The "Undesirables": Canadian Deportation Policy and its Impact on Female Immigrants, 1946-1956

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For my family: Jack, Cory, and Mitchell, my inspiration

Abstract

This dissertation examines female immigrants who were targeted for deportation after the Second World War. The women documented in this study include a broad array of immigrants who came to Canada from different locales such as Europe, the Caribbean and the United States. They were also quite divergent in terms of their class and racial backgrounds and experiences during and after the war. The only thing they shared, was that they were targeted for deportation by the federal Immigration Branch. Relying on 376 deportation case files from the Library and Archives of Canada -- along with many other types of sources -- this study delves into the diverse experiences of these women and attempts to piece together their treatment by the state as well as responses to the deportation process.

As non-citizens, I argue, they did not have the resources and rights that Canadians enjoyed. Consequently, female immigrants who committed an offence under the *Immigration Act* were vulnerable to deportation and could not rely on the court system to protect them. Furthermore, this study illustrates that these women's experiences were different than those of Canadian women as well as their male counterparts. As such, regardless of the fact that the Immigration legislation appeared somewhat gender neutral, female immigrants were charged

with different offences and subject to different standards than male immigrants, when the immigration officials were adjudicating their cases.

The female immigrants in this study were typically convicted of offences under the *Immigration Act* relating to mental and physical health problems, moral charges, indebtedness and dependency. While these types of crimes were not included in the *Criminal Code* of Canada, they were an integral part of the *Immigration Act,* and female aliens who violated them, were typically reported, interrogated, regulated, and deported for committing these offences. Most of the women had no option but to submit to the deportation process and cooperate with the department's attempt to expel these female immigrants from Canada and return them to their homelands. There were, however, some women who fought back; a few disappeared, others refused to testify or sign the deportation order, and finally, a very small number challenged their cases all the way to the superior courts. Consequently, not all were victimized by the state.

Acknowledgements

As a mother and full-time archivist, and later director of an archives, I was often forced to place my dissertation on a back-burner, in order to tend to my other responsibilities. Consequently, it has taken quite some time to complete, and would not have been possible without the support that I received from a large number of people and institutions.

I would like to start by thanking my supervisor, Dr. Ruby Heap, for her patience, encouragement, and belief in my work. As a working mother, she understood the challenges that I confronted completing this study, and was extremely supportive. My husband Jack fulfilled the key function of entertaining the kids on weekends, so that I could dedicate my spare time to working on this project. And when I was feeling uninspired or lacked confidence, he always bolstered my spirits and provided me with the reassurance I needed to tackle this goal. Although my children are fairly young, the eldest, Cory, was always willing to share the computer with me, which was a big sacrifice for a seven year-old intent on playing games on the Internet. My youngest, Mitchell, was perpetually sweet and flexible during this time. And finally, my parents, Sandra and Steve, were also there to listen to my woes and provide me with encouragement and guidance when it was required. My mother has always served as my emotional sounding board, and my father, the history professor, was there to answer my questions and provide me with editorial assistance whenever required.

I began this adventure ten years ago, on a part-time basis, and during the first year, the National Archives of Canada provided me with a year of leave to pursue my course work and comprehensive exams. I would like to thank my former boss and mentor, Dr. Terry Cook, for his constant encouragement and faith in my abilities, which motivated me to present papers at conferences, publish articles and pursue a Ph.D. In turn, my other bosses, Gabrielle Blais, Sheila Powell and Dan Moore, also supported my ambitions and made my career at the NAC extremely gratifying. My former colleagues Cathy, Tina, Paulette and Cynthia also played a pivotal role in supporting me and helped keep me sane. In turn, Dianne Dodd, whom I supervised briefly after her arrival at the NAC and befriended, completed a report on the deportation case files, inspiring me to rely on this valuable source for my dissertation.

Other key players within the NAC (now LAC) that made this study possible were my former colleagues, Laura Madokoro and Kerry Badgely. Relying on criteria that I submitted to them, they went about selecting case files documenting the female deportees that I wanted to include in my study. This work would not have been possible without their assistance. Also, the Access Section staff deserve special commendation as well, as they spent countless months reviewing, severing, and copying the records that I requested, most of which were closed under the *Privacy Act*.

After moving to Toronto and taking on the job of Director of the Ontario Jewish Archives, I was fortunate enough to work for the energetic and wise Susan Jackson, who helped this long-term bilingual bureaucrat find her inner-Jew and connect with the community that I now serve. She and my other bosses, Morris Zbar and Ted Sokolsky, as well as Brooky Robins, the chair of the OJA, supported my request for a ten-week sabbatical, which enabled me to complete much of the writing.

Finally, I was very fortunate to have received a grant from the Social Science and Humanities Research Council of Canada for a year, as well as a scholarship from the University of Ottawa. This funding allowed me to take another year off from work and complete the research stage of my study in 2000-2001.

I am truly grateful for all of the support – emotional, financial and editorial – that I received from all of the individuals and sources above. I am truly fortunate and blessed to be the recipient of such assistance. This study is dedicated to my husband and sons and to the nameless immigrant women who are documented in this study.

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Introduction

This study investigates Canadian deportation policies and their impact on female immigrants after the Second World War, from 1946 to 1956. Most women who were targeted for deportation arrived as single displaced persons and refugees brought in through the domestic employment scheme, or as the wives of male DP's who were admitted as labourers through the International Relief Organization. There were also non-immigrants who came to Canada as visitors, students, entertainers or temporary workers. These post-war female deportees primarily came from Europe, the Caribbean and the United States. They were of different ages and marital status and belonged to various ethnic groups and races. They were an extremely heterogeneous group that had little in common, except that they were non-citizens residing in Canada and slated for deportation by the Canadian state.

As non-citizens, these women had few rights other than being allowed to stay and work in Canada until fulfilling their residency requirements. They were therefore deprived of basic political, social and judicial rights enjoyed by Canadian citizens. This meant that in addition to being denied the vote, they were not entitled to any benefits associated with the newly expanding welfare state. Aliens were also denied the right to be heard in a court of law. As a result, the status of non-citizens was extremely tenuous. As Linda Bosniak notes, they were essentially viewed as outsiders living inside a nation, alongside those who did possess the benefits of citizenship. She states that these individuals:

> Reside within a liberal democratic society as status non-citizens, who live within the national territory and enjoy important rights and recognition by virtue of their presence but who remain outsiders under the community threshold – regulating citizenship rules. That outsider status, which the law calls alienage, shapes their experience and identity within the community in profound ways.[1]

Being deprived of citizenship was in essence then like being a non-person, entitled to work and live in a country, and yet denied most of the tangible benefits of citizenship, as well as the sense of belonging that comes with being part of a nation or polity.

Deportation can be defined as a process employed by the state to expel individuals who do not comply with the relevant sections of the *Immigration Act*. It is essentially the vehicle that the government relies on then to rid Canada of undesirable aliens.[2] The process involved an investigation, interrogation, and in some instances, detention, before a decision was rendered by the federal Immigration Branch. In contrast to the criminal justice system, the hearings that were held by the Immigration Branch were unmediated and conducted in

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[1] Linda Bosniak *The Citizen and the Alien: Dilemmas of Contemporary Membership* (Princeton: Princeton University Press, 2006), 9.

[2] This concept is explored in more depth in chapter 3.

secrecy. As Anna Christine Pratt argues, deportation "is more withdrawn from the public eye and receives far less critical scrutiny than do prisons." Despite this secrecy, it often instills terror in immigrants who are aware of what transpires based on discussions that they have heard through word-of-mouth.[3] The fear generated by the threat of deportation often functioned as a means of exercising control over aliens. One scholar refers to this threat as a type of "membership imperialism,"[4] and another, as the administration of "sovereign sanctions under the authority of the Canadian Immigration Act."[5] While both male and female immigrants were subjected to the same process, deportation was shaped by gender, as well by sexual orientation, age, class, ethnicity, and race.

Although some scholarship has been undertaken on the deportation of women in the United States for this period, most studies focus on male immigrants for the years preceding the Second World War. The U.S. and Canadian governments engaged in mass deportations before the war, particularly during the Depression years, and most of the deportees during this time and later were male. In addition, government records associated with the two countries' deportation policies were more readily available for the pre-war years. The scholarship produced from the 1960s until the 1980s thus relies on government policy files

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[3] Anna Christina Pratt's dissertation examines the deportation process in Canada from a criminology standpoint. See Pratt, "A Political Anatomy of Detention and Deportation in Canada," (Ph.D., University of Toronto, 2000), 8.
[4] Michael Walzer, *Spheres of Justice: A Defense of Pluralism and Equality* (New York: Basic Books, 1983), 58.
[5] Pratt, "A Political Anatomy of Detention and Deportation in Canada," 3.

and focuses almost exclusively on the state's role in the deportation of radicals and unemployed male immigrants.[6]

Barbara Roberts' work still dominates the Canadian scholarship produced on deportation in the early decades of the twentieth century.[7] Relying on immigration policy files, Roberts discusses how a small band of bureaucrats sought to deport immigrants whom they felt were either a threat to or were likely to become a financial burden to the state. In doing so, she argues, these senior immigration officials consistently lied and concealed their actions in order to avoid public scrutiny and debate, acting as "de facto judges and juries on immigration matters." Their actions, she contends, "were arbitrary and often illegal."[8] Although Roberts focuses almost exclusively on men, she does highlight the role that morality issues played at the time with respect to the deportation of single domestic workers who came over as part of the Empire Settlement Scheme, and became pregnant in Canada.[9] Overall, her sources limited the

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[6] See William Preston, *Aliens, Dissenters: Federal Suppression of Radicals, 1903-1933* (Cambridge: Harvard University Press, 1963); Jane Perry Clark *Deportation of Aliens from the United States to Europe* (New York: Columbia University Press, 1931); Barbara Roberts *Whence They Came: Deportations from Canada, 1900-1935* (Ottawa: University of Ottawa Press, 1988); Henry Drystek ""The Simplest and Cheapest Mode of Dealing with Them": Deportation from Canada before World War II," *Histoire Sociale/Social History* 15(30) (November 1982): 407-41; Eric Lyle Dick "Deportation Under the Immigration Act and the Canadian Criminal Code, 1919-1936" (M.A. Thesis, University of Manitoba, 1978); and Shin Imai "Canadian Immigration Law and Policy: 1867-1935," (L.L.M., York University, 1983).

[7] In addition to *Whence They Came*, see "Shoveling out the "Mutinous": Political Deportations from Canada before 1936," *Labour/Le Travail* 18 (Fall 1986): 77-110; "Shoveling out the Unemployed: Winnipeg City Council and Deportation, 1930-35," *Manitoba History* (Fall 1983); and "Doctors and Deports: The Role of the Medical Profession in Canadian Deportation, 1900-20," *Canadian Ethnic Studies*, XVIII no. 3 (1986): 17-36.

[8] Roberts, *Whence They Came*, 9.

[9] Roberts indicates that there were 18,790 women who came over through that scheme. Of that number, 1,885 problem cases arose and more than half of them were sent home. See "Purely Administrative

scope of her analysis in her numerous works in this area; as she admits herself within her dissertation, "for the most part the deports remain faceless and nameless." She concludes that "deportation is treated here as something that was done to them, something over which they had little control, and their experiences or reactions are rarely even a secondary issue here."[10] Consequently, women's presence and voices are almost completely invisible in her works.

Since the 1980s, immigration scholars who addressed deportation have tapped into new and diverse sources, and attempted to include gender in their analyses, as well as class and race. For instance, Fiona Miller's article "Making Citizens, Banishing Immigrants," relies on a sample of provincial case files documenting both men and women who were under state surveillance after being targeted for deportation.[11] For her part, Deirdre Moloney has recently discussed how the immigration regulations in the United States were applied by the Immigration and Naturalization Services (INS) to women, in order to "reinforce traditional marital and domestic norms among potential citizens."[12] Both authors successfully highlight the experiences of female immigrants during the early part

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Proceedings: The Management of Canadian Deportation, Montreal, 1900-1935" (Ph.D., Department of History, University of Ottawa, 1980), 229.

[10] Barbara Roberts, "Purely Administrative Proceedings," vii.

[11] Fiona Alice Miller, "Making Citizens, Banishing Immigrants: The Discipline of Deportation Investigations, 1908-1913," *Left History* 7(1) (2000), 64.

[12] Deirdre Moloney, "Women, Sexual Morality, and Economic Dependency in Early U.S. Deportation Policy," *Journal of Women's History* 18(2) (Summer 2006), 8.

of the twentieth century, focusing on the state's regulation of their behaviour and explaining how morality violations were invoked to justify deportations.

Relying on the same type of records – INS case files, court records and policy files – several North American scholars recently shifted their analyses beyond the pre-war years. Some have focused on the immigration process and legal systems in place.[13] Others look at those immigrant women who were subjected to deportation actions taken by the state, incorporating gender, class, race, ethnicity, and sexual orientation as categories of analysis. Eithne Luibheid focuses on the state's sexual regulation of women from 1875 until 1987, in the United States, examining its impact on lesbians, Japanese brides and Chinese women accused of prostitution. Through its exclusion of certain categories of women from entering the U.S., she argues, the government promoted patriarchal heterosexuality as the official gender and sexual norm.[14] For her part, Martha Gardner contends that in the U.S., the state resorted to white middle-class standards to determine if immigrant women would become suitable citizens

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[13] Two recent studies provide a more juridical analysis of deportation policies that document the early as well as post-war years. Mae Ngai's article "The Strange Career of the Illegal Alien: Immigration Restriction and Deportation Policy in the United States, 1921-1965" illustrates how the U.S. courts and government established categories of "deserving" and "undeserving" immigrants and defended the notion that the "national body had to be protected from the contaminants of social degeneracy." In *Law and History Review* 21(1) (Spring 2003), 4. Anna Christina Pratt's thesis "A Political Anatomy of Detention and Deportation in Canada," focuses on exclusionary immigration policies from the 1952 *Immigration Act* until the 1976 *Act*, in order to examine the "discursive reconstruction of refugees from deserving 'victim' to threatening 'offender'. See Platt, iii.

[14] Eithne Luibheid, *Entry Denied: Controlling Sexuality at the Border* (Minneapolis: University of Minnesota Press, 2002).

or not. According to Gardner, immigration officials thus acted as the "self-appointed gatekeepers of the American family." [15]

Overall then, the American literature on deportation has moved from studies of immigration official's treatment of predominantly male immigrants during the early part of the twentieth century, to more complex and inclusive analyses set during the second half of the last century. Incorporating sources such as INS case files and court records, scholars have broadened their scope, to investigate what impact immigration and deportation policies had on the immigrants themselves over a significant period of time. Some of the studies, in fact, carry out their investigations until the 1960s. As a result, female immigrants have been given a voice that was not heard in the earlier scholarship.

