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**Negotiating Social Rights and Social Membership on the Frontlines of
Service Delivery to Migrants with Precarious Status**

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Abstract

Amidst trends in immigrant receiving nations, like Canada, to welcome migration for economic purposes, a growing number of migrants remain excluded from the rights of citizenship and thus comprise a vulnerable population with limited access to social and health services. Through an interpretive analysis of service delivery to women with precarious immigration status in Toronto, Ontario, this paper examines the role of social service providers—as nongovernmental actors—in negotiating social rights and social membership for people with precarious migrant status in Canada. Notwithstanding the diversity of perspectives on who ‘should’ have access to social rights, service providers assumed varied political stances with regard to offering social protection to women with precarious status and ensuring their access to health and social services. While service providers’ ability to exercise discretion in their everyday interactions with immigrants provides tangible opportunities to advance the human rights of individuals, regardless of their legal status, I argue that both individual service providers, and the organizations in which they work, exercise self-discipline, to monitor and constrain the degree to which they openly challenge state surveillance of migrants.

Keywords: Precarious migrant status, immigration, social rights, service delivery violence against women

Canada, like other immigrant-receiving states welcomes migrants for economic, family and humanitarian reasons, but increasingly confers temporary legal status to migrants, which in effect, mitigates their full inclusion into democratic society. As a result, a growing proportion of residents in Canada have precarious immigration status—refugees, temporary workers, and nonstatus immigrants (Bernhard, Landolt, & Goldring, 2009; Goldring, Bernstein, & Bernhard, 2007). Precarious status not only invokes uncertainty in the legal right to reside in Canada, but also restricts the social entitlements and safety nets a migrant can claim from the state (e.g. housing, education, welfare, healthcare). For families with mixed and unclear statuses, an entire family, including citizen children, may face vulnerabilities which lead to negative social and health outcomes, while contributing to deep social exclusion (Bernhard, Goldring, Young, Berinstein, & Wilson, 2008; Fix & Laglagaron, 2002). When significant numbers of people are withheld basic civil and social rights, the baseline definition of social inclusion in multicultural liberal-democratic states such as Canada may become eroded (Basok, 2002; Omidvar & Richmond, 2003; Saloojee, 2003).

The extension of social rights to vulnerable groups within a nation has always relied on grassroots mobilization and support from grassroots mobilization and civil society organizations to advocate for the extension of social inclusion and the extension of legal rights of personhood and citizenship to women, African Americans, indigenous/aboriginal people, and other racialized minorities. Hasenfeld and Garrow (2007) argue that civil society organizations have always played a vital role in the achieving rights for vulnerable populations and “shaping the formation of the welfare state” in Western democratic nations. They also contend, however, that while civil society organizations have shaped the provision of welfare, “the ability of civil society to influence the welfare state depended on the political space the state was willing to grant it” (p.

4), thus reinforcing the political nature of citizenship rights in relation to public opinion and everyday practices of social belonging.

The objective of this paper is to explore the negotiation of social rights and social membership through examining the delivery social services to a vulnerable group of migrants—women seeking shelter due to domestic violence. For many women living with precarious legal status, the constraints on their social rights are particularly evident when responding to gender-based violence. This group is known to experience an increased risk of homelessness, fear of calling the police, fear of losing their children, and risk detention and deportation when seeking professional support (Alaggia & Maiter, 2006; Menjivar & Salcido, 2002; Raj, Silverman, McCleary-Sills, & Liu, 2004; Sharma, 2001). Nongovernmental service providers play a critical role in linking women to community resources, especially with regard to negotiating their immigration status and accessing provisions that may protect women from their abusers without increasing their risk of deportation (Nankani, 2000).

Exploring the role of service providers and other nongovernmental actors have in negotiating rights and membership, previously conceived within the status of citizenship, offers an opportunity to understand devolutionary trends in social welfare and immigration policy form new assemblages of rights, responsibilities and membership.

