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Migration Policy, Female Dependency, and Family Membership: Canada and Germany

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In their examination of female dependency and the patrilocal family as the source of female subordination, contemporary feminists see state policies as perpetuating the dependency of women on men. Considerable attention is paid to welfare programs which determine eligibility to benefits on the basis of family structure and which assume that women and children have access to male wages. However, *immigration policies also are part of the larger domain of state policies which assume and sustain female dependency.* Immigration and migrant policies affect women through dependency relations and family relations, which are administratively embedded in immigration policies governing entry and in migrant policies of integration.

Such policies may be overtly discriminatory. However, as is true of other social policies, discriminatory outcomes can be indirectly generated by sex-specific ideologies and entrenched systems of sex stratification. This essay selects examples of each from postwar immigration and migrant policies in Canada and Germany. Differing histories create differences in the way in which migrant/immigration policy presumes and enhances female dependency. But both countries share a general commonality in the emphasis placed on family and dependency relations by state policies regarding immigration and migrants and in the resulting marginalization of specific groups of migrant women.

Feminist critiques of the welfare state point to assumed or actual dependency relations as an integral part of many social policies and as a source of gender inequality. In this chapter, I argue that immigration and migrant policies[1] place women more than men in positions of dependency. As a result, foreign-born women may face postponed access to legal citizenship-status and are hampered with respect to full participa-

tion in the public sphere,[2] which is essential to receiving citizenship based entitlements in most welfare states (see Orloff, 1993; Pateman, 1988). This argument is based on a review of immigration admission categories and in the use of the family unit in migration in two countries: Canada and Germany.[3] Although both countries differ in immigration approaches and in welfare state regimes, both have practices that administratively create dependencies, prorate access to legal citizenship, and connect entitlements to family relations.

Gendering the Welfare State

A welfare state exists when a state takes on the responsibility for promoting and ensuring, either through legislation, budgets, or other state action, the basic well-being of its members (Kuhnle, 1991). Citizenship, broadly defined, is a key concept in discussions of the welfare state, for it both defines who shall receive rights and entitlements and what the content of these rights and entitlements shall be. As developed by T.H. Marshall, citizenship is both a status which indicates equality as a member of a community and a set of civil, political, and social rights (Barbalet, 1988: 17; Marshall, 1981: 92; Mishra, 1981: 28). However, neither citizenship nor the welfare state is gender-neutral. Feminist activists and scholars observe that theories of the welfare state often fail to acknowledge the sexually divided way in which the welfare state is constructed.

The gendering of welfare states is evident in three ways. First, as Pateman (1988) observes, paid employment has become the key to the recognition of an individual as a citizen of equal worth to other citizens and to the social entitlements of citizenship. However, the model of paid employment is constructed largely from the experiences of men, with the result that the male worker is the prototype for much of the conceptualization of citizenship status and of social rights. In liberal welfare states, such as Canada, individual benefits, such as unemployment insurance or the Canada or Quebec pension plan, frequently are premised on labour force participation. However, this conceptualization of citizenship entitlements may have limited application to women, particularly when their labour force experiences differ substantially from those of men with respect to labour force participation, jobs, and wages. A gender perspective on the welfare state thus reveals that a group to whom citizenship is formally extended may be denied access or only partially benefit from the full range of citizenship rights and entitlements. Such denial need not be overt. Instead, denial often is indirectly

achieved as a result of prevailing gender ideologies, gender roles (including gender-specific responsibilities for child care and family), and gender-specific labour demands.

Second, although most rights in industrial democracies are individually based, some derive from membership in a larger collective, such as the family (Daly, 1994). Programs and policies governing eligibility for welfare benefits frequently assume a breadwinner-husband and dependant-wife family form and require recipients to demonstrate the presence or absence of family relations (Barrett, 1980; Quadagno, 1990). Social assistance and income security programs also may assume female dependency on husbands or male partners and thus prohibit women's eligibility to benefits as individuals. Many programs are designed with the assumption that women are primarily in the private sphere and as dependants (and thus indirect beneficiaries) of men (Daly, 1994; Orloff, 1993; O'Connor, 1993). Informed by these departures from individually based rights, feminist scholars stress that family, as well as the state and market, have been central organizing principles in the development of welfare states (Daly, 1994; Orloff, 1993; Williams, 1989: xiii).

These two insights into the assumptions and operations of the welfare state reveal gender inequality, to the detriment of women, in the bestowing of membership in a community and in accessing entitlements. For feminist scholars of the welfare state, a third crucial dimension is the impact of such inequalities in reinforcing women's secondary status and dependence on men (Daly, 1994: 104). It is not just that the welfare state has programs that are disproportionately accessed by men (for example, unemployment and work-related pensions) or by women primarily (social assistance such as aid to dependant mothers, public housing supports, or day care benefits). Rather a central concern is that by constructing the amount and type of resources available, state action can sustain women's reliance on male incomes (Bussemaker and van Kersbergen, 1994; Daly, 1994).

Recent critiques of the welfare state literature have exposed the implicit separation of the public and private spheres and the assumption of female dependency. Feminist critics argue that current orthodox thinking on the welfare state contains the following androcentric stances (O'Connor, 1993; Orloff, 1993; Pateman 1988; Gordon, 1990): (1) the separation of the public and private sphere with an emphasis on the former; (2) a focus on the role of the state and the market rather than on state–market and family relations; (3) the treatment of women as dependent on men and frequently thus as outside, and extraneous to, state- and

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market distribution-based claims; (4) and, as a result of dependency images, the conceptualization of women as second-class workers.