The Canadian scholarship on deportation has yet to engage in much of a shift. This thesis intends to help fill this gap, exploring the impact that deportation legislation and policies had on immigrant women following the Second World War. Relying on deportation case files, court records, policy reports and newspaper articles, it examines the experiences of a broad array of women who entered Canada following the war, between 1946 and 1956, who were targeted for deportation after supposedly violating one of the clauses within the *Immigration Act*. This time-frame was selected in order to trace the impact that

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[15] Martha Gardner *The Qualities of a Citizen: Women, Immigration and Citizenship* (Princeton: Princeton University Press, 2005), 20.

the evolving deportation policies designed during this time had in shaping the experiences of female immigrants. This was a pivotal period in regards to deportation policies, as existing ones began to be challenged by immigrants – particularly female – and were subjected to increasing public criticism. This pressure led to the revamping of the process in 1956, which involved the restructuring of the Immigration Appeal Board.

This study shows how female immigrants were subjected by the state to a treatment different from men's and charged with different offences. Although these types of offences ranged from the medical to the moral, those immigrant women who violated the standards of the day put themselves at risk of being deported. In sum, while men were typically sanctioned for not fulfilling their breadwinner role, women were targeted for not living up to prescribed gender roles. The criteria applied by immigration officials reflected the current white middle-class standards and the expected modes of conduct for married and single women at the time.

In some respects, the state was engaged in a type of moral regulation over new female immigrants,[16] disciplining those non-citizens who transgressed the

[16] Some of the Canadian literature that deals with moral regulation of women includes Mariana Valverde, *The Age of Light, Soap, and Water: Moral Reform in English Canada, 1885-1925* (Toronto: McClelland & Stewart, 1991); Karen Dubinsky, *Improper Advances: Rape and Heterosexual Conflict in Ontario, 1880-1929* (Chicago: The University of Chicago Press, 1993); Joan Sangster, *Regulating Girls and Women: Sexuality, Family, and the Law in Ontario, 1920-1960* (Oxford: Oxford University Press, 2001); and Carolyn Strange, *Toronto's Girl Problem: The Perils and Pleasures of the City, 1880-1930* (Toronto: University of Toronto Press, 1995).

immigration laws by using deportation as a threat as well as a forceful weapon to ensure their compliance. Unlike other forms of regulation, however, deportation was an irrevocable punishment, aimed at ridding Canada of those women who the state felt were unlikely to become desirable citizens. Hence, expulsion rather than the long-term regulation of immigrants was truly the main objective of the Immigration Branch. As we shall see, certain groups of female immigrants, particularly DP's, concentration camp survivors, as well as Caribbean workers, were more likely to be targeted by the state for violating offences under the *Immigration Act*, due to their backgrounds, experiences during the war, and race. Consequently they tended to be more vulnerable to deportation.

Looking at immigrant women through the prism of the state, and in particular, the deportation process, has enabled me to consider a wide range of female immigrants from different races, classes, ethnic backgrounds and sexual proclivities within a single period. While many scholars have examined immigrant women who were members of a single ethnic community or occupation,[17] my approach allows for a broader and more complex analysis. As sociologist Roxanna Ng asserts, the state is the central site of struggle for different groups,

[17] Frances Swyripa in *Wedded to the Cause: Ukrainian Women and Ethnic Identity, 1891-1991* (Toronto: University of Toronto Press, 1993); Wenona Giles, *Portuguese Women in Toronto: Gender, Immigration and Nationalism* (Toronto: University of Toronto Press, 2002); and Marlene Epp, *Women Without Men: Mennonite Refugees of the Second World War* (Toronto: University of Toronto Press, 2000). The second category involving women and work include Marilyn Barber, *Immigrant Domestic Servants in Canada* (Ottawa: Canadian Historical Association, 1991); Franca Iacovetta, "Primitive Villagers and Uneducated Girls: Canada Recruits Domestics from Italy, 1951-52," *Canadian Women Studies* 7(4) (Winter 1986); Patricia Daenzer, *Regulating Class Privilege: Immigrant Servants in Canada, 1940s-1990* (Toronto: Canadian Scholars' Press, 1993); and Milda Danys, "The Emigrant Experience: Contract Hiring of Displaced Persons in Canadian Domestic Employment, 1947-1950," *Lituanus* 29(2) (1983): 40-51.

and "one cannot understand gender and ethnic relations in Canada without attending to how these relations have been mediated by the Canadian state historically, and continues to be organized by state processes."[18]

Ng has effectively explored the interplay between immigrant women and the state. In "The Social Construction of 'Immigrant Women' in Canada," she focuses on a diverse group of immigrants who received employment advice from the Federal Outreach Program Office in Toronto during the 1980s. This program, she concludes, funneled immigrant women into "appropriate" occupations for immigrants, which shaped their identity as well as their prescribed roles, and in the end, served the capitalist needs of the state during the Cold War period.[19]

In her large body of works, historian Franca Iacovetta, has examined the interaction of both male and female immigrants with the Canadian state.[20] Her most recent book, examines how the state, through its "gatekeepers" -- government officials, social workers, educators and other experts -- attempted to

[18] Roxanna Ng, "Sexism, Racism, and Canadian Nationalism," in Himani Bannerji ed., *Returning the Gaze: Essays on Racism, Feminism and Politics* (Toronto: Sister Vision Press, 1993), 225.
[19] See Roxanna Ng, "The Social Construction of 'Immigrant Women' in Canada," in Roberta Hamilton and Michele Barrett eds., *The Politics of Diversity* (Thetford, Norfolk: Thetford Press Ltd., 1986).
[20] See Iacovetta, *Gatekeepers: Reshaping Immigrant Lives in Cold War Canada* (Toronto: Between the Lines, 2006). Her articles include: "Making 'New Canadians': Social Workers, Women, and the Reshaping of Immigrant Families," In *Gender Conflicts: New Essays in Women's History*, Franca Iacovetta and Mariana Valverde eds., (Toronto: University of Toronto Press, 1992): 261-303 and "Trying to Make Ends Meet: An Historical Look at Italian Women, the State and Family Survival Strategies in Post-War Toronto," *Canadian Women Studies*, vol. 8 (1987). Some of her works that focus on men as well include "The Sexual Politics of Moral Citizenship and Containing "Dangerous" Foreign Men in Cold War Canada, 1950s-60s," *Social History* 66 (November 2000) and "Making Model Citizens: Gender, Corrupted Democracy and Immigration and Refugee Reception Work in Cold War Canada," in *Whose National Security?: Canadian State Surveillance and the Creation of Enemies*, Gary Kinsman, Dieter K. Buse and Mercedes Steedman eds (Toronto: Between the Lines, 2000): 154-167.

"Canadianize" new immigrants who entered the country after the war, transforming them into productive and democratic citizens. This process, she contends, involved reinforcing "the prevailing gender ideologies and conventional moral and sexual norms of the era."[21] Rather than depicting her immigrants as victims, Iacovetta imbues them with a great deal of agency. By focusing on the Cold War years, incorporating in her analysis a broad amalgam of new immigrants – both men and women from different countries and ethnic groups – and by examining their exchanges with the state, Iacovetta brings further depth to the study of Canadian immigration history.

Through the use of statistics and the inclusion of male bureaucrats, partners, husbands, and family members documented within the narratives included in this thesis, I made a deliberate attempt not to examine the experiences of female immigrants in isolation, but to provide as well an understanding of how gender relations were shaped by the deportation process. Thus, while this thesis places women at the center of the narrative, it incorporates into their stories those men they came into contact with during their encounters with the state. Also, while most of the individuals involved were white European immigrants, there is a chapter devoted exclusively to the women of colour who emigrated to Canada during the period as temporary workers. Hence, race is also an important element that is grappled with as well within this study.

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[21] Iacovetta, *Gatekeepers*, 18.

As we know, Citizenship has been used by the state as a type of "yardstick to measure "worthy" applicants for residence."[22] Those immigrants who were able to measure up or comply with established standards were granted citizenship and all of the political, social, legal and economic benefits that went along with that status. Non-citizens, in contrast, lived in a state of legal limbo, devoid of those advantages and living lives filled with insecurity.

Some immigrant women were never intended or eligible for citizenship, such as temporary Caribbean domestics and nurses, who were brought to Canada for their much-needed labour, but considered unsuitable mainly because of their race. In some respects, they were regarded as a threat to the nation. As Sedef Artat-Koc point out, Canada did not want these Black women to procreate and become future mothers to the nation.[23] Indeed, women's reproductive role was a key factor in the decision to accept women as immigrants or as citizens.[24] This study thus reveals how immigrant women of colour were viewed as desirable temporary workers, but as soon as they expressed an interest in making Canada their home, they were deported.

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[22] Geoff Andrews ed., *Citizenship* (London: Wishart & Lawrence, 1991), 13.
[23] Sedef Arat-Koc, "Gender and Race in 'Non-Discriminatory' Immigration Policies in Canada, 1960s to the Present," in *Scratching the Surface: Canadian anti-racist feminist thought*, E. Dua and A. Robertson eds. (Toronto: Women's Press, 1999), 205-208.
[24] Ann Marie Nicolosi argues that women's status and rights as citizens was directly related to their role as procreators: "the control of woman's reproductive capacity must be understood as a significant aspect of immigration policy." See Nicolosi, "We Do not Want our Girls to Marry Foreigners," (Ph.D., Rutgers University, 1999), iii.

As the current scholarship reveals, deportees were typically victimized by the state. Not all female immigrants, however, complied with the state's actions and gave in to this fate. Ruth Lester sums it up well: "people can be, at the same time, both the subordinate objects of hierarchical power relations and subjects who are agents of their own lives, capable of exercising power in the 'generative' sense of self-actualization."[25] Most of the women in this study had very little chance to protest or challenge the deportation process that threatened their future lives in Canada. However, a small number were able to display some level of agency, despite the tremendous odds against them; by disappearing, securing the help of MP's, family members or organizations to help them with their cause, by contacting the press, or in very rare instances, by hiring a lawyer and challenging the department in a court of law. Tragically, a few even attempted suicide. This option served as a last resort for a small number of women who felt that death was a more acceptable alternative than the prospect of deportation.

This thesis will therefore compliment the existing literature relating to immigrant women after the war and fill an important gap within Canadian scholarship relating to the theme of deportation. While several American authors have addressed this topic recently and demonstrated the harsh and often tragic circumstances that arose when immigrant women were subjected to this process, this is the first study to focus on the Canadian context during this

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[25] Ruth Lister, "Citizenship: Towards a Feminist Synthesis," *Feminist Review* 57(1) (Fall 1997), 350.

timeframe. As I will show, while Canada shared many similarities with the United States in regards to the clauses used within the immigration legislation to justify deportation as well as aspects of the appeal process, there were some significant differences, mainly Canadian immigrants lack of access to the courts.

The subsequent chapters will provide a profile of the women who came to Canada after the war, describe the deportation process that was followed by the department to expel "undesirable" immigrants from Canada, and outline the categories of women who were most vulnerable for being targeted by the state for deportation. The next chapter addresses the methodology that was employed, discussing the various sources that were utilized for this study and highlighting the advantages and challenges linked to the use of deportation case files.

Chapter #2

Methodology

To investigate the experiences of female deportees during the first decade after the Second World War, it is essential to tap into certain sources that can reveal their hidden stories. Earlier studies documenting female immigrants tended to rely on government policy files or oral histories. The policy files provided some insights into how the government, particularly the Immigration Branch officers, treated the women. Since the latter produced little or no documentation, they were often depicted as voiceless, helpless victims. [1] Studies relying on oral histories, in contrast, cast the women in the leading roles and gave their voices precedence over those of the male immigrants and government officials.[2]

Evidently, oral testimonies constitute a very useful, persuasive and intimate source to document the complexity and unique aspects of immigrant women's experiences. For this study, however, conducting interviews was not an option,

[1] Examples include Barbara Roberts' article that delves into the work of the middle-class Canadian female reformers who attempted to bring in female immigrants to Canada " 'A Work of Empire': Canadian Reformers and British Female Immigration," in Linda Kealey, ed., *A Not Unreasonable Claim: Women and Reform in Canada, 1880s-1920s* (Toronto: The Women's Press, 1979). Marilyn Barber's works on female domestics who came to Canada during the late nineteenth and early twentieth centuries also rely on immigration policy files. Some of her articles on this subject include: "The Women Ontario Welcomes: Immigrant Domestics for Ontario Homes, 1870-1930," *Ontario History* 72, no. 3 (Sept. 1980): 148-172; and "In Search of a Better Life: A Scottish Domestic in Rural Ontario," *Polyphony* 8 (1986): 13-16; "Sunny Ontario for British Girls, 1900-1930," in Jean Burnet ed., *Looking into my Sister's Eyes: An Exploration in Women's History* (Toronto: Multicultural History Society of Ontario, 1986): 55-73.

[2] Some studies on female immigrants that have relied primarily on oral testimonies include: Giovanna Del Negro, *Looking Through My Mother's Eyes: Life Stories of Nine Italian Immigrant Women in Canada* (Toronto: Guernica Press, 2003); Tomako Makabe, *Picture Brides: Japanese Women in Canada* (Toronto: MHSO, 1995); Barbara Ladouceur & Phyllis Spence eds., *Blackouts to Bright Lights: Canadian War Bride Stories* (Vancouver: Ronsdale Press, 1995); Sheelagh Conway, *The Faraway Hills are Green: Voices of Irish Women in Canada* (Toronto: Women's Press, 1992); and Momoye Sugiman ed., *Jin Guo: Voices of Chinese Canadian Women* (Toronto: Women's Press, 1992).

since the names of the deportees were stricken from the record, to protect their anonymity, making it impossible to locate them. In turn, if the deportation was effected, the individuals would not have been accessible from Canada.

Consequently, this study relies primarily on case files produced by the federal government, as well as a variety of other sources intended to support and supplement the case files, and to provide added depth and context to the analysis of the women's lives. Some of these sources used include: government legislation relating to immigration and citizenship; newspaper articles; annual reports; House of Commons Debates; and Qucklaw court cases involving female immigrants. Finally, policy files of the Immigration Branch were utilized, which document the policies, procedures and government actions relating to areas such as deportation, domestics, health, morality, insanity and the treatment of specific groups of immigrants.

As a source, the immigration legislation reveals these women's evolving legal status in this country, and how it compared to the status of male immigrants, and their Canadian counterparts. Also, it allows us to explore the deportation and appeal processes and how they both provide the department with the unfettered right to rid the country of immigrant's viewed as "undesirable" before the Immigration Appeal Board was reconstructed in 1956.