This paper contributes to theories of citizenship in a global political economy through examining the role of non-governmental actors in negotiating citizenship for migrants with precarious status. I begin with an analysis of citizenship rights as both an emblem of democratic society and mechanism to produce and maintain inequality. I then explore conceptualizations of citizenship as not merely a legal status, but also a “relationship” or “negotiated practice”. Finally, I provide empirical examples to illustrate how service providers negotiate different dimensions

of citizenship for women with precarious immigration status in Toronto, Ontario. Empirical analysis will focus on: 1) the socio-political context of violence against women service delivery in Canada amidst neoliberal reforms, 2) strategies of negotiating membership through violence against women service delivery, and 3) proactive and defensive strategies to negotiate rights for women with precarious status. Through exploring the negotiation of citizenship, I seek to illustrate how front-line social service providers construct shared meanings and identities of membership and rights, thereby shaping not only policies in practice but also the very meaning of the state and its citizens and subjects (Chavez, 1997; Oktar, 2001; Schmidt, 2000). Exploring the role of service providers and other nongovernmental actors have in negotiating rights and membership, previously conceived within the status of citizenship, also offers an opportunity to understand devolutionary trends in social welfare and immigration policy form new assemblages of rights, responsibilities and membership.

Literature Review

Social welfare scholars have, for a few decades now, debated the demise of social rights or social citizenship as envisioned in Marshall's analysis of social rights that emerged in the 20th century (the right to a standard of life through state guaranteed welfare, social security and healthcare) and helped to realize the political and civil rights (e.g., rights to property, freedom before the law, political representation) that were gained in the 18th and 19th centuries (Holmwood, 2000). This scholarship often maintains the assumption that to be a member of liberal democratic society is synonymous with being a rights-bearing citizen (Holston & Apadurai, 1999). National regimes of citizenship are, however, inherently exclusionary and produce separate legal regimes and practices for differentiated groups of people within the same national spaces (Sharma, 2007). Stasiulis and Bakan draw attention to "the role of modern

citizenship in accessing a wide range of rights, but as importantly in creating and reproducing inequality among individuals and groups in the context of contemporary globalization” (Stasiulis & Bakan, 2003, p. 12). Thus, while social rights for citizens undergoes ebbs and flows related to globalization and neoliberal restructuring, the extent to which the rights of citizens are extended or withheld from non-citizen groups constitutes a separate mechanism to restrict and exclude some segments of society from the social contract (Bosniak, 2006).

For immigrants, neoliberal constructions of citizenship function to welcome those with the capabilities to succeed in the global economy (Stasiulis & Bakan, 2003), rewarding the most promising migrants with legal permanent residence and citizenship. Nations like Canada increasingly welcome temporary migrants to enter the country and the workforce, tolerating their presence up until the time their work is no longer needed or if they every fail to maintain the requisite self-sufficiency and become reliant on state welfare.

Referring to Abigail Bakan’s notion of citizenship as a ‘negotiated relationship’, Basok argues for the need “to analyze citizenship not as a status but as a process which involves negotiation over access to and the exercise of rights” (2004, p. 48). Similar to Engin Isin, Basok places less emphasis on legal rules and state membership and more emphasis on “norms, practices, meaning and identities” (Basok, 2008, no page number). Bosniak’s (2000) analysis further operationalizes different components of citizenship as a) a legal status, b) a system of rights, c) a form of political activity or d) a form of identity and solidarity. Within each of these realms, Bosniak argues that citizenship remains a signal of material and political consequence; ‘to describe a set of social practices in the language of citizenship serves to legitimize them and grant them recognition as politically consequential, while to refuse them the designation is to deny them that recognition’ (2000, 452-453). New sites and scales where citizenship, rights and

membership are negotiated, thus reflect where “struggles over belonging in real places are central to the daily practice of individuals as citizens” (Varsanyi, 2006, 235).

While previous scholarship has examined the production of post-national citizenship that leverages universal human rights regimes (Soysal, 1994) or local citizenship that resurrects the city as the scale where rights and membership are defined (Staeheli, 2003; Varsanyi, 2006), this paper explores how nonprofit service providers, positioned between the state and the broader public, negotiate rights and membership for people who though marginalized from juridical citizenship, are included in the everyday practices of service delivery.