Diversifying the Focus

Two additional inputs extend these revisionary critiques of orthodox approaches to social policies and the welfare state. One criticism is that feminist approaches neglect the role played by the welfare state in creating and/or perpetuating institutionalized racism (Shaver, 1989; Williams, 1989). Not only can policies have gender-specific impacts, but also they can be reconstituted in either different or more intense ways for racially defined groups. In particular, women of colour challenge feminist approaches to the welfare state by noting: (1) the existence of racially based power relations in which white women are simultaneously oppressed compared with men yet privileged compared with women of colour, and (2) the failure of the 'family' underpinning of the welfare state to fully apply to black women (Brand, 1984; Carby, 1982; Collins, 1989; Dill, 1979; King, 1989; Kline, 1989; Shaver, 1989, 1990; Stasiulis, 1990; Thornhill, 1989).

A second modification to recent feminist discussion on social policy and the welfare state is represented by efforts to go beyond the primary focus on gender and welfare programs. The focus on welfare programs is understandable given the attention paid by governments and analysts to social policy developments and their gender implications. However, immigration policies also are part of the larger domain of state policies which assume and sustain female dependency and which differentiate men and women with respect to the types and accessibility of social rights.

Simply put, migration policies stipulate the conditions under which people may legally enter and remain in a country, acquire citizenship status, including legal citizenship, and access the rights and entitlements associated with membership in a community. Type of movement (permanent or temporary) underlies the acquisition (or non-acquisition) of legal citizenship status. Use of family ties in entry can suppress or deny individually based rights and entitlements.

Categories of Migrants

Countries typically distinguish two main types of migrants when classifying legal border-crossers: (1) those who are considered temporary residents and (2) those who have, or eventually will be granted permanent

residence, and who thus may acquire legal citizenship and/or rights and entitlements. These two distinctions create many different administratively defined categories of admission. However, three main groupings usually exist, each characterized by different citizenship status and by different access to social entitlements. Visitors are by their very definition limited in the length of their stay, are not considered eligible for citizenship status, and almost never benefit from the social rights and entitlements of a host country. Temporary workers have limited length of residence, although the period of stay may be longer than that of visitors. Their 'right to remain' in a country generally is dependent on a specific job and/or with a specific employer and/or on converting rights of temporary residence into those of permanent residence. Both temporary labour migrants and refugee claimants constitute the majority of temporary migrants in most countries. Access to government-funded health care may be permitted (if for no other reason than illness threatens the health of citizens), but eligibility for unemployment insurance or pensions may not exist or may be provided only under long periods of 'temporary' residence (see Boyd, 1995). Permanent residents are more likely to have citizenship status, broadly defined as civil, legal, and social rights and entitlements, conferred on them, although considerable variation between countries exists in the length of time required and in the prorating of rights and entitlements.

Family Relationships

Family ties also can affect the conferring of citizenship status and the access to rights and entitlements. Migration policies set the terms under which family members may enter or be reunited with a migrant. Family migration often is permitted by industrial democracies under the assumption or legal requirement that families act as safety nets. Access to social entitlements, including those crucial to migrant adaptation and to the enjoyment of social citizenship (for example, labour market access) may then be based on family membership, rather than on individual needs or rights.

While not overtly gender-specific in their wording, such assumptions and entry criteria are more likely to impact upon women than men for two interrelated reasons. First, enactment of the safety net concept requires designating some individuals as 'dependants' within the family unit. This is accomplished by linking 'dependency' to designated administrative categories of admission, often spouses and children of principal migrants or of current citizens and residents. Second, women

are less likely to enter as autonomous migrants and more likely to enter on the basis of marital ties. Thus, women, not men, are more likely to be assigned this 'dependency' status. The impact goes beyond the administrative procedure. The congruency between the population in these categories (wives and children) and sex-specific stereotypes of dependency and subordinate status (women = dependants, subordinates) minimizes reactions to any subsequent differentials in entitlements. As a result, the incorporation of family relations in migrant policy can reinforce and perpetuate gender and gender–race disadvantages rather than reducing these disparities. Theoretically, the issue is that of migrant entitlements and the way in which they become 'gendered' in two related ways: through prevailing conceptualizations of the family as the safety net and through the concept of dependency embedded in family relationships.

Immigration and Welfare State Regimes

My analysis of the migration policy–family–female dependency nexus rests on the review of postwar immigration and migrant policies in two countries: Canada and Germany. From the perspective of the welfare state literature, the two countries represent different welfare state regimes. Esping-Andersen's (1990) increasingly cited work distinguishes between three different kinds of welfare states: social democratic (for example, Scandinavian countries); corporatist (Austria, France, Germany, and Italy); and liberal, market-oriented (Anglo-American democracies, including Canada).

While an important summary of major differences in welfare state regimes, Esping-Anderson's typology, however, is less relevant for a discussion of state policies governing migrant entitlements. On the one hand, it is true that the distinction between social democratic welfare regimes and other types appears to capture country distinctions in approaches to migrant adaption. In Sweden, for example, the state plays a more positive role in organizing and funding migrant adaptation services than is the case in many European countries or in Canada and the United States, where market principles prevail.

On the other hand, when the social rights of migrants, and migrant women in particular, are considered for other countries, the fit between the typology and policies governing migrant entitlements is far from perfect. Two examples suggest caution in expecting the liberal–corporatist–social democratic typology of welfare state regimes to accurately compare how governments extend citizenship-based entitlements to new members. First, as Brubaker (1992) shows in his comparison of

France and the Federal Republic of Germany, countries grouped as similar welfare state types can vary in their usage of territory and social community as a basis of nationhood and legal citizenship. These variations in turn are consistent with differences between France and Germany regarding the extension of social entitlements to migrants, despite common categorizations as corporatist welfare regimes.