The Quicklaw databases were relied on to identify cases that involved female immigrants and couples who challenged their deportation notices in a superior court of law. Quicklaw is a browser interface accessible to those who have purchased a license. It includes cases from several countries including Canada. It consists of several legal databases containing statutory material, court and tribunal decisions, as well as statutes, topical collections of case law and commentary. After conducting a search of the Canadian cases on-line, only three related to female deportees for the period under investigation.[3] Although the court records can be found in the case files, the Quicklaw search provided a quick and decisive way to determine the number of cases that were heard by the courts as well as the outcomes for each. I could also identify those cases that were heard by the higher courts before 1946, and compare them to those heard after the War.

However, the case files constitute, by far, the largest and most important source for this study. In their book *On the Case: Explorations in Social History*, Franca Iacovetta and Wendy Mitchinson define case files as "the records generated by political, social, legal, and other institutions entrusted with the task of categorizing and assessing certain populations, usually with the purpose of

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[3] The cases include Narine-Singh v. Canada that went to the Supreme Court of Canada (April 1955), Regina v Spalding that went to the B.C. Court of Appeal (July 1955), and Canada v. Brent (Feb. 1956) that went all the way to the Supreme Court of Canada and served as the final blow to the department in regards to challenging the way that they handled deportation proceedings.

supervising, treating, punishing, servicing, and/or reforming individuals or groups deemed in some way deviants or victims."[4] Case files have been an integral part of Canadian social history, which emerged during the late 1970s and became a burgeoning sub-field of history during the 1980s and 1990s. This type of source has thus enabled scholars to delve into new areas of analysis and bring the lives of once invisible or marginal figures within Canadian history to the fore. In 1977, Joy Parr -- who relied on case files in her study on juvenile immigrants[5] -- illustrated the value of these records: "with the information which beedles, bailiffs and the benevolent felt necessary to manage the life of an inmate or applicant, a social historian can craft a collective biography which supplements the depth of the census and the breadth of the literary sources, adding a dimension heretofore available through neither."[6] This source remains widely used today as a means of examining and tapping into the regulation of prisoners, asylum residents, immigrants and other once neglected groups by the state, by legal, gender, health and feminist historians.[7]

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[4] See *On the Case: Explorations in Social History*, Franca Iacovetta and Wendy Mitchinson eds. (Toronto: University of Toronto Press, 1998), 3.

[5] See Joy Parr's work *Labouring Children: British Immigrant Apprentices to Canada, 1869-1924* (Montreal: McGill-Queen's Press, 1980).

[6] Joy Parr, "Case Records as Sources for Social History," *Archivaria* (1977), 123.

[7] Some of the most prominent Canadian scholars who have relied on case files include Franca Iacovetta in her work *Such Hardworking People: Italian Immigrants in Postwar Toronto* (Montreal & Kingston: McGill-Queen's Press, 1993); Karen Dubinsky's book *Improper Advances: Rape and Heterosexual Conflict in Ontario, 1880-1929* (Chicago: University of Chicago Press, 1993); Joan Sangster's two works *Regulating Girls and Women: Sexuality, Family, and the Law in Ontario, 1920-1960* (Oxford: Oxford University Press, 2001) and *Girl Trouble: Female Delinquency in English Canada* (Toronto: Between the Lines, 2002); and Cheryl Lynn Warsh's study entitled *Moments of Unreason: the Practice of Canadian Psychiatry and the Homewood Retreat, 1883-1923* (Montreal: McGill-Queen's Press, 1989).

This dissertation includes 376 case files created by the Department of Citizenship and Immigration from 1946 to 1956. They were part of the HQ series, which was developed in stages by the Immigration Branch, between 1946 and 1949. It was set up outside of the regular immigration case file system and was used to document individuals who were issued deportation or lookout orders by the department.[8] Under Section 5(1) of the 1952 *Immigration Act*, certain types of classes of immigrants or non-immigrants[9] were deemed to be "undesirable" by the department. These individuals were therefore refused entry into Canada, for those arriving at the border, or investigated and issued a deportation order by the department, for those residing in this country. A file was then opened for these types of immigration cases.

Originally, I was confronted with 773 boxes, or approximately 30,000 HQ case files,[10] documenting deportees from 1925 to 1989 held by the National Archives of Canada (now the Library and Archives of Canada or LAC). This series included some file lists, which captured very basic information such as the case file and box numbers. In turn, there was an incomplete set of index cards that supported this series. These were organized alphabetically by the name of the individual

[8] The deportation order was issued to immigrants who had violated the *Act*. The lookout notices did not necessarily involve deportation actions. They were primarily issued for immigrants whose status was uncertain or whose citizenship was under investigation.
[9] Within the context of the *Immigration Act*, non-immigrants included those individuals who were admitted into Canada on a temporary or non-permanent basis as visitors, students, or temporary workers. This category also included individuals who were issued special permits to enter the country.
[10] The boxes were part of 8 different accessions or transfers that arrived at the NAC between 1990 and 1992. The figure given is based on the fact that approximately 40 files this size would fit in a cubic foot box, multiplied by 773 boxes.

deportee using a soundex code.[11] But since these tools were incomplete and did not identify the gender, the name of the immigrant, or date of the case, I was unable to determine which of the thousands of cases documented women who entered the country from 1946 to 1956.

As a result, I had to devise another system to extract the cases that were required. This entailed developing criteria[12] that would be applied to the case files by the archivists, since I was not entitled to view them under the *Privacy Act*, a federal piece of legislation that protects the privacy of individuals by restricting those government records that contain sensitive or personal information relating to individual Canadians. It took two LAC archivists close to a year, to apply the criteria to the files.[13]

[11] The soundex system was developed by the department and used to access the records. It consisted of index cards that included information about each immigrant. They were organized alphabetically by the sound of the surname of the immigrant. This type of system was therefore particularly useful for immigration cases, since some of the names – particularly those from Asia – might be hard to locate alphabetically and easier to find by pronunciation or sound.

[12] The criteria involved identifying cases that documented female immigrants, couples, or dependent women who were issued a deportation or lookout notice between 1946 and 1956.

[13] The two archivists identified 447 case files, between 1998 and 1999. After reviewing all of them, I was able to further reduce the series to 376 cases by eliminating those files that should not have been included in the group that documented men, Canadian citizens, or immigrants who received deportation orders after 1956. I also extracted case files that were devoid of information about the case and the deportee. These files tended to include only a few pieces of correspondence and were quite general in tone, in contrast to the other case files that tended to be quite long and detailed. For more information about the criteria that I used along with a general discussion of appraising case files, please see Ellen Scheinberg, "Two Perspectives on the Same Source: An Examination of Federal Deportation Case Files," *Archivaria* 57 (Spring 2004).

After the files were identified, they had to be reviewed by the Access Section[14] of the LAC, in order to sever any personal information relating to the individual deportees, family members or other immigrants documented in the files such as: the names of immigrants, addresses, phone numbers etc... This process involved reviewing the documentation within each file, copying the contents of the file, removing the personal information using a black marker, and making a second copy of that file for the researcher. This task was performed in 1999-2000, and took close to a year to complete.[15] Because the names were removed, it was necessary to rely on the case file number to identify each case or individual. New names were devised for each of the individuals whose stories I relied upon.[16] For those three public cases that were heard by the superior courts, I utilized the real name of the immigrants.

The HQ case files range in size from 8 to 400 pages; overall, they are a remarkable source to tap into the experiences of female deportees. The files contain rich documentation such as: the original correspondence from the government officials, and in some cases, from the immigrants themselves, as

[14] Originally, I tried to access the records using 8(2)(j) of the *Privacy Act*, which enables researchers to view case files if they promise to anonymize the information, sign a confidentiality agreement or simply use the files for statistical purposes. In the end, my request was denied, since the Access officials claimed that the files did not meet the criteria under this section of the *Act*. Consequently, a much more formal and time-consuming review was required.

[15] Although the archivists and Access officers assured me that the selected case files represented all of the women who were issued deportation notices during the time frame under investigation, some cases may have been overlooked.

[16] When producing these names, I tried to rely on ones that reflected the countries they came from as well as the period under analysis. Although it would have been fine to identify them by the case file number or simply call them Mrs. "A", I felt that assigning a name would help the flow of the text as well as retain the personal nature of the case, since a case file number or alphabetical indictor can be rather scientific and impersonal.

well as internal memoranda, detainee expense sheets, telegrams, warrants of arrest, deportation orders, inquiry transcripts, and in some instances, RCMP and/or local police reports, medical reports, notices of appeal, appeal reviews, and exhibits. Some cases include representations from family members, MPP's, MP's, priests, community organizations, charitable organizations or employers. A few cases include court transcripts from the provincial superior courts, the Federal Court and/or the Supreme Court of Canada.

The HQ files record the department's role in investigating, interrogating, and in some cases, removing immigrants from Canada. They consequently document an important function of the state and reveal how immigration officials interacted with, and treated each of the immigrants. Many of the cases covered a lengthy period of time if the appeal was stayed, or if minister's permits were issued, since both actions would have led the immigration officials to investigate the immigrant -- and in many cases the whole family -- for many years after the inquiry was held to ensure they were adapting well to Canada, recovering from their illness, or abiding by the recommendations issued by the Board.[17] In some instances, the case file contained as much as 15 to 20 years of documentation, revealing a significant slice of the immigrant's life in Canada.

[17] The Board typically dismissed the appeals issued by the immigrants, but in some instances, they deferred deportation if they felt that certain individuals required more time to heal from their illness or to prove their worth as a potential Canadian citizen. See Chapter 3 for more details on the deportation process.

The deportation case files bring to the fore, for the first time, the hidden experiences of immigrant women who were targeted for deportation by the state in Canada. Due to the difficulty in documenting immigrant women – particularly those who did not speak English, were illiterate or worked as housewives – these records open up a rare window to view these women's vulnerable and precarious position, particularly those who were married. [18]

Indeed, the HQ case files are unique, since some include correspondence from the immigrants and most contain the transcripts from the inquiries that were held at the appeals, both of which give voice to the immigrants and provide a rare glimpse into their experiences.[19] This study delves into their experiences through their writings and words. Since most of the immigrant women were not very fluent in English, the passages written by them that were used in this thesis often contain spelling and grammatical errors. Rather than correct them, or indicate the presence of a mistake by using a sic designation, I tried to remain true to their words, avoiding any type of authorial intervention in regards to their prose.

Unlike many other series of case files produced by the courts, medical institutions, and social welfare programs, deportation case files reveal much

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[18] Under the *Immigration Act* and the policies implemented by the department, women who entered the country as fiancées or spouses had very few independent rights as immigrants. See chapter eight for more details.

[19] Approximately 20 percent of the files contained correspondence from the immigrants, and close to 80 percent included transcripts, since most of the deportation orders were appealed and heard by a Board of Inquiry.

more than the views and attitudes government.[20] What transpires from them is the diversity of immigrant women's experiences; these women hailed from many different countries, resided in different parts of Canada, occupied different occupations and were charged with different offences. Their only common denominator was their shared attempt to make a life for themselves in Canada, and for many of them, their struggle to remain in their adopted country.

Case files can also yield substantial quantitative information. A Microsoft Access database was constructed to capture information relating to the 376 cases. It consists of twenty-one fields that include information pertaining to the immigrant's gender, age, marital status, occupation, arrival date, inquiry date, the deportation offence, whether she appealed or not, the result of the case etc. In turn, an Excel program was used to produce statistics and charts.

The case files will be supplemented with statistics drawn from the policy files, the annual reports of the Department of Mines and Resources and Citizenship and Immigration, as well as secondary sources, in order to provide comparisons to data relating to male deportees as well as the total immigrant population that arrived in Canada during that period. The statistics help make the study more comprehensive and complete.

[20] Karen Dubinsky, Wendy Mitchenson, Franca Iacovetta all lament the limits of these sources. Dubinsky recommends that those who rely on them "read against the grain" to differentiate between the official's opinions and the experiences of the individuals involved who are included in these records. *See On the Case*, 13.

All of these records, particularly the case files, will help bring the experiences of a varied group of immigrant women, who had very few rights, to the fore. Franca Iacovetta and Wendy Mitchinson rightly contend that case files can be used to reclaim history from the vantage point of marginal groups and provide them with agency, stating that they "reveal the vulnerability of many in the past, but also illustrate the resilience of individuals."[21] And ultimately, they can reveal the unique voice of individuals whom Karen Dubinsky describes as being on the "losing end of Canadian power relations."[22] Case files are therefore an invaluable source that can help to unravel the power relations between the state and the "dispossessed".

The HQ files still provide contradictory narratives, since the majority of files document state regulation, which involved the Immigration Branch's attempt to rid Canada of immigrants who did not comply with their vision of an ideal immigrant or future citizen. The records therefore reflect this objective and illustrate how the state attempted to gather evidence to support this goal and justify their claims against the individual immigrants who did not comply with this vision. The records also indicate that many doctors, municipal officials and police officers were often complicit with the state, producing reports and memos that relied on language and highlighted issues that coincided with the offences

[21] Franca Iacovetta and Wendy Mitchinson, *On the Case*, 6.
[22] Karen Dubinsky, "Telling Stories about Dead People," in *On the Case*, 359.

covered in the deportation legislation. The researcher therefore has to vigorously review and scrutinize these documents, in order to discern what role these "experts'" and officials played in supporting the department's case.

This series of case files also document the relations that transpired between the Immigration Branch and other countries. Since the goal of deportation was to expel unwanted immigrants from Canada to their homelands, it had to negotiate and gain the approval of the recipient country before deportation could be effected. Although some nations were willing to receive these individuals -- particularly those that had agreements with Canada like the United States, Germany and the U.K. -- in circumstances where the immigrant had only lived in Canada for a short period of time, there were others who were less than enthusiastic about the prospect of receiving former residents who were extremely ill, impoverished, or found guilty of a terrible crime. Hence, significant diplomacy was involved and represented an important part of the deportation process documented by the case files.

The deportation case files reveal the female deportees' unique encounters with the state. They not only show how they handled the prospect and process of being slated for deportation, but also provide a picture of their past lives in Europe, the Caribbean or the United States, their attempt to settle in Canada, and finally, any support they may have received to fend off this challenge. When partnered with the quantitative data produced from statistical sources and from other government records, a full and revealing portrait of female deportees emerges. The following chapter will deal with the female immigrants who entered the country following the war, exploring their backgrounds, experiences, immigration status and reception by the Canadian government and public after their arrival.