Data and Methods

This paper draws from ethnographic participant/observation and interviews conducted in the Greater Toronto Area with service providers and management personnel in violence against women organizations and their funding bodies. The study specifically explored: 1) how immigration status and citizenship influence everyday encounters with social services providers; 2) how service providers manage the sensitive identity information for service users, and 3) how documentation requirements within organizations as part of their accountability to funders potentially impact an organization’s ability to provide comprehensive services to those in need. The focus on domestic violence service delivery provided a means to examine access to social and health services for immigrants in times of crisis at which time such services are particularly needed for safety and recovery from abuse. While barriers to accessing services have been previously identified through community reports and empirical research, there has been less attention to assessing what service providers and organizations are doing to address oppressive barriers facing immigrants with precarious status.

Data Collection Methods

Data collection took place between July 2009 and June 2010. A total of 15 interviews were conducted with five front-line staff and seven management personnel at violence against women shelters; interviews with three funding officers who administer provincial and/or municipal funds to violence against women programs in Toronto were used to explore the relationship between government funders and violence against women organizations. A discrete number of observations were conducted at violence against women coalition meetings held at the Woman Abuse Council of Toronto, to gain a broader view of the political context of providing violence against women programs and services in Toronto. Finally, a community advisory board comprised of violence against women service providers and service users met on a quarterly basis to provide ongoing guidance and feedback to the research.

Analysis Methods

Drawing upon governmentality scholarship and theories of power (Foucault, 1979, 1980; Rabinow, 1984), I analyze how multiple interests in public policy affect efforts to regulate migrants and their participation in society (Grewal, 2005; Ong, 1996, 2003). This analytic framework focuses on how individuals self-govern as well as discipline others via market participation and liberal democratic constructions of rights and freedoms. The discretionary power that front-line workers exercise represents a site where governance is practiced in everyday interactions between service providers and service users. I employ Lipsky's (1980) analysis of street-level bureaucrats to examine encounters that individuals have with social workers and other service providers "represents a kind of policy delivery" (p. 3); where workers are enabled to conform to, resist or negotiate policy matters in their everyday decision making. Given the high levels of discretion and relative autonomy from authority, service providers play a critical role in deciding who is included within the boundaries of citizenship and thus who may

benefit from social rights.

Landscape of Violence Against Women Service Delivery in Toronto

According to Shelternet, an online resource for women victims of violence, there are 23 shelters in the Greater Toronto Area and four second stage or transitional houses that provide housing and service to women fleeing violence. The Ontario Ministry of Community and Social Services is the primary funder for Violence Against Women (VAW) shelters in the Greater Toronto Area. Funding has remained stable for the past ten years, with 13 shelters funded by the Ministry to specifically serve abused women and their children. In addition to providing emergency housing, VAW shelters provide a range of services that may include: childcare and educational programs for children residing with their mother, counseling services, advocacy and referral for housing, employment, immigration, health care and welfare.

Women residing in VAW shelters in Toronto are linguistically, ethnically and racially diverse, in part reflecting the diversity of Toronto and the socioeconomic factors that lead women to seek emergency shelter. When asked about the profile of their residents, one shelter manager aptly noted: “We often say they’re a combination of mostly newcomers and old-comers. We get a fair number, a disproportionate number of aboriginal women to the population and lots of newcomer women... Typically [we’re] working with the women with the least safety nets under them” (Shelter manager). Service providers and managers who had long histories in the violence against women movement, talked about how broader social welfare reforms and the current economic downturn were significantly impacting the women they serve. Referring to social welfare reforms introduced in Ontario during the Harris government in the 1990s, one manager noted the changes she has seen in the shelter where she has worked over 15 years;

About five years ago we noticed that there was a trend in shelters, that we were serving

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about half of the women and kids that we had served probably 10 years ago. You probably heard all about 1995 and how important it is to us in Ontario. Those kind of social policy decisions take years to affect us, women and kids... So in 1995 we had a very right-wing government that was voted in Ontario and they made a lot of decisions around welfare and around social housing and around childcare and all those kinds of things that of course then took years to erode away slowly... So effectively what happened was our shelter was created to help women and kids get through a crises. In about four to six weeks. Come in. Get processed. You know, get some counseling, get connected to servesout in the community. Move into affordable housing. Get a welfare cheque. We found that all of a sudden we had people staying four to six months, and sometimes up to a year. A lot of different reasons for that. Some of it is immigration. Some of it is lack of affordable housing. Some of it is the lack of ability to access any kind of private market on your social systems cheque. So all of those things combined meant that women were kind of stuck. So we couldn't get people out. So people couldn't come in (Shelter manager).