Second, countries such as Canada and Germany with different welfare regimes and immigration histories, nonetheless perpetuate gender stratification and accentuate gender–race–birthplace interrelationships through administratively defined admission classes and through linking family and entitlements. Note that Canada is considered a settlement country, whereas Germany is a prototype of the non-settlement approach adopted by many European countries. Their different histories do create country-specific manifestations of the way in which entry and migrant policies presume and enhance female dependency. However, as discussed in the remainder of the chapter, both countries also admit workers on a temporary basis. As well, both emphasize family and dependency relations in state policies regarding immigration and migrants. In both countries, these practices of admitting temporary migrants and emphasizing family relations can marginalize specific groups of migrant women.

Modes of Entry: Structuring Dependency

Concepts of nationhood and sovereignty assure that all nations seek to determine who may be allowed to cross borders for permanent or semi-permanent residence. Although a growing convergence exists between settlement and labour-recruitment countries regarding border control, reducing the size of flows, developing strategies to deal with refugee claimants and illegal migrants (de Wenden, 1987), it still is common to distinguish between the regulations and practices of 'settlement' countries (Canada, Australia, New Zealand, and the United States) and countries in Western Europe. This distinction is illustrated by comparing both Canada and Germany, using the past and recently revised regulations.

Canada

Admission to Canada is governed by the universal application of the 1976 Immigration Act and associated regulations, subsequently updated

in 1992 (Bill C-86) with new regulations becoming effective during 1993. The Act and regulations stipulate the conditions under which people may enter and reside in Canada on a temporary basis and as permanent residents.

Temporary Admission and Domestic Workers

With the exception of persons from select countries where visitor status is viewed by the Canadian government as a prelude to illegal residence, visitors to Canada are not required to have visas. Temporary visas are issued mainly to two groups: refugee claimants and persons who are employed for periods of short duration in jobs that cannot be filled by resident Canadians. Increasingly most of these temporary visas are granted to refugee claimants as a way of legalizing their stay in Canada until their claims of U.N. Convention refugee status can be heard. Visas issued to non-refugee claimants for employment purposes cover a diverse set of jobs, including rock band performers, football teams, agricultural workers, and domestic servants. A pronounced gender segregation of occupations exists for these temporary workers (Boyd and Taylor, 1986).

Refugee claimants and workers admitted on temporary visas are not granted citizenship status, defined by Marshall (1981) as membership in the (Canadian) community that is equal to the status enjoyed by permanent residents. Refugee claimants eventually may attain this status, if the adjudication of their claims grants them the right to apply for permanent residence. Most workers who are granted visas for the express purpose of working in Canada are expected to leave when the jobs end. Despite popular claims to the contrary, there is no clear evidence that Canada is rapidly adopting the guest worker, short-term labour focus of its European counterparts in the 1970s.[4]

However, there is one program that is both highly gendered and is organized on the principle of postponed acquisition of membership in Canadian society, thus creating conditions of personal dependency. This is the program in which workers are recruited as live-in domestics in a Canadian resident's home. Over 95 per cent of these workers are female, and they are not eligible to apply as permanent residents until they have had at least two years of employment as live-in domestics in Canada.

The migration of domestics is not unique to Canada in the 1990s. Other countries recruit women as caregivers and housekeepers. And from the settlement of New France to the present, the demand for domestic workers has brought young women to Canada (Barber, 1991).

However, from a feminist perspective, the migration of domestics contains at least two troublesome aspects. First, as Bakan and Stasiulis (1994: 16) note, recent programs since 1973 have reversed the right enjoyed historically by domestic workers, namely, the equating of entry to Canada with the right to remain as permanent residents. This represents a movement away from the earlier position of conferring the right to eventually claim legal citizenship simultaneously with initial residence in Canada (applications for legal Canadian citizenship may be made after three years of residence). Second, increasingly this initial exclusion from the right to citizenship has become racially specific.

Prior to 1973 many of the domestic workers in Canada were readily given permanent resident status. Starting in 1973, with the introduction of the Temporary Employment Authorization Program, workers who were recruited as domestics were issued temporary visas. In 1981 this program was replaced by the Foreign Domestic Movement (FDM) program, partly in response to cases in which women had their permits renewed numbers of times but still were subject to non-renewal and thus subject to removal. Under the FDM program, domestics could be admitted if they served as live-in workers. For many women, the attractiveness of the program lay in the fact that they could apply to have their status changed to that of a permanent resident after two years of employment. The success of the application depended on the ability to demonstrate to the immigration authorities that the domestic worker could successfully adjust to Canada. Three important criteria were applied to domestics to demonstrate the likelihood of successful adjustment: (1) successful domestic employment history, usually relying on favourable reports from employers; (2) demonstrated capacity to support themselves economically; and (3) evidence of social adaptation. Indicators of social adaptation included attaining new job skills and/or becoming involved with local communities (Arat-Koc, 1992; Boyd, 1989; 1991; Macklin, 1994). In her review of the program, Macklin (1994) emphasizes that upgrading job skills was essential, partly because domestic wages were so low that continuation in domestic employment would necessitate state income assistance to attain an adequate living standard.

In 1992 a new program was implemented, following a court ruling which prevented the Canadian government from demanding additional criteria for permanent resident status after the issuing of the Foreign Domestic Worker visa. The procedure under the FDM program had been to admit domestics on temporary work permits and later to require meeting of additional criteria in order to qualify for permanent residency

after the initial two-year period of employment. The new Live-in Caregiver Program (LCP) went beyond the generally stated FDM program requirements, but applied them at the point of entry and upon the issuing of a temporary work permit. These criteria specified in detail the language, education, and job-related skills that would-be domestic workers must have for admission to Canada (Canada, Employment and Immigration Canada, 1992). Initially the program demanded the equivalent of a grade 12 education and at least six months of formal training in a caregiving occupation. In 1994 this latter requirement was dropped from the immigration regulations to make a one-year experience in caregiving as an alternative (Macklin, 1994: 29). Despite the changes in criteria and in the timing of their application, the LCP retained the requirements found in the FDM program that domestics live in and that applicants for permanent resident status must have two years of employment as a caregiver (this does not include any time away from Canada).