Chapter #3

Profiling the Post-War Female Immigrant Population

Between 1946 and 1956, 1,387,176 immigrants were admitted into Canada.[1] This was the largest influx of immigrants since the years preceding the First World War. While the majority of immigrants who arrived during the nineteenth and early twentieth centuries were from the United States, Britain and the rest of the United Kingdom, the post-war period witnessed the entry of immigrants from other parts of Europe as well, especially those identified as Displaced Persons (DP's). During this time, women were admitted mainly as labourers or dependents. Unlike their male counterparts, women were generally recruited for a small number of occupations, particularly for domestic service. Those women who were accepted in that capacity had to be single. The vast majority of married female immigrants were admitted as dependents, either of husbands who were part of the Bulk Labour Scheme after the war, of Canadian servicemen who fought oversees during the Second World War, or of immigrants who had resided in Canada for some time and were finally able or willing to sponsor their families. This chapter will investigate these patterns of post-war immigration to Canada, discussing the types of immigrants that were accepted into the country, their experiences during the war, as well as their impact on immigration policies.

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[1] Valerie Knowles, *Strangers at Our Gates: Canadian Immigration and Immigration Policy, 1540-1990*, (Toronto: Dundurn Press, 1992), 190.

A large segment of the immigrants who entered Canada after the war were DP's. After the conclusion of the war, millions of individuals across Europe became refugees. Gerald Dirks estimates that close to 30 million people fell into this category.[2] They came from many different countries and had experienced different plights during the war. Some were the survivors of concentration camps, others had been interned in slave labour camps during the war, and finally, a large percentage of them were from countries that were handed over to Russia after the Yalta Agreement, and didn't want to face repatriation. They were all stateless. As Mark Wyman argues, they were as individuals "outside the people, territory, state condition that had traditionally been the basis of a nation."[3] They were devoid of a country they could call home and generally had no personal documentation, except for that issued by the International Relief Organization (IRO).[4]

The UNRRA (United Nations Refugee Relief Commission) was charged with the mandate of establishing and administering the displaced persons camps for the refugees. This organization was established in 1943 and included 44 governments who were responsible for coordinating the financial relief and rehabilitation programs in Europe for displaced and stateless people.[5] Eventually, it gave way to the IRO, which was established in July 1947, and took charge of

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[2] Gerald Dirks, *Canada's Refugee Policy: Indifference or Opportunism?* (Montreal: McGill-Queen's University Press, 1977), 100.
[3] Mark Wyman, *DP's: Europe's Displaced Persons, 1945-1951* (Ithaca: Cornell University Press, 1998), 35.
[4] Dirks, *Canada's Refugee Policy*, 120.
[5] Wyman, *DP's*, 42, 46.

placement until 1952. The camps were set up in different countries and divided into the American, British and French Zones. In June 1947, there were 762 camps situated across the continent.[6] They provided the refugees with food, shelter, clothing and medical care. Most of the DP's were in dire need of health care, many suffering from a variety of health problems such as rickets, dysentery, tuberculosis, diptheria, typhus, syphilis and smallpox. The greatest scars that they suffered during the war, however, were within. Many had lost loved ones in battle or in the camps. Some had witnessed atrocities or been the victims of abuse that would scar them for life. During the post war years, many struggled to trace lost family members and friends and to find some meaning in their lives.[7]

The DP camps were initially poorly run and overcrowded, suffering from severe food and housing shortages. As a result, a black market began to flourish in most of the camps. Wyman indicates that "survivors had often learned the value of lying, of cheating, and the penalties for not doing so," and that "was why they survived."[8] Over time, conditions began to improve slightly. Some positive developments were the rise of theatre groups, ethnic newspapers and weddings. Since marriages had been forbidden in the forced labour and concentration camps, many DP's attempted to form new families, ultimately off-setting some of

[6] *Ibid.*, 47.
[7] Danys describes DP's as "people out of their place, out of their time, without futures." Adding that "they had been saved for no purpose, it seemed, except to burden the victors and the vanquished alike. See Mark Wyman, *DP's*, 37 and Milda Danys, *DP: Lithuanian Immigration to Canada After the Second World War* (Toronto: Multicultural Historical Society of Ontario, 1986), 41.
[8] Wyman, *DP's,* 87.

the incredible losses suffered by most of them during the war. However, these marriages, in the context of Holocaust survivors, were sometimes based on practical circumstances rather than on romance, as the participants were eager to move forward, dismissing the educational, social and age differences that may have dissuaded them from marrying their chosen partner before the war. While this attempt was likely a noble means of moving forward these new families "lived with the ghosts of the murdered," as Paula Draper suggests.[9]

One of the truly frustrating aspects associated with life in the camps for the DP's was the struggle to find a country that would accept them. In order to move forward, it was vital for them to find a new home. For the first couple of years after the war, there were very few countries stepping up, willing to admit these refugees into their borders. Canada itself initially appeared unmoved by the plight of the DP's. Like other nations, Canada assumed that most of the DP's would simply return home and repatriation would solve much of the refugee dilemma.[10] Although close to one million refugees refused repatriation, Canada initially felt no moral obligation to offer them refuge.[11]

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[9] See Draper, "Canadian Holocaust Survivors: From Liberation to Rebirth," *Canadian Jewish Studies* Vols. IV-V (1996-1997), 44.

[10] In terms of repatriation, Harold Troper refers to the fact that most of the world felt that many of the DP's would simply return home after things settled down. Although a small number of DP's were eager to return to their homelands, the Jewish survivors had lost everything and the DP's from nations that were once independent and then given to Russia in the Yalta Agreement, such as Lithuania, Estonia and Latvia, were fearful of returning, since many of their countrymen were the victims of assault, and in some cases death, when they tried to go home. As a result, most of the DP's from these groups refused to return, even resorting to hunger strikes or suicide in order to avoid being repatriated. See Harold Troper, "Canada and the Survivors of the Holocaust: The Crisis of the Displaced Persons,"in She'erit Hapletah, 1944-1948 in *Rehabilitation and Political Struggle* (Jerusalem, 1990), 272.

[11] *Ibid.*, 272.

After the war, the main priority for the Canadian government was to bring home the servicemen – as well as their dependents – who had risked their lives defending democracy. While many of them started their military service as boys, some enlisting as young as 16 to 18 years of age, a large number ended up, either due to loneliness or love, marrying European women overseas during the time that they served. These marriages were discouraged by the military, which feared that the women might be marrying the men for their dependent's allowance.[12] In addition to providing a certificate attesting to the prospective bride's good character, the couple had to abide by a two-month waiting period. Many of the men persisted and brought home their war brides.[13] Between 1944 and 1947, 43,454 war brides and 20,997 children were brought to Canada. This was a collaborative initiative undertaken by the Immigration Branch, the Department of National Defense, and the Canadian Red Cross.[14] Over 40,000 of these women were from Britain and the U.K., with smaller numbers from Holland (1,886), Belgium (649), France (100), Italy (26), Germany (6), and Denmark (7).[15]

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[12] C.P. Stacey and Barbara Wilson, *The Half Million: The Canadians in Britain, 1939-1946* (Toronto: University of Toronto Press, 1987), 136.
[13] *Ibid.*
[14] Melynda Jarrett provides this figure and illustrates that the number of war brides who entered Canada differs from work to work, ranging from 44,886 to 50,000. See Jarrett, "The War Brides of New Brunswick" (University of New Brunswick, M.A. Thesis, 1995), 5, 8.
[15] C.P. Stacey and Barbara Wilson, *The Half Million*, 140.

Once the Canadian servicemen and their dependents were brought to Canada, the state began to address the issue of Europe's refugees in 1947. Although there were some initial doubts about whether Canada would be in a position to accept the refugees, the economy grew rapidly and the country began to suffer from severe labour shortages in certain industries. In response to the stories documenting the conditions of the DP camps as well as the growing labour shortages, religious organizations and business interests pressed hard for the government to expand the number of immigrants it was admitting. These efforts, based on both humanitarian and economic motives, were successful in convincing the government to alter its policy and bring in large numbers of DP's and some survivors.[16] Although the first group of refugees to enter the country were family members of Canadians brought in through the family sponsorship scheme, the subsequent groups were DP's and immigrants who were chosen based on their skills and ability to satisfy Canada's labour needs.[17] The Canadian government viewed the DP camps as holding great promise in regards to meeting its labour needs. Ultimately, the Bulk Labour Scheme that ensued served the interests of the state, corporations, as well as the selected residents of DP camps, who were eager to find a home.[18]

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[16] Kelley and Trebilcock, *The Making of the Mosaic*, 319.
[17] In May 1946, PC 2071 was established, which enabled Canadian residents to sponsor first-degree relatives living overseas. See Valerie Knowles, *Strangers at Our Gates*, 122-23.
[18] Harold Troper contends "The DP camps of Europe promised labor in abundance." Further stating that "the corporate need for labor and the desire of the DP's to find new homes seemed like a marriage made in the corporate boardrooms and heaven. See Troper, "Canada and the Survivors of the Holocaust," 274.

In May of 1947, Prime Minister Mackenzie King announced his new policy to encourage immigration based on the "absorption capacity" of the country. Entry into the country was viewed as a privilege and not a right; the main goal of the policy was to accept immigrants on a selective basis, in order to avoid changing the fundamental character of the population, which could occur through mass immigration.[19] The government's priority at the time was to find the right type of immigrants that were likely to make good citizens.[20] In order to fulfill this policy, the government set up the Interdepartmental Immigration Labour Committee in March of 1947. The Committee established the Bulk Labour Scheme for immigrants, which initially targeted certain groups of male skilled workers who were asked to make a two-year commitment to an employer in exchange for free transportation, employment, and the possibility of permanent residence. These contracts were intended for single men in industries such as mining, lumbering, railroad work and construction. The government later added areas such as nursing and domestic service to their list, primarily targeting women for these jobs. Once the contract expired, the immigrants were allowed to sponsor their immediate family members in Europe.[21] Although single men were given priority, they did accept married men who were strong and had the required skills.

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[19] See Freda Hawkins, *Canada and Immigration* (1972), 91. Also see Valerie Knowles, *Strangers at Our Gates*, 124.
[20] See Dirks, *Canada's Refugee Policy*, 148.
[21] See Dirks, *Ibid.*, 146 and Donald Avery, *Reluctant H*ost, 153.

The department began its search in June 1947, sending several teams of officers to the DP camps to undertake this selection process. The teams faced criticism by the press during that time; they were accused of treating the refugees like commodities, attempting to skim the cream of the DP's and leaving families broken apart after the process was completed. During these selection jaunts, as Christine Harzig expresses, they acted like "a group of dealers circling around and looking at a huge herd of cattle at their disposal while debating what selection criteria to use to determine the best."[22] They tried to locate the strongest and fittest men and women and several male DP's reported that they were forced to show Canadian authorities the callouses on their hands as well as their shoulders and arms to see if they were fit for hard labour.[23]

In addition to the physical assessments that were undertaken by Canadian immigration officials, the female refugees were given a Wasserman test for VD as well as a pregnancy test. An effort was made to avoid selecting women who might have become pregnant in the camps, as they were viewed as immoral and ran the risk of becoming public charges if admitted to Canada.[24] In turn, unlike the men, the women who were assessed for the domestic program were interrogated about their previous sexual experiences, their boyfriends, former husbands, and lovers. Not only did they face the degrading physical

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[22] Christine Harzig, "MacNamara's DP Domestics: Immigration Policy Makers Negotiate Class, Race, and Gender in the Aftermath of World War II," *Social Politics* (Spring 2003), 33.
[23] Mark Wyman, *DP's*, 193.
[24] Christine Harzig, "*MacNamara's DP's*," 33.

examinations designed to assess their strength and health, but they also had to deal with the added stress of being tested, scrutinized and questioned about their sexual past and moral suitability. Franca Iacovetta links this process to Canada's nation-building and moral campaigns, which attempted to keep out female immigrants that were viewed as morally unsuitable, and who ultimately could serve as "a source of contamination" if they were admitted into Canada.[25]

At the same time, the government attempted to locate women who were not overly educated, since they felt that these women were more likely to grow dissatisfied with domestic work and leave their jobs before the contract ended. In 1948, the Saint John Telegraph Journal published an article entitled "Intelligence not Wanted," which indicated that many women in the camps had to hide their intelligence to gain admittance to Canada as domestics. The reporter explained that "those who are doing the selecting in Europe have been trying to pick out girls who will not use maid's work as merely a subterfuge to get into Canada and then try immediately to quit their jobs and seek "white collar" work."[26] Some female DP's therefore lied to the officials about their education, in order to enhance their chances of being selected.[27]

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[25] See Franca Iacovetta, "The Sexual Politics of Moral Citizenship and Containing "Dangerous" Foreign Men in Cold War Canada, 1950s-60s" *Social History* No. 66 (November 2000), 363, 366.
[26] This newspaper article was brought up in the House of Commons. See *Debates*, 1948, 5812.
[27] Mark Wyman, *DP's*, 193.

Officials also had definite preferences for selected racial and ethnic groups of female refugees. The preferred groups, particularly for domestic jobs, included the Lithuanians, Latvians and Estonians. Jewish women were viewed as less suitable for this type of occupation, since they were perceived as too urban, too educated and as lacking training in domestic work.[28] Although the Jewish refugees had paid a higher price during the war than the others and were extremely eager to leave the camps and find sanctuary in Canada, officials often passed them over, because they were less healthy than the DP's from other ethnic groups. The government feared that if it took too many survivors, the latter might not fit into Canadian society.[29] Indeed, a 1945 Gallop Poll described Jews as the second to last least desirable immigrant group to Canadians, after the Japanese.[30] For the public and the government, some ethnic groups were viewed as more desirable than others. The Balts fared best in the "ethnic sweepstakes"; they were viewed by government officials as the most desirable group due to their supposedly clean, hardworking, conscientious and resourceful nature. In contrast, the Jews were at the bottom of the hierarchy, in terms of desirable future Canadian citizens.[31]

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[28] Milda Danys, *DP: Lithuanian Immigration to Canada After the Second World War* (Toronto: Multicultural Society of Ontario, 1986), p 130.
[29] Harold Troper, "Canada and the Survivors of the Holocaust," 266.
[30] Gerry Tulchinsky, *Branching Out: The Transformation of the Canadian Jewish Community* (Toronto: Stoddart, 1998), 264.
[31] See Irving Abella and Harold Troper, *None is too Many: Canada and the Jews of Europe, 1933-1948* (Toronto: Lester & Orpen Dennys Ltd., 1983), 225.