While the current Government in Ontario, led by Premier Dalton McGuinty, has been more supportive of women's issues and instituted a *Domestic Violence Action Plan for Ontario, 2004*, violence against women programs in Ontario remain poorly funded and current funding focuses on service delivery while discouraging advocacy and community mobilization, strategies that have been vital to the social movement that fought to raise public consciousness of violence against women as a social justice and women's rights issue.

Navigating Social Rights Relative to Immigration Status in Canada

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Service providers' narratives reflected the competing frameworks for defining rights as universal human rights—invoking the Canadian Charter for Rights and Freedoms or international conventions—versus resources that were allocated as 'rights' through the different levels of government. In the following statement, a shelter-based service provider spoke of the shifting vision of what rights were obtainable, depending on a woman's status:

Priorities change as soon as people's status changes as well. When you do not have status any small thing is a big thing, is a big deal. If [you] get just a little appointment at the community health centre. It's a big achievement, when you do not have status. When you are a refugee claimant, you have access to medical attention, but you want to go to university. So that's your dilemma. When you're a [legal permanent] resident, you can now access medical attention, but you want to leave the country more frequently. You see, people's priorities change when their status changes... Citizens have such high expectations in terms of what they want to achieve. So different from the person without status. It is heart breaking... once you are in the ground level, anything would be a benefit. But it shouldn't be that way. Because medical attention for a pregnant woman, it shouldn't be a privilege, it should be a right (Shelter service provider).

The last phrase of this excerpt signals how service providers appeal to broader notions of human rights to assess the conditions faced by the women with whom they work, and yet, the potential for one's legal migrant status to construct individual priorities, offers one example of how legal status continues to matter. While several participants in this study talked about rights that the women they work with *should* have, some even referencing the Canadian Charter of Rights and Responsibilities, different legal categories determined the material resources that were available for migrants seeking health and social services.

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In practical terms, VAW service providers spoke about the complex task of figuring out what rights individual women had, depending on where they were in the immigration process. Due to the large proportion of residents who are involved in the immigration process, shelter staff must often function as immigration advocates. The importance of legal immigration knowledge in VAW service delivery mirrors Basok's discussion of social exclusion of migrants as a function of being "deprived the *knowledge*, skills and support required to *negotiate* their rights effectively (Basok, 2004, emphasis in original). Shelter staff and management staff have varying levels of knowledge and thus employ different strategies to connect women with legal immigration advice and obtain legal aide certificates (public funds to pay for legal representation). In one shelter, a front-line staff person was a former immigration paralegal, so could assist women in filling out applications and making informed decisions about immigration options. Other staff relied on pro bono immigration lawyers who could consult with residents who might be interested in applying for a refugee or humanitarian claim. Access to and participation in the production of legal immigration knowledge is a determining factor in whether women with precarious status will make rights-based claims, and if their claims-making activities are recognized.

Negotiating Social Membership in the VAW Shelter

VAW shelters in the Greater Toronto Area house women—and their children—who have precarious status including: women who no longer have status due to the expiration of a visitor visa; women in the midst of 'sponsorship breakdown'; and women waiting for their refugee or humanitarian claim decision. In some cases, a woman may already have a warrant for her deportation, due to a failed refugee claim or denied application based on Humanitarian and Compassionate grounds.

VAW shelters in Toronto are open to all women fleeing violence and on principle do not screen women who are seeking shelter in accordance with a feminist ethic of empowerment and inclusion. As one executive director stated:

We are a feminist agency. We call ourselves a feminist agency. For us, we don't pathologize women.... We believe in supporting any initiatives that increase women's equality. That women's equality is really the best bang for your buck... you get safe societies, healthier societies, happier societies. Kids do better, men do better, and everybody lives better. So for us that's kind of where our ideology lies."