While not insisting that the same employer exist throughout the two-year probationary period, the Foreign Domestic Movement and the Live-in Caregiver programs administratively created a dependency relation between the domestics and employers. Employment authorizations are granted only for a specific job with a specific employer. Changing employers requires that the previous employer provide to the domestic a record of employment under the LCP and a release letter under the FDM. As well, a new employment authorization must be obtained in order to begin work with a new employer.

These bureaucratic rules and regulations lend themselves to bloodless description, and it is all too easy in such recounting to overlook difficulties in implementation. Domestics must negotiate with past or still current employers in order to obtain required documents. They must also have the confidence to terminate employment, in the face of a program that emphasizes the importance of having a job as a domestic worker for two years in order to apply for permanent resident status. Domestics can easily perceive their status and stay in Canada as highly governed by their employers. Interviews by Silvera (1983) and others allude frequently to the control exerted by employers through threats that they will refuse to write letters of recommendation for job changes or that they (the employers) will accuse the domestic of contract violation before an officer at a Canada Immigration Centre.

Domestic Workers, Dependency, and Citizenship

To summarize, women who enter Canada under recent domestic worker programs may apply for permanent resident status only at the end of a

two-year work period. During this time, these women are highly dependent on their employers, for it is only through two years of domestic employment that they can acquire the eligibility to apply for permanent resident status. Within the feminist discourse on the welfare state, this situation has two implications: First, there is postponed eligibility for acquiring legal citizenship, with a probationary period necessary before permanent residence status is granted. As Arat-Koc notes (1992: 236), while in domestic employment, these women are members of the economy, but not of the nation. Second, a dependency relationship exists throughout this probationary period that is not only asymmetrical in terms of power (see Boyd, 1991), but also in terms of citizenship rights and race. Migrant domestic workers lack citizenship rights held by permanent residents of choosing the employer and choosing domicile. In contrast, their employers usually have full citizenship rights regarding employment and residence (Bakan and Stasiulis, 1994: 304).

The employer-employee–citizen-non-citizen nexus also includes race, ethnicity and class dimensions. Throughout the history of Canada, the immigration of women as domestics has always had two facets. First, there is the selling of labour by women to other women of the middle and upper classes. Second, these domestics are racially categorized. During the early part of the twentieth century, British domestics were preferred over the Irish, a group frequently viewed as a 'race' and as less desirable. There was also recruitment of approximately 100 women from Guadeloupe in 1910–11, an endeavour that had racist overtones (Calliste, 1989; MacKenzie, 1988). During the 1950s and 1960s, the Caribbean Domestic Scheme was responsible for the migration of between 500 and 1,000 women, primarily Black. The metaphors of the dominant Anglo-French culture which describe these movements are mixed. But it is clear that mistress–servant relationships rested on racial imagery of nurturing Aunt Jemima, and backward colonies (Calliste, 1989).

With the implementation of the Foreign Domestic Worker program in the 1980s, workers from the Caribbean area have been replaced by domestics from the Philippines. Unpublished data from immigration statistics collected by the government show the following:

- In 1982, before the current Foreign Domestic Worker program was fully implemented, women from the United Kingdom or European countries represented about 45 per cent of all foreign domestics in Canada. Another 18 per cent were from Caribbean countries, and approximately 25 per cent were from the Philippines.

- By 1989 domestics from the Philippines had increased to nearly 50 per cent of all new entrants, workers from the Caribbean represented only 6 per cent of all new entrants, and domestics from the United Kingdom or Europe declined to 27 per cent of the new entrants.

These data indicate one important feature of the past ten years of domestic worker migration to Canada – it consists primarily of women of colour. Macklin (1994: 21–2) describes the recasting of earlier racialized stereotypes. Domestics from Britain and Europe are seen as professionals at child care, whereas women from less developed countries are described as having natural affinities for housekeeping tasks and longer hours of work. One implication is that class, race, and colour are intermingled with the asymmetry of citizenship status associated with entering Canada as a domestic.

Permanent Resident Status and Family Dependency

In addition to guidelines for admitting migrants on a temporary basis, Canadian immigration law and regulations also define the classes under which permanent residents may enter and the criteria that must be met for admission in each entry class for entering in each class. In seeking to enter Canada as permanent residents, both females and males must satisfy the criteria of admissibility associated with three major categories: the family class, the refugee class, and the independent class, consisting of assisted (more distant) relatives and others entering on the basis of a point system. Meeting these criteria can be accomplished in two ways: either directly or as an accompanying family member. A male or female seeking permanent resident status may meet all of the criteria associated with admissibility under one of the three major immigrant classes. Alternatively, a male or female may be given permanent resident status as an accompanying family member of another individual who satisfies the criteria of admissibility.

