Kuldeep did not help with any of the significant required medical follow-ups.

The violence continued to escalate. In April 2009, there was an incident where Kuldeep slapped Gagandeep so hard that she collapsed on the ground. He pulled her hair, punched her in the head, and pushed her against the wall. He kicked her in the stomach and back.

In June 2010, Kuldeep, who had been out drinking, came home and demanded sex from Gagandeep. She said she would comply after she put the baby to bed. Kuldeep became violent, beat her, and forced himself on her while she was holding the baby. Gagandeep blacked out. When she regained consciousness, she approached her mother-in-law for help but was refused. The baby was traumatised in the event and quickly developed a fever.



The next day Gagandeep took the baby to see a doctor and he noticed the marks on her face, which were a direct result of the abuse she had experienced from the previous night. Gagandeep did not disclose to her physician the real reason for the marks. That same day, Kuldeep disclosed the events of the night to his cousin. The cousin counselled Kuldeep, telling him not to hit or force himself on Gagandeep again. At this time Gagandeep went to stay at the cousin's house for a few days with the baby. Kuldeep came to the cousin's house and

apologized to Gagandeep and said he would never hurt her again, she decided to return home with him.

Kuldip did not keep his word and the abuse continued to escalate. The beatings and incidents of forced sex continued, often while Gagandeep was holding the baby in her arms. Kuldip's anger towards the baby also escalated. One evening when the child was just 18 months old, Kuldip told him to stop playing with his toys. When the child continued to play, Kuldip slapped him across the face and beat Gagandeep when she tried to protect her child. Soon after, Gagandeep approached her parents and told them about the abuse. They advised her to try and repair the marriage.

The final incident came when Kuldip returned home late at night, drunk, and began yelling especially hurtful obscenities at Gagandeep and insulting her parents. Gagandeep confronted Kuldip, he slammed her head into a headboard and proceeded to choke her, saying that he was going to kill her. Gagandeep managed to get to her phone and called 911. Kuldip grabbed the phone and broke it, but the police were on the way. At this time Gagandeep's mother-in-law entered the room, blocking Gagandeep's departure and telling her son to kill her. She stated that she was no longer needed as Kuldip had successfully obtained his landed immigrant status. The police arrived before Kuldip could act on her suggestion.

The police removed Kuldip from the house and arrested him for assault and uttering threats. Gagandeep stayed in the house that night, with her mother-in-law present, and moved in with her parents the next day. Kuldip negotiated bail and was released on the condition of no contact with Gagandeep. In November 2010, after receiving support from the counsellors and victim service support workers, Gagandeep charged Kuldip with sexual assault. Gagandeep sought a restraining order against Kuldip in Family Court.

Resolution

More than three years after the incident, Kuldip was sentenced in Criminal Court, given a 5-year probation and ordered to have no contact with Gagandeep for two years. In Family Court Gagandeep gained sole custody of her son. Kuldip was granted supervised access to the child. In 2016, Gagandeep and Kuldip divorced. Gagandeep has now remarried and lives with her new husband and her son. She is working full time and her parents support her in the care of her son.

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CHAPTER 15.

CASE STUDY NUMBER 6: NAMRATA AND DINESH

| Profile | Woman | Man |
|---|----------------|---|
| Name | Namrata | Dinesh |
| Age at time of marriage | 22 | 28 |
| Age * | 35 | 41 |
| Country of Origin | India | India |
| Religion | Jain | Jain |
| Education | M.Com. Degree | Dentist |
| English language ability | Proficient | Proficient |
| Employment before migration | None | Dentist, associated with another dentist's office |
| Employment* | Unemployed | Dentist, own office |
| Category under which immigrated | Economic Class | Economic Class (Primary applicant) |
| Immigration status* | Citizen | Citizen |
| <p>Number of years of marriage: 12</p> <p>Children*:</p> <ul style="list-style-type: none">• Daughter: Indrani (12 years)• Twin Sons: Ram and Shyam (6 years old). Ram and Shyam (6 years old). One of the boys has had special needs since birth and significant health issues since birth. He has undergone surgery and requires a lot of care | | |

*At the time of the Family Court application

Pre-Migration History

Namrata and Dinesh were married in India where Dinesh worked as a dentist. They had an arranged marriage. Both Namrata and Dinesh's parents were residing in India at the time. After living together in India for less than two years, Dinesh received his immigration papers to come to Canada. Dinesh

moved to Canada, without Namrata, as she was pregnant and could not accompany him. Their baby daughter was born in October 2001, two months after Dinesh's departure. Dinesh was disappointed as he wanted a boy¹ and Dinesh's brother expressed his displeasure towards the girl child by pressing a hot metal coffee cup to the baby's heel when she was ten months old. Namrata lived for seventeen months in India without her husband, raising her child alone. She spoke little to her husband over this time. Namrata received her immigration papers in December 2002 and planned to join Dinesh the following month however, her father-in-law misplaced her passport and she had to apply for an emergency passport to travel on.

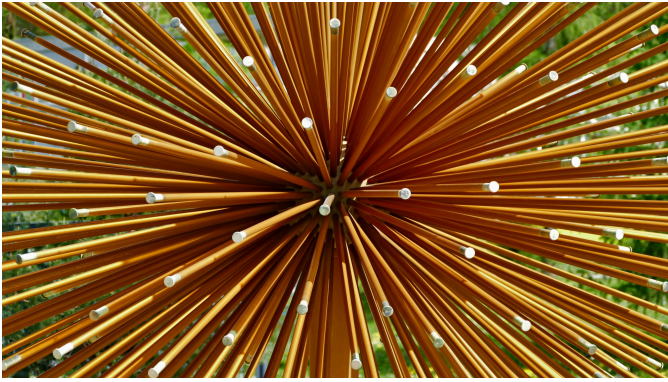
Settlement in Canada

Namrata joined Dinesh in Canada in January 2003 with her now 15-month-old daughter. Namrata was the primary caregiver for her daughter and was also responsible for all the household chores. Shortly after Namrata's arrival in Canada, Dinesh was accepted into a university dental program and began to work towards re-qualifying as a dentist so he could practice in Canada. Dinesh spent all his time at school and spent very little time with his family. Two years later Dinesh successfully re-qualified to practice and the family relocated to another city in Canada where Dinesh worked as an associate at a dental clinic. Namrata became pregnant with her sons. At seven months, she suffered complications and was rushed to the hospital. Dinesh was too busy at the dental clinic to support his wife. After the birth of the twins in the July 2006, things became more complicated in their household. One of their sons was critically ill and was immediately transferred to a children's hospital for surgery. Namrata was recovering from a caesarean section and could not accompany him to the hospital. Dinesh was very reluctant to take time off work to care for his son in the hospital, but finally conceded to do so. One year after birth, their other son suffered third-degree burns on his face from a hot tea spill while in the care of their nanny. There were many medical appointments and much care was required for both boys in their early years. Dinesh did not help at all with their health needs or with transportation to and from the hospital/clinics. Namrata either went alone or asked friends for rides.

Domestic Violence

Namrata had experienced emotional abuse in her marital home prior to immigration. The trend of Dinesh's emotional neglect continued, while his desire to accumulate wealth escalated after migration. He had always been controlling with money and did not allow Namrata to participate in decisions about the family finances. The year the twins were born, Dinesh incorporated a dental business under his name and fraudulently put Namrata on the payroll as an employee to receive the tax write-off benefits. At the same time, he worked at another dental clinic as an associate. In 2009, the matrimonial home was purchased. In the same year Dinesh used the equity in the home to fund other investments. These details were not shared with Namrata, though some of them were registered under her name.

1. In many cultures, it is considered better to have a male child than a female child. This is a traditional cultural view that is perpetuated in modern South Asian families, living in both India and other countries like Canada. See a recent research study on sex ratios at birth among second-generation mothers of South Asian ethnicity in Ontario, Canada: a retrospective population-based cohort study that discusses some of the issues and impacts of this cultural gender preference: <https://jech.bmj.com/content/jech/72/11/1044.full.pdf>



In October 2011, Dinesh became increasingly hostile and questioned Namrata's loyalty to the marriage. He threatened to throw her out of the house and cut her off financially. He called Namrata's brother and parents in India and said that he was going to throw her out. Namrata's parents called their family friend in Canada and asked them to help her, but Dinesh agreed to let Namrata stay upon advisement from his father. Her family pressured her to apologize to Dinesh and she agreed, as she was afraid of being told to

leave the home. A mutual friend suggested counselling for the couple at this time. Dinesh refused, but Namrata started to attend counselling sessions, nonetheless. The couple then moved into separate bedrooms. Both Namrata's and Dinesh's parents arrived from India and pressured the couple to reconcile. Namrata agreed to for the sake of the children. Within a year, Dinesh had security cameras installed in the home to monitor Namrata's movements and told her he had hired a private detective to follow her. As well, Dinesh began to transfer larger amounts of money to his brother in India, depleting their Canadian assets. He asked her to sign papers for refinancing the matrimonial home and to transfer investments made under her name to his. She refused and Dinesh became very angry.

Throughout the marriage, Namrata and Dinesh fought about how to raise the children. Dinesh would hit the twins to discipline them, scare them with violent images on TV, and encouraged physical altercations to solve problems. Dinesh would engage his nine-year-old daughter in conversations about family conflicts and would make mean remarks about Namrata and both sets of grandparents.

Dinesh was always suspicious of Namrata and suspected her of having an affair with his friend Balwant who used to often stay with them in their home. Dinesh installed a home security camera focused on both the exterior and interior of the home and could monitor this on his cellphone. Namrata felt concerned for her own safety and that of her children as Dinesh was monitoring their every move. On one occasion Dinesh said to Namrata in front of their teenaged daughter that he wanted to get DNA testing done, as he suspected he may not be their biological father.

On two occasions the Children's Aid Society (CAS) became involved with the family. In 2010, one of the twins, then aged four, told his teacher that his father hit him with a bat. Namrata denied any incident, as she was scared the children would be taken away. Two years later, the children told their family doctor that they were being abused. During a home visit from a CAS worker in November 2012, Namrata and Dinesh fought. After the worker left, Dinesh broke into Namrata's locked bedroom with tools. He took her personal papers and belongings and accused her of having an extra-marital affair. The children witnessed this incident. Dinesh called the police and asked them to come to the home. He misconstrued the events and painted Namrata as the perpetrator. The police asked her to leave the house for the night, without the children, even after she told them about Dinesh breaking her bedroom locks and about CAS being involved with the family. The children stayed in the home with the live-in nanny and Dinesh. Namrata was given no advice from the police about where she could spend the night, so she contacted friends and stayed with them for the evening. This night marked their official separation.

When Namrata returned to the marital home the next day, she sought help from a community organization, which in turn connected her to Victim Services. Victim Services helped Namrata contact the police to have their report updated with her statement of the events. The police called Dinesh and let him know that Namrata had updated the report. He became angry and threatened to send both her and the children to India. Namrata was fearful to contact the police again. Dinesh encouraged the nanny to quit, which meant that that Namrata would now be alone in the house with Dinesh and the children. Although Namrata and Dinesh were officially separated, the family lived together in the matrimonial home until December 2013. Namrata asked for interim spousal support in order to leave Dinesh's home. Once this was given to her by the court, Namrata left the home in order to protect her children from ongoing conflict and emotional trauma. She rented a two-bedroom apartment where she and her children could stay.

Resolution

After she left the home, Dinesh brought a motion to the court seeking the return of the children. Namrata brought a cross-motion stating that the children should remain in her care. The court criticized Namrata for taking what they called “self-help” steps in leaving Dinesh's home based on “historical allegations of abuse”. The court expected Namrata to obtain a court order before leaving the matrimonial home. The court also felt that Namrata's concerns about “safety” were suspect because she was willing to provide Dinesh with alternate weekend access. Dinesh resisted providing a full financial disclosure, and Namrata had to take him to court and struggled to obtain the necessary information.

This included his numerous professional and other corporate investments, which required involving many financial and accounting experts. In the end, Namrata was able to prove Dinesh's significant income and assets which finally led to a substantial financial settlement between the parties. Their matrimonial home was sold by court order and Namrata received her share of the sale proceeds. Namrata was granted child and spousal support and was able to purchase a home where she lives with her three children. The children see their father as his work schedule permits.



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CHAPTER 16.

CASE STUDY NUMBER 7: DEEPA AND AMOL

| Profile | Woman | Man |
|--|----------------------------|--|
| Name | Deepa | Amol |
| Age at time of marriage | 42 | 28 |
| Age * | 53 | 39 |
| Country of Origin | India | India |
| Religion | Sikh | Sikh |
| Education | Undergraduate Degree | Undergraduate Degree |
| English language ability | Proficient | Proficient |
| Employment before migration | Airline worker; cabin crew | Electric engineer |
| Employment* | Unemployed | Started his own trucking business in 2009; sole owner and director of this corporation |
| Category under which immigrated | Economic Class | Economic Class |
| Immigration status* | Permanent Resident (PR) | Permanent Resident (PR) |
| <p>Number of years of marriage*: 11</p> <p>Children*</p> <ul style="list-style-type: none"> • Son: Amar (7 years old) • Daughter: Anju (7 years old) | | |

*At the time of the Family Court application

Pre-Migration History

Deepa worked as a cabin crew member on an international airline prior to her marriage to Amol. They both resided in a large city in India at the time of their marriage. Deepa used her savings to purchase an apartment for the family after they were married. When the family migrated to Canada, the apartment was sold, and the money used by Amol to purchase property in India in his own name. Deepa took voluntary retirement from the airline prior to migration. She cashed out

her retirement benefits to bring CAD \$27,000.00, at the time approximately IRS 15 Lakh (Indian Rupees), to Canada. Amol had an excessive drinking habit from the beginning of their relationship.

Settlement in Canada

The couple applied for immigration to Canada and Amol was first to arrive. In July 2007 he started working in construction and labour jobs as he began to settle in the family's new surroundings. Deepa arrived in August 2008 with their children. In 2009 Amol started his own trucking business; he was the sole owner and director of this corporation. Deepa realized that Amol was having an extra-marital relationship with another woman before she arrived in the country. Deepa confronted Amol, but he told her that she had no choice but to live with him. She decided to stay for the sake of the children.

Domestic Violence

The couple began to have serious marital difficulties and would fight frequently because of issues related to Amol's extra-marital relationship and his excessive drinking. He would drink and drive with the children in his truck and leave his alcohol out in the open in the home. He would disguise his liquor in juice bottles and on one occasion, their daughter accidentally drank from one of the bottles filled with liquor. When he was drinking, he would become verbally and physically abusive toward Deepa which was witnessed by the children.



While Amol was intoxicated, he would yell and shout at the children. He would also watch sexually explicit materials on the internet in their presence. As a result, the children became afraid of him. Sometimes after fighting with Deepa, he would drive while intoxicated, return home and then fall asleep in the yard.

In September 2009, Amol assaulted Deepa and she decided to report the incident at the local police station. Amol was charged with assault and for uttering a death threat. He was released on bail and ordered to have no contact with Deepa until the court proceedings. The Children's Aid Society (CAS) became involved. The parties were living separately in basement apartments, Deepa with the children, and Amol alone. Although there was no contact order, he started coming to her apartment for access to the children. In April 2010, the criminal court had Amol sign a peace bond for twelve months, again with conditions of no contact for one year. However, the extended families became involved and tried to get the couple to resume their relationship. At the request of the families, Deepa reconciled with Amol. The relationship was still tenuous however, he involved a lawyer to put a condition before reconciliation that they would live together only if she signed a separation agreement. Amol hired another lawyer to supposedly give independent legal advice to Deepa and to witness her signing the agreement. In June 2010, Deepa signed the official separation documents, without fully understanding what she was signing as she was provided no proper explanation by

either of the two lawyers involved. Included in the agreement was a nominal child support payment of only \$150 and released Amol from having to pay any spousal support to Deepa. At the time the arrangement was signed, Amol did not provide financial disclosure. The agreement also stated that Deepa would have sole custody and Amol would have access to the children at Deepa's residence. She also waived all rights related to property as she was under the impression that he wanted this arrangement to be made as a precondition to reconciliation.