Canadian employers preferred domestics who were attractive, moral, healthy, and had the proper skills. Christine Harzig notes the importance of these traits, stating that "domestics had to be young, healthy and without any previous damaging experience, and their religious and ethnic backgrounds were to match that of their employers."[32] As mentioned, Jewish women were viewed as unsuited to domestic service and were routinely rejected for these jobs during the selection process in the DP camps. The Canadian Jewish Congress was outraged and complained about this treatment. Surprisingly, however, Jewish housewives also rejected the idea of hiring Jewish domestics in their own homes.[33] There was therefore no real consensus on this issue within the Jewish community.

From 1947 to 1953, the government passed several orders-in-councils to bring in these single, skilled and unskilled workers through the various labour schemes.[34] The department ultimately admitted over 300,000 refugees during the post-war years.[35] The women primarily entered as domestics, nurses and dependents. Canada brought in 10,499 domestics through this scheme.[36] Those domestics who were selected had to sign a one year contract with an employer chosen by the Department of Labour's National Employment Service (NES). In exchange, they were provided with free transportation, employment and the possibility of

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[32] Christine Harzig, "MacNamara's DP's," 42.
[33] Gerald Tulchinsky, *Branching Out*, 264.
[34] Donald Avery, *Reluctant Host*, 153.
[35] Freda Hawkins, *Canada and Immigration*, 17.
[36] Marilyn Barber, *Immigrant Domestic Servants in Canada* (Ottawa: Canadian Historical Association, 1991), 20.

permanent residence. After their contract expired, they would be free to sponsor their dependents.[37]

After completing their two-year contract, the men had to accumulate a certain amount of capital before bringing over their families and satisfy the investigating officials. The government heartily encouraged male DP's to send for their families, believing that they were more likely to become good citizens if they had their families intact within Canada.[38] The majority of the post-war immigrants who arrived the first decade after the war settled in Ontario. The second favourite destination was Quebec, followed by British Columbia and Alberta.[39]

In February 1951, the government passed the Assisted Passage Loan Scheme, to entice the European DP's into emigrating to Canada, at a time when the supply of DP's from the camps was diminishing. A fund of $9 million was established and transportation loans were offered to single immigrants and heads of families, which had to be repaid within twenty-four months, by pay deductions through their employer.[40] The scheme brought in 85,356 immigrants, but began to lose

[37] *Ibid.*, 153.
[38] Gerald Dirks, *Canada's Refugee Policy*, 153.
[39] Freda Hawkins provides a chart that reveals that 52 percent of immigrants between 1946-1955 settled in Ontario, 20 percent in Quebec, 9 percent in British Columbia, 8 percent in Alberta followed by a far smaller number in the remaining provinces. See Hawkins, *Canada and Immigration*, 66.
[40] Kelley and Trebilcock, *The Making of the Mosaic*, 323.

steam around 1954-55.[41] There was an extremely high repayment record, and the program was viewed as a success.[42]

Although the public believed that the vast majority of DP's were Jews, they only represented about 25 percent of the DP population.[43] In the end, Canada took in approximately 35,000 Jewish survivors and their dependents, a small number of whom entered through the tailor scheme.[44] Unlike most other groups, these survivors initially had a great deal of support from their community. In addition to vigorously lobbying the government to let them in, the Jewish community raised millions of dollars to support their needs after their arrival. They set up reception centers, secured housing for most of them, provided them with household essentials, offered training in Canadian housekeeping, and placed their children in schools.[45] While most of the survivors suffered tremendously from their treatment and losses during the war, this type of support went a long way in facilitating their adaptation to Canadian life.

Others had a much harder time gaining access to Canada. On June 9, 1950, the establishment of PC 2856 expanded the classes of European immigrants eligible for admission, yet hampered the entry of those who could not fulfill the climatic,

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[41] *Annual Report*, Department of Immigration and Citizenship, 1951, 20-21 and Christiane Harzig, "MacNamara's DP Domestics," 37.
[42] Kelley and Trebilcock, *The Making of the Mosaic*, 323.
[43] Harold Troper, "Canada and the Survivors," 280.
[44] Frank Bialystok, *Delayed Impact*, 73.
[45] See Gerald Tulchinsky, *Branching Out*, 265 and Frank Bialystok, *Delayed Impact*, 55.

social, educational and occupational criteria set forth by this policy. It essentially limited entry to those who:

> satisfied the Minister that he is a suitable immigrant having regard to the climate, the social, educational, industrial, labour or other conditions or requirements of Canada; and that he is not undesirable owing to his probable inability to become readily adapted and integrated into the life of the Canadian community and to assume the duties of Canadian citizenship within a reasonable time after his entry."[46]

While this clause led to an increase of Italian immigrants,[47] it, along with the climatic section of the 1952 *Immigration Act*, included quotas for visible groups such as Black residents from the United States and Caribbean countries, who were prevented from entering or remaining in Canada as citizens.[48] Black immigrants were therefore considered inadmissible, unless they entered as non-immigrants, or as the dependents of Canadian residents. Consequently, Canada only admitted them as visitors, students and/or dependents.

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[46] Donald Avery, *Reluctant Host*, 172.
[47] See Kelley and Trebilcock, *The Making of the Mosaic*, 323.
[48] The climatic policy was based on the notion that individuals from warmer countries would find it difficult to adapt to Canada's cold climate. In 1953, Minister Walter Harris argued in the House of Commons that "natives of such countries are more apt to break down in health than immigrants from countries where the climate is more akin to that of Canada." He added that "it is equally true that, generally speaking, persons from tropical or sub-tropical countries find it more difficult to succeed in the highly competitive Canadian economy," See House of Commons *Debates*, 1953-54, 4352. Also see Freda Hawkins, *Canada and Immigration*, 99.

This legislation generated considerable debate and criticism in the House of Commons during the early 1950s,[49] which ultimately prompted the government to bring in small numbers of Black women from the Caribbean as domestics and nurses starting in the mid-1950s. Under this scheme, only single women or widows between the ages of 18 to 40 were eligible. They also had to be free of dependents, have a grade eight education, and promise to work as live-in domestics for at least a year.[50] This program was launched in 1955. That year, the government accepted 30 domestics from Trinidad and the same number from British Guiana, as well as 75 from Jamaica and Barbados, numbering 160 in total. The following years, Canada increased its quota slightly to 235.[51] Although the numbers rose over the years, Canada only allowed a miniscule number of Caribbean immigrants to enter the country, to combat criticism and to help support the insatiable demand for domestics that existed at that time.

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[49] In 1952, MP's like Joe Noseworthy criticized Canada's immigration policy regarding citizens of the West Indies, condemning the Minister's use of the "climatic criteria" as racist. He argued that they were part of the British Empire and he urged the Minister to change his policy. By 1954, a variety of organizations publicly challenged the Immigration Branch's practices when it came to refusing to admit Caribbean immigrants for permanent residence. The groups involved included the Jewish Labour Committee of Canada, the Trades and Labour Council for Human Rights, the Canadian Council of Labour, the United and Anglican churches, the Brotherhood of Sleeping Car Porters, the United Auto Workers, the Universal Negro Improvement Association as well as more than twenty other organizations. On April 27th representatives from these groups delivered a brief to Minister Harris that criticized the existing policy and called for the repeal of PC 2856. Harris' reply was that he wanted to stick to the existing system, which he felt would lead to the gradual admission of more Caribbean immigrants each year. See *House Debates*, 1952-53, 4342. Also see Walker, *"Race, "Rights and the Law*, 279, 281.

[50] Ninette Kelley and Michael Trebilcock, The Making of the Mosaic, 336. On the Caribbean domestic and nursing schemes see Agnes Calliste, "Canada's Immigration Policy and Domestics from the Caribbean: The Second Domestic Scheme," in Wendy Mitchinson et al eds., *Canadian Women: A Reader* (Toronto: Harcourt Brace Canada, 1996) and Calliste, "Women of 'Exceptional Merit': Immigration of Caribbean Nurses to Canada," *Canadian Journal of Women and the Law* 6, no. 1 (1993).

[51] *Annual Report* of the Department of Immigration and Citizenship, (1957), 27.

During this period, Chinese immigrants also faced a great deal of prejudice when it came to the government's immigration policy. Although the Chinese Immigration Act -- often referred to as the Chinese Exclusion Act of 1923 -- was repealed in 1947, Canada only let in a trickle of Chinese immigrants immediately after the war, and they were primarily the dependents of Chinese men who had entered Canada long before the war and had paid the head tax.[52] Despite the repeal of the 1923 Act, Chinese immigrants remained subjected to order-in-councils restricting them from entering Canada.[53] Residents of other Asian countries such as Japan, India, Pakistan and Ceylon also faced barriers in the form of quotas, which limited severely the number of immigrants of colour who could enter the country each year.[54]

Finally, there were several other large groups of immigrants who came after the war such as farmers from Holland and the Netherlands, Polish soldiers and German scientists. The farmers filled a demand that was required for independent farmers, while the Polish soldiers were brought in to replace the German prisoners of war to take on agricultural and logging work. The entry of

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[52] The head tax was introduced in July 1885 through the *Chinese Immigration Act*, which limited the entrance of Chinese immigrants to Canada by charging them with a head tax of fifty dollars. The tax was raised to $100 in 1900 and then to $500 in 1903. The *Act* was repealed by new legislation in 1923, which effectively excluded almost all Chinese immigrants – except for certain specific classes – from entering Canada. See Ellen Scheinberg, "Evidence of "Past Injustices": Records relating to the Chinese head tax," *The Archivist* Vol. 20, #2 (1994), 26. For more information about Canada's treatment of Chinese immigrants, also see Patricia Roy, *A White Man's Province: British Columbia Politicians and Chinese and Japanese Immigration, 1858-1914* (Vancouver: University of British Columbia Press, 1989) and Peter Ward, *White Canada Forever: Popular Attitudes and Public Policy Towards Orientals in British Columbia* (Montreal/Kingston: McGill-Queen's Press, 1978).

[53] Ninette Kelley and Michael Trebilcock, *The Making of the Mosaic*, 314.

[54] *Ibid.*, 328.

the German scientists raised some controversy however. While Canada was turning away suitable Jewish survivors from the camps who desperately needed a home, it readily admitting questionable individuals who may have collaborated with the Nazis during the war.[55]

The female immigrants who came to Canada received varying degrees of support. The Canadian government was anxious to know about female DP's sexual history during the war; if they had been raped, had illegitimate children, or relied on sex to survive against the Germans at that time.[56] Rather than worrying about whether they colluded with the Nazis, their fears were morally based, primarily with respect to the conduct of women. The entry of Cold War spies and Communist sympathizers also generated increasing concern. The post-war immigrants were closely investigated on this issue before and after their arrival.[57]

Not surprisingly then, the department offered various services and worked with different groups to protect and assist the female DP's who came in as domestics. The first line of protection set up for these women after they disembarked at Pier 21 in Halifax was to have the RCMP meet them at the ship in order to and keep men away from them as they were escorted to the train. In turn, the YWCA, the

[55] Donald Avery, *Reluctant Host*, 148-49.
[56] Franca Iacovetta, "Making Model Citizens: Gender, Corrupted Democracy, and Immigration and Refugee Reception Work in Cold War Canada," 155.
[57] Ninette Kelley and Michael Trebilcock, *The Making of the Mosaic*, 314.

Catholic Women's League and the IODE (International Order of the Daughters of the Empire), opened up reception centres and hostels to shelter these women. Finally, the National Employment Services (NES) Division provided them with training in citizenship, hygiene, language and household operations.[58]

The war brides also received support from the government and women's organizations after their arrival. The Canadian Wives Bureau and the Salvation Army were the main organizations involved in assisting them.[59] After arriving in Canada, many of the women began to suffer from homesickness and found it hard to adjust to the new culture and to the climate. The Canadian Wives Bureau initially worked at acquainting British war brides with Canadian customs and lifestyles prior to their departure from Europe. In turn, they set up clubs across Canada that provided the war brides with a variety of social activities and levels of support.[60] As a result, despite the difficulties that some of them experienced adapting, the vast majority settled into life in Canada and became Canadian citizens. In the end, only 50 war brides ended up leaving for home.[61]

Those women who entered as dependents also faced considerable scrutiny by Canadian authorities. While they were classified as dependents, many of them had to find jobs in order to help support their families. The main concern of the

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[58] Christine Harzig, "MacNamara's DP Domestics," 33-34, 40.
[59] C.P. Stacey and Barbara Wilson, *The Half Million: The Canadians in Britain*, 140.
[60] Melynda Jarratt, *The War Brides of New Brunswick* (University of New Brunswick, M.A. Thesis, 1995), 13.
[61] Franca Iacovetta, "Remaking their Lives: Women Immigrants, Survivors, and Refugees," in *A Diversity of Women, Ontario, 1945-1980* ed. Joy Parr (Toronto: University of Toronto Press, 1995), 147.

government was to "Canadianize" the newcomers.[62] In order to accomplish this goal, the women were discouraged from speaking their native language and encouraged to learn about Canadian customs and standards. As Franca Iacovetta explains: "the postwar discourse among middle-class observers and experts regarding family life was predicated on a model of the family that posited a strict gender-based division of tasks."[63] Most European immigrant families, she contends, were viewed as "deviant" and expected to subscribe to the Canadian ideal of domestic life. Women were therefore expected to fulfill the role and duties of the typical Canadian middle-class mother at the time, which involved staying at home, cooking, shopping and parenting.[64] The other expectation that was held was that of the "companionate" marriage. As Iacovetta explains, the experts attempted to "alter the patriarchal character of the European family into North American standards".[65]

The women who came to Canada after the war were far more diverse than those who entered the country during earlier waves of immigration. They were carefully selected based on their race, religion, nationality and skills and came in as labourers or wives. Unlike their predecessors, for the most part, they did not have one of Canada's two languages, and in many cases, lacked family or immigrant network connections. The DP's and survivors had also suffered a great

[62] Dr. Iacovetta uses this term in her article "Remaking their Lives," 137.
[63] Franca Iacovetta, "Making 'New Canadians': Social Workers, Women and the Reshaping of Immigrant Families," in *Gender Conflicts: New Essays in Women's History* ed. Franca Iacovetta and Mariana Valverde (Toronto: University of Toronto Press, 1992), 274.
[64] Franca Iacovetta, "Remaking their Lives," 146.
[65] Franca Iacovetta, "Making 'New Canadians'," 276.

deal during the war, and arrived with significant emotional baggage. Once here, tremendous social pressure was placed on female immigrants to conform to the prevailing Canadian standards. Those who failed to adjust and adopt these norms, faced the risk of raising the ire of the government, and ultimately the possibility of being targeted for deportation. The next chapter explores the Canadian deportation regulations and procedures, revealing the process that was followed by the immigration officers to deport "undesirable" immigrants from Canada.