In principle, these rules and regulations are not sex-specific. Males are not required to enter in one class and females in another. However, women often enter Canada to rejoin their families, and when they enter Canada with their spouses they are less likely to be the principal applicant. Between 1981 and 1991 women age 15 and older were more likely than male adult immigrants to enter in the family class and less likely to enter in the refugee class (table 6.1, lines 1–4; also see Boyd, 1989: table 22; Boyd, 1992: table 3; Boyd 1994). Further, excluding the family class where women often are spouses rejoining men already in Canada,[5]

TABLE 6.1
Sex ratios for permanent residents, age 15 and older, by class of admission and family status, Canada, 1981–1991

	Total (1)	Family class (2)	Refugees and designated classes (3)	Assisted relatives (4)	Other class (5)
Age					
>15 (*n*)					
Female	641,046	304,282	80,738	53,874	202,152
Males	612,092	219,418	131,059	56,307	205,308
Distribution (%)					
Females	100	47	13	8	32
Males	100	36	21	9	34
Sex Ratio					
Females per 100 Males	105	139	62	96	98
Sex Ratio by Family Status					
Principal Applicant	69	124	28	50	49
Spouse	962	2,045	1,766	532	760
Dependant	87	88	80	87	88

Source: Data supplied by Employment and Immigration Canada, Immigration Statistics, 21 January 1993.

women are less likely to enter as principal applicants and far more likely to enter as spouses. This can be seen in table 6.1, which provides sex ratios, defined as the number of women admitted for every 100 men. Overall, among those admitted as principal applicants between 1981 and 1991, 69 women were admitted for every 100 men. Conversely, among immigrants admitted as spouses of principal applicants, 962 women were admitted for every 100 men.

Family-based entry in Canada (and in settlement countries such as the United States and Australia) requires that persons admitted in the family and assisted relatives categories be sponsored. The use of sponsorship in these two classes reflects the view that while family reunification is desirable on social grounds, integration-related matters are the responsibility of the family, and costs are not to be borne by the state. Sponsors agree to provide or assist with lodgings and to provide food, clothing, incidental living needs, and counselling to the sponsored immigrant(s) during the specified period of settlement. They also agree to provide financial assistance so that the sponsored immigrant(s) shall

not require financial maintenance support from federal or provincial assistance programs described in the regulations pertaining to the 1976 Immigration Act (Schedule VI of the current regulations). Thus, sponsorship is viewed by the federal and provincial governments as a commitment that the designated immigrants will not require economic assistance. A sponsorship relation may be designated for up to ten years in the family class and for five years in the assisted relative category. Sponsorship relations also may exist in the refugee class where private citizen groups (individuals or institutions such as churches) and the federal government act as sponsors.

The dependency relations associated with the categories of admission are not mandated to be sex-specific. But two interrelated factors make it so. First, gender stratification in countries of origin often privilege men with respect to entry criteria. Women are less likely to have the same education, paid work experience, occupationally related skills, and investment-related income as their male counterparts.[6] Second, partly because of better chances at meeting admission criteria based on education and economic characteristics, and partly because of gender roles, men are more likely to follow a 'scout' model in which they will migrate first and then seek reunification with their families. As a result, women are more likely than men to enter under sponsorship arrangements, such as those inherent in the family class (table 6.1).

Family Ties, Language, and Paid Work

Immigrants to Canada who are issued visas for purposes of permanent settlement are free to enter, or not enter, the labour force. However, this 'freedom' overlooks possible constraining factors that migrants face in finding employment and receiving wages. Knowing the language of the host country is an important criterion of labour market entry and an important factor in earnings. In Canada, for example, not knowing English or French limits the degree to which individuals can utilize their education and previous work experience in a broad array of jobs. Studies find that average annual earnings of immigrants who do not know one or both of the two official languages are below those of immigrants who can converse in English and/or French (Boyd, 1992).

The response of countries to training migrants in the host country's language(s) is varied. In countries such as the United States and Canada, dominant market principles go hand in hand with *laissez-faire* assumptions. Together they generate the expectations that individuals are responsible for obtaining needed 'skills' and that immigrants will learn

the language when it pays to do so in terms of getting a job or in obtaining higher earnings. Canada, however, is slightly more proactive than the United States in funding some language training courses. One major program initiative was the language training program which was a part of the Job Entry Component of the Canadian Job Strategy Programme, and which existed between 1986 and 1991. A more recent initiative is the Immigrant Language Training Policy, which was designed to replace the earlier programs beginning in June 1991.

Participation in both of these federally funded language training courses is governed by funding limitations and by rules of eligibility. Neither program explicitly limits participation on the basis of gender. However, during the period the first program was in effect (1986–1992), statistics confirm that foreign-born women who would benefit from language training were not as likely to be enrolled in the programs as men (Canada Employment and Immigration Advisory Council, 1991).

Numerous studies have discussed this program and the reasons for the reduced participation of women (see Boyd, 1989, 1990, 1992; Boyd, deVries, and Simkin, 1994). One important reason arose from linking eligibility for training allowances to the entry status of immigrants. Participants in the program were eligible for five types of income support, including a living allowance called a basic training allowance. However, the basic training allowance was not provided to immigrants who entered Canada in the family class and assisted relative class, the argument being that sponsors agreed to be financially responsible for these immigrant classes. Although gender-neutral in wording, the impact of this stipulation was gender-specific since women more than men were sponsored immigrants (see table 6.1). Ineligibility for the basic training allowance meant that immigrant women who were sponsored would not generate income during the training period. Many Canadian families, including immigrant families, rely on two paycheques, and the absence of training allowances was undoubtedly a deterrent on the participation of immigrant women in the federally funded language training programs of the 1980s.[7]

On 1 June 1992 a new language training initiative by the federal government came into effect. Whereas the previous program had emphasized the delivery of language training programs to persons destined to the labour force, the new program reversed the focus and directed approximately 80 per cent of its budget to language skills for adult newcomers (persons older than the legal school age) under a program called Language Instruction for Newcomers to Canada (LINC). Language

training of immigrants destined to the labour force is now handled through a program called Labour Market Language Training (LMLT), accounting for 20 per cent of the language training funds from the Department of Citizenship and Immigration.

Under the new program, the pre-existing guidelines which restrict the provision of training allowances by immigrant entry class are removed, thus severing the link between category of admission and the receipt (or non-receipt) of basic training allowance benefits. Furthermore, the redirection of the program towards teaching basic language skills to newcomers could be viewed as increasing the entitlements of women who might not be intending to enter the labour market immediately and who thus would have been ineligible to participate in Canadian Jobs Strategies language training programs.