In August 2010, Amol moved into the basement apartment with Deepa and the children. In November 2010, Amol bought a property, solely in his name, and the family moved in together. Amol's parents visited in the new year and stayed for six months. After their departure, Amol left for a friend's wedding in India. He returned in December 2011 in time to celebrate the twins' birthday. The next day, Deepa received an anonymous phone call telling her that her husband had gotten married during his time in India. Deepa opened Amol's luggage and found a DVD of the marriage. She had been unaware of the fact that Amol had filed for divorce in a neighbouring city, and that the order was granted in April 2010, 7 months prior to his trip to India. Deepa was never served the divorce application and she was unaware of how he was able to secure the divorce without officially serving her with papers¹. She confronted Amol and he moved out of the house in December 2011. Deepa applied for Ontario Works (OW) and remained on social assistance for eight months. She found part-time employment as a school bus driver during the school year in September 2012. Deepa continued to live in Amol's house with the children. After leaving, Amol called the house and had his friends call the house on several occasions demanding that Deepa leave the premises.

From 2013 onwards, Amol started defaulting on water and hydro payments for the property. Water service was cut off and the family was without water and heat for many months which included winter months. Deepa and the children were forced to bathe at the local community centre. Beginning in May 2015, Amol stopped paying for the home as well the mortgage payments. When that happened, the bank started legal proceedings to take over the property, and Deepa and her children were forced to move out of the house.

Resolution

A major point of contention, in this case, is when the official separation of the parties took place. Deepa was living with Amol and was under the impression that the marriage was valid until December 2011 when Amol left the house, although the separation agreement was signed in June 2009. This has implications for spousal and child support payments. Amol went to the courts in November 2012, claiming that Deepa had alienated the children from him and restricted his access to them. He then asked for custody and access of the children. Deepa refuted the accusation that she

1. Upon investigation, Deepa's lawyer was able to uncover what had happened in this case. In August 2010, Amol started living with Deepa and the children. However, he had filed an application for divorce in SCJ court in September 2010 (within 1 month of their reconciliation), and the divorce order was granted in April 2011 where Deepa was noted absent and it was granted by default by the court. The lawyer found out that Amol had filed an Affidavit of Service from a process server, who made a statement on oath that he had personally served Deepa with the Divorce Application "by leaving a copy with her" (which she had never received). She had never lived at the address he showed on Divorce Application, where the process server claimed to have served her personally. The process server was included in the list of witnesses. However, the court relied on Affidavit of Service to be true, consider her to be properly served, as the timeline of 30 days for her responding passed, she was noted in default and the court granted the divorce.

was restricting access and claimed that Amol had made no efforts to see the children in the past 11 months despite their daughter being very unwell. Deepa asked the courts to set aside the previous separation. She asked for sole custody of the children with supervised access for Amol. She asked that the children have their own lawyers, claimed child support, spousal support and requested a restraining order against Amol.

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CHAPTER 17.

CASE STUDY NUMBER 8: CLAUDIA AND HENRY

| Profile | Woman | Man |
|--|--|-------------------------------------|
| Name | Claudia | Henry |
| Age at time of marriage | 24 | 46 |
| Age * | 32 | 54 |
| Country of Origin | Dominica | Dominica |
| Religion | Christian | Christian |
| Education | High School incomplete | High School |
| English language ability | Proficient | Proficient |
| Employment before migration | Unemployed | No Information Available |
| Employment* | Unemployed | Self-employed doing window cleaning |
| Category under which immigrated | Family Sponsorship. Henry sponsored Claudia under the Spousal Sponsorship program. | No Information Available |
| Immigration status* | Permanent Resident | Citizen |
| <p>Number of years of marriage: 8 Number of children:</p> <ul style="list-style-type: none"> • Daughter: Faith (5 years) • Daughter: Hope (5 years) | | |

*At the time of the Family Court application

Pre-Migration History and Settlement in Canada

Claudia came to Canada as a visitor in 1999 and met Henry in 2004. Henry was self-employed and had been living in Canada for 15 years. The couple started living together in a house owned by Henry. Claudia overstayed her visitor status and was deported in 2006. At the time, she was pregnant with twins. Claudia lived with her daughters in Dominica for the next six (6) years.

Henry sponsored Claudia and their daughters for immigration to Canada. They arrived in Canada in 2012. Henry needed to establish his relationship to his daughters prior to this sponsorship through

DNA testing. Claudia received Conditional Permanent Resident status. When they arrived, the family established themselves in a rented apartment because Henry had sold his house.

Domestic Violence

From the beginning, Henry was emotionally and financially abusive toward Claudia; he was very controlling. He did not bring food into the house or provide for day-to-day expenses. He would curse at Claudia and was always suspicious of her actions. He would control all her interactions with others. He kept the only key to their apartment and monitored everyone's comings and goings. Henry was an alcoholic, drank excessively and would become loud and disruptive.

Things did not go well within the household. In addition to his drinking, Henry was neglectful. He did not provide Claudia with money for food nor clothing and was not involved with the children. The girls were scared of him, saying he smelled bad. They also expressed that they did not want to be in the house when he was there; they said they wanted to move away from him.



When they were enrolled in school, the girls began to struggle with behavioural issues (e.g. throwing things and bedwetting) and tried to run away from him. In addressing the girls' issues, Claudia disclosed her partner's behaviour to their teacher. Henry was called in and he was very upset. He started yelling at Claudia and behaving aggressively. After the meeting, he followed Claudia back to the house instead of returning to work to make sure she was not leaving the home. The teacher called Children's Aid Society (CAS) which immediately became involved in the matter maintaining contact with the family for the next two years.

The following day when Claudia had a friend visiting the apartment, Henry began swearing aggressively at them. He threatened Claudia, saying he would revoke her immigration status. Days later, in October 2012, fearful for her own and the children's safety, Claudia went to a shelter with the girls. She had been in the country for less than six months.

Resolution

Claudia continued to have the children in her care after the separation de facto custody. She was always the primary caregiver for her kids. Henry demanded custody of the children and did not want to pay child support: he felt that he had paid substantial fees associated with their sponsorship. The case came before Family Court in 2013 and ended mid-2015. The court granted Claudia sole custody of the children. Henry got daytime access with the condition that he should not consume alcohol before and during access visits. There was a mutual non-communication order between parties. Claudia had to withdraw her spousal support claim. The Children's Aid Society (CAS) continued to be involved in the case from 2012 onwards although they did not have child protection concerns.

They supported Claudia and her children by providing counselling, support for housing and access to resources. Claudia continues to receive government assistance and provides for all the girls' needs.

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CHAPTER 18.

CASE STUDY NUMBER 9: RABIA AND ALI

| Profile | Woman | Man |
|--|---|--|
| Name | Rabia | Ali |
| Age at time of marriage | 21 | 25 |
| Age * | 36 | 40 |
| Country of Origin | Pakistan | Pakistan |
| Religion | Muslim | Muslim |
| Education | Partial completion of an undergraduate degree in Microbiology from Karachi University | Undergraduate |
| English language ability | Limited | Limited |
| Employment before migration | Unemployed | Car dealership owner |
| Employment* | Unemployed | Owns and operates a car dealership company |
| Category under which immigrated | Business Entrepreneur Visa | Business Entrepreneur Visa |
| Immigration status* | Permanent Resident (PR) | Permanent Resident (PR) |
| <p>Number of years of marriage*: 15</p> <p>Children*:</p> <ul style="list-style-type: none"> • Son: Akbar (13 years) • Daughter: Rashida (8 years) • Daughter: Rukshana (5 years) • Daughter: Ala (4 years) • Daughter: Sultana (4 years) • Daughter: Afroz (3 months) | | |

*At the time of the Family Court application

Pre-Migration History

Early in their marriage, the couple moved to the Middle East where Ali built his car dealership. He

relocated the family even though their son had asthma and the climate in the Middle East did not suit him. Four years into their marriage, in May 1999, Rabia and Ali immigrated with their young son to Canada, under the Business Entrepreneur program. Ali brought over USD \$300,000 as a condition of this immigration category. Initially, Rabia was not part of the decision to come to Canada, she simply accompanied her husband to keep the family together. However, after realizing that the Canadian climate would be far more suitable for her young son, Rabia agreed that immigrating was beneficial as he would no longer require the daily, life-saving dose of steroids he was taking during their time in Dubai.

Settlement in Canada

Upon arrival in Canada in May 1999, Rabia and Ali purchased a condominium with cash. Ali opened a furniture store and continued to keep his car dealership running in the Middle East. Two years later, the couple secured a mortgage and purchased a second property. This property was sold in 2003 but Rabia did not receive any share of the equity realized by the sale. When Rabia and Ali became Permanent Residents (PR) in 2002, Ali sold the furniture business, making a profit. He continued to have investments in Dubai. Rabia stayed in the home and looked after the growing family. All domestic chores and child-rearing duties were her responsibility. Ali's only priority was making money. Five years after coming to Canada, Ali started a car export business, allowing him the ability to purchase and move cars to the Middle East.

Domestic Violence

Throughout their marriage, Ali verbally and physically abused Rabia in the presence of the children. Further, Ali would flaunt his relationships with other women in front of his wife, and demanding sex from her whenever he wanted. He controlled all Rabia's finances, monitoring their accounts electronically, and providing money only for necessities. Requests for additional money to support the children's extracurricular activities were refused. She was not allowed to leave the house unless absolutely necessary and she was not allowed to contact her family living in Pakistan. Ali forced Rabia and the children to accompany him back to the Middle East on extended business trips (up to six months at a time) several times during their marriage despite her son's pre-existing condition. In order to accompany her husband, he would force her to withdraw the children from school. On these trips, she and the children would be relegated to the house while Ali conducted his business and stayed out late into the evening. Upon returning to Canada, Rabia would re-enroll the children in school, and predictably, they fell behind in their studies.

Ali would often yell at and hit the children, and as a result, they were scared of him. Ali would periodically threaten Rabia, saying that he would take the children in the middle of the night, put them on flights to Pakistan and she would never see them again. In February 2009, Rabia contacted the police and told them about the abuse she had suffered over the years. Two of his daughters, who were six and nine years of age at the time, disclosed being sexually abused by him. Furthermore, their son disclosed physical abuse and claimed that Ali would videotape him in the shower. The Specials Victim Unit (SVU) was skeptical of these allegations as they felt that the children were being coached. The Children's Aid Society (CAS), however, placed Ali on the child abuse registry in December 2010. Ali was charged with two counts of assault and one count of sexual assault on Rabia. He was released on bail and ordered by the family court not to have any direct or indirect contact with the mother or the children. He was not allowed to leave the country. However, he went to court in May 2009 and successfully obtained a bail variation which allowed him access to his passport and permitted him to travel for business purposes. Months after the order, Ali's brother and sister began to harass Rabia, calling and visiting the condominium asking her to settle the matter outside of the court. Her brother-in-law would leave voice messages, saying if she did not talk with him, the children and her home would be taken away, and that God would be angry with her. She called 911 after one incident when the brother-in-law knocked aggressively on her condominium door and scared the children. Afterwards, the police came and assured her that her brother-in-law had received a warning not to contact her again. She sought a restraining order from the family court that would prevent the husband or anyone on his behalf from contacting her.



Resolution

In the case of the assault charges related to Rabia, Ali pleaded guilty. However, the sexual assault charges were later dropped. His sentence was probation for twelve months, with no contact with Rabia or the children. He was also required to attend anger management sessions. In August 2011 he was ordered to provide his passport to the lawyer and to make a full financial disclosure. He failed to provide both.

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CHAPTER 19.

CASE STUDY NUMBER 10: ANJANA AND MARK

| Profile | Woman | Man |
|---|---|--|
| Name | Anjana | Mark |
| Age at time of marriage | 33 | 34 |
| Age * | 51 | 52 |
| Country of Origin | Guyana | Guyana |
| Religion | Christian | Christian |
| Education | High School | High School |
| English language ability | Can communicate in English | Proficient |
| Employment before migration | Unemployed | No Information Available |
| Employment* | Machine operator | Unemployed |
| Category under which immigrated | Family Class: Mark sponsored Anjana (Spousal sponsorship) | Family Class. Mark was sponsored by his mother prior to marriage |
| Immigration status* | Citizen | Citizen |
| <p>Number of years of marriage: 18</p> <p>Children*:</p> <ul style="list-style-type: none"> • Daughter: Abi (22 years) • Daughter: Susan (20 years) • Daughter: Christina (14 years) • Son: Sean (12 years) | | |

*At the time of the Family Court application

Pre-Migration History

Anjana and Mark were married in Guyana in August 1992. It was the first marriage for both of them. Mark’s mother, who was living in Canada, sponsored him to immigrate to Canada in 1989. Mark and Anjana had a child in 1988 and the other in 1992. After their marriage in 1992, Mark sponsored Anjana to immigrate to Canada. She arrived with their two daughters (4 years and 2.5 years). Two other children were born after immigration, their daughter was born in 1996 and their son in 1998.

Settlement in Canada

The couple bought a matrimonial home in a large Canadian city. Mark, unemployed at the time, had poor credit so the property was bought under Anjana's name. For 13 years, she paid all the mortgage payments; working 3 jobs to pay household expenses. Mark never had a stable job and did not support Anjana and the family financially. Anjana bought all the food and the children's clothing with her own money. Anjana had to borrow money from friends and family to cover any shortfall in expenses so they would not lose the matrimonial home. Anjana struggled with multiple health concerns (hypertension, rheumatoid arthritis and carpal tunnel syndrome) but always pushed herself to work.

Domestic Violence

Throughout the eighteen years of their marriage, Mark was physically and verbally abusive to Anjana and their children. He was very controlling; listening in on her phone calls, following her to work and opening her email messages. While she was sleeping, Mark would go through her wallet and check her bank account and transactions. Over the period of their marriage the police were called many times: Anjana and the children called the police twenty-one times citing instances of assault and Mark called the police twelve times complaining of verbal abuse.

Soon after landing in Canada, Mark assaulted Anjana, hitting her over the head. The police were called, and Mark was charged. Anjana stayed at a women's shelter with her daughters. Mark was later convicted and let out on probation. The couple lived separately but reconciled a year and a half later.

Mark was also abusive to the children. In December 2008 when Anjana was at work, Mark became angry with and physically assaulted his second daughter, then seventeen years old. He chased her around the house, hit her and threw a rolling pin at her. She ran out of the house to escape but Mark ran after her, grabbed her wrist, and started punching her. A neighbour saw the assault and called the police. Mark was arrested and charged. Once again, he was placed on probation. During this time, Mark had another conviction for assaulting a neighbourhood child and was on probation for this charge.



In September 2010, approximately three years after the incident with his daughter, Mark was charged with multiple offences: assault, assault with a weapon, possession of a weapon, and mischief. These charges involved Anjana and two of their children. Mark was released on strict bail conditions. At this time the couple separated and two years later, Mark was found guilty for assault and failure to comply with bail conditions. He was sentenced to probation for one year which required him to have no contact with Anjana and the children for that period. When his probation was over, he used force to return to the matrimonial home but lived separately from Anjana and the children. He took over the master bedroom, garage, and the basement. Anjana did not know what to do.

Further assaults occurred, including an assault on another daughter and more charges were laid against Mark. Mark was ordered to leave the matrimonial home and collect his belongings only under supervision. He ignored this order and entered the home (with the son present) removing numerous items, including cherished family belongings. In November 2014, Mark and his son (then almost 16 years old) got into an altercation and Mark hit him. Anjana only came to know about these incidents three weeks later when her son disclosed this information.

While living in the home Mark did not contribute financially to its maintenance: city property taxes had not been paid in three (3) years and Anjana received a \$10,000 overdue bill. The children had to ask their paternal grandmother to lend Anjana money, as she could not afford to pay this bill. The grandmother lent them the money. Mark promised to pay half of the \$10,000 but he never did. Further, Mark also attempted to derail Anjana from receiving government child tax benefits by asking the tax agency to put those cheques in his name. In response to the stress and violence, Anjana's health continued to decline and she began to suffer panic attacks.

Resolution

Mark is expected to pay child support but has not accurately declared his income and assets (a vintage car) obtained through illegal activities. The date of their separation has been in dispute. The matrimonial home has now been sold and Anjana received her share of equalization as well as arrears of child support (from separation from 2010-2015). Mark also obtained his share of the equalization. Mark has been ordered by the court not to communicate with Anjana except through a lawyer. Mark is expected to pay child support for the youngest child based on his minimum wage income. Their divorce was finalized in 2016.

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CHAPTER 20.