With feminism as a guiding principle, service providers often stated that they "don't care" about women's status to provide services. Thus, with regard to social membership, entrance into the shelter was open to all women, or in many cases, women with children who sought safety from abuse. The provincial Ministry of Community and Social Services, which funds all of the VAW shelters in Toronto, deliberately refrains from defining eligibility criteria. Although shelters in the area have adopted different criteria for the category of 'woman' (i.e. some including transwomen and some not) and children (i.e. different age limits for male children residing in the shelter with their mother), provincial guidelines do not outline exclusionary criteria.

While inclusion in the shelter as a 'woman' permitted women with precarious status an opportunity to enter VAW shelters without fear of scrutiny, once in the shelter, status did play a role in how service providers worked with individual women. Through the course of conducting an 'intake' and developing rapport with women, however, shelter staff do ask questions about migratory status as a way to assist shelter residents with applying for public assistance and for general safety planning; "Immigration status is not something that we are looking at for a woman to be allowed to enter, to live in the house. However, we ask the question because that makes an

impact on all the services” (Shelter advocate). Status also determined what resources the shelter would need to support women and children residing in the shelter. Because women without status are ineligible for many forms of social entitlements and safety-nets (e.g. social housing, rent supplement programs, provincial medical insurance, child care support, legal employment) non-status women are more likely to remain for longer periods in VAW shelters and require non-traditional sources of funds or support. Thus, status, in some shelters, would determine how long you could stay in the shelter. Because VAW shelters operate as emergency shelters, providing support for women and helping them transition out of the shelter is critical to opening space for other women who are hoping to get into the shelter. Most shelters operate at full capacity and have to turn away women on a regular basis. In this context, staff expressed concern about non-status women as needing to stay longer in shelter, as taking up space, or having no where else to go.

Frontline-workers, management personnel and funders all spoke of the challenge of providing emergency shelter for women, while encouraging their transition out of the shelter. Shelters varied in their practices of how long women were permitted to reside in the shelter ranging from no predetermined length of stay to a standard limit of three months for all women, with exceptions made to extend stay for women with extraneous circumstances. As one shelter manager reported:

Currently we don’t have a predetermined length of stay and then we know that a lot of shelters do restrict. So there are some reasons why we’re potentially thinking about doing that. It has nothing to do with whether someone has status or no status. It’s just the shelter environment can be wonderful and it can be not so wonderful... People are here for a really long time and that’s not always good for the client.” (Shelter Manager, Toronto)

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Pressures to limit length of stay were related to the overall high demand for limit VAW spaces and recognition that shelters, while potentially life saving, were not the best environments for long term stays. Although, none of the shelters limited length of stay based on status alone, estimations of a woman's ability to develop a plan towards stability in part pivoted around their legal status and what resources a woman could access to establish permanent housing including social or subsidized housing or employment.

For example, one shelter in this study limited the time non-status women could reside in shelter to 3 months-versus 1 year for women with status—under the rationale that women without status who are ineligible for social housing or rent supplement programs did not have a plan to help them transition out of the shelter, so could not benefit from the additional time in shelter. Women waiting for a placement in social housing or for their rent supplement application to be processed were seen as 'having a plan' for their future. Ostensibly, the shelter provided them with a space while they were waiting for a more stable situation. Women who were ineligible for social housing or rent supplement, or who have previously applied for these programs and were denied—who were most often women with precarious status—were seen 'sitting around doing nothing' and unable to make use of the shelter space. Given the limited bed space available in shelters and the constant stream of women seeking to get into shelter, these women were perceived as a potential burden on already strained shelter services. This sentiment was captured in comments from one of the City Funders.

Because emergency shelters are for emergency situations. They ask and they try to work with the residents to take steps toward looking for or getting help for some kind of status... People may not have status and become homeless and need shelters. They don't get denied access to shelters, but they will be asked [about their immigration status] and

they will be helped to work toward some kind of status. Otherwise, if they go to shelter and they stay there for months and months and years, there is no turnover and a space available for other groups to come in.” (Funder, Toronto).