However, while the program removes training allowance barriers originating from the family–class of entry nexus and extends language training to the unpaid as well as the paid foreign born population, it actually reshapes old barriers[8] and imposes a new one. Under the new program, the old barrier of having to forego earnings during training is merely recast. Training allowances are no longer part of the program, and they are not available to anyone, thereby making men and women equal in not having access to training allowances. One possibility, as yet undetermined, is that the neutrality of no training allowances will not correct the underrepresentation of women in language training programs simply because higher wages normally paid to men in Canada mean that men still economically benefit more in the long run from participating in such programs than do women.

Consistent with its focus on newcomers, the new program also explicitly excludes immigrants who have received legal Canadian citizenship (obtainable after three years of permanent residency). Entitlement to federally funded language training programs thus is distinct from, and indeed negated by, the acquisition of legal citizenship rights. The rationale for this provision is that successful applicants for Canadian citizenship have to demonstrate enough English or French language knowledge to properly understand their new society and participate in it. Presumably, then, persons who have obtained legal citizenship have already demonstrated levels of language knowledge that would make participation in the program redundant. In fact, of the foreign-born women and men who are between age 15 and 55 and who speak neither English nor French, 60 and 53 per cent, respectively, are Canadian citizens (unpublished tabulations from the 1991 census).[9] These figures

reflect the discretion that judges have to award legal citizenship to persons on 'humanitarian' grounds. Such awards are most likely when the entire family is obtaining citizenship, but where English or French may be unevenly known by family members. Under the LINC program, such gestures have disenfranchised individuals with respect to accessing federally funded language training programs. Women are at greater risk for this disenfranchisement since they are less likely than men to know one of Canada's two official languages but they are more likely than men to be Canadian citizens. As a result, the impact, in fact, is gender-skewed, affecting immigrant women more than men.

The difficulties which immigrant women may experience in obtaining language training become all the more consequential when juxtaposed with the changing composition of immigration flows to Canada. Increasingly, immigrant women are coming from regions other than the United States and Northern Europe. Their knowledge of French or English cannot be assumed. Yet, these women frequently are in the labour force where their lack of English or French language knowledge reinforces their location in the lower rungs of the occupational structure (Boyd, 1992; Boyd, deVries, and Simkin, 1994) and segments them from the Canadian-born and from women born in Europe or the United States. As was true for domestic workers, such segmentation of immigrant women by language and origins contains racial and class overtones. Most women from regions other than Europe and the United States are women of colour. A multivariate statistical analysis shows that these visible minority women who are in the labour force and who have poor or non-existent language skills have the lowest earnings of all groups in the 1991 Canadian labour force (groups are defined by gender, language skills, and visible minority status; Boyd, 1996).

Germany[10]

Designating Canada as one of the 'settlement' countries captures the fact that residency rights are synonymous with being granted entry as a permanent resident. However, this orientation and related immigration policy differ substantially from the history of migration in Europe and in Germany more specifically. In the 1960s and early 1970s, many European countries recruited low-skill, short-term labour only to discover that return migration did not occur readily, particularly after the cessation of labour recruitment in 1973–4. Instead, in contradiction to the earlier position of admitting only (unattached) workers for short stays,

most countries increasingly came to allow family migration, which both recognized and ensured that the migrants were there for good (Castles, 1984; also see United Nations, 1979, 1985a, 1985b).

Compared with Canada, Germany has very different views on the desirability of immigration and very different administrative regulations for admitting migrants. However, as in Canada, women are more likely than men to enter as family members and to have their economic histories shaped by administratively created dependencies on spouses.

Prorating Residency Rights

Administratively, systems of incremental residence rights distinguish European countries from settlement countries, where migrants are admitted as permanent residents at the outset, and where temporary migrants usually do not solidify their residency rights over time (Boyd, 1995). These distinctions are evident in the migration policy of Germany. On 26 April 1990 a new *Ausländergesetz* (Aliens Act) was passed in the German parliament, effective 1 January 1991. This law reaffirmed that 'the Federal Republic is not, nor shall it become, a country of immigration ... [and that] any further immigration of aliens from non-EC member states is to be prevented by all legal means' (quoted in Foerster, 1991–2: 89). Prior to this Aliens Act, migration of non-EC nationals in Germany was governed by the German Act of April 1965. While there have been some changes, notably in the easing of the conditions under which legal citizenship can be obtained and in the increasing security associated with the right-of-residence permit, the overall structure of residence permits has not changed appreciably. Table 6.2 summarizes the general parameters of the changes. In actuality, however, numerous and complex regulations govern work and residence permits, with variation existing for different types of migrants and their family members. As well, the migration of European Community nationals falls outside this legislation, handled through EC agreements and laws.

Under the earlier and current legislation, family reunification is permitted, but only of spouses and dependent children.[11] For foreigners who are not entering on family reunification grounds, such persons may be granted a permit only if their presence does not affect the interests of the Federal Republic of Germany. This meant, and continues to mean, that foreigners (not entering for family reasons) are required to obtain a residence permit in the form of a visa before entering Germany. This visa is issued only after it has been ascertained that the preconditions for employment are met and that the precedence accorded Germans and

TABLE 6.2
Germany (FRG) resident permits

	Worker	Spouse
Before January 1991 (Act of April 1965)		
Limited duration	Must meet preconditions for employment	Limited to worker status
Unlimited duration	May be granted after 5 years residence	
Right to stay (residence entitlement)	May be granted after 8 years residence	Limited to worker status
After January 1991 (Federal Act, April 1990)		
Limited duration	May meet preconditions for employment	Limited to worker status but may under certain conditions be granted permit in own right (see text)
Unlimited duration	May be granted after 5 years residence	
Right to stay (residence entitlements)	May be granted after 8 years residence	Same as above

EC-nationals have been satisfied (that is, they are favoured to fill employment slots first; Heyden, 1991: 285).