CASE STUDY NUMBER 11: SHOVA AND ANANT

| Profile | Woman | Man |
|---|---|---|
| Name | Shova | Anant |
| Age at time of marriage | 23 | 25 |
| Age * | 38 | 40 |
| Country of Origin | India | India |
| Religion | Hindu | Jain |
| Education | Undergraduate | Undergraduate |
| English language ability | Proficient | Proficient |
| Employment before migration | Interior designer | Owned an import, export business in India |
| Employment* | Retail Job | Owner of Business |
| Category under which immigrated | Temporary Work permit (2007). Granted PR under the Start-up Visa program in 2009. | Temporary Work permit (2007). Granted PR under the Start-Up Visa Program in 2009. |
| Immigration status* | Permanent Resident (2009) | Permanent Resident (2009) |
| <p>Number of years of marriage: 15</p> <p>Children*:</p> <ul style="list-style-type: none"> ● Son: Aditya (13 years old, Indian Citizen) ● Son: Arjun (7 years old, Canadian citizen) | | |

* At time of the Family Court application

Pre-Migration History

In India, Shova worked as an interior designer as well as hostess at a large international airport. Anant owned an import/export business in India and expanded this business upon immigrating to Canada. Shova was involved in the business and performing sales and marketing functions, both in India and in Canada. Shova and Anant lived in Anant’s Joint Family (composed of 16 people) after marriage. Two of the conditions of their marriage were that Shova would give up eating meat, onions and garlic

(as this was not permitted in his religion) and that she would break all ties with her family. Anant was a staunch follower of the Jain religion. In support of his beliefs, Shova gave up eating meat when they married but Anant was always distrustful that she maintained this dietary restriction.



Shova and Anant's marriage was unstable from the beginning because she was not a Jain and because she came from a community where eating meat, onion and garlic was permitted. One year after their marriage Anant assaulted Shova. Subsequently, he and his family wanted the marriage dissolved so he could marry someone from within the Jain community. She was told to leave the matrimonial house and return to her parents' house. After discussions between the extended families the couple reconciled. However, physical, emotional,

verbal, and sexual abuse continued.

Shortly after this, Shova found out she was pregnant. She was admitted twice to the hospital during the pregnancy. Once, Anant kicked her and forced her to sleep on a cold marble floor. The second time, Anant pushed her into a bathtub because he was upset that she had not cleaned it and she suffered abdominal bruising.

Anant's cousin drove her to the hospital where she stayed in the intensive care unit (ICU) for five days for foetal monitoring. Shova told her doctor about the incident and Anant was told to stay away from the hospital grounds. When Shova's family confronted Anant about his behaviour, he was confrontational and disrespectful towards them.

Shova gave birth to her child in 2002. Security arrangements were made by the hospital, as there was a fear that Anant would abduct the baby. This threat did not materialize and Shova spent her son's early years travelling extensively in the USA, helping Anant build his business. Five years later, Shova and Anant immigrated to Canada under a Temporary Work Visa in 2007 and in December 2009 they were granted Permanent Residency under the Start up visa. They immediately set up an extension of their Indian import/export business. Shova was involved again in sales and marketing.

Settlement in Canada

Shova started to work part-time for a large home improvement retailer while supporting the establishment of the family business in its infancy and which was not yet providing a steady income/profit. She was also responsible for all domestic and child-rearing duties. The couple had one car and on occasion Shova had to walk home for half an hour, late at night and in the cold when Anant would forget to come and get her.

She had little contact with her family in India, as Anant limited her contact with them. She also had no friends as Anant would scare them away with his controlling behaviour. A year after coming to Canada, Shova gave birth to her second son. The birth was difficult, and the baby delivered by C-section. Anant did not help or concern himself with her or the baby.

The business demanded all of Anant's attention and the couple leased land for its expansion in 2009. All of Shova's personal wages at her retail job were funnelled into the family business. The next year, they purchased their matrimonial home.



Domestic Violence

Anant had been abusive from the start of their marriage. He also wrongfully accused her of having an extra-marital affair. Shova never spoke out about the abuse, as Anant was well respected in the community and she wanted to protect his image. The situation became worse when Shova was promoted to full-time managerial work in 2012. After discussions with Anant, she agreed to accept the new responsibilities the promotion would bring. During this time, Anant became even more controlling. He would call her and visit her numerous times a day at work, interfering with her work and making her colleagues nervous. He took full control of her finances, monitoring her spending, investments, and credit cards. Triggered by Anant's overwhelming supervision, her hectic schedule of work (both paid and domestic), and caring for the children, Shova suffered a stress attack and was admitted to hospital with temporary paralysis.

Shova and Anant sold their first home and purchased a new home in 2013 and the children started a new school. Soon after the move, Anant beat their older son badly, resulting in marks on his face. A few days later, their younger son told the school what had happened. The school called Shova and told her it was her responsibility to protect her children. After an in-home CAS visit, Anant stopped his physical abuse of the boys, but continued to verbally abuse them. The boys were supported with counselling as recommended by CAS.

In 2014 Anant physically assaulted Shova so badly that she was off work for 2 days and had problems walking. The fight started because he wanted her to wear a dress with a low-cut neckline that exposed her cleavage for a business event they were going to. When she resisted, he hit her and threw her against shelving cabinets. He tore at her clothes until she agreed to wear what he wanted. She was physically hurt by this altercation but did not go to the doctor and went back to work after a two-day leave. She tried to hide her pain from her co-workers but when she was unable to do so successfully, a co-worker reported suspected violence to the company's Human Resources office. Shova was

advised to call a workplace helpline for assistance and counselling. In November 2014, Anant started a corporation and fraudulently signed her name on the incorporation documents without her consent or knowledge. Over the next few years, he continued to represent her fraudulently for financial gain.

In Feb 2015, the couple had a violent argument and Anant kicked Shova out of the house. Anant told her if she ever returned, he would kill her. Shaken, she went to work and called Anant throughout the day concerned about the children's safety. Anant ignored her calls. She found short-term accommodation with a friend as she did not feel it was safe to return home. Over the next few weeks Anant tried to get her back home. In April 2015 he threatened to kill himself by taking an overdose and blaming her for it. She visited her children that evening and during that time, Anant forced himself on her, pulled out a knife and threatened to kill both himself and her. Terrified, Shova called 911. The police arrived and Anant was taken to the hospital, however, charges were not laid. Because the children were traumatized after witnessing this event, Shova took them to her house, just for that one night. The next day, Anant was released from hospital and picked up the boys from school. The boys began to reach out to their mother in secret.

During the time of their separation, Anant depleted their joint bank account and Shova was locked out. Without Shova in the matrimonial home there was a lack of structure, and the oldest boy, who was twelve at the time, often had to act as a surrogate parent for his younger sibling; even administering medication as needed.

Shova and Anant negotiated informal parenting arrangements. Essentially, Shova, living elsewhere would travel to the matrimonial home, wake, and help the boys prepare for their day. She would organize their school needs, make lunches, do laundry, clean the house, and then drop them off at school. Some evenings she would visit, but she could never see the boys at her place or have them for weekends.

Resolution

Anant blamed Shova for abandoning her children. Shova enlisted help from a lawyer and asked for joint custody of the children, including child and spousal support. Shova also requested that the Office of Children's Lawyer become involved to independently advocate for the children. This request was granted. In 2016 the court granted both parties shared joint custody with primary residence of the children with the father. Property issues were resolved by way of a financial settlement. Currently both Anant and Shova are involved with new partners.

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CHAPTER 21.

CASE STUDY NUMBER 12: BINA AND UDEEP

| | Woman | Man |
|--|--|-----------------------------------|
| Name | Bina | Udeep |
| Age at time of marriage | 23 | No information Available |
| Age * | 55 | No information Available |
| Country of Origin | India | India |
| Religion | Christian | Hindu |
| Education | Nursing degree | Undergraduate |
| English language ability | Proficient | Proficient |
| Employment before migration | Nurse | No information Available |
| Employment* | Worked in a funeral home | No information Available |
| Category under which immigrated | Bina arrived on a visitor visa and applied for refugee status from within Canada. | Not applicable (never immigrated) |
| Immigration status* | Applied for immigration on Humanitarian and Compassionate grounds. | No information Available |
| <p>Number of years of marriage: 29 (1986-2015, separated in 2010).</p> <p>Children*</p> <ul style="list-style-type: none"> • Son: Vijay (born May 1987 – has a disability due to a motorbike accident in 2009) • Son: Raju (15 years; diagnosed with ADHD, stress disorder and has an addiction to video games.) | | |

*At time of family court application

Pre-Migration History

Bina and Udeep had an inter-religion Love Marriage which was not accepted by either of their families. On marriage, her family severed all ties with her. Bina lived in Bahrain with Udeep, on and off for thirteen years (from 1997 – 2010). Her elder son did not accompany the family to Bahrain and remained in India, her younger son was born in Bahrain.



During Bina's time in Bahrain, her husband would abuse her emotionally, verbally, physically and financially. He was an alcoholic and would punch her in the face as well as the body. On one occasion, he slammed her hand into a cupboard. Bina also suffered multiple incidences of marital rape. In addition, her ex-husband would hit their youngest child Raju and verbally abuse him. Bina did not report the abuse to the authorities in India as her husband threatened to kill her if she reported it. She did not report the abuse to the authorities when living in Bahrain on a work visa, as she was concerned that her visa would be revoked, and they would all be deported to India. Bina did make one call to the police while in India and it resulted in a severe beating at Udeep's hands.

Settlement in Canada

After suffering years of abuse Bina fled to Canada in September 25, 2010 from Bahrain on a Visitor Visa with son Raju, then nine years old. Her elder son remained in India. Bina did not have any family or friends in Canada. One month after arrival, she applied for refugee status for herself and Raju. Two years later, her refugee claim was rejected because she had no proof of domestic violence. Additionally, the fact that she originally came from India, which was on the Safe Country List created by the Canadian Immigration and Refugee Board worked against her. She tried to appeal this decision which was denied by the Federal Court. Bina then applied for permanent residence on Humanitarian and Compassionate (H & C) grounds a year and a half later, asking the courts to consider the conditions of unusual, undeserved and disproportionate hardships that would befall her if she were to return to India. This application was also rejected. Prior to this she had received a work permit and could work in Canada. She made a second H & C application in 2015 which was also rejected as she had not secured full time employment in the five years she had been living in Canada. A deportation order was issued for both Bina and Raju, which she appealed. The deportation order was stayed until the appeal was heard. Raju was terrified of the prospect of being deported and told Bina that he would run away from her if this was to happen.

Domestic Violence

While Bina didn't suffer domestic violence at the hands of her husband while living in Canada, she

suffered constant stress from the fear of deportation and ongoing trauma from the abuse she endured in India and Bahrain. Udeep had told her mother (who lives in India), that he is waiting for Bina to return and made threats against her if she does return. Bina lived in constant fear of her life if she was deported and forced to return home to India. Bina has attempted suicide several times, triggered by memories of the abuse she endured at the hands of her ex-husband.

Bina has also suffered physical violence at the hands of her son. Her son, dealing with the effects of past abuse, as well as being fearful of deportation, began having trouble in school. His ADHD, stress disorders and gaming addiction has made it difficult for Bina to parent him. In July 2015 Bina procured employment as a bus driver to improve her chances of getting her H & C application approved. She also volunteered in the community. She lived in one municipality but got a job in another municipality as a bus driver. It was split shift work which consisted of



seventeen-hour workdays. During the extended hours at work, her son was unsupervised, and his gaming addiction worsened. He started stealing her credit cards to fuel his addiction. When Bina confronted him, he would get abusive and threaten to kill her. In April 2016, Raju assaulted Bina. He pushed and hit her. Bina called 911. Raju was charged and released on bail. He was sent home with a condition of curfew and the Children's Aid Society got involved.

In May 2016 he breached his bail conditions and did not return home. Bina called the police after his disappearance. He was found after four days and charged with breach of bail conditions taken to court. Bina did not appear in court to provide surety and because of this, CAS took him into care. Bina had been advised by a police officer to allow CAS to take primary responsibility for the child's care and assessments so they could find appropriate support for him. This resulted in Raju being placed in CAS care and sent to a foster home. During this time Raju (now 16 years old) told his lawyer that he did not wish to return in his mother's care and wanted to become a Crown Ward. Bina was compelled to acquiesce to his wishes, and he became a Crown Ward in October 2017. Bina received the right of access as per the child's wishes.

Bina has used multiple resources in Canada. Firstly, she used a non-profit legal clinic to help her with her immigration and refugee claims. In addition, she received community counseling to help her process the abuse she suffered before coming to Canada.

She has also taken English as a second language (ESL) classes and has had parenting classes to help her to navigate her relationship with her son.

Resolution

In October 2017, Raju became a Crown Ward and CAS hired an immigration lawyer to pursue his immigration application. Since that time, he has showed no interest in pursuing a relationship with

his mother. Bina then filed her own separate H&C application in December 2017. This application was not considered and the Canada Border Service Agency deported Bina to India on January 21, 2018.

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CHAPTER 22.

CASE STUDY NUMBER 13: ELHAM AND DAWOOD

| | Woman | Man |
|--|--|--|
| Name | Elham | Dawood |
| Age at time of marriage | 20 | 41 |
| Age * | 35 | 55 |
| Country of Origin | No Information Available | No Information Available |
| Religion | Muslim | Muslim |
| Education | High School (Germany) | Bachelor of Engineering |
| English language ability | Proficient | Proficient |
| Employment before migration | Unemployed | Middle Eastern Country |
| Employment* | Unemployed | Employed |
| Category under which immigrated | Family Class: Dawood sponsored Elham under the spousal sponsorship program. (1995) | Immigrated under a Student visa (in 1980). |
| Immigration status* | Citizen | Citizen |
| Number of years of marriage: 13 | | |
| Children* | | |
| <ul style="list-style-type: none">• Son: Farooq (11 years old)• Daughter: Gulshan (8 years old) | | |

*At time of the Family Court application

Pre-Migration History

Dawood had already been living in Canada for fifteen years, working as an engineer prior to their marriage. He comes from a powerful and influential family with ties to his home country's government secret service. Dawood sponsored Elham to immigrate to Canada in 1995, a year after they married. There is a significant age gap between Elham and her spouse; she is over twenty years

younger than he is. Elham said that he wanted to marry a younger woman so that he could ‘train and control’ his wife.

Settlement in Canada

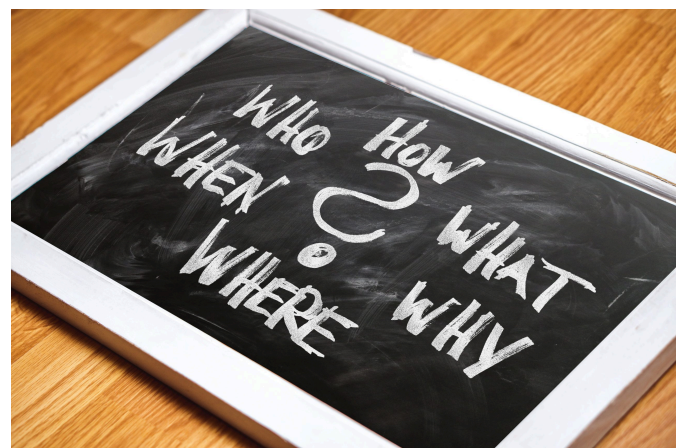
Upon arrival in Canada, Elham wanted to return to school to complete her dentistry education. Dawood didn’t support her to do this. He told her that he wanted her to look after the home and start their family. Elham was responsible for all aspects of childcare, helping the children with schoolwork, extracurricular activities and medical appointments. Elham has one sister living in Canada but the rest of her family remained in their home country.

Domestic Violence

Soon after marriage, Elham realized that Dawood was having a long-term romantic relationship with a Canadian woman. In fact, Dawood brought the woman on Elham’s and Dawood’s honeymoon, ostensibly as a photo- and vidographer. This relationship continued throughout their marriage and the woman had a key to all three matrimonial homes over the years. She was also a title holder on Elham’s and Dawood’s first matrimonial home alongside the couple. Elham was expected to live with this arrangement. She was isolated in the home and her spouse controlled whom she socialized with. She did not have a key to the house and could not come and go as she pleased.

From the beginning of their marriage, Elham suffered significant abuse at Dawood’s hands. Dawood would drink heavily, swear and yell at her, punch her and throw her around. He would threaten to kill her and said that ‘going to jail would be worth every minute if she were dead’. He would tell the children to tell their mother that they hated her. The children witnessed the ongoing violence and they would often plead with their father to stop. Elham thought about contacting the police, but she did not as her spouse told her that he would send the children out of the country, and she would never see them again. As Dawood held the children’s passports, had family in high positions, and Dawood himself worked in the airline industry, this threat was very real.