Chapter #4

The Deportation Legislation and Process

This chapter will describe the deportation process as outlined in the pertinent immigration acts introduced in 1927 and 1952, elucidating how the department defined unsuitable immigrants and then discuss the process involved in expelling them from Canada. Finally, it will show that this legislation was not gender-neutral; indeed women were charged with specific offences, and were also treated differently than men with respect to the deportation process.

The primary goal of immigration legislation is to regulate the movement and entry of immigrants and non-immigrants. Those who fit into the first category are individuals who are eligible to enter the country and have been admitted as landed immigrants. The latter include those entering on a temporary basis, such as students, transitory workers and tourists. One of the very basic tenets embraced by the state is its right to control access to its borders and dictate who is worthy of entering and staying and who is not. Hence, immigration has always been viewed by the state as a privilege rather than a right.

The rules and regulations involved in defining potential citizens, those who were fit and those who were deemed "undesirable", were articulated in the Canadian immigration legislation. As legal scholar, Donald Galloway explains: "the identification of prohibited classes – frequently defined in vague, value-laden and vituperative terms – became a central element and defining characteristic of Canadian immigration law."[1] The eviction or deportation of immigrants in Canada was first incorporated into the 1872 *Immigration Act*, which identified only two types of prohibited immigrants – criminal and vicious classes.[2] Although the formal deportation categories and processes were not fully articulated in the early immigration legislation, the Canadian government embraced the right to evict immigrants who were criminals or those it viewed as a threat to the public and to the state.

By the turn of the twentieth century, the Canadian state had established a well-defined deportation system that was used to expel hundreds, and at times, thousands of immigrants a year. In the 1910 *Immigration Act*, deportation was defined as follows:

> The removal under authority of this Act of any rejected immigrant or other person, or of any immigrant or other person who has already been landed in Canada, or who has entered or who remains in Canada contrary to any provision of this Act, from any place in Canada at which such immigrant or other person is rejected or detained to the place whence he came to Canada, or to the country of his birth or citizenship.[3]

Deportations therefore included exclusions and rejections from the borders and ports, as well as the deportation of non-citizens who were residing in Canada to

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[1] Donald Galloway, *Essentials of Canadian Immigration Law* (Concord, Ont.: Irwin law, 1997), 10.
[2] *Ibid.*
[3] From the 1910 *Immigration Act* (9-10 Edward VII) ch. 27, ss. 2 (r). This definition for deportation was retained and used within the later acts, including the 1952 *Immigration Act*.

their homelands. The Immigration Branch was responsible for this function. It was overseen by the Department of Mines and Resources between 1936 and 1950, when the Department of Citizenship and Immigration took over the immigration function until 1966.[4]

Those immigrants deemed ineligible or prohibited immigrants under the *Act,* were targeted by the immigration officers at the port of entry, airport, or border and held for questioning.[5] Others were reported to the Immigration Branch by municipalities, hospitals or charitable institutions that had provided assistance to the immigrant and were forced to report their status under the Act.[6] While the 1872 legislation only included the two deportable offences cited by Galloway, by the time the 1952 Act was promulgated, there were over twenty-one categories of prohibited immigrants in Section 4 of the Act. Some of these included:

> "idiots", "imbeciles", "feeble-minded persons", epileptics and "insane" persons; those affected by tuberculosis or other loathsome diseases; those who were "dumb", blind or otherwise physically defective; those who were convicted of crimes involving moral turpitude; prostitutes and those living off of the avails of prostitution; professional beggars and vagrants; immigrants who received loans for passage or by a Canadian charitable institution and were unable to pay them back; immigrants that had become public charges or

[4] The immigration function has always been overseen by a program area or branch within a federal department. In 1906, the Immigration Branch was part of the Department of the Interior (1892-1917) and then the following departments: the Department of Immigration and Colonization (1917-1936), the Department of Mines and Resources (1936-1950) and the Department of Citizenship and Immigration (1950 to 1966).

[5] This is included under section 20 of the 1952 *Immigration Act,* Ch. 145.

[6] Under Section 19 of the Act, they had to report offences committed by immigrants – from subversive activities to indebtedness – to the Immigration Branch. *Ibid.*

> were judged likely to become a public charge; individuals who violated the Act; alcoholics; persons of "constitutional psychopathic inferiority"; subversives; enemy aliens; persons guilty of espionage or high treason; individuals who had been deported in the past; illiterates; drug abusers; those guilty or immoral acts; and deserters.[7]

The categories increased slightly following the release of the revised statute issued that same year, in 1952, with homosexuals, drug addicts and traffickers added to the list.[8]

From 1946 to 1956, the deportation rates ranged from a low of 334 in 1946 to a high of 862 in 1955. After that time, the number of deportations declined significantly, likely the result of several court cases that challenged the deportation process.[9] The ratio of female cases compared to those of men was extremely low, ranging from three to twelve percent of the total number of deportations from 1946 until 1949.[10] Female deportees were generally charged with different offences than men. Male deportees were primarily deported for misrepresentation (53%) and criminality (26%), followed by insanity (9%), likely public charge (4%) or other offences (8%).[11] Women, in contrast, were mostly deported for insanity (41%), and to a far lesser extent, as likely public charges

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[7] *Immigration Act* (1952), Ch. 145, ss. a to u, pp. 5-8.
[8] Ninette Kelley and Michael Trebilcock, *The Making of the Mosaic*, 324.
[9] The details of these cases are highlighted in chapter 11 of this study. See appendix #1 for the related chart.
[10] Very few available statistics break down deportation data by gender. These figures for the period 1946 to 1949 show a growing number of women who were issued deportation notices as time went on. Unfortunately, no statistics in this area are available after 1949. See RG 26, Vol. 23, "Statement of Deportations." Also see Appendix #2 for the corresponding chart.
[11] See Appendix #3 for the corresponding chart.

(18%), for misrepresentation (15%) and "other" offences such as being a "dependent" under the *Act* (13%). Very few were deported for criminal charges (8%) or for previous deportations (5%).[12] Thus, women were far less likely to be deported than men, and those that were, were accused of different offences.

The cases of non-citizens targeted for any of these offences were passed along to the Special Inquiry Officer (SIO). The SIO was a professional civil servant charged with the duty of setting up an inquiry to hear the case of these immigrants. He was nominated by the Minister and had the authority to issue summons to appear at an inquiry, administer oaths, and examine people under oath. He also had the power to arrest, detain or ultimately deport an immigrant.[13] The inquiry was essentially a formal administrative hearing intended to question the immigrant and discern whether he or she was permitted to enter or remain in Canada. The immigrant was entitled to a translator, if required, as well as to counsel. However, most waived their right to representation, likely due to their unfamiliarity with the system and their inability to pay for this service.[14] The inquiry was conducted by the SIO and was held "apart from the public but in the presence of the person concerned wherever practicable."[15] The SIO determined which evidence was to be considered credible or trustworthy in regards to the case and was then responsible for rendering a decision as to

[12] *Ibid.* Also see Appendix #4.
[13] This is part of Section 11 and 13 of the 1952 *Act*, Ch. 325 which was repealed chapter 145.
[14] Although no official figures are available, the vast majority of the women in my database did not ask for counsel. I would estimate that only 11% requested a lawyer. See Case File Database.
[15] See Section 27.1 of the 1952 *Immigration Act*, Ch. 325.

whether the immigrant fell within one of the prohibited classes in the *Act*. Unlike a court of law, the hearing was private or in camera, the individual targeted for deportation was not always included in the hearing, and the burden of proof rested on the immigrant to show that she was not from one of the proscribed categories.[16] Once the hearing was over, the SIO verbally informed the immigrant of his decision and asked whether she or he wanted to appeal if deportation was recommended. If the individual decided to do so, a special form "D" called "The Notice of Appeal" was completed in his or her name.

Certain categories of immigrants were not entitled to appeal the verdict, including individuals who were certified by a physician as being "mentally defective" or having an infectious disease before their arrival, as well as those convicted under the Opium and Narcotic Drug Act.[17] Under the old system, all appeals were directed to the Minister. Under the 1952 Act, appeals were now directed to the Immigration Appeal Board (IAB). The IAB replaced the General Board of Immigration Appeals. Under the former *Act*, the board only heard certain categories of appeals, with the rest being dealt with by the Minister, or by the local, regional or headquarters' appeal boards consisting of immigration officers. The IAB now heard all of the appeals and was somewhat independent from the Immigration Branch.[18] It was composed of at least three people

[16] See Section 27.4 of the 1952 *Act*. *Ibid.*
[17] These classes are from Section 5(a), (b), and (s) as well as Section 19, subsection 1(d) of the 1952 *Act*.
[18] Freda Hawkins, *Canada and Immigration*, 104.

nominated by the Minister, excluding the SIO, who was not allowed to take part in this process, due to his connection to the case.[19]

Most immigrants confronted with a negative verdict chose to appeal. Among the group of women analyzed within this study, 288, or 77 percent, appealed the decisions.[20] During this period, the appeal acted as a stay of deportation. Hence, those immigrants who appealed the SIO's decision could not be deported before the case was heard by the IAB or the Minister. Those immigrants who were in prison or a hospital, had their hearings within those institutions. Regular hearings took place at the port, border crossing, or city in which the immigrants lived, depending on the individual's location and status. In cases involving mentally ill immigrants, the SIO was supposed to assume that the case would be appealed if these individuals were unable to express themselves.[21]

At the end of the hearing, the IAB rendered a final decision that could either support the deportation decision rendered by the SIO, stay the order in order to see if the immigrant was able to alter his or her behaviour or status, and in rare circumstances, quash the order and allow the individual to remain in Canada.[22] The Minister could intervene to confirm, quash or substitute his own decision

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[19] See Section 31.3 of the 1952 *Act*.
[20] Case File Database.
[21] This was part of the procedures outlined in Section 11.41 of the Procedure Manual. RG 76, Vol. 396, Binder 13.
[22] *Immigration Act*, 1952, ch. 325, ss. 34.1.

with that of the SIO, if he deemed it proper.[23] Indeed, the Minister had a great deal of power and had the last word on every case.[24] The future of these non-citizens therefore rested in his hands.

Unlike the United States, where deportation cases could be heard by a court of law, Canadian immigrants were not entitled to challenge the decisions rendered by the IAB or the Minister.[25] Section 39 of the Act, stipulated that:

> No court, judge or officer shall have jurisdiction to review, quash, reverse, restrain or otherwise interfere with any proceeding, decision or order of the Minister or the Board of Inquiry or officer in charge has made relating to detention or deportation or any rejection of any immigrant passenger or other person upon any ground whatsoever unless the person is a Canadian citizen or has Canadian domicile.[26]

This section of the Act, therefore, protected the department from any interference from the courts, providing it with complete freedom to handle cases as it saw fit. The Minister was the immigrant's last line of defence if he or she decided to contest their deportation order. As Valerie Knowles contends, the legislation vested a large degree of "uncontrolled discretionary power" in the

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[23] See Section 31 for the appeal process. 1952 *Immigration Act.*

[24] Freda Hawkins asserts that the Minister had "total authority over admissions, and total authority in relation to deportations over those immigrants who were not yet Canadian citizens and did not yet have Canadian domicile." See Hawkins, *Canada and Immigration*, 2nd Edition, 102.

[25] In her study on the 1924 *Immigration Act*, Mae Ngai explains that American immigrants facing deportation were confronted with an administrative hearing like their Canadian counterparts and were also offered representation by counsel. Unlike Canadian immigrants, however, many of these cases were heard by the courts, as "immigrants could petition the federal courts for relief and seek appeal through the judicial process." See "The Strange Career of the Illegal Alien," 6.

[26] This clause was first introduced in the 1910 *Immigration Act* and incorporated into every act thereafter. See the 1952 *Immigration Act*, ch. 325, s. 24.

Minister and his subordinates.[27] Knowles notes that, from time-to-time, this power was used in a positive way to provide sick immigrants with a Minister's Permit to remain in the country for a year. However, most Canadian scholars argue that the Minister took advantage of his powers; he thus relied on in camera hearings and this section of the Act to retain power over the deportation process, obfuscating the proceedings from Parliament and the Canadian public.[28] According to Ninette Kelley and Michael Trebilcock the Minister knowingly hid the deportation figures from MP's, referring to his habit of producing the annual immigration figures and estimates on the last day of the Parliamentary session, in order to avoid debate.[29]

Between 1946 and 1956, most of the immigrants whose cases were reviewed by the department were not expelled from the country. Of the 681 deportation notices which were issued, 69 percent were not executed. Of those cases that were not effected, only 9 percent were allowed, 15.6 percent were deemed "not practicable", 4 cases involved individuals who disappeared, 1 died, 17 left voluntarily, and 71 percent were deferred for further review.[30] Those in this last category of non-citizens were investigated on a regular basis by the officer-in-charge for months or years after the hearing, until he could determine if they

[27] Valerie Knowles, *Strangers at Our Gates*, 130.
[28] Barbara Roberts, Donald Avery, Freda Hawkins and Ninette Kelley and Michael Trebilcock also draw this conclusion.
[29] Ninette Kelley and Michael Trebilcock, *The Making of the Mosaic*, 319.
[30] LAC, RG 26, Vol. 23, "Statement of Deportations." See Appendix #5 for the corresponding chart.

were likely to become good citizens.[31] In the end, during the mid-1950s, only 34 percent of the deportations were affected.[32] This high level of reprieves, however, cannot be attributed to the altruistic nature of the department. Rather, as we shall see, these pardons reveal the logistical and diplomatic obstacles which immigration officials encountered at the time.

Those immigrants who were designated for deportation were notified of the decision in advance and their deportation proceedings ensued. Under the *Act*, if the head of a family was deported, all members of the family, including children over 18 years of age, had to accompany him, unless the Board of Inquiry and later the SIO decided that there would be no hardship from separating them.[33] Those who were in prison were expected to serve their sentences and then face deportation afterwards.[34] Severely ill patients receiving care in asylums or hospitals were typically given the opportunity to regain their strength until they were fit to travel.[35] Individuals slated for deportation were often put in detention by the department until travel arrangements could be made. Those who could afford it and were not viewed as escape risks, were allowed to pay a deposit or bond – typically in the range of $100 -- in order to secure their freedom during

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[31] They typically would look into the financial status of the individual or family, the relationship of a couple if that was in question, the health of an immigrant that had been ill, and in some cases, the moral behaviour if she was single.

[32] See Appendix #6.

[33] This section of the Act is discussed in great depth in chapter eight.

[34] See Section 15 of the 1952 *Act* for details regarding the treatment of prisoners.