Determining a woman’s length of stay in the shelter with respect to immigration status represents one example of how service providers reinforced neoliberal values of citizenship, through one’s ability to demonstrate self-sufficiency and a trajectory towards more stability. Practices that evaluated women’s ability to transition to a more ‘stable’ situations while not accounting for the systemic barriers facing women with precarious status was contested both within organizations by front-line staff and by service providers in other organizations and strongly critiqued as antithetical to feminist and anti-oppression values.

While encouraging women without status to apply for status represented another strategy to bring women into the boundaries of formal membership in Canada’s welfare state, advocates differed in their assessment of the potential risks and benefits associated with applying for status given the potential for denial and ultimate removal (i.e. deportation) from Canada. As a common practice, shelter workers assisted women to apply for benefits depending on their legal status. Women who did not have status are often presented with the option to apply for a refugee or humanitarian claim, in order to—at least temporarily—gain access to social rights.

Within advocacy discourse, this is often discussed as “presenting options” to a woman;

We try to really leave it up to the client to decide what she wants to do. We want to present all the options and we’re not trying to be unrealistic about what the possibilities are and what they are not. But you know, she may not know all of the possibilities, so we provide as much information as we can, but it’s up to her to decide” (Shelter service provider).

Shelter workers who were more critical about immigration options were more forthcoming about the limited probability for women applying for either refugee or humanitarian claims and considered the potential dangers of encouraging migrant women to enter into the surveillance of the immigration regime. Overall, practices that shepherd women into the legal path to obtain social rights could be considered a form of disciplining, in accordance with neoliberal values of citizenship as an earned right. Women who had lived without status for long periods—10 to 15 years—prior to coming to the shelter were often constructed as survivors who might be better off not applying for status, which if denied would lead to a warrant for deportation. The characterization of these women, as able to survive on their own without government assistance, may also indirectly reinforced the value of self-sufficiency, albeit with stark challenges for the non-status woman and her family.

Knowing How to Pick your Battles: Proactive vs. Defensive Advocacy

Advocacy with women without status or whose refugee claim had been denied is particularly challenging and often required workers to challenge policies and practices across social and health service sectors; to secure entitlements for shelter residents. In some cases, service providers explored opportunities unique to a woman's case—asking a friend who is a dentist to provide free emergency dental care. Individual advocacy might also entail brokering with immigration officials to either delay the date of deportation or to notify the CBSA of a woman's residence in the shelter, in order to secure her access basic health insurance through the Interim Federal Health Program.

Proactively notifying immigration authorities that a woman is residing in a shelter was discussed as a strategy when a woman was vulnerable to detection—due to an abusive partner or other service providers who might divulge this information. The following excerpt highlights the

decision-making strategy of a shelter advocate who sought to advocate for a woman, while considering the high stakes involved when alerting CBSA that a woman without status is in the shelter:

I hope that there is a certain level of humanity there, when they [immigration authorities] are receiving information because I'm not calling about any criminal, I'm calling about women who are having a difficult time. And I know how to pick my battles. I'm not gonna call if I feel it's not gonna fly. I know how to pick my battles.

While these advocacy strategies were successful for individual women, they often did not address broader structural issues of inequality and exclusion. Structural or policy advocacy took form when shelter staff worked across the VAW sector to secure entitlements. For example, shelter workers would regularly assist women to apply for a Personal Needs Allowance (PNA), which was a small monetary support administered by the City of Toronto for all shelter residents.

Although the official guidelines for the PNA required legal status to be eligible for these funds, in practice, the City of Toronto issued PNA funds to people who applied for the benefit, even if they did not provide complete documentation of their legal status, typically indicated by a social insurance number. Service providers across the VAW sector expressed concern that this practice was not sustainable and were also worried that at any moment, the city could use this information to identify non-status persons residing in VAW shelters. Some service providers, more than others were cognizant of the practice of information sharing among government agencies and addressed the possible risks for women who apply for and receive the PNA funds:

If she wants to receive PNA, personal needs allowance, that is money coming from the City. Any woman living in a shelter is entitled to receive that money, however, women with non-status, especially women with the deportation orders or warrant for arrest need

to be aware that if they were to receive that money, it could happen that their name could be pulled out, because the connection between Ontario Works and Immigration. It is clear that there is a connection. It is clear that they share information. It is absolutely clear that it is happening.” (Shelter service provider).