Dawood would constantly interrogate the children and ask them what Elham did during the day and who she talked with. The children were not comfortable providing this information about their mother and would not comply. As punishment, Dawood would then take away their toys and games. He would become angry and yell at the children. He was overly aggressive with them, berating them for not meeting his expectations in both sports and school. He was inconsistent in his behaviour as there were other times that he would bring them gifts. As a result of this unpredictability, the children were afraid of him.



Elham disclosed the abuse to her family doctor and he began to treat her for the symptoms she presented. Her mental health has been managed with the help of medication over the years. Elham

stated that, as time passed, she became wiser, stronger, and less tolerant to the abuse. Unfortunately, her spouse reacted negatively to her emerging resilience and the abuse only escalated.

The children were instructed not to call her 'mother'. She describes being treated like a servant in her own home. Elham had no money of her own and Dawood did not provide her with any financial support. Elham started working part-time as a real estate assistant when the children were in school. She had previously earned her real estate license, but Dawood did not let her renew it. He did not want her to work and wanted her to relinquish her wages directly to him. Dawood had built up significant debt of \$600,000 from risky financial decisions and financial fraud, which included applying for thirty-six credit cards under Elham's name. Throughout her marriage Dawood would approach Elham with a postnuptial agreement that stated he would have custody of the kids and she would pay him a certain amount if they were to separate. Elham did not sign this agreement. Regardless of their financial situation, Dawood drove luxury cars, while Elham drove an older car in need of repair.

In March 2008, Elham's family went on a weeklong cruise with another family. Dawood drank heavily on the trip and had already been approached by ship's staff for being disruptive. After an argument one night, Elham was scared and hid in her friends' cabin. Dawood found her and punched her in front of their friends. He said he was going to kill her and throw her off the ship into the water. The fight continued in Elham's cabin where he continued hitting her and tore her clothes. Elham managed to tell the ship's security officer and they secured another room for her for the remainder of the trip. Dawood stayed with the children for the remaining three days of the cruise and tried to brainwash them against their mother during this period.



Upon arriving back from the cruise, Elham went to live with her sister in the same city but would travel back to the marital home to cook, clean, and take care of the children while Dawood was at work. With her sister's support she contacted the police, but at that time declined to make a statement. Two months later she moved back into the marital home but was relegated to the basement.

Just weeks after coming back to the home, Dawood threatened Elham with a broken beer bottle to her neck, demanding that she stop working. Elham complied. One week later, there was another argument where Elham confronted Dawood about questioning the children and searching through her things. At this point Dawood began taunting her by recording her with a camcorder (as he sometimes did). Elham tried to grab the camcorder but Dawood pushed her to the floor, where she fell, hitting her head, landing on her elbows, and hurting her neck. She told Dawood she would not live with the abuse any longer. She called the police and they asked her to move to a safe place. The officers kept Dawood busy while Elham packed her belongings. She moved to a shelter with the children. There were no charges laid and Dawood tried to convince the police she was the one who attacked him. The Children's Aid Society was called, and the children received counselling at the shelter in relation to the abuse. Elham sought a restraining order against her spouse, which was put

into effect for sixteen months. She terminated the restraining order believing herself and her children to be safe and wanting to minimize conflict for the family.

Resolution

After the restraining order ended, Elham and her spouse, with the court's intervention, agreed to a visitation schedule. A year later, there was an incident with Dawood and the children, and they did not see him for another six (6) months. The Children's Aid Society was involved. Elham's desire is to start a new life and provide stability, love, and care for her children. Dawood continues trying to mislead the courts with a different version of the events leading up to the separation. The Office of the Children's Lawyer (OCL) is involved to represent the Best Interest of the Children. Elham is seeking Joint custody and would support access to the children, under the condition her spouse seeks help with anger and drinking issues. She is seeking child and spousal support.

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CHAPTER 23.

CASE STUDY NUMBER 14: RITU AND SATINDER

| | Woman | Man |
|---|---|--------------------------|
| Name | Ritu | Satinder |
| Age at time of marriage | 27 | 30 |
| Age * | 28 | 31 |
| Country of Origin | India | India |
| Religion | Sikh | Sikh |
| Education | Undergraduate | Undergraduate |
| English language ability | Proficient | Proficient |
| Employment before migration | IT | No Information Available |
| Employment* | Works in a fast food chain | Human Resource Manager |
| Category under which immigrated | Family class: Satinder sponsored Ritu under the Spousal Sponsorship program | No Information Available |
| Immigration status* | Permanent Resident (2016) | Citizen |
| Number of years of marriage: 1 Children*: None | | |

*At time of the Family Court application

Pre-Migration History

Ritu had a Bachelor of Business Administration degree from India. While she was studying, she also worked full-time with a large web design and digital marketing company in India. She left the workforce for a short time to study for her University exams, but resumed employment after her marriage, working with a smaller web solutions provider as a Senior Executive Officer. Preparing for her move to Canada, she left the position after five (5) months in order to study for the International English Language Testing System exams (IELTS). However, in April 2016 Satinder came to India for

spinal surgery and Ritu did not complete the IELTS exams, as she was taking care of him in his recovery.



Ritu and Satinder met on a matrimonial website used by South Asians. They started talking to each other remotely and were continuously in touch for one year prior to their marriage. At the time of their marriage, Ritu was twenty-seven years old and Satinder was twenty-nine. Satinder's family came to India to give her "Shagun" as per Indian tradition. Before the marriage, Satinder wrote a thank-you note on the matrimonial website expressing his gratitude for their successful introduction. They were married in India. After their honeymoon Satinder returned to Canada. The couple talked on the phone daily, sometimes up to four hours. During their conversations, Satinder promised to support Ritu in upgrading her education after she landed in Canada so she could pursue a career in software programming. A year after they married, Ritu, arrived in Canada as a permanent resident under the Spousal Sponsorship program.

Settlement in Canada

Shortly after Ritu's arrival in Canada, Satinder recommended that Ritu complete a nine-month dental assistant program to secure a steady income and then, only afterward, pursue a career in software programming. She started her dental assistant college studies two months after arriving in Canada. However, when it was time to apply for student loans, Satinder refused to be a co-signatory and she decided this was not a possible option for her.

Four months after arriving in Canada, Ritu found work as a full-time factory labourer and was laid off after one month. Since then she has not been able to support herself financially.

Domestic Violence

When Ritu landed in Canada in May 2016, she moved in with Satinder and his parents. Within fifteen

days of her arrival, Satinder informed her that he had a male sexual partner and had needed a wife to camouflage his sexual orientation. His parents were aware of his sexual orientation before his marriage to Ritu. According to Ritu, Satinder consummated the marriage during the honeymoon so that she would not suspect his sexual orientation.

Satinder told Ritu that he wanted his male partner and the two of them to live together in another house, an idea Ritu rejected. Satinder told her that in that case, she would continue to live with his parents while he moved in with his male partner.

After moving out, Satinder continued to visit his family regularly. On one visit Satinder had sex with Ritu without her consent. Ritu continued to suffer verbal, physical, and sexual abuse from Satinder and her in-laws from the very beginning. Her in-laws believed that Satinder's sexuality would bring shame to the family and wanted Ritu, in the role of wife, to provide cover for Satinder's sexuality. The in-laws forced the couple to attend social functions together to maintain the appearance of a happy heterosexual couple. The in-laws threatened Ritu with deportation and destroying her reputation if she did not comply. Satinder, agitated and angry at the pressure of the situation, became increasingly abusive toward Ritu.

When Ritu lived with her in-laws, they took away her gold jewellery and kept it in the father-in-law's bank locker. The in-laws also controlled her movements, forbidding her from going out and making friends. As Ritu continued to refuse to live with Satinder and his male partner, Satinder asked Ritu for a divorce. He tried to force Ritu to sign divorce papers at various times. Once, when she refused, he slammed the door on her causing her to fall onto the floor. Satinder's parents in the meanwhile continued to want Satinder and Ritu's marriage to appear as a functional heterosexual relationship and put pressure on her to provide a grandchild to seal the illusion.

In September 2016, four months after landing in Canada, Ritu's in-laws called her parents to tell them the marriage was over as Ritu was having an affair. This was a blatant lie. Scared for her safety, Ritu called the police who took her to a women's shelter. There she discovered that Satinder had put a tracking application on her phone. While Ritu was living at the shelter Satinder alleged that she had created a fake Instagram profile on social media with malicious intent to cause him harm. He stated she was posting pictures of him and his partner. Ritu denies this and fully cooperated with the police during their investigation.



Resolution

Satinder filed an application for divorce. Ritu is asking for spousal support and equalization and wants her jewellery returned to her. Satinder's earnings at the time of separation was estimated at approximately \$60,000 a year. She received the sum of \$2,000 as a final spousal support settlement because Satinder had left his employment to pursue his bachelors' program and his only source of income at the time was OSAP. While her matter was under consideration at family court, she received support from Ontario Works and started the process of upgrading her language and employment skills. Ritu is currently undertaking post-secondary studies at a community college. She continues to live in debt due to student loans.

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CHAPTER 24.

CASE STUDY NUMBER 15: AYESHA AND KABIR

| | Woman | Man |
|--|--------------------------|--|
| Name | Ayesha | Kabir |
| Age at time of marriage | 25 | 27 |
| Age * | 31 | 33 |
| Country of Origin | Bangladesh | Bangladesh |
| Religion | Muslim | Muslim |
| Education | Undergraduate | Postgraduate |
| English language ability | Proficient | Proficient |
| Employment before migration | Student | Student |
| Employment* | Unemployed | IT |
| Category under which immigrated | No Information Available | Family Class: Ayesha sponsored Kabir under the Spousal Sponsorship program |
| Immigration status* | Citizen | Permanent Resident (2005) |
| Number of years of marriage: 6 | | |
| Children*: | | |
| <ul style="list-style-type: none">• Son: Salim (4 years old) | | |

*At time of the Family Court application

Pre-Migration History

Ayesha 's birth family immigrated to Canada from Bangladesh. Her family followed Sufism, a spiritual form of Islam. At the time of her marriage, Ayesha was a university student. She was in the process of completing her B.A., and had already been living in Toronto for four years with her family. Ayesha is a talented Bangladeshi singer and would sing as an accompanying artist with professional singers. All her family members were Canadian citizens. Kabir was living in the United Kingdom, completing a graduate degree in Technology. Kabir came from a well-to-do family, his father was a high ranking

official in the airline industry. They had an arranged marriage, supported by both families. The marriage ceremony took place in Bangladesh in 2004.

Settlement in Canada

Ayesha completed her BA in June 2005, soon after their marriage. She sponsored Kabir to come to Canada and he arrived one month after her graduation. Ayesha and Kabir set up their married life in a large Canadian city. Kabir would not allow his wife to work after they were married. Kabir found work in the IT department of a bank. Ayesha became pregnant quickly after they married, and their child was born in 2006.

Domestic Violence

Soon after the couple started living together the abuse began. Early on, Kabir complained about Ayesha's cooking. Once he held her face over a pot of boiling oil, saying he was teaching her the correct cooking temperature. Scared of his anger and violence, Ayesha quickly became submissive to Kabir. Throughout her pregnancy, Kabir would kick, shove, and punch her. Kabir did not want the child and pressured Ayesha to abort. He enlisted the help of his extended family to convince her to do so, but she refused.

During her fourth month of pregnancy, Ayesha disclosed to her family doctor that she and Kabir were having issues in their relationship. The doctor referred the couple to a psychiatrist, and during their joint meeting, the psychiatrist suggested that her husband consults with another psychiatrist for his anger issues. Kabir got upset with this recommendation and stopped going to the psychiatrist. He prevented Ayesha from attending further appointments and his abusive behaviour began to increase.

Their son was born by C-section, and Ayesha's parents came to help the family for a week. However, the visit was cut short when Kabir insulted Ayesha's mother and she left. She was, however, able to access some support during this time. The public health nurse who attended Ayesha at home after her delivery noticed that Ayesha was exhibiting mental health behaviour. She suspected post-partum depression and was supportive of Ayesha emotionally.



Ayesha was expected to do all the household chores, raise the child, and serve Kabir's extended family. The cries of the new baby interfered with Kabir's sleep and he told Ayesha to sleep in another room on a pull-out couch with their son. With the baby, just a year old, Ayesha moved to her parents for several months while Kabir's brother-in-law moved into the marital home.

Over the years Kabir continued to be a strict disciplinarian, demanding order and obedience from

Ayesha and their son. If the son did not comply with Kabir's orders immediately, Kabir would scold, shake, and hit the child. The child was afraid of his father. Ayesha could not interfere, or she would be beaten. Kabir started a new job and the family moved into a new home in June 2010. The title deed of the house was solely in Kabir's name. Kabir was making good money and started taking postgraduate courses at a local university. Kabir told Ayesha her domain was the home and it needed to be tidy and organized; if it was not, she would be beaten.

In January 2010, when Ayesha's uncle was visiting, he witnessed Kabir being abusive to Ayesha and the son. Kabir had been hitting Ayesha with his shoe and this upset the child who tried to intervene. Kabir got furious and pushed the child onto a sofa. When the child intervened again, Kabir shut the child into a washroom and turned the lights off. This terrified the child.

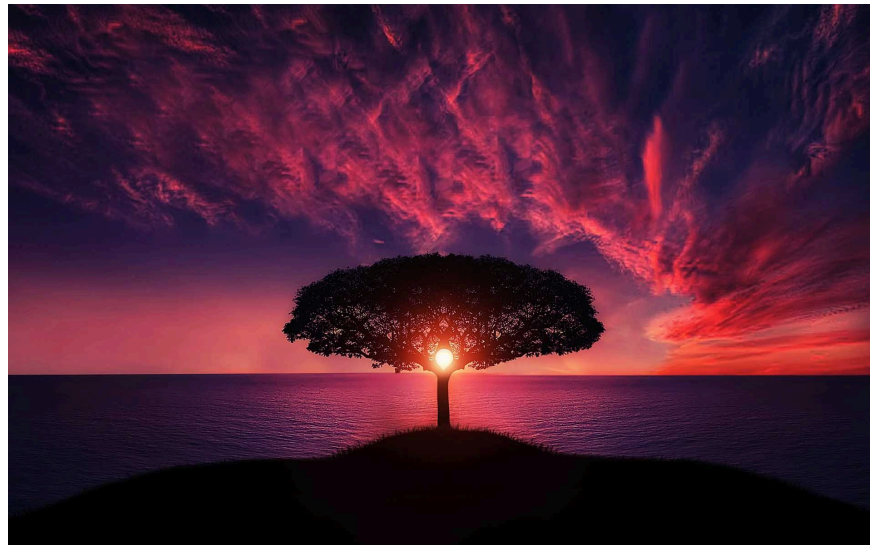
Ayesha started developing mental health issues over the years because of the abuse she faced and which remained untreated. This took place between 2007 and 2010. In 2010 the abuse peaked. Kabir would say to Ayesha that if her family was not living in Canada, he would have killed her. He would threaten to kill her and then kill himself. He would threaten her with a knife and call her 'uneducated' and 'stupid', among other things. The son witnessed much of the abuse and would cry and try to protect his mother.

In August 2010 Kabir called Ayesha's parents to come and take Ayesha away and that she should not return until she 'improved'. Ayesha and her child began living with her parents and her father took her to the family doctor who referred Ayesha to an outpatient mental health clinic. She started treatment with the outpatient clinic in October 2010. The outpatient clinic required the spouse to accompany her for an intake meeting with a social worker. Kabir said he could not attend so the outpatient clinic contacted Ayesha's father and requested him to bring her to the hospital. The next day the father took her to the appointment, and she met the psychiatrist. During their discussions, Ayesha shared that she was terrified of her husband.

She confided to the doctor that she felt her husband had special powers and that she was afraid of him. The psychiatrist told her that he had a duty to report safety concerns to the police and Children's Aid Society if she was unwilling to report these herself to these agencies.

Ayesha reported the abuse to the police and they took her to a shelter with the child. She stayed at the shelter for one night and then moved into her parent's house. Kabir was arrested and charged with assault, assault with a weapon, and uttering threats. He was released on a no-contact condition.

The Children's Aid Society was called at the time of police intervention and an intake worker visited Ayesha's parents' home to conduct a risk assessment. The purpose was to ensure the environment was safe for the child as well as to extend an offer of support if Ayesha required it.