Residence status is consolidated as the duration of the stay increases. Under earlier 1965 legislation, a residence permit was initially granted for one year, then twice for a period of two years, and then, after five years, an unlimited permit could be issued. After eight years the right of residence could be granted provided certain conditions were met which included the securement of sustenance without recourse to unemployment benefits or social assistance benefits, sufficient knowledge of the German language, an appropriate home, and special work permits (Federal Republic of Germany, Federal Minister of the Interior, 1988: 18–19). These procedures are upheld in the new Aliens Act, which now requires applicants to demonstrate the ability to secure sustenance, simple verbal language knowledge, and appropriate housing; have a permit for gainful employment; make contributions to social security for at least five years (sixty months); and demonstrate non-existence of reasons for deportation (H. Kurthen, personal communication, 1996).

Men dominated the earlier guest-worker flows to the Federal Republic of Germany. Even in the 1980s, fewer than one out of three newly entered workers were women (Meyer, 1987: Table 2). Thus, as in Canada,

women appeared more likely than men to enter on the basis of their relationship to a male already accorded a residence permit.[12] However, unlike the situation in Canada, where the right to remain is an individual right granted to all permanent migrant adults (excluding those cases involving fraudulent reporting on applications, criminal acts, terrorism, etc.), under German legislation prior to 1991, women were not granted a residence permit distinct from that of the person with whom they were reunited. If a divorce occurred or if a permit holder left Germany or failed to maintain the conditions necessary for the renewal of a residence permit, accompanying family members all lost their entitlement to stay. These regulations represent the fullest expression of dependency in which a dependent's right to remain in a country is determined solely by that of another resident (usually the husband).

This situation has been modified in the more recent (Ausländergesetz) legislation, in effect since 1 January 1991. Initially, the residence rights of a dependent are tied to those of the person already in Germany. However, with the granting of an unlimited residence permit (after five years of having limited permits), spouses may then acquire independent rights of residence. Separate legal positions also exist for living spouses of foreigners in case of marital dissolution. In case of separation or divorce after at least four years of a marital partnership existing in Germany (and in especially hard cases, three years), an independent residence permit is granted. At the death of the partner a separate residence permit is granted immediately.[13]

Family Dependency and Labour Market Access

In Canada labour market opportunities of immigrant women are reduced via the retarding effects of not knowing one of the two official languages and the eligibility requirements of past and current federally funded language training programs. Thus, the labour market impact of family dependency and entry status, as well as unpaid work roles is filtered through the eligibility requirements of language programs. In Germany, however, the linkage between mode of entry, family dependency, and labour market access is more overt. In the past, women entering Germany for family reunification faced reduced access to the labour market. However, like Canada, Germany too has recently modified various regulations in the direction of reducing restrictions.

As Heyden (1991: 285) observes, in principle the recruitment of foreign workers to Germany has been banned since 1973. However, there are exceptions such as the contractual employment of foreigners for

purposes of training. The employment of seasonal workers is permissible for a limited time, and the employment for an unlimited period of time is permissible for specific categories of skilled workers if their employment is in the public interest (Heyden, 1991: 285). As indicated previously, a residence permit, necessary for entering Germany, is granted to such workers only after ascertaining that precedence in employment cannot be given to those defined as German or as nationals of the EC-12 countries. Precedence also is given to foreign workers holding a special work permit for which they are entitled to apply after five years' residence.

Like residence permits, work permits also solidify over time. The work permit is given only for limited periods of time and must be renewed. After five years' employment, a special work permit may be obtained which allows a worker to take up a job without establishing his or her entitlement to precedence. And, under the new legislation, effective January 1991, persons holding the 'right-to-residence permit' (see table 6.2) will no longer require work permits (Heyden, 1991).

For foreign-born spouses and dependants (for example, children) who are resident in Germany, other preconditions also exist for a work permit. Under the German Act of April 1965, spouses of foreign workers were required to wait four years (three if from Turkey) to apply for the initial work permit granted for first employment. Since January 1991, there has been no waiting period for family members joining foreigners already living in Germany and holding a residence permit of unlimited duration, attainable after five years (table 6.2).

The initial work permit policy (as well as the policy governing resumption of employment) of Germany ostensibly rests on the desire to protect employment opportunities for German nationals or foreigners who are nationals of EC member states (called foreign workers of equal status).[14] By restricting the employment permits of spouses for up to four years, this policy distinguishes between persons with entitlements to be in the labour market and those who are excluded. As in Canada, the impacts of these policies are not racially or ethnically neutral. They do not apply to nationals of the EC-12 countries. They do apply to all other groups. Migrants from Turkey form the largest resident population in Germany, and they represent a racial group in the view of many other Europeans. They also represent a sizeable working class (Castles, 1984). Much of this migration occurred in the 1960s and early 1970s to meet the German economy's demand for unskilled labour.

Structured Inequality

Countries vary considerably in immigration policies, family-based entitlements, and in the readiness with which civil, political, and social rights are extended to migrants. However, assumptions surrounding female dependency and family relationships often are found in, and sustained by, two features of international migration: type of migration and modes of entry. Through these conceptualizations and their enactments in administrative rules and regulations, women are more likely than men to migrate as domestic workers or on the basis of family membership.

In turn, how migrants administratively enter a country is not without consequences. Formal citizenship status can be denied or prorated and access to citizenship-based entitlements can be hampered, either directly by the terms of entry or indirectly when migrant economic incorporation, including labour force participation and type of work obtained, is affected by entry-related rules and regulations. Given the importance of economic status for life chances more generally, for formal citizenship, and for social entitlements in particular (Pateman, 1988), the link between dependency relations, entry status, and economic insertion acquires considerable importance for migrants.