Service providers employed a range of tactics to navigate the potential risk of immigration surveillance, by either encouraging women to apply for the PNA but leaving out their social insurance number, or in some cases, encouraging women to write a pseudonym in addition to omitting the social insurance number as an extra precaution.

Responding to more overt immigration enforcement practices represented one of the most divisive issues among shelters at the time of this study. Many shelters were in the process of developing internal policies for responding when CBSA agents appear at the shelter to inquire about shelter residents. A grassroots campaign led by community organizers from No One Is Illegal, initiated an effort to generate collective stance among all VAW shelter to oppose CBSA agents appearing at shelters and other VAW services to arrest women on immigration charges. Shelters across Toronto have differing views, however, about the risks involved in overtly taking a stance in opposition to immigration enforcement. Several organizations expressed fear that by confronting CBSA, they would invite public scrutiny of their support for non-status women and could jeopardize their funding. Organizations also expressed fear that such political activity would be detrimental to the safety of women in their shelters. While the politicization—both in valence and degree—of the organization as a whole and specific staff members was evident in the readiness of the staff to confront immigration enforcement practices that entered the shelter, future research is needed to examine what role organizational structure and politics plays in negotiating membership and rights for women with precarious status.

Discussion

In this paper, I illustrate how nongovernmental organizations are negotiating social rights and social membership in the process of their service delivery to migrants with precarious status. While negotiating the complex terrain of funding, access to social services and securitization, violence against women shelter staff used both proactive and reactive strategies to secure social rights for shelter residents and deflect immigration enforcement. Service providers' ability (or willingness) to negotiate the parameters of rights and membership, however, were in tension with deference to federal legal constructions of status and neoliberal values of citizenship. How service providers responded to women with different status also depended on their own level of knowledge and confidence in navigating immigration policies.

Devolutionary trends in social policy that have both privatized and decentralized the delivery of social services in Canada have positioned non-governmental organizations, including violence against women programs, as instrumental to the delivery of social services that function within arm's reach of the state. Violence against women programs, have thus been institutionalized into what Wolch describe a 'parastate' function (1990), administering government funded social services while brokering the priorities of both the government and the public they serve. Trudeau's (2008) conceptualization of the shadow state takes into account the "relational interaction" between government agencies and nonprofit organizations such that nonprofit organizations operating within a liminal space, "through which state influence and regulations may be extended, inflected, and/or resisted, even if it is in subtle ways" (Trudeau, 2008', p. 676). This characterization aptly describes the current status of violence against women programs and service, which originated out of grassroots mobilization for women's rights, but has increasingly shifted from a political movement to a social service delivery sector (Lehrner &

Allen, 2008).

Similar to Basok's analysis of union organizing with migrant workers, VAW shelters employed their preexisting principles—in this case grounded in feminism—to extend belonging in the shelter to all “women” fleeing abuse. Service providers' efforts to expand membership beyond the shelter towards accessing publicly funded social and health services however, was less complete and more vulnerable to surveillance from their funders and from immigration enforcement. As compared to unions, violence against women organizations are currently reliant on both public funds and public support. While shelter staff engaged in a variety of activities to resist state categories of legal status, they also maintained “respect” for the law as noted in compliance and cooperation with immigration enforcement practices and restrictions on access to service for non-status women. While service providers in this study included women with precarious status into their political mandate to support women in crisis, relatively few service providers exhibited a willingness to directly challenge the state and share the consequences of state surveillance—which in effect would mean being encompassed in the production of illegality that surrounds the regulation of migrants in Canada.

Despite the potential for post-national forms of citizenship to benefit from international human rights standards, immigrants with precarious status remain a vulnerable population, with limited access to resources in times of crisis. Notwithstanding the diversity of perspectives on who ‘should’ have access to social rights that are guaranteed by the state, the exercise of discretionary powers in everyday interactions with immigrants provides social service providers with tangible opportunities to advance the human rights of individuals, regardless of status. Amidst economic and political pressure to restrict social entitlements overall, nongovernmental organizations and service providers are uniquely positioned to develop individual,

organizational, and policy alternatives to the redress the current state of injustice facing migrants with precarious status in Canada and other immigrant receiving nations.

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