Resolution

Kabir started a court application asking for custody and access to the child. Ayesha is seeking sole custody of her son with access granted to Kabir to see his child. A Section 30 Assessment (outlined under *Children's Law Reform Act of Ontario* (CLRA) was conducted, and a psychologist at that time recommended sole custody to the father. The court can order a Section 30 Assessment when there is a concern around a parent's capacity, typically around mental health in order to meet the needs of the child and keep the child safe. Ayesha is now managing her mental health well and the child is being successfully parented by Ayesha, with support from her parents. While these proceedings were ongoing, the father was granted supervised access to the child.

Ayesha challenged the assessment and a critique report was conducted as the S. 30 report did not account for Kabir's anger issues nor the domestic violence aspect. The critique report recommends that Ayesha maintain custody of her son and a 'Community of Support and Accountability' (C.O.S.A) be formed around her to ensure the child's needs are met. The matter was finally resolved by way of parallel custody arrangement where Ayesha got to decide on the child's religion and health matters and the father made decisions related to the child's education. The child resides primarily with the mother and has access visits with Kabir. Ayesha receives spousal support and child support from Kabir. The matrimonial home was sold, and she received a share of the sale.

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PART III.

QUESTIONS FOR REFLECTION AND DISCUSSION

CHAPTER 25.

INTERSECTIONAL VULNERABILITIES



1. What are some of the factors that continue to make racialized immigrant women vulnerable to violence?
2. Why is it important to understand the different elements that make up a woman's history and background when you are supporting them in a domestic violence case?
3. How does abuse in the household affect children at different stages of development?
4. What are the different impacts that experiences of abuse can have on individuals, families and communities?
5. What are the structural barriers faced by the racialized immigrant woman experiencing domestic violence?
6. How would you work with the woman to address those barriers and their impact on her personal life?
7. What are various institutions and institutional policies (immigration, child welfare, police, justice system) that the woman experiencing domestic violence is confronted with? How did these policies support/ aggravate the vulnerabilities of the woman? As a social worker, what possible pathways would you consider working with the woman and the institutions to

negotiate and address concerns arising out of those policies for the woman?

8. In the context of the case study discuss how the existing institutions and their policies clash with the cultural context of the woman experiencing violence? As a social worker what would be your stance and how would you work with the woman and the institution(s) to work through the tensions and address the issues?
9. What role does the presence of children play to either aid or further trap the woman in domestic violence situations? In what ways does the involvement of the Children's Aid Societies support or further complicate matters for the family?
10. In a few of the cases, the woman's family insisted she continues to stay in an abusive relationship. Why do some families insist that their daughters continue to live in abusive domestic relationships? What are the gender expectations and cultural expectations that enforce this kind of structure and positioning?
11. Preferential treatment to males is common among many cultures as can be seen in these articles
 - *Sex ratios at birth among second-generation mothers of South Asian ethnicity in Ontario, Canada: a retrospective population-based cohort study*
 - *Preference for boys persists among 2nd generation South Asian parents, study finds*
12. How does such preferential treatment impact domestic violence cases and responses to the same?

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CHAPTER 26.

PRACTITIONERS' SUBJECTIVITY AND SOCIAL LOCATION

1. How does your subjectivity and location impact your perspective on domestic violence experienced by immigrant racialized women? Specifically, what personal biases, stereotypes did the case study bring up for you regarding the woman, the perpetrator, and her family?
2. How do you think practitioners' subjectivity and social location impact your work with the woman? How would you address this in order to build a respectful relationship and work with the woman?



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CHAPTER 27.

SOCIAL POLICY AND THE LAW



1. What are the legal protections available for victims of domestic violence in Canada? What kinds of international agreements govern/influence the treatment of domestic violence cases when the victim/perpetrator is not a Canadian citizen?
2. How does the criminal justice system help but also limit a woman who is facing domestic violence?
3. What advocacy efforts are currently underway to prevent domestic violence and to support victims of domestic violence? How can this be improved?

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CHAPTER 28.

MIGRATION AND TRANSNATIONALISM



1. What role do transnational relationships play in immigrant women's lives?
2. In which ways do transnational relationships support or create additional challenges for immigrant women?
3. How did being a newcomer to the country contribute to the social isolation and increase vulnerability to violence for each of the women in these case studies?
4. What are some unique ways in which immigrant women experience domestic violence?

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CHAPTER 29.

PROVIDING SUPPORT FOR VICTIMS OF DOMESTIC VIOLENCE



1. What kind of support did the women in the case studies access? Research some supports that these women could access in your community.
2. What are some best practices for helping immigrant women in domestic violence situations? How you would work with them and what kinds of resources would you refer them to?
3. How do you think you would react in a situation if a woman told you she was being abused and wanted to stay in the marriage? What are some strategies and resources that you could give to that woman to support her safety while respecting her choices?
4. Outline a holistic intervention strategy of working with perpetrators of violence. What resources would you include?
5. Identify micro, mezzo, and macro level issues experienced by the women in each of these cases when they needed to reach out for help? What might be relevant and culturally appropriate interventions at each level?
6. How can a community be leveraged? How can it intervene in cases of domestic violence?

7. In light of the case presented, how do you think the system could have worked more effectively to support the woman and her family. What would need to be in place for her story to change- and for the stories of women in similar position in the future to change?
8. How would you use a trauma-informed approach in supporting women who have experienced DV?

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CHAPTER 30.

RESEARCH

1. If you were interviewing women who had experienced domestic violence, what steps would you take to minimize the risk of harm of your research participants?
2. How would you conceptualize and design a research study that brings forward the voices / challenges of immigrant racialized women experiencing domestic violence in the GTA? How would you address issues of power in the research process? How would you use the findings to challenge/influence the existing model of services offered for such women?



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PART IV.

LEGAL TERMS AND PROCESSES

CHAPTER 31.

FAMILY LAW COURT

Domestic Violence is classified as abuse that comes in the form of physical, emotional, sexual, financial, or psychological violence. The violence can be carried out via assault, threats, stalking an individual, or in other forms of mistreatment and cruelty. Regardless of what form the abuse is in, it has the same underlying theme of inducing fear within the victims.¹ In some circumstances, domestic violence issues are divided into two separate matters within the court system. One incident may need to be resolved in criminal court, while another may need to be resolved in family court. In this section, we will be analyzing the differences between Family Court and criminal court along with the applicable steps that occur in each system.

Family Court

Family Court is a court of law that oversees matters of domestic issues – for example, child custody, divorce, dividing property and so on. Partners, in a marriage or common-law relationship, who are undergoing a separation or divorce may choose to involve a Family Court to resolve the issues at dispute. A common-law relationship is defined when the partners are living together for years – and who may have children together – but are not legally married. A marriage is legally formed when an individual with the legal power to marry a couple performs a ceremony. Issues that are to be resolved by Family Court are called disputes.



A Family Court is a court of law that falls under the civil law system. Civil law is a branch of the law that is non-criminal in nature and is at times referred to as private law. This form of law is concerned with the rights and responsibilities of private members of the public. It protects the rights of individuals and offers remedies sought in court.²

The issues, or disputes, brought before Family Courts involve private members of the public.

The cases are heard in the Ontario Court of Justice (OCJ) and/or Superior Court of Justice (SCJ).

1. For more information see: [What is abuse](#)

2. For more information see: [Civil Law](#)

Parties

In Family Court, the parties in a proceeding are the partners in the relationship. On some occasions, a third party might be involved – for example, the Family Responsibility Office (FRO) – intervenes during a default hearing. The FRO collects, distributes, and enforces child and spousal support payments. Subsequently, if a child is exposed to domestic violence in a household, the Children’s Aid Society (CAS) may intervene.

Purpose

Family Courts resolve issues in a dispute between partners after a separation. They operate on two separate levels: provincial and federal. While the federal court has exclusive authority over divorces, the provincial courts resolve disputes such as custody and access to children, child support, spousal support, and property division. Where it is held necessary, a Family Court may provide a no-contact order in the interest of the partner and/or children.

Legal Test

During a trial, when determining the method to resolve legal issues, the Courts use legal tests to establish the level of proof required for a matter. Legal tests are applicable in court settings as they resolve disputes in a fair manner. The formula used to determine the level of proof is dependent on whether the matter is civil or criminal in nature. Here, it is important to explain the concepts of burden of proof and standard of proof. The burden of proof indicates who – which party in the proceeding – has the responsibility to prove the matter in court. The party with the responsibility is required to prove their argument based on a standard of proof. In other words, they must meet the standard of proof. The standard of proof is best described as the degree to which a party must prove their point.

In a Family Court, the party making the claim has the responsibility of proving their arguments. The standard of proof in Family Court is based on a balance of probabilities. This is the applicable legal test for civil disputes. The requirement within this legal standard is that the dispute be decided by the judge in favor of the party whose claim is supported through facts and evidence. Therefore, the weight of the argument is more likely to be true than that of the opposing party.

To simplify further, the legal test of a balance of probabilities can be explained through a scale where each side belongs to one of the parties. Each party will have the opportunity to present their facts and the evidence supporting those facts. If the evidence weighs heavier on one of the sides, i.e. the evidence is more convincing, that party is successful. In determining child custody and access, the courts apply a legal test called the “Best Interest of the Child.”



Outcome

Family Court handles matters between individuals; therefore, the court’s authority in terms of the

outcome of the case must be based on the remedy that is sought by the parties. Various remedies that may be provided by the court are a division of family property, divorce, and child custody and access.

Getting Help

If the issue in dispute involves domestic violence, a Family Court Support Worker (FCSW) provides assistance to the victims. FCSWs are available in every court jurisdiction in Ontario. These individuals are trained to support the victims through various services in the following aspects of the legal process:

- Providing information about the court process;
- Helping in the preparation for court proceedings;
- Referring victims to available services and supports in the community;
- Helping with safety planning; and
- Where necessary, accompanying the victim to court proceedings.³

Steps to a Family Law Case

When considering a separation or a divorce, the two partners need to figure out their legal disputes. These are categorized under the domestic issues they cannot agree upon. Common issues that the majority of partners need to decide include:

- **Children** – if the partners have children issues regarding custody, access and child support may need to be considered;
- **Property, assets, debts** – the assets and liabilities may have to be divided;
- **Spousal Support** – One partner might have to pay money to the other partner after they separate or divorce;
- **Divorce** – if the partners are married, they might consider getting a divorce which is usually granted by the courts if they have been legally separated for one year. This requires a court order that legally ends a marriage.
- **Safety** – if family violence has been experienced by a partner and their children, there are special plans that have to be considered.

The partners may agree on some parts, and if they do, it is generally advisable to make a separation agreement. A separation agreement is a written contract that specifies the challenges and issues between the partners and how they will be dealt with. A lawyer is not needed to make a separation agreement. It can be made at any time after the partners separate. If a partner would like to enforce their separation agreement, they have the option of filing it with the Court.

Courts in Ontario who handle family law matters

- Family Court Branch of the Superior Court of Justice (FCBSCJ)

This court is the only one that hears all matters of family law cases

3. For more information see: [Family Court Support Worker Program](#)

- Superior Court of Justice (SCJ)

The following are some of the family law cases this court handles:

- Divorce;
- Division of property;
- Possession and/or sale of matrimonial home;
- Child and spousal support;
- Custody and access; and
- Restraining Orders.



- Ontario Court of Justice (OCJ)

This court hears all of the above-mentioned family law cases except for divorce, dividing property, and matrimonial home. In addition, this court also handles matters of:

- Enforcing support in a separation agreement; and
- Child protection.

What to consider when initiating a Family Court case

1. The partner will need to go to a court in their municipality (e.g. Peel Region, Halton Region, Durham Region).
2. The partner will also need to go to the right court, as some of them might not handle certain matters.

Note: When it comes to court fees, the OCJ is free of charge, whereas the FCBSCJ and the SCJ have applicable court fees. If a person cannot afford the court fees, there is an option of applying for a fee waiver.

- For more information on the eligibility criteria, please click on this [link](#).
- For more information on what to consider before going to a family court with domestic issues and a detailed description of the steps involved, please visit [CLEO](#).

If a partner is starting a Family Court case, then they are the Applicant in the proceeding. If the other partner started a Family Court case against them, then they are the Respondent. Each role comes with certain responsibilities and procedural steps that need to be followed in the court case. Both roles are explained in this document.

Applicant

There are numerous steps involved when going through with a Family Court case. A brief description follows:

Step 1 – Issue the application: If a partner starts a Family Court case then they are the Applicant. There are specific forms the partner is required to fill out. Once those forms are complete, the application will be issued by the Court. This means that the Applicant needs to take their forms to the Court where the court clerk reviews, signs, dates, and stamps the application. The clerk will then give the Applicant a first court date, informs of applicable fees (if any) and blank documents for their partner to fill out.

Step 2 – Serve the application: Serving the partner with the application means that the Applicant gives their partner the documents that were issued by the court. The partner can respond to the application by filling out the forms. They may agree, disagree, give their version of the issues, and/or make their own claim.

Step 3 – File the documents: The Applicant must file their documents at the court with the court clerk once they have served the documents to their partner.

Step 4 – The partner does not respond, get a court order: If the partner fails to respond to an application, the Applicant may ask the judge to make an order for an undefended claim. This means that the judge will make a final decision on the application based on the Applicant's documents and evidence.

Step 5 – The partner's answer: The partner may agree or disagree with some or all of the Applicant's claims. The partner may even make claims of their own, which means that the Applicant has the option of filing a response to that claim; however, they are not required to.

Step 6 – Case conference: During the case conference, both partners, as well as their lawyers if they are represented, meet the judge. The reason for a case conference is to discuss their issues with the judge and perhaps reach an agreement on some or all of their issues without going to trial.



Step 7 – Settlement conference: If no resolution was formed, the partners will move forward to the settlement conference. The partners will once again, unless they did not have a case conference, discuss their issues with the judge. The difference between a case conference and a settlement conference is the judge's role. In a settlement conference, the judge plays an active role in trying to get an agreement between the partners. If an agreement is reached, then the judge can make an order

based on what the partners have agreed on. If the agreement is not reached the matter proceeds to the next step of Trial management conference.

Step 8 – Trial management conference: The goals of a trial management conference is to give the partners an additional chance to resolve their issues and to estimate how long the trial will be. The Applicant will need to bring their list of witnesses and all other relevant documents to their case that will be used as evidence.

Step 9 – Trial: At the trial, there will be a judge without a jury. To make a decision, the judge uses a legal test called a “balance of probabilities.” This means that the Applicant’s side of the story, supported by the evidence, has to be more believable than their partner’s side.

Step 10 – The order: An order will be made once the trial is finalized.

- Go to [CLEO](#) for further information about the process, steps of an application, and the Applicant.

Respondent

As a respondent, some of the steps required from a partner are the same as the applicant.. However, since the partner is responding to an application rather than starting one, there are a few steps that differ. Once an applicant has served their partner with an application, the respondent is to follow the steps below in response to their partner’s application.

Step 1 – Prepare and serve an answer: This is the part where the respondent fills out necessary forms and responds to their partner’s claims. They may agree, or disagree, with some or all of the claims. A respondent may even make claims of their own.

Step 2 – File the documents in court: The response will be on the documents the Respondent has filled out. Once those documents have been served on the Applicant, the Respondent must file them in court with the court clerk.

Step 3 – The partner’s reply: Both partners may agree with some or all of the claims. If they do, they can enter into a separation agreement and have that enforced by the court. If a Respondent has made claims of their own, the Applicant can reply to their response. If they do not reply, it means that they do not agree with the claims. The case will move forward whether the Applicant replies or not.

The remainder of the steps are the same as described in the Applicant's process. For further details and clarification about the steps involved in responding to an application can be found on [CLEO](#).

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CHAPTER 32.

CRIMINAL COURT

The legal system of criminal law is concerned with protecting the public and maintaining societal safety and values. Criminal law is a branch of law that prohibits illegal conduct and sets out punishments for unlawful actions.¹

The federal legislation, *Criminal Code*, sets out many of the offences and procedures in regard to criminal law in Canada. The lawyer representing the government in these matters is known as the Crown Attorney (Crown). The Crown is responsible for initiating the court proceeding against an individual who has been charged with misconduct under criminal law.²

In Ontario, the court office that handles criminal charges is the Ontario Court of Justice (OCJ); however, this court has developed specialized programs to expedite specific matters.³

1. For more information see: [Criminal Law](#)

2. For more information see: [Criminal Law](#)

3. For more information see: [Criminal Court](#)



Domestic Violence

Although domestic violence, or partner abuse, does not have a designated charge within criminal context, there are charges that may be laid against illegal actions of an abusive partner.