Despite very different conceptualizations of the role of migration in both Canada and Germany, the policy-based administrative creation of 'dependency' categories indirectly affects migrant women more than migrant men. Further, in both countries, women appear more likely to bear the brunt of connections between entry status and select labour market policies. In Canada the past practice of disallowing basic training allowances meant that foreign-born women who do not know English or French were thwarted in utilizing labour market language training programs even when they were eligible. Not knowing the host language(s) reinforces an already tenuous labour market situation, as many women without knowledge of the English or French languages in Canada are employed in cleaning, manufacturing, and seamstress jobs where work may be irregular, low paying, and in onerous conditions. In Germany the incremental residency and work permits ensures that migrant women are absent from the formal labour force for a number of years.

In both countries, the linkages between dependency relations, entry status, and labour market status produce two conclusions. First, such linkages can perpetuate female dependency, either by formally tying the

residency of a woman to that of her husband, by tying workers to a specific employer, or by situating migrant women in low-skill, marginal jobs. In the latter case, intrafamilial dependency is reinforced to the extent that the lower wages (or non-wages) of a woman render her dependent on the higher wages of her employed spouse. Second, from the perspective of feminist theorists, such outcomes are not surprising. State welfare policies are a mechanism of women's subordination not only in the way they link eligibility for welfare payments to family structure, but also in maintaining the economic marginality of women by relegating them to the private sphere and by treating them as second-class workers. From this perspective, it is not unusual to find that other forms of state policies, such as immigration policies, also carry with them the capacity to reconstruct dependency relations and create conditions of economic marginality.

Notes

1 Frequently used in the field of international migration, the terms 'immigration' or 'migration' policies refer to policies that govern the entry and conditions of admittance of would-be movers across national boundaries. The term 'migrant policy' refers to policies that are directed at these movers once they legally are admitted. Usually these policies are targeted at the integration, adaptation, acculturation, or other aspects considered important for the 'settlement' of migrants.

2 Other consequences of dependency exist, such as the difficulties in accessing social assistance faced by immigrant women who are victims of violence perpetrated by their sponsors (under Canadian law persons who sponsor the immigration of family members agree to assume financial responsibilities for a period of between five to ten years). This and other examples are discussed in Boyd (1989). In this essay I focus only on the consequences with respect to attaining citizenship status and labour market participation.

3 This chapter is a revision of a similarly titled paper presented at the annual meeting of the Canadian Sociology and Anthropology Association, Charlottetown, PEI, June, 1992. Policies described here are those in existence in Canada through 1994 and Germany through 1992.

4 Most of these claims are based on the number of annual temporary visas issued. However, to reiterate, many of these visas are issued to refugee claimants. Furthermore, the number of temporary visas cannot be equated with the number of persons in a country. A temporary visa can be issued for

short durations of time and undergo successive renewals. As a result, one person can generate multiple temporary visas over the course of a year (see Boyd, Taylor, and Delaney, 1986).

5 Spouses and dependants of principal applicants normally are issued visas allowing admission into Canada for up to twelve months following the admission of the principal applicants. After the expiration of these visas, close family members must satisfy admission criteria of the family (or less frequently) the independent class. Thus, if a woman enters to be reunited with a sponsor already in Canada (for example, a husband or offspring) and if her visa has expired, then she normally would be 'sponsored' by her husband for admission in the family class. If she is the sole adult in the group of family members being sponsored, she becomes the principal applicant for administrative purposes.

6 Gender stratification in the host country also can privilege men if entry is determined primarily by demand for male-typed occupations rather than female-typed occupations.

7 Other factors, not linked to entry status, also dampened access to the language training options of the Canadian Job Strategies program. Most problematic is the stipulation that English or French is required to perform the job. This prevented participation by workers in jobs such as office cleaning, restaurant kitchens, sewing, and some manufacturing where knowledge of the host language may not be considered essential to performing the tasks required (see Boyd, 1989, 1990 for further discussion).

8 In addition to the issue of training allowances, several barriers associated with participation in the Canadian Job Skills Strategies language program remain for women who seek to extend their language skills through LMLT. Participation in the Labour Market Language Training program still is dependent on the criterion that knowledge of English or French is necessary for the relevant occupation or employment and that workers are needed for employment in such occupations and jobs (see note 6 for exclusionary implications).

9 This is calculated from the 1991 Public Use Microdata file for Individuals. The percentages describe permanent residents age 15 to 55 who immigrated to Canada before 1988 if they resided outside of the Atlantic provinces and before 1980 if they resided in the Atlantic provinces (the latter selection was required by the pre coded categories available on the database). Since persons must reside in Canada for at least three years to establish eligibility for legal citizenship, the year 1988 was selected to demarcate the population that was eligible for legal citizenship in 1991.

10 I am grateful to Dr Hermann Kurthen and Dr Angelika von Wahl (University of North Carolina at Chapel Hill) for their comments on an earlier draft. Dr

Kurthen's review provided additional insight into German immigration law not always available from the documents I consulted. Any oversights or errors remain my responsibility.

11 The upper age limit varies somewhat across time and *Länder*, which are equivalents to states or provinces.

12 Indeed, the resident migrant had to have an unlimited residence permit in order to be entitled to reunification. Under the new Aliens Act, the criteria have changed to that of having a residence permit.

13 This is based on a direct translation of *Das Neue Ausländerrecht der Bundesrepublik Deutschland*, Minister of the Interior, and the overview of Germany in Jenks (1992).

14 It also deterred the migration of spouses since legal employment could not be obtained for up to four years.

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