[35] It is important to note, however, that the department was known to expedite deportation when the prognosis was grim. This is discussed further in chapters nine and ten.

that time.[36] Those who disappeared or failed to comply with the rules were forced to forfeit that money.

When deporting immigrants, the department tried to send the deportees to their country of origin or to the nation in which they possessed citizenship. Under the *Act*, officials were required to deport the immigrant to a place "whence he came to Canada or to the country of which he is a national or citizen or to the country of his birth or to such country as may be approved by the Minister."[37] This clause thus provided the Minister with some flexibility when disposing of immigrants slated for deportation. The department would establish contact with the designated country and make arrangements to send the immigrants back. There was therefore some diplomacy involved in this process.

After the war, Canada entertained reciprocal agreements with several countries including the United States, the U.K., and Germany. Each agreement stipulated the terms involved in accepting deportees. They usually included proof of citizenship or birth, an agreeable term of absence from their homeland, and finally, an established procedure involved in returning the individual.[38] If the individual was ineligible and the country refused his or her repatriation, Canadian immigration officials would often attempt to locate another suitable place. In the

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[36] Section 67 of the 1952 Act stipulated that an immigration officer could ask an immigrant for a deposit as he deemed necessary as a guarantee that he would not leave the country within the prescribed period of time, or he would forfeit his money.
[37] See Section 36.1 of the 1952 *Immigration Act*.
[38] *Ibid*, Section 12.

case of stateless immigrants, who represented a sizeable portion of the immigration population following the war, officials had no recourse but to hold off on deporting the immigrant, or to issue a long-term stay during the deportation proceedings.[39] Typically, these individuals could remain in Canada if they fulfilled all of the requirements stipulated by the board.

An immigrant who had not committed a dangerous offence and did not appear to be a flight risk would occasionally be given the option of a voluntary departure. The cost, in these cases, would have been borne by the immigrant.[40] In 1953,[41] only four percent of deportees were given this option.[42] Although these immigrants were still forced to leave the country, they were able to do so in their own time, before the deadline, and given the opportunity to make all of the necessary arrangements required to leave the country, such as selling off her assets, notifying her landlord and bosses, and making the necessary travel plans. Furthermore, these voluntary departures had less of a stigma associated with them than forced deportations, since it enabled immigrants to leave on their own

[39] A stay was in essence a deferral from the deportation proceedings. On occasion, stays were issued for a few weeks or months to allow the immigrant to make arrangements to voluntarily leave Canada on their own. They were also issued in cases where the department felt the immigrant was adapting well to Canada and they wanted some additional time to monitor the case before the deportation was effected. The stay could therefore last for as short a period of time as a week or two to as long as a year or more, depending on the circumstances. In the end, the department, of course, had the discretionary power to handle the case any way it saw fit.
[40] See Section 36.2 of the 1952 *Act*.
[41] This date was selected because the statistics that document this function run from 1953 to 1959. Hence, 1953 was viewed by the author as the best year to capture this trend for the period under analysis. Not only is it closest to the middle of the decade examined, but the later years witnessed a huge increase and decline in deportation rates, which would be less representative if selected.
[42] RG 26, Vol. 23, "Deportation Statistics, 1953-59".

and avoid the indignity of being treated like prisoners, escorted to the border, the port, or to his or her homeland by an immigration agent.

The fact remains that most cases involved forced deportations, where the department had to make arrangements with the transportation companies to return the deportees to their homeland. Section 40 of the *Act* stipulated that the transportation company that brought the immigrant to Canada would be held responsible for transporting them back to their home, free of charge, if the immigrant had not yet achieved residence and had been afflicted by health problems or committed other offences under the Act before embarkation to Canada.[43] The costs were borne by the department in cases where the individual had lived in Canada for more than five years or when the deportation order was issued because of reasons arising after admission.[44] Typically, senior officials invested a great deal of their energy putting together a case that justified transferring the costs of deportation to the transportation companies, due to the parsimonious nature of the department.

During transit, the deportees were often assigned escorts to ensure their safety on the train or ship, and in particular, to make sure they reached their intended destination. The SIO determined how many escorts would be required for each immigrant, and he provided them with written instructions pertaining to each

[43] See Section 40 of the 1952 Act.
[44] See Section 40.4 regarding this stipulation. *Ibid.*

assigned case as well as to the "disposal desired."[45] Frequently, two or more escorts were assigned to sick or mentally ill patients, who required greater assistance. The escorts for women were almost always female; in addition to chaperoning them and protecting them from men on board the train or ship, they were responsible for providing both male and female immigrants with funds for meals and care if they were infirm.[46] Due to the often sensitive nature of their work, the escorts had to adopt the proper behaviour and decorum expected of them. This meant ensuring the safety of the deportees and their valuables, confining their actions to the task at hand and not entering into "needless arguments with deportees or other persons." They were also expected to "be courteous to the public and to those in their charge," and avoid the use of "profanity, abusive language or rough handling," which the procedures indicated would not be tolerated.[47] Hence, the conduct of the escorts was regimented and scrutinized; those who failed in their role not only jeopardized the health and well-being of their charge, but also risked damaging the reputation of the department.

Once they were returned to their homeland, the deportees were not permitted to re-enter Canada without the consent of the Minister.[48] As a result, they were not

[45] This term and information was derived from Section 12.15 of the 1952 *Immigration Act.*
[46] The department was particularly concerned about mentally ill patients who were prone to violence or were self-destructive. The escorts in these cases were therefore responsible for keeping the patient as well as other passengers and the crew safe from the deportee.
[47] These instructions were elaborated in Section 12.15 of the department's procedure manual. LAC, RG 76, Vol. 936, Binder 14.
[48] See Section 38 of the 1952 *Act.*

allowed to visit friends or family in this country or re-enter as a tourist or landed immigrants until they returned home, applied for admission to Canada, and received the Minister's consent. As we shall see, some of the women in this study wrote many letters to the Minister begging to be re-admitted to Canada, very few requests were approved, and those that were, involved years of vigorous pleading and lobbying.

During the period under analysis, the deportation legislation and process included a complex amalgam of rules that reflected the dominant social and moral tenets of the time, which was influenced by gender, class and racial biases. Melanie Randall argues that state legislation "upholds masculine dominance and material identity," and furthermore, "maintains most women's dependence, at least economically, on men to support themselves and their children."[49] Since the immigration legislation was constructed and enforced by male lawyers and bureaucrats, it was intended to defend the traditional family unit, and consequently, the patriarchal system in place, and essentially the status quo.

In North America, for married women, "domesticity became the price of admission," as Martha Gardner notes in reference to the American context. She continues to add that "traditional notions of domesticity governed immigration

[49] Melanie Randall, "Feminism and the State: Questions for Theory and Practice," in Caroline Andrew and Sandra Rogers eds., *Women and the Canadian State*, (Montreal/Kingston: McGill-Queen's Press, 1997), 11-13.

and judicial officials' evaluation of women's conduct by insisting that admissible wives remain loyal to their husbands and to their work in the home."[50] Single female immigrants, in turn, were expected to be of good "character" and conduct themselves with proper decorum and grace, remaining respectable, pure and chaste until marriage. Those who strayed from these assigned roles were subject to punishment and potential deportation.

The deportation legislation itself relied on specific language and codes that classified women into certain groups or categories. According to Eithne Luibheid, American immigration procedures – much like those in Canada -- constructed distinct identities for women that the department regulated. The immigration laws and procedures therefore "divided women into sexualized groups – lesbians, prostitutes and wives" who were assigned labels according to the offences they were charged with and dealt with accordingly.[51] The typical offences that applied to female deportees related to physical and mental health, sexual and moral offences, as well as those relating to dependents under the Act. More violent crimes, as well as pimping, alcoholism, espionage, drugs, and unemployment were the domain of male deportees. While there was some crossover in some areas, for the most part, male and female immigrants were held to different sexual and moral standards.

[50] Martha Gardner, *The Qualities of Citizen: Women, Immigration, and Citizenship, 1870-1965* (Princeton: Princeton University Press, 2005), 14.
[51] Eithne Luibheid, *Entry Denied*, 9.

Thus, when examining the place of women within the immigration legislation, after a quick glance, one would likely assume that they did not play a key role in the process either as departmental officers or immigrants. What one discovers, however, is that married women only appeared as dependent members of a family. For their part, single female deportees were typically categorized as morally reprehensible prostitutes or lesbians who should be banished from the country, or alternatively, unfortunate but respectable young women who needed to be protected by the department or one of its designated escorts. The quintessential Canadian citizen, as Robert Menzies illustrates, was "white, male, productive, responsible and compliant."[52] Thus, the intent of the immigration legislation was to organize female immigrants into distinct categories, essentially casting out those women who were unproductive, "undesirable" and/or unattached to a productive male. Hence, any woman who did not fit into these assigned categories ran the risk of being targeted for deportation. The following chapter will examine the role that race played in regards to the Immigration Branch officers' treatment of female women of colour, who came to Canada from the Caribbean and the United States and entered the country as non-immigrants.

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[52] Robert Menzies, "Governing Mentalities: The Deportation of 'Insane' and 'Feebleminded' Immigrants out of B.C. from Confederation to WWII," *Canadian Journal of Law and Society* 13 (1998), 140.

Chapter V

Women of Colour: Dispensable Domestics, Nurses and Students

Patricia worked as a domestic at the Coral Beach Club in Bermuda. There, she met a couple vacationing with their children. They offered her a job taking care of their home and two children in Toronto. Although the offer meant leaving her husband and seven children behind, she decided to take advantage of this opportunity. She subsequently departed for Canada in June 1955, arriving with $200 and a one-way ticket, forwarded to her by the couple. She was immediately stopped and detained by the immigration authorities at the Malton Airport,[1] who questioned her about her visit and held a formal inquiry on the premises. Had she been white, she would likely have readily been granted entry as a non-immigrant; as a woman of colour – of mixed Spanish and Black race – she was subjected to the intense scrutiny of the departmental officials. They interrogated her for quite some time, asking her if she had a police record, requesting information about her financial situation, as well as numerous personal questions relating to her family back home. After her employer and a family friend, Mr. English, from the Department of Trade and Commerce, intervened on her behalf, she was admitted to the country for a period of three months, just long enough to take care of the family at their summer cottage at the Lake of Bays. Evidently, Patricia's employers were quite concerned about how they were going to make

[1] The Malton Airport was established in 1938 and was located about an hour north-west of Toronto. In 1960, the name of the airport was changed to Toronto International Airport. In 1984, the name was changed once again to Lester B. Pearson International Airport, in honour of the fourteenth Canadian prime minister.

do without her help during their summer holidays at the cottage. While her employer's main concerns were addressed by the department's decision, Patricia's hopes and aspirations were likely dashed, as she perceived her job as a long-term proposition that would reap some significant financial benefits over time and help her support her family back home.[2]

Unfortunately, Patricia's situation, particularly the treatment inflicted by the department, was not unusual. In fact, it was the norm for women of colour during this time. Non-white immigrants, particularly Black immigrants from the U.S. and the Caribbean, were only allowed into the country as temporary labourers from the nineteenth century until the commencement of the Caribbean domestic scheme in 1955, when Canada accepted a small number of women from Jamaica and Barbados as landed immigrants.[3] This scheme, however, was relatively short-lived and experimental. And during the period under investigation, the Canadian government relied on certain mechanisms to keep female immigrants of colour from entering on a long-term basis and becoming citizens of Canada.

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[2] She was eventually issued a stay until September 1955, when she would have to leave the country voluntarily or face forced deportation. See LAC, RG 76, Accession 91-92/011, Box 79, File# E-37264.

[3] The women who were accepted had to be unattached, in excellent health, fairly well educated and morally flawless. See Christine Harzig, "'The Movement of 100 Girls': 1950s Canadian Immigration Policy and the Market for Domestic Labour," 19(2) *Zeitchrift fur Kanada Sudien* (1991), 137. For other readings relating to this initiative see Patricia Daenzer,*Regulating Class Privilege: Immigrant Servants in Canada, 1940s-1990s* (Toronto: Canadian Scholar's Press Inc.,1993); Agnes Calliste "Canada's Immigration Policy and Domestics from the Caribbean: The Second Domestic Scheme,"; and Tany Schecter, *Race, Class, Women and the State: The Case of Domestic Labour* (Montreal: Black Rose Books, 1998).

Despite the Canadian government's commitment to keeping out non-white immigrants, many Canadians looked to other countries, and in particular, the Caribbean, to solve the dire female labour shortage that existed after the war. The government argued that Black women failed to live up to the domestic ideal; it described them as "mentally, morally, physically and socially inferior," thus posing a potential problem to the country if they were admitted.[4] However, many Canadians had a favourable attitude towards this group of women. This likely related to the much embraced stereotype of the Black mammy or Aunt Jemima.[5] Those Canadians who bought into the image of the Black woman as caregiver, eagerly sought out Caribbean domestics and nurses. Considerable tension thus developed between state policy and the search by Canadian citizens and companies for cheap and plentiful workers.

Rather than entering the country as bona fide immigrants, women of colour were forced to claim the status of non-immigrant, as visitors, students or temporary workers. Those who were not recruited by families and came on their own, also entered this way and later sought permanent residency on their own behalf. In a memo produced for the federal Cabinet, Minister Ellen Fairclough revealed that 1,126 Black immigrants entered the country from 1950 to 1956.[6] The memo did not provide a breakdown by gender or occupation, and it failed to indicate how

[4] Agnes Calliste, "Race, Gender and Canadian Immigration Policy: Blacks from the Caribbean, 1900-1932," *Journal of Canadian Studies* 28(4), 72.
[5] Agnes Calliste, "Canada's Immigration Policy and Domestics from the Caribbean: The Second Domestic Scheme," 382.
[6] LAC, RG 26, Vol. 146, File# 3-41-23 pt. 2. Memorandum to Cabinet from Minister Ellen Fairclough, Citizenship and Immigration, April 23, 1959.

many of them remained. Most likely, only a few women were allowed to stay and become permanent residents. For instance, another government document indicated that in 1951, only four Black domestics were accepted into Canada from the U.S. and the British West Indies.[7] Hence, the informal and somewhat illegal channel was the one most commonly used by non-white immigrants. And those who entered the country – either as a tourist or with a work or student visa -- were viewed as temporary immigrants with no privileges and with no chance of obtaining citizenship. Due to their temporary and tenuous status, they were extremely vulnerable to exploitation, marginalization and expulsion.[8] Immigrants of colour at the time were thus subjected to deportation proceedings if they failed to leave the country after their visa expired.