The following are illegal actions that are criminal in nature:

- **Assault** – this crime is executed when a partner threatens, attempts, or succeeds in applying force to their partner without their consent. The victim is not necessarily physically touched or hurt.
- **Sexual assault** – this crime comes in the form of unconsented sexual acts or physical touch. This is still a crime although the victim is not physically hurt.
- **Forcible confinement** – this is a crime when a partner physically prevents or threatens their partner to stay or not leave a location.
- **Uttering threats** – this is a crime to threaten another individual.
- **Criminal harassment** – this crime is defined as stalking, harassing phone calls, or unwanted visits to an individual's home or place of work.⁴

Parties

In a criminal court case, the parties involved in a legal Proceeding are the accused, also known as the defendant, and the Crown. When the matter is regarding domestic violence, the defendant may be

4. For more information see: What [charges](#) might be brought

prosecuted for an incident that occurred between them and the victim. While the victim is not directly involved in the criminal matter, they will likely play the role of a witness for the Crown during the proceeding.

Purpose

It is the responsibility of the criminal court to decide whether a defendant is guilty.

Legal Test

As previously described, legal tests are applicable methods of evaluation in order to resolve matters before the courts. In criminal court, the parties to the proceeding are the accused and the Crown where the accused has been charged with a crime by the government. In criminal court, the standard of proof is beyond a reasonable doubt. This legal concept requires a higher level of proof than in civil court. Beyond a reasonable doubt means that the accused has to be found guilty. Furthermore, the evidence must confirm that there is no other reasonable explanation for the offence. The case is decided by a judge or jury on the basis of the evidence provided during the proceeding. In criminal proceedings, the Crown has the responsibility to prove their argument. If the accused is found guilty, the judge will order the appropriate penalty which can be imprisonment, fines, and other penalties.

Conditions of Release

Once the accused is arrested for an offence, they may be detained until certain requirements are satisfied. If the matter is scheduled for a bail hearing, the release of the accused is dependent on the court accepting the conditions. The accused may be required to promise, in writing, to appear in court on a future court date and follow the conditions of release until that time. The conditions may relate to no-contact with partner or children, keeping a certain distance from partner or children, and limited to no access to their children, if any.

Conflicting Orders

Criminal Courts and Family Courts are separate legal entities. The Courts belong to different branches of law; therefore, there is no conjunction in terms of the given orders.

Conflicting orders arises when a partner obtains two separate orders from both courts – a Family Court order might conflict with a Criminal Court order or vice versa. One example would be where the Family Court order provides access to children whereas the Criminal Court order might state no contact. In other times, the Family Court might provide a No-contact order and the Criminal Court order does not prohibit contact of partner or children. Conflicting orders cause uncertainty and ambiguity in terms of what actions are prohibited versus allowed by the accused. Consequently, a partner might be breaking court orders as they may be unaware of the conflict the orders cause.

It is important to note that there is a possibility of a partner using the conflicting orders to their benefit. For example, they might contact the partner and arrange access or to continue to abuse the partner. As court orders can frequently undergo changes and to avoid conflicting orders, it is imperative for both parties to ensure that their lawyers, and the Courts are aware of the most recent orders from either Court.

Getting Help

The Victim Witness Assistance Program (VWAP) provides assistance to victims or witnesses of a crime. The program ensures the accessibility of help in the following areas:

- Explaining the process and procedures of the criminal justice system
- Preparing for appearances in court
- Referring the victim to community services for further support.
- Helping the victim understand and complete a Victim Impact Statement.⁵

Furthermore, the Ontario government has a “[Victim Services Directory](#)” that helps individuals to locate victim programs and services in the community. The Directory allows victims to decide what services they may require and assists in connecting the victims with organizations.⁶

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5. For more information see: [The Victim/Witness Assistance Program](#)

6. For more information see: [Learn the differences between Family Court and Criminal Court](#). Both services are free of charge across Ontario.

CHAPTER 33.

INTEGRATED DOMESTIC VIOLENCE COURT

As described in the previous chapter, victims of domestic violence may be involved in two separate court cases: Family and Criminal. Each Court belongs to different branches of law that operate within distinctive legal systems.

Due to the lack of coordination between the family and criminal courts, families may be subject to:

- **Multiple hearings** – the hearings may be held on different days and in different court locations. Family members have to tell their side to various courts and judges, which can result in sensitive matters being continually repeated in front of new people. It can put the already vulnerable individuals under unnecessary stress and trauma.
- **Partial view** – due to the involvement of multiple courts, the presiding judges of both courts will only be exposed to a partial view of the story. This could heavily skew their perception and the subsequent judgment that they make.
- **Conflicting orders** – also called inconsistent orders. Due to the lack of coordination, the courts may not be aware of the outcome of other court cases.
- **Delayed proceedings** – the family law case may be delayed due to the criminal court case (Department of Justice, 2016). When an incident dabbles into both criminal and civil disputes, the criminal law case takes precedence over the civil. This is due to the accused's right to remain silent.

For purposes of simplifying court processes for the families involved, the courts developed and implemented the Integrated Domestic Violence (IDV) Court.



Integrated Domestic Violence Court

The IDV Court in Toronto is located at 311 Jarvis Street. The Court presides every other Friday and overviews matters involving domestic violence. This court's focus is on family and criminal law cases geared towards domestic violence incidents. Therefore, the matter needs to be an issue of domestic violence and the parties are involved in criminal and family courts. It is important to note that each case is treated separately within this court. The IDV Court cannot hear cases that involve divorce, child protection, or property division.¹ Services are available through a Community Resource Coordinator whose focus is to connect parties to community resources. Additionally, legal services are available by way of Duty Counsel, Advice Lawyer at the Family Law Information Centres, Pro Bono Law students, and Legal Aid's Family Law Services Program (Department of Justice, 2016).

Purpose

The IDV Court is tailored to families of domestic violence that are facing family and criminal law cases. The approach and process differ from other courts, as the goal is to cut on court appearances and provide a suitable outcome tailored to the individuals involved. Some of the common principles of the IDV Court are as follows:

- **One family – one judge** – one judge sits before the family and criminal law cases. As a result, the judge obtains an overall view. This ensures consistency and order that is tailored to the family's situation.

1. For more information see: [Which court will hear the case](#)

- **Individual treatment of each case** – although the same judge presides over the family’s criminal and family law cases, each case is treated separately. The processes involved with each court remain the same. The rules, procedures and standards of proof associated with both courts apply.
- **Coordinates resources for each family** – the IDV Court have staff members whose role is to act as a primary link between the parties.
- **Monitoring for compliance with orders** – offenders are required to attend frequent court appearances. This is to promote offender accountability and to ensure the offender is complying with the orders.
- **Victim advocacy** – victim safety is ensured via consistent orders and the available victim services.
- **Involvement of community partners** – the IDV Court involves collaboration with third parties – such as prosecutors, police officers, lawyers, victim services, and partner assault program staff.²

Eligibility

The requirements for a transfer to the IDV Court are as follows:

- **All parties must consent** – victim and accused agree.³
- **Family Law Case Judge Consent** – Consent from the family case management judge for a transfer. This applies if the case has already started in family court and the family case management judge had an active involvement in the case (Ontario Court of Justice, 2013).
- **Family Law Case** – the family law case is held in one of Toronto’s provincial courts. The case does not involve divorce, property division, or child protection.
- **Parties are City of Toronto residents**
- **Criminal law cases** – proceeded as summary conviction, which are domestic-violence related charges with lesser severity.⁴ The case is originating in one of the two courts in Toronto. Accused is not in custody.

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2. For more information see: [Making the Links in Family Violence Cases: Collaboration among the Family, Child Protection and Criminal Justice Systems](#)

3. For more information see: [Integrated Domestic Violence Court \(IDV Court\)](#)

4. For more information see: [Integrated Domestic Violence Court](#)

CHAPTER 34.

9-1-1 PROTOCOL

9-1-1 Protocol

When an individual is in need of emergency assistance, dialing or texting 9-1-1 from a functional phone, automatically connects to a 9-1-1 call centre.



Initial Protocol

1. The operator will ask the individual to identify the nature of the emergency: ambulance, fire, or police. Thereafter, they will authorize the dispatch for either one or all of the required emergency services.
2. The operator will ask a few standard questions, such as, “what is the problem”? Followed by “what is your location, address, or closest major intersection”? And finally by, “what is your name, and your telephone number”?
3. If the individual is unable to provide any information, the operator will dispatch all three emergency services to the location by using automatic location identification software.

If the individual requests the police, the operator would dispatch members of the police department.

The responding officers will investigate the incident and submit a report regarding their initial assessment. If the officers find reasonable grounds to believe that an offence has occurred, then they will arrest and lay a charge or charges on the individual.

What happens when a 9-1-1 call is made in error?

If someone calls 9-1-1 by accident or the 9-1-1 call is lost/disconnected, it is treated as a life-threatening emergency. The police are tasked with locating the source of the 9-1-1 call and determining if it is in fact, an emergency.

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CHAPTER 35.

DOMESTIC VIOLENCE PROTOCOL

Domestic Violence Protocol

If domestic violence is determined by police officers, they contact the Domestic Violence Investigative Unit (DVIU), or the equivalent in a region. DVIU is made up of a specially trained group of investigators with experience in dealing with domestic violence matters. The DVIU officers will assess the risk for the individual and establish a safety plan in case of further complications. The officers will further involve any organizations that will be able to assist the individual.



Some of these services include:

- **Social Worker** – to assist an individual with supportive counselling, psychotherapy, safety planning, shelter, and referrals for other services;
- Children’s Aid Society (CAS) – if children are impacted by the situation, the CAS will be notified and will assist in the matter. This can include extraction, relocation, counselling, or

medical assistance;

- **Sexual Assault Services** – sexual assault services, such as Chantel’s Place, provide victims with assessment, counselling, and treatment; and
- **Victim/Witness Assistance Program (VWAP)** – VWAP provides information, assistance, and support to the victim or the witness of a violent crime in the understanding of court processes. This can include crisis intervention, case specific strategy, and court preparation.

For more information on the 9-1-1 protocol or services, visit the appropriate website or contact the non-emergency call centre for the desired region.

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CHAPTER 36.

LEGAL AID ONTARIO

About

Legal Aid Ontario (LAO) is an independent, publicly funded organization established by the Government of Ontario. LAO was formed to promote access to justice for low-income individuals. Furthermore, the mission of the LAO is to provide high quality legal services in a cost-effective and efficient manner (Legal Aid Ontario, n.d.).

Approximately 5,000 lawyers contribute to the success of LAO by accepting legal aid certificates in exchange for a reduced rate and limited billable hours. “Every day LAO helps almost 4,000 disadvantaged people, including single parents seeking child support; domestic violence survivors; parents seeking custody of children; refugees; and accused persons” (Legal Aid Ontario, n.d.). Some of the services offered by the organization include, access to duty counsel, community clinics, and student legal services. A full list of services can be found at [Legal Aid Ontario – Services](#).

Eligibility

LAO has established eligibility requirements for who, and what issues or cases can qualify for a legal aid certificate. Individuals with a need for social assistance usually qualify. However, many individuals can qualify due to the importance of the matter for which they require assistance.

When considering the financial factors, LAO has set forth that an individual with an annual income of seventeen thousand seven hundred and thirty-one (CAD\$17,731) Canadian dollars and under, is eligible to qualify for a legal aid certificate. Nevertheless, approval for the certificate is subject to the consideration of assets in the form of property, savings, or investments. An individual may also qualify for support from LAO if they agree to a contribution agreement. A contribution agreement sets out the terms of repayment for some or all legal fees and disbursements incurred during the matter. For more information regarding the eligibility criteria, click the following – [Legal Aid Ontario – Eligibility](#).

LAO representatives help individuals with criminal, family, immigration, refugee, and civil matters. If an individual does not qualify on the basis of the previously stated financial factors, they may do so on the consideration that their matter is complex or deemed serious in nature.

Domestic Violence Matters

When considering domestic violence or abuse, the requirements change to accommodate a larger

group of individuals. The financial eligibility of an individual who has experienced domestic abuse increases from the previously stated to twenty-two thousand seven hundred and twenty (CAD\$22,720) Canadian dollars. Along with the services stated previously, an individual is eligible to receive two (2) hours of free consultation with an experienced lawyer in domestic violence matters. This consultation does not require the approval of a legal aid certificate. For more information regarding the eligibility criteria in matter of domestic abuse, view [Legal Aid Ontario – Domestic Abuse](#).

For all other information on LAO, visit the website for the organization at [Legal Aid Ontario – Website](#) or call toll-free at 1-800-668-8258.

CHAPTER 37.

HUMANITARIAN AND COMPASSIONATE APPLICATION

A Humanitarian and Compassionate Application (H&C) is an application to the [Immigration, Refugees and Citizenship Canada](#) (IRCC) seeking Permanent Resident (PR) status in Canada, on the grounds of “humanitarian and compassionate” reasons. The Applicant has to demonstrate the consequences they would face if they were to return to their own countries. The H&C application is a two-stage process: first, getting the approval to apply for PR on a H&C basis and second, to get approval as Canadian PR status. There are two stages of approval. IRCC has a wide “discretion” in such applications, but they are obligated to consider all evidence presented, and the Best Interest of the Child involved. If the Applicant has connections with Canada or has been contributing meaningfully, it could be supportive of the application. The IRCC has to consider family violence as a factor but unlike Refugee applications, it is not a mandatory consideration. An unsuccessful refugee applicant can apply for H&C after completion of one-year bar period from the resolution of their refugee claim. Pending H&C Application does not automatically give rise to the right to stay in Canada.



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CHAPTER 38.

OFFICE OF THE CHILDREN'S LAWYER

Office of the Children's Lawyer

The Office of the Children's Lawyer (OCL) is a department within the Ontario Ministry of the Attorney General. The Ministry of the Attorney General is responsible for organizing legal services for every ministry within the provincial government. Specifically, the OCL was formed to protect the rights of minors, unborn to eighteen (18) years of age, during the process of administering justice in legal proceedings (Attorney General of Ontario, n.d.).

The OCL is predominantly involved in matters related to family and estate law. Family law involves all legal issues that can be dealt with in family court, these include divorce, separation, child custody or access (Ministry of the Attorney General – Family Law, n.d.). Estate law typically covers transfer of assets (Ministry of the Attorney General – Estate Law, n.d.).

The OCL offers services, such as, representing a minor in legal proceedings or writing reports to assist with court proceedings. The OCL employs both lawyers and social workers to collectively assist individuals with legal matters. While lawyers assist with the advocacy process, social workers support the lawyers by compiling files and documentation. However, since the is operated under the by-laws set forth by the Provincial Government, they have the authority to accept or reject cases. These cases may be rejected if the child does not reside within the province of Ontario, or an investigation is being conducted by the Children's Aid Society (CAS). A full list of reasons that cases may be rejected upon can be found at [Steps of Justice – Office of the Children's Lawyer](#).

Matters for the Office of the Children's Lawyer

The OCL is not involved in cases unless a motion is made to the judge presiding over a family or estate matter. The responsibilities of the OCL starts and ends with specific particular court proceedings. It must be noted that the OCL does not represent minors in criminal or quasi-criminal matters. Additionally, in civil cases a minor is not able to start a proceeding without the support of a litigation guardian. Therefore, a member of the OCL can stand in as a litigation guardian for a minor if no other adult is able to do so. A litigation guardian is defined as, "A guardian appointed to assist an infant or other mentally incapable defendant or plaintiff, or any such incapacitated person, that may be a party in a legal action, and to direct that litigation in the best interests of the incapable person" (Duhaime Law Dictionary, n.d.). While both the CAS and the OCL look after the interest of minors, each has its own specific tasks and work independently of each other.

Domestic Violence Matters

When considering domestic violence or abuse, the OCL “...must consider whether the custody and access arrangements might create or increase risk of harm to the children” (OWJN, 2015). It is the responsibility of the OCL to gather relevant information and opinions about the matter; and thereafter, evaluate the best solution for each party involved.

For all other information on OCL visit the website for the Ontario Ministry of the Attorney General at [Ministry of the Attorney General – Office of the Children’s Lawyer](#) .

CHAPTER 39.

IMMIGRATION AND DOMESTIC VIOLENCE



The Immigration and Refugee Board of Canada (IRB) has the authority to make decisions relating to immigration and refugee matters. Canada offers refuge for individuals seeking asylum. However, there must be legitimate reasons for why this is necessary. Convention Refugees are not allowed to claim refuge if they have a removal order made against them in their country of residence. Finally, a refugee may be sponsored privately, if a group of Canadian citizens or permanent residents agree to provide financial support for a period of one (1) year in the form of furniture, clothing, housing, and food, for the individual. To learn more about immigration for refugees, visit [Immigration for Refugees](#).

If a woman is experiencing abuse in a relationship, she does not need to remain in the relationship to stay in Canada. As a permanent resident, the *Canadian Charter of Rights and Freedom* ensures protected rights (Justice Laws Website, n.d.). In contrast, if a woman holds a valid temporary status in Canada, she may be eligible to extend or renew her position. In contrast if her status were to expire, she may be able to apply for a special permit to stay in Canada temporarily. This also applies if the woman is

an individual that has been sponsored under the family sponsorship category. For more information on effects of abuse on immigration, check [Immigration – Abuse](#).

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GLOSSARY OF TERMS

“Make an order”

In Family Court, the judge can **make an ‘order’** based on a motion or at trial. Examples are an order for child custody or access based on evidence presented. Essentially, this is the decision that the judge deems most viable and is usually temporary in nature until a final decision can be made (Ministry of the Attorney General, 2019).

Affidavit

An Affidavit is a document made on oath or affirmation, stating the facts known to the person making it, who is called as the ‘deponent’. The deponent states facts known to him or her from the personal knowledge and could attach supporting documents as an Exhibit. The purpose of swearing an **affidavit** is to provide details of circumstances as per the deponent’s knowledge and belief. The **Affidavit** can be submitted to the court as evidence.

Applicant

The individual who initiates legal action (Application) in a Court.

Arranged marriage

A form of marriage where the choice of groom and bride is largely made by the families of the couple.

Bail Variation

When a person has been accused of a crime in a court of law they are, depending on the nature of the offence, released on bail while they await trial. Typically, there are certain conditions that are mandated and must be followed to remain outside of custody. Failure to comply with the bail condition is considered a criminal offence and will result in the accused awaiting trial, more often than not, in prison. If an individual wishes to alter any of the bail condition(s) (i.e. no contact orders) they must request a **bail variation**. This can be completed by either appealing to the Crown, noting valid reasons for the alternate arrangements. If the Crown is unwilling to negotiate the terms, the request for variation can be brought for review before the Court. (Department of Justice, 2015)

Best Interest of the Child

The “**best interests of the child**” is a principle stated in law that allows decision-making authorities to be child-focussed. The ‘best interest’ test provides discretion to a judge to decide the disputes involving children within the legislative framework, keeping the child’s interest at the heart of the decision. Simply put, the judge will consider the evidence provided by each party

but make the decision based on what is best for the child. The examples of family law cases involving best interest of children analysis are as follows: cases involving issues of custody and access or variation thereof, exclusive possession of matrimonial home, or mobility cases. If the parties before the family court are married, they are governed by the federal legislation i.e. the Divorce Act. If they are not married, the provincial Act (In the case of Ontario, the Children's Law Reform Act) would provide the framework and specified criteria for deciding what is in the **best interest of the child**. In family cases involving domestic violence, it allows the court to consider past conduct of a parent when it involves violence or abuse against a spouse, a parent of the child to whom the application relates, a member of the person's household, or any child.

The *Immigration and Refugee Protection Act* (IRPA) refers to the need to take "into account the best interests of a child directly affected". Thus, the decisions of Immigration, Refugees and Citizenship Canada (IRCC) or Immigration Refugee Board (IRB) must include an assessment of the **best interests of a child** who would be directly affected in an Humanitarian and Compassionate Application for permanent residence, or Refugee claim or citizenship application involving children.

Canada has signed International human rights instruments which require children's best interests be given priority consideration courts, tribunals or other institutions.

Business Entrepreneur program

The Canadian government allowed for entrepreneurs to immigrate if they brought in substantial investments and were willing to invest in starting or supporting a business.

Canadian Immigration and Refugee Board

The Immigration and Refugee Board of Canada (IRB) is an independent administrative tribunal responsible for making decisions related to immigration, including about who is to be accepted as refugees to Canada.

Charges laid or Lay Charges

to accuse someone officially of doing something illegal. (Merriam-Webster, Incorporated, 2019)

Children's Aid Society (CAS)

For over 100 years, the Ontario Association of Children's Aid Societies (OACAS) has been serving and promoting the welfare and well-being of children, youth and families in Ontario. Their vision is to **re-imagine child welfare: to create an effective children's services system that supports ALL children, youth, families, and communities to thrive**. There are 50 Children's Aid Societies (CASs) and Indigenous Child and Family Well-Being Agencies in Ontario. OACAS is an association representing 49 member organizations. Of these, 47 of 49 are mandated CASs and Indigenous Child and Family Well-Being Agencies; two are pre-mandated Indigenous agencies. More information about the services provided by the OACAS can be found at <http://www.oacas.org/>

Conditional Permanent Residence (PR)

In October 2012, the federal government introduced Conditional PR which meant that the sponsored partner or spouse is mandated to live with their immigration sponsoring partner for a

duration of two (2) years. This was applicable if, at the time of application the partner fit into the following categories:

The relationship was less than two years; and
There are no children in common.

Failure to meet this condition would revoke the PR status and the sponsored immigrant could be deported. However, as of April 28, 2017, the Canadian government **eliminated this requirement**; meaning **conditional permanent residence** no longer applies to any **applicants** seeking spousal sponsorship (Immigration, Refugees and Citizenship Canada, 2017). The two-year **conditional PR** has increased the vulnerability of many sponsored newcomers, particularly victims of domestic violence, who were often women.

Consumer Proposal

A Consumer Proposal is a formal process provided under the Bankruptcy and Insolvency Act which stipulates that an individual (debtor) who borrowed and owes money (known as debt) and are facing financial difficulty to repay it to (creditors) e.g. a person, credit card company(ies) or financial institutions. With assistance of a licensed Insolvency Trustee, the debtor makes an offer to pay off the debt within a certain timeframe. There are many conditions that apply to such consumer proposals.

Convention Refugee

An individual that is required to leave their country of residence out of fear. Specifically, if the fear is based on discrimination due to an individual's race, religion, political opinion, nationality, or social group.

Critique report

An evaluative summary of findings based on the observations of a professional assessor such as a Counsellor, OCL, doctor or psychiatrist etc. This evaluation provides the court with evidence and information notating a child's wishes, also including what they determine to be in their best interests. The court may use the findings presented when determining custody, access, or parenting arrangements. (CLEO, 2017)

Crown Ward

A child who was found to be a child in need of protection and removed from their parental families permanently. In Ontario, the permanent wards for whom the Province had legal responsibility were called **Crown Wards**. A child could be removed from the care of his or her parents and put into the care of the Province for reasons that include physical, emotional/sexual abuse, or neglect. They were considered **Crown Wards** until the age of 18, or until they have been adopted. In 2017, the Child, Youth and Family Services Act (CYFSA) amended this terminology, referring to these youth as a "**child in extended society care.**" (Ministry of Children and Youth Services, 2018).

De facto custody

Once partners in a relationship are no longer cohabitating, the partner responsible for making all pertinent decisions related to the children's well being is said to have **De facto custody**. If the

other partner has accepted this relationship and does not dispute it, it is unlikely that a judge will move to make changes, upsetting the status quo for the children further (Ministry of the Attorney General, 2012).

Duty to report

Under section 125 of the Child, Youth and Family Services Act, 2017 (CYFSA), every person who has reasonable grounds to suspect that a child (up to the age of 18) is, or may need protection, must promptly report the details of the suspicion and the information upon which it is based to the Children's Aid Society. This includes persons who perform professional or official duties with respect to children, such as social workers, health care workers, teachers, operators, employees of childcare programs or centres, medical practitioners, police and lawyers. It is not necessary to be certain that a child is or may need protection to make a report (Ontario Association of Children's Aid Societies, 2018).

Equalization/ Equalization of Net Family Property

At the dissolution of a marriage, there are often assets which have been accumulated by both partners throughout the duration of the relationship. As such, the law protects both parties, ensuring that any accumulation of value is divided equally between both individuals. This is referred to as an **equalization of net family property** and is only applicable to those couples who were legally married (as opposed to common-law) (Ministry of the Attorney General, 2019).

Family Sponsorship

Family sponsorship is the second most common category of immigration for Canadians. An individual that is at least eighteen (18) years of age and holds a residential status in Canada (citizen, permanent resident or person registered under the *Indian Act*), is eligible to sponsor relatives. Predominantly, family sponsorship applies to spouse, partner, parents, grandparents and dependent children. Any individual is eligible to sponsor the previously mentioned individuals if they are able to support them financially, and ensure that they do not require social assistance from government services. To learn more about who may qualify for family sponsorship, visit Government of Canada - Family Sponsorship.

Gold Jewellery

In some South Asian cultures the bride, before her nuptials, is gifted a portion of her father's property. Typically, this is in the form of gold jewellery and is considered to belong to her and her alone. The marital partner and family have no rights to these objects and cannot keep them from the bride, nor absorb it as their own. This is often referred to as *Streedhan* or *Stridhan* and is the right of the woman (Dixit, 2015). In India, as per Hindu Law, *Stridhan* is the absolute property of the woman (S. 14 of the Hindu Succession Act, 1956 read with S. 27 of the Hindu Marriage Act, 1955), but this right is not recognized by Canadian courts.

Independent Legal Advice

If there is a conflict of interest in any legal matter, it is the duty of the current lawyer/paralegal, to recommend their client seek **independent legal advice** (ILA). In general terms, **independent legal advice** is provided by an outside lawyer or paralegal who is unrelated to the client's matter,

associated parties, or the lawyer or paralegal, and who does not have a conflicting interest. The purpose of this is to have an outside perspective on a certain topic or decision which is both objective in nature and free of any bias (Law Society of Ontario, 2019). ILA is important to ensure that a client has signed a document after understanding the consequences and with free will and no pressure or undue influence.

Joint custody

Two people, usually the parents, share the responsibility for making decisions for a child. It does not necessarily mean that a child will spend “equal” time with both parents (Ministry of Attorney General).

Joint Family

A form of family where the adult son continues to live with his parents along with his spouse and children.

Landed Immigrant

A landed immigrant is a person who has made Canada their permanent residence but as yet does not have Canadian citizenship.

Love Marriage

A type of marriage whereby both individuals enter the relationship willingly and of their own accord. It is not arranged. This terminology is primarily utilized in cultures where arranged marriages are more common.

No-contact condition/order

This is an order in criminal cases mandated either by the police or the court that prevents any direct or indirect communication between an accused person and the victim. The accused is to have absolutely no contact with the victim. Such orders can be arranged at any point during the criminal justice process and typically remains in place until such time the accused is either sentenced or found not guilty at trial. Since September 2014, **no-contact conditions** have been required for all probation orders and conditional sentences unless:

the Court finds there are exceptional circumstances; or
the victim agrees to the contact (Department of Justice, 2017)

Non-communication order

The parties in a family court matter may agree that either one, or both, parties shall not communicate with each other either directly or indirectly. An order such as this is requested by the courts and issued based on consent. Such an order is considered to be preventative, requiring parties not to communicate with each other going forward. This is generally based on a history of abuse in the relationship, which may not be recent enough to seek a **restraining order**. If there is a breach of the **No communication order**, it potentially becomes a basis for seeking a **Restraining Order** from the court. If there are children involved, there could be exceptions, such as for communicating for the purposes of child welfare or access scheduling purposes.

Non-removal order

A Family Court judge is authorized to make a **Non-removal order** of a child(ren) based on

evidence provided that shows there is risk of one parent taking the child(ren) away and would not return to Canada. If such an order is made then either one, or both, parents are not taking the child out of the geographical area specified in the court order (e.g. Greater Toronto Area, Province of Ontario, or Canada). When the court issues such Non-removal orders, it is registered with the Canadian Police Information Centre (CPIC) and is sent to the police with the CPIC Form.

Office of the Children's Lawyer (OCL)

The **Office of the Children's Lawyer** is an independent, government funded, law office operating within the Family Justice Services Division of the Ministry of the Attorney General. The purpose of the OCL is to provide legal services to children under the age of 18 in the selected civil law matters. Their primary function is to represent the interest of the children in courts such as custody, child protection, civil, estates/trusts, and personal hearings. Because the OCL is government funded, parents are not required to pay for these services. The OCL have Children's Lawyers and also has clinical investigators on staff who may be assigned to assist lawyers who represent children in particularly difficult custody and access cases, or to provide a report to the Court according to section 112 of the *Courts of Justice Act*.

Only a judge can make a court order requesting the involvement of the **OCL** (at the request of one or both parents or by motion). They will do so in cases where the parents/legal guardians of the child are unable to negotiate an appropriate custody arrangement, or if the Children's Aid Society (CAS) requires their services to assist the family in navigating alternative resolution processes (i.e. mediation). It is entirely at the discretion of the **OCL** to determine whether or not they will accept the case: it is not mandatory for them to do so despite the court order. In the event that the OCL accepts the case (they receive thousands of requests each year), they will first determine if the child requires a lawyer or a clinician (typically a Social Worker). Both parties serve different purposes when working with the child. The decision as to which is required is typically based on age.

Lawyer - Their role is to converse with the parents or whomever is requesting custody (for example grandparents) to understand the nature of the dispute. They will also speak directly with the child as it is important for the lawyer to understand their wishes before **proceeding**. Additionally, it is the lawyers' responsibility to reach out to any other sources, such as teachers or doctors, to understand their perspective and gather any additional information necessary. Based on their findings, they will take a position on behalf of their child client and represent them at the court by providing their feedback as to how to move forward.

Clinical Investigator - Their role is like that of a lawyer as they will communicate with the child, their respective guardians, and any additional parties they feel appropriate. Where the clinician differs is in terms of additional functionalities such as observing the families, making recommendations for resolution, and creating a report for the court which outlines the details of the case and their recommendations. Once the report is complete, the clinician will then share the information with the family and will formally file it with the court.

Both Lawyer and Clinician - If both a lawyer and clinician are assigned to a case, the clinician

does not file any sort of report, instead, they assist the lawyer in the creation of an **affidavit**. (Ministry of the Attorney General, 2005-2006)

Parallel custody arrangement

This is a form of **joint custody** whereby each parent is designated sole responsibility for specific areas of decision-making concerning their child. While one parent may govern all decisions pertaining to medical or educational issues that arise, the other would have another set of concerns that they would primarily manage (i.e. financial or legal matters). The court may award this form of custody when the parents have difficulty communicating with one another, making co-parenting difficult and harder for the child. Instead, each parent manages the day-to-day decisions of their assigned domains, thereby eliminating the need to engage with one another. As time passes, and healing begins, communication between separated parents tends to improve and they can, once again, work towards more collaborative child-rearing. Parallel parenting can protect the children's relationship with their parents, shielding them from conflict (Kruk, 2013). Parallel parenting orders have been made by courts in situations where both parents have been involved with the child and wish to retain decision-making rights, but where the conflict between them is such that a **joint custody** order is not in the child's best interest.

Peace Bond

A **peace bond** is a protective court order issued by a Justice of the Peace (JP) in a criminal court. Essentially, it is a signed promise that a person will continue to maintain the peace and be of good behaviour for a period of time. It can be filed against a spouse, partner, or any other person with whom there is a relationship with. An individual may apply for this by way of court application or a court (CLEO, 2017).

Permanent Resident (PR)

A citizen of a country other than Canada who has been given the right to immigrate to Canada and stay in the country permanently

Privately Sponsored Refugees

These are refugees sponsored by a group of persons in Canada under the Convention Refugee Abroad Class. The sponsors undertake to look after the settlement needs of the refugees for the period of one year after immigration.

Proceeding

These are the actions and activities which take place during a legal dispute. It is a blanket term that defines the entire legal process from beginning to end. This could also refer to a specific type of hearing or trial (Justice Education Society, 2019).

Refugee

Refugee is a term used for, "a person who flees to a foreign country or power to escape danger or persecution" (Merriam-Webster Dictionary, n.d.). A Convention Refugee is an individual that is required to leave their country of residence out of fear. Specifically, if the fear is based on discrimination due to an individual's race, religion, political opinion, nationality, or social group.

Respondent

The individual who is responding to the claims made by the **applicant** (Justice Education Society, 2019).

Restraining Order

A **restraining order** can be requested from a family court if there is fear that a former spouse/partner could potentially cause harm to another member of the family. This is completed within a Family Court and must be mandated by a judge to be considered binding. Typically, it lists a number of conditions in which the spouse/partner must adhere to and obey and can either be broad or detailed, depending on the situation. An example of a general **restraining order** would be the instruction that the partner/spouse “cannot come near you or your children.” Alternatively, a more detailed order would stipulate that a partner/spouse cannot come to a place of employment, must maintain a specific distance, cannot visit children at school, or try to initiate communication at locations often frequented. It is applied for by way of a court application or a court motion (if urgent) (Ministry of Attorney General, 2009).

Reunification Counselling

Depending on the circumstances, **reunification counselling** can be used as a tool to safely, and with the **best interest of the child** in mind, reunite him/her with one of their estranged parents. It is typically done in the presence of a developmental psychologist who can assist all parties in navigating a reunion in a safe and neutral location. This service could be effective for a myriad of reasons including:

The passing of a significant time-period (i.e. secondary parent worked abroad) and the child has not seen them;

If the estranged parent has attempted to re-establish contact on their own terms with the child but has not been successful;

In a situation when the secondary parent feels as though they have been purposely alienated from the life of the child.

Children can sometimes find the process of reunification emotionally challenging and difficult as they do not wish to cause upset for the custodial parent. There is a lot of fear around what effect accepting a relationship with the estranged parent might have on their primary caregiver. Enlisting the help of a reunification counsellor can help to mitigate the stress associated with this event (Toronto Psychological Services, 2019).

Risk assessment

A process of identifying, analyzing and evaluating events and or hazards that may be of a negative impact on an individual, child, or a person in their environment. Should a risk be determined to have caused/will cause harm, interventions are established to either eliminate or control the hazard. Pertaining to children specifically, the goal of **risk assessment** is to investigate and identify potential risk or maltreatment (Ministry of Children, Community and Social Services, 2016).

Safe Country

In International Law, a **safe country** of origin is one that is deemed to be democratic whereby its

citizens are able to live without fear of prosecution, inhumane treatment, violence, or threat of war (European Commission, n.d.).

Section 30 Assessment

A **Section 30 Assessment** must be ordered by a judge prior to proceeding under **Section 30** of the *Children's Law Reform Act*. It can be at the request of one parent, both, and at the judge's discretion if s/he feels as though the matter is complex in nature. **S. 30 assessment** orders are made if the judge has reason to believe that there is a serious clinical issue, much greater than the test for an **OCL** involvement. It is conducted by a neutral, third party, private assessor (i.e. social worker, psychologist, psychiatrist) who will ascertain the interest and views of all children involved, this is then reported back to the parents and the court in form of an assessment report containing recommendations. **Section 30 assessments** are privately funded whereas **OCL** assessments are publicly funded. In **S. 30 assessments** the parents may be psychologically tested, and the assessment report may contain a psychological or psychiatric opinion. **OCL** assessors are neutral whereas S. 30 assessors are appointed. In domestic violence cases, it is crucial to have an assessor who understands the impact of violence and trauma on children and parents.

Shagun

In some South Asian cultures, **Shagun** are gifts given to the bride (including bangles, gold jewellery, family heirlooms, etc.) which symbolize her acceptance into the family of the groom (Cultural India, n.d.).

Sole Custody

One person has the responsibility and authority to make major decisions about the child, primarily about the child's health education and religion.

Spousal Sponsorship Program

A program that allows Canadian permanent residents/citizens and persons registered as Indian under the Canadian Indian Act to sponsor their spouses/common law partners to immigrate to Canada.

Spousal support claim

When one spouse claims monetary support from the other upon the breakdown of their relationship, it is termed as Spousal Support claim. It could be claimed by the spouse in need, as a result of financial hardship resulting due to such breakdown and when the other spouse has financial means to pay. Married, common-law or same sex couples are entitled to claim Spousal Support. The Spousal Support Advisory Guidelines are used to calculate the Spousal Support amount and duration.

Start up visa

Canada's Start-up Visa program allows immigrant entrepreneurs to apply for PR status with their families to establish a business in Canada.

Temporary Work Visa

A visa given to a foreign national that authorizes them to work in Canada under programs such as the Temporary Foreign Worker Program.

Transnational Relations

refers to relationships with friends and families in the country of origin that immigrants continue to maintain after migration.

UNHCR Blue Card

A Refugee Registration Form, commonly known as the Blue Card is one that is issued by the United Nations Higher Commissioner for Refugee Agency (UNHCR). This is provided as per Article 27 of the 1951 United Nations Convention relating to the Status of Refugees. In addition to being an Identity card, it also acts as a residence permit, which allows refugees to register births and deaths, contracting marriage, obtaining employment, housing, hospital care or rations, qualifying for social benefits, entering educational institutions, etc.

Views and preferences report (Voice of the Child Report)

A **Voice of the Child (VOC) Report** is a report containing the wishes and views of the child on the issues of custody/ access. A **VOC report** can be publicly funded if completed by the **OCL** or privately funded if paid by the parties.

VOC reports ensure that children have the opportunity to be heard in custody **proceedings**. Such a report, sometimes known as the views of the child, provides information about what the child thinks about his or her life and the issues in dispute between the parents to the court to assist in the decision making process. A voice of the child report is written by a mental health professional, who interviews the child. Unlike a report by the **Office of the Children's Lawyer** or a Section 30 custody assessment, this report is non-therapeutic and does not usually contain the professional's opinion because the report really is intended to simply inform the judge of the views of the child (Luke's Place, April 2017).

Visitor Visa

A document which affords an individual permission to visit Canada. With this Visa, a person is eligible to remain in the country for a period of six months, after which time they must return to their country of origin (Government of Canada, 2020).

CANADA'S WOMEN PEACE AND SECURITY AGENDA AND DOMESTIC VIOLENCE: IMPORTANCE OF INTERNATIONAL INSTRUMENTS AND TREATIES

Canada is a peaceful country, ranking sixth in the world on the 2019 Global Peace Index (GPI). However, on the gender-sensitive Women Peace and Security Index (WPS) Canada ranked eleventh in 2019. The national statistics confirm that in 2019, the Canadian domestic homicide rates peaked at a crisis level. This underlines the need for gender sensitive analysis of domestic violence.

Domestic violence needs to be viewed not simply as a violation of personal rights but also as a violation of international human rights. The context of international law and treaties which creates international standards for all states is important to understand. We also need to examine how it has been incorporated into Canada's national policy and decision-making at the highest level. It is imperative for us to understand the history of how the international WPS agenda was developed and Canada's action plan and commitment to women's security.

In 1948 the United Nations (UN) adopted the Universal Declaration of Human Rights, making a historic declaration that recognized that 'the inherent dignity of all members of the human family is the foundation of freedom, justice and peace in the world.' This declaration pushed the international community to consider 'women rights as human rights.' The UN has since helped its member States to enact legally binding agreements on political, civil, economic, social and cultural rights – including Canada.

In 1979, the UN adopted [the Convention on the Elimination of All Forms of Discrimination Against Women \(CEDAW\)](#) known as 'international bill of rights for women' which set up an agenda for national action to end discrimination against women.

In 2000, the UN Security Council's Resolution 1325 on WPS was followed by eight (8) other resolutions, calling upon the international community to protect women from gender-based violence and to ensure that the survivors have equal protection of law and have access to justice.



The UN's 'Sustaining Peace' Agenda underlined the importance of women's rights for achieving peace and justice. The concept of 'Positive peace' shifted the understanding of peace to be not only absence of violence but also maintaining safety and security.

Canada has adapted the UN's WPS agenda and has developed its National Action Plan. It has developed a legal framework through enacted legislation to address both civil and criminal measures to respond to IPV. Canada has declared its commitment to achieving the 2030 Agenda for Sustainable Development (SDG), including Goal 5 on Gender Equality and Goal 16 on Peace Justice and Strong Institutions so that 'no one is left behind'.

Our research has allowed to us to make linkages between legal rights and empowerment of survivors. It further emphasized the implementation gaps reminding us that having legislation will not automatically improve the situation of survivors. Our research confirms the intersectional oppressions faced by immigrant women and the need to break down the silos and take an integrated approach for sustainable solutions and re-building the lives of the survivors of IPV and their children.

The next chapter provides a list of international instruments that impact women experiencing domestic violence and the responsibilities of the state in dealing with the same.

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PRINCIPAL UNITED NATIONS HUMAN RIGHTS CONVENTIONS AND COVENANTS RATIFIED BY CANADA

[The Universal Declaration of Human Rights \(1948\)](#) – The Universal Declaration of Human Rights (UDHR) was founded on the principle that human rights are based on the “inherent dignity” of every person.

[Convention relating to the Status of Refugees \(1951\)](#) – This Convention defines the term ‘refugee’ and establishes a framework for the rights of individuals who are granted asylum.

[Convention on the Nationality of Married Women \(1957\)](#) – This legislation aims to protect the right of married women to retain or renounce citizenship, particularly after marrying someone outside their country or of a different nationality.

[International Convention on the Elimination of All Forms of Racial Discrimination \(1965\)](#) – Countries who sign this convention agree to work toward the elimination of racial discrimination and the promotion of inter-racial understanding.

[International Covenant on Civil and Political Rights \(1966\)](#) – This International Covenant states’ obligations to respect individuals’ civil and political rights, including, liberty and security of the person, the right to procedural fairness.



International Covenant on Economic, Social and Cultural Rights (1966) – The International Covenant on Economic, Social and Cultural Rights was established to ensure that non-self-governing and trust territories and individuals are granted economic, social and cultural rights.

Convention on the Elimination of All Forms of Discrimination Against Women (1979) – CEDAW aims to realize equality between men and women by highlighting the civil rights of women amongst other important issues.

UN Convention on the Rights of the Child (1989) – The UN Convention on the Rights of the Child is a treaty that provides for the human rights of children, which are defined as any human being under the age of eighteen.

Canada and Women, Peace and Security Agenda – 2030 Agenda for Sustainable Development Goals. In September 2015, Canada and all other 192 United Nations Member States adopted the 2030 Agenda for Sustainable Development at the UN General Assembly.

Canada's National Action Plan on Women, Peace and Security (WPS) – Global Affairs Canada's implementation plan for the Canadian government's Action Plan on Women, Peace and Security (WPS) includes 93 targets across development assistance, humanitarian action and peace and stabilization efforts.

Women Peace and Security Index (WPS Index) – In year 2019, Canada was 11th in ranking on WPS Index.

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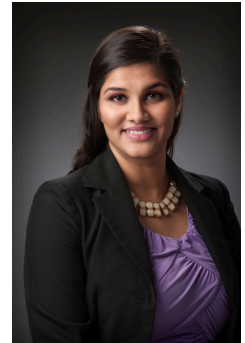
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CONTRIBUTORS

Kruttika Nene

My name is Kruttika Nene and I am currently enrolled in the Paralegal Program at Sheridan College. I have a background in the sciences and the arts; however, I have worked in the legal field for a few years.

For the purposes of this project, I was asked to simplify legal processes and organizations such as 9-1-1 protocol, Office of the Children's Lawyer, Legal Aid Ontario, and Immigration Sponsorship. In particular, the support available to individuals who face domestic violence in immigrant communities.

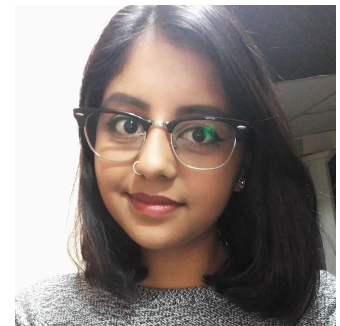


This project was particularly interesting to me, as I was once an immigrant myself. Therefore, I understand the value of family when attempting to start a new life away from home. Often for an individual immigrating to Canada, English is not the first language; therefore, the complexity of legislation and proceedings can be intimidating.

My hope is that this Pressbook will provide references, for student learning skills, to assist these individuals.

Katrina Chahal

My name is Katrina Chahal and I'm a recent graduate of Sheridan's Social Service Worker diploma program. In addition, I have an undergraduate degree from the University of Guelph and I am continuing my studies in social work by attending the University of Laurier's Masters of Social Work program. I work from an anti-racist, anti-oppressive, and intersectional feminist framework. I am always finding new opportunities to challenge myself and I have a passion for learning.



This project allowed me to research and read up on experiences of immigrant and refugee women's experiences with domestic violence. Through completing the literature review with my colleague, Terri Neufeld, I learned about the statistics of domestic violence in Canada, the factors contributing to a women's vulnerability, women's responses in these situations, etc. This opportunity taught me how important this information could be for students in various learning fields because domestic violence experiences of immigrant and refugee women touch upon various domains. Thus, this educational piece truly heightened the importance of an intersectional lens when looking at domestic violence cases. Students will truly benefit from this book.

Terri Neufeld

I am a recent graduate from Sheridan's Social Service Worker – Gerontology program at Sheridan College. I have a heart for helping those experiencing social inequalities in society. Summarizing the experiences and attempting to capture the emotional turmoil of these brave and resilient women was an eye-opening and heart-breaking journey. My hope is that future social service professionals can learn from these cases, gain a different perspective from their own, and build skills and empathy to support immigrant women experiencing the awfulness of domestic violence. To suffer and be harmed by the hands of someone you have put your trust in would be gut-wrenching, and navigating a new country's supports in a foreign language exacerbating. A culturally sensitive relationship of care needs to be fostered with immigrant women suffering or at risk of domestic abuse. I am pleased to be part of the growing efforts of research, awareness, and innovative programs and supports around this extremely sad phenomenon and long for a day where violence against women is not tolerated in society.



Denise DeJong

If you had asked me a few years ago where I would be in the year 2020, never, would I have imagined that my answer would be a graduate of the Social Service Worker program at Sheridan College. I feel as though my journey is a testament to what can be achieved with determination and faith in the unknown. I took this leap knowing it would be challenging, continuously testing my resiliency time and again. Despite this, never once did I falter nor lose sight of my goal.

Along the way I was given an incredible opportunity to work on this project, to have an impact on the development of material that will be utilized by future SSW's as they progress through their learning. I am humbled to have been trusted with the material and grateful for the support of my fellow team members. It is through this collaborative spirit that this Pressbook is now complete, ready to support students for years to come.



Maria Aosaf Dawd

First and foremost, I am a proud mother of two beautiful daughters, a wife, and a self-taught baker. Alongside this, I am also a paralegal student at Sheridan College where I have had the opportunity and privilege to begin my journey in the legal profession. At this point, I can finally say that I have achieved the first milestone towards my goals and aspirations. Commitment, dedication, perseverance, and continuously holding myself to the highest standards are characteristics that I apply in all aspects of my life. Implementing these traits to my educational endeavors, I was able to receive an award for high academic achievement.



At the commencement of my role in this project, I immediately knew that I was aligning my research and writing skills with great students and professors. The tasks entailed thorough research on family and criminal law, which can sometimes be intertwined in family related domestic violence cases. I am confident that this project provides an uncomplicated explanation of these sophisticated legal systems.

Seraphina Seuratan

I am the second of three kids born in the twin island Republic of Trinidad and Tobago and I have always sought new opportunities to expand my professional and educational reach. As a Paralegal Student at Sheridan College, I have learned the importance of being detailed, professional and consistent. I have had the pleasure of working alongside many hardworking mentors and peers to develop other valuable skills related to researching and publishing. Having a passion for searching for the truth and helping others has enabled me to empathize with the situations experienced by the brave women in these case studies and people who experience domestic violence in general. Working on this project was truly enlightening as an international student in Canada it is important to understand such social issues which are present in Canada. I truly hope that the information presented through this book is informative to many and can be used as a tool to help curb the social plague that is Domestic violence.



Jaspreet Kaur

I am a recent graduate of Social Service Worker program from Sheridan College. I have a passion to support and empower people. Currently, I am volunteering as the Manager, Programs and Events with Newcomer Students's Association of Ryerson (NSAR). It is an honor to be a part of this exceptional research project, which has provided me with the opportunity to implement my learning while enhancing my research as well as other significant skills under experienced mentors. This project has enabled me to understand diverse social locations of women facing domestic violence with an Anti-Oppressive lens. My personal experience of being an international student from India, along with my work with newcomers, has sparked my desire to explore the complexities of domestic violence in immigrant communities. After reading the case studies, I have developed an insight into many triumphs and hardships faced by immigrant women. This book truly reflects various aspects of this social issue and how it impacts women when they migrate to Canada. Also, this book will be a valuable addition to students' learning, and it will help them to develop different perspectives while dealing with the survivors of domestic violence.



Media Attributions

- Kruttika Nene
- Katrina Chahal
- Terri Neufeld

- Denise DeJong
- Maria Dawd Aosaf
- Seraphina Seuratan
- Jaspreet Kaur