Of the 376 case files reviewed in this study, 49 dealt with cases of women of colour. This represents approximately 13% of this series. All but three of these women were listed as "negros" or "mixed race", which meant part Black. The remaining women included one East Indian woman from Trinidad, one Japanese woman and a Fillipina. The majority of these women were from the Islands (30), primarily Jamaica.[9] The remaining women were from the United States (12), the U.K. (7) and Guiana (1).[10]

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[7] LAC, RG 26, Vol.#16, "Fiscal Year Statement 1932-53".
[8] Lisa Marie Jakubowski, *Immigration and the Legalization of Racism* (Halifax: Fernwood Press, 1997), 12.
[9] Of the 30 women, 17 were from Jamaica, 3 from Trinidad, 3 just listed BWI, 2 from Barbados, 2 from the Bahamas and 2 from Haiti. Case File Access Database (hereafter referred to as the Case File Database)
[10] *Ibid.*

More than half of these women were single, since Canadians wanted domestics who were unencumbered by family members. However, several of the single Caribbean women had children, which was readily accepted in the Islands but viewed as morally reprehensible in Canada. There were a number of married and separated women who came as well, representing 18% and 14% of the 49 women of colour documented in the case files respectively. The remaining 6% were widows or divorcees. Unlike the DP's, it was not unusual for married Caribbean women who were mothers to come to Canada on their own. They often left their children with their husbands, or with their parents if they were separated or divorced, and sent money home to support them.

Twenty-four percent reported their occupation as domestics (12). Others classified themselves as nurses (7), stenographers (5), students (3) and entertainers (3). Some did not provide an answer (8), and a substantial number listed other occupations (11).[11] Many of the declared teachers, dressmakers, stenographers and clerks were forced to seek jobs in domestic work, which was the only job open to non-white immigrants who had no nursing training in Canada. Several also entered the country as tourists and students, and did not seek employment while they were here.

[11] This "other" occupational category included teachers, dressmakers, seamstresses and clerks. *Ibid.*

The women who entered as domestics were primarily from the British West Indies. Like Patricia, they were typically recruited by Canadian families who located them while on vacation, or through friends of the family, or word-of-mouth through the Island domestic chain. The other way for them to enter the country was as visitors, finding employment in this field on their own. Many of the employers paid their airfare and promised them decent salaries – by Caribbean standards -- along with room and board. The employers, however, usually did not inform the department of their intentions and the women did not take out work visas. Regardless, the department was well aware of these informal arrangements and typically tried to stop these temporary and often illegal workers from entering the country by stopping them at the border or at the airport.

This is what happened to Martha, who came from Jamaica, leaving her husband and four children behind to work with a prominent family in Ottawa. She had a one-way ticket and no funds and was questioned by the immigration officials at the Malton airport. Deirdra, another Jamaican domestic, was also refused admission at the Malton airport. Both were informed that they were non-admissible under PC 2856. Martha's future employer was a senior civil servant who worked for the Department of Mines and Technical Surveys and lived in the Dominion Observatory House. He wrote a letter of support on her behalf, assuring the department that he would guarantee her employment. He explained that his wife was not in good health, and that they desperately needed Martha's services. She also received a representation from Daisy Chambers – likely a friend or acquaintance -- who was a solicitor in Kingston, Jamaica. Miss Chambers wrote of her good character and stated that she was "honest, industrious and hardworking."[12] Deirdra, another domestic, also received support from her employer, both in the form of a letter as well as through the provision of a lawyer. He too made a plea to the department to let her in for enough time to help his family, since his wife was expecting and required assistance until the birth of the baby as well as during the convalescence period.[13]

Although it was not unusual for immigrants, even non-immigrants like these women, to receive representations from employers, friends, priests, MP's and other individuals, very few, like Deirdra, received the help of counsel. This likely played a pivotal role in influencing the decision rendered in her case, as the department stayed Deirdra's deportation until after her employer's convalescence. Martha's case was dismissed, on the other hand, and she was sent back home on the same day as her arrival. Although the immigration officials involved may have sympathized with the plight of Martha's employer, they explained their decision by stating that she should not be leaving her husband and kids behind. They were therefore concerned about showing any

[12] LAC, RG 76, Accession 91-92/011, Box 39, File #D-69309.
[13] LAC, RG 76, Accession 91-92/011, Box 38, File# D-65468

leniency with this case, fearing they would be setting a bad precedent.[14] As we recall, however, the department had no reservations separating DP families when there was a pressing need for white workers.

Wages were an apparent area of contention between the government and the employers of Black domestics. Unlike white domestics, who were paid an average of $55 a month plus room and board in big cities like Toronto, Black domestics earned far less.[15] For instance, Celeste, a domestic from Haiti, earned $40 a month from her employer, who had five children and worked as a butcher.[16] Therese, a 27 year old who was also from Haiti, earned a paltry $20 a month from the family she worked for.[17] Finally, Francis, a 30 year-old Jamaican domestic earned $5 a week or $20 a month. Her responsibilities included taking care of the family's three children, cooking and cleaning the house. Both parents were away all day, since they worked in the family business, leaving her to tend to the house and children on her own.[18]

Unlike the DP's, and other white European women, Caribbean domestics faced longer work hours and greater fear of abuse, due to their status as non-

[14] LAC, RG 76, Accession 91-92/011, box 39, File# D-69309. Memo from the Sub-Appeal Committee of Appeals to the Director, December 28, 1951, p.2.
[15] This figure was taken from a report produced by the Immigration Officer from Toronto, who submitted it to the Central District Superintendent on November 16, 1954. Since most Black domestics worked in Toronto and Montreal, this figure provides a useful comparison with the wages of white immigrant domestics. LAC, RG 76, Vol. 1110, File# 553-30-Ont.
[16] LAC, RG 76, Accession 91-92/011, box 75, File#E-31801.
[17] LAC, RG 76, Accession 91-92/011, box 43, File# D-81941.
[18] LAC, RG 76, Accession 91-92/011, box 28, File# D-19943.

immigrants. Tanya Schecter notes this trend, stating "these domestics, unlike their British counterparts, were forced to work for low pay under increasingly restrictive conditions without labour, political, or civil protection and liberties."[19]

One woman, Alice, had worked for a family in Nassau for eleven years before coming to Canada with them. Her employers had been paying her $6 a week in the Bahamas; they told the department that she was coming to live with them as a visitor and that they had agreed to pay for her fare to thank her for her support over the years. During the inquiry, the department tried to discover if they had brought her in as domestic help. Alice's employer denied the allegation, describing her as "more of a family fixture than an employee."[20] When asked about her wages, her employer told the official that she received no renumeration, but was offered money for clothing; when she went into town, he supplied her with "a dollar or so for pocket money." When asked if she received any time off during this supposed vacation, Alice replied: "I don't get any regular day off, I just get an afternoon off once in a while."[21]

Nelly, another woman who was exposed to unfavourable work conditions, originally came to Canada from Trinidad to work for the Trade Commissioner for the West Indies and his family. He engaged her in a restrictive contract, which

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[19] Tanya Schecter, *Race, Class, Women and the State*, 72.
[20] LAC, RG 76, Accession 91-92/011, box 50, File#D-95411. Memo from the Superintendent, Toronto to the Director of Immigration, Ontario, November 5, 1952, p.2.
[21] *Ibid.*, Memo from the Inspector-in-Charge, Malton Airport to the Central District Superintendent, Toronto, November 2, 1952, p.1-2.

stated that she could only work for him; if she ever left his employ, she would return to Trinidad at her own expense.[22] Nelly eventually left the family in April 1952, due to differences that she had with the wife. During the inquiry, she explained: "myself and his wife could not agree, and I complained to him, and he said she was not well, and he would arrange matters."[23] Evidently, he did not succeed on this front, and Nelly was forced to leave her job. Rather than reporting to the immigration authorities, she sought another position without leaving a forwarding address. This type of arrangement therefore granted all authority to the employer, who used deportation as a sanction against his employee.

During the interview process, the Department frequently questioned the motives of the employers, blaming them for using these women as cheap labour. In a memo relating to the case of a woman named Celeste, the SIO summarized the situation by stating that "it can be easily seen that the family wishes coloured help and cheap labour."[24] In the case of Therese, the official indicated that "the wages offered by Mrs. --- indicate that she has either very limited ability or is being exploited by her employer."[25] And finally, at the hearing of Celia, the departmental official remarked that the employer was "only interested in

[22] LAC, RG 76, Accession 91-92/011, box 31, File# D-40073. Letter from J.G. Levy to Doris Bentley, March 1, 1954.
[23] Ibid. Minutes of the Board of Inquiry, December 1, 1953, Montreal, p.4.
[24] LAC, RG 76, Accession 91-92/011, File# D-31801. Memo from E. Murphy, SIO, to the Eastern District Superintendent, April 18, 1955, p.2.
[25] LAC, RG 76, Accession 91-92/011, box 43, File# D-81941. Memo to Deputy Minister from the Director of the Appeal Sub-Committee, April 19, 1952.

obtaining Miss – services at a lower rate than she could obtain from local domestic help."[26] Although these comments by the immigration officers may suggest that the department was concerned about the well being of these domestics, they represented nothing more than a strategy to challenge the intelligence of the domestics along with the motives of the employers. Rather than step in and protect the women from their employers, the officials used their plight as a pretext to expel them.

Nurses were the other group of women from the Islands that were in great demand within this country following the war. Agnes Calliste explains that these nurses could only enter under special arrangement, following the passing of PC 2856 in 1950. After 1952, those Black women who were accepted into Canada as nurses required higher qualifications than white women, and they were only admitted as "cases of exceptional merit."[27] Between 1952 and 1962, about 50 nurses were admitted to Canada.[28] Once they arrived, they were often subjected to a two-tiered system of nurse managers and nurse workers.[29] From 1946 to 1956, both registered nurses (RN's) and Nurse Aids came to Canada. The RN's typically had a great deal of training – with some possessing additional courses

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[26] LAC, RG 76, Accession 91-92/011, box 44, File #D-85342. Letter to the Chief of Admissions from the Immigration Officer-in-Charge, September 15, 1952.
[27] Agnes Calliste, "Women of 'Exceptional Merit': Immigration of Caribbean Nurses to Canada," 87.
[28] *Ibid.*, 93-94.
[29] Karen Flynn explains that following the Second World War Caribbean nurses "were forced to adapt to a two-tier system of nurse managers and nurse workers. Duties that originally were part of nursing were divided up between various nursing hierarchies and distinctions between nursing and non-nursing duties were also explicit." See Flynn, "Proletarianization, Professionalization, and Caribbean Immigrant Nurses," *Canadian Women Studies* 18(1) (Spring 1998), 57.

in midwifery and other fields; they had been educated in the Caribbean, Britain, and, occasionally, in other countries. Although some were consigned to nurse aid positions, several included in this study were well treated and were readily hired and accepted by the hospitals.

Chandra, an East Indian woman from Trinidad, came to Canada as a student and spent four years completing a nursing degree in Saskatchewan. She then worked at the Saskatoon Sanitorium and left the country to study at Columbia University in September, 1952, at their Teacher's College in New York. She continued her training at the Manhattan Eye, Ear, Nose and Throat Hospital. After completing her extensive course work in the U.S., she tried to return to Canada in order to visit friends and seek out employment with the Victorian Order of Nurses. Although she was very well trained, she was denied entry at the border. The SIO feared that she was entering to either apply for a U.S. visa or seek permanent residence in Canada. Consequently, she was immediately rejected and returned to the U.S.[30]

Patricia, a 35 year-old woman from Barbados, also possessed strong credentials. In addition to completing her courses to become an RN, she had special training in midwifery and had completed an instructor's certificate in public health and venereology from the University of Edinburgh in Scotland.[31] She had been in

[30] LAC, RG 76, Accession 91-92/011, box 66, File# E-18747.
[31] Ibid., box 69, File# E-21886. Memo from the Director to the Deputy Minister, May 2, 1955.

Canada for a year and was working at the Toronto Western Hospital as an instructor, charged with teaching and supervising the registered nurses, student nurses, and nursing assistants. She applied for permanent admission when her visa ran out and she was immediately issued a deportation notice in June 1954. She was not only judged to be a non-admissible immigrant by the state, but also a security threat, after the department received documentation from Scotland Yard and the RCMP relating to Patricia. While a student, she joined the West Indian Students' Union in London, which was supposedly a Communist organization. She had taken a trip to East Germany with that group and was interrogated by immigration authorities about her ties to the WISU.[32]

Patricia readily admitted being a member of the Union, although she didn't know about their politics at the time. She willingly provided the names of individuals who were members at the time. She also received representations from the Director of Nursing as well as the General Superintendent of the hospital. Both were very impressed with her credentials. Her director noted that she would be proud to have her as a citizen of Canada, stating "as a professional worker in the nursing field, of which Canada has too few with Miss --- credentials, we would strongly urge that her application be given further consideration."[33] Patricia also made a personal plea on her own behalf: "I shall do my best to assist in maintaining the wonderful reputation of the Western Hospital, and shall

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[32] *Ibid.* Memo to P.T. Baldwin, Chief of Admissions G.H. Ashley, Inspector, RCMP, October 27, 1954.
[33] *Ibid*, Letter to Minister Jack Pickersgill, September 17, 1954.

endeavour to conduct myself as to justify the faith that Miss – and Mr. – have in me, and to be a credit to my family and to the island of my birth, realizing that every one of us, especially living abroad, is an ambassador from our island country."[34] Once the RCMP completed its investigation, it informed the department that Patricia did not pose a security threat to the country. The department subsequently issued a Minister's Permit to Patricia for one year and then gave her the privilege of leaving voluntarily after it expired.[35]

Sharon came to Canada from Jamaica as a visitor in July 1951, leaving her husband and three children behind. She had training in nursing and midwifery and found employment as a nurse at Mount Sinai Hospital in Toronto soon after her arrival. She later received permission from the department to work. Shortly after, she applied for landing, having settled into her job. The department subsequently issued a deportation order in her name on November 31, 1951. During the inquiry process, the immigration officer described her as being "well educated and better than the average type of her race and following an occupation that is in short supply."[36] However, they decided to deport her immediately, arguing that "while she is said to be a qualified nurse, it has not been the policy of the department to encourage settlement where it would

[34] *Ibid.* Letter to the Minister of Citizenship and Immigration, 19 December, 1954.
[35] *Ibid.* Memo from the Central District Superintendent to the Chief of Admissions, October, 5, 1955.
[36] LAC, RG 76, Accession 91-92/011, box 38, File# D-66874. Memo to the District Superintendent, A.L. May, May 21, 1951.

involve the separation of families." They subsequently gave her the "privilege" of voluntary departure.[37]

Once again, family separation was used as the motive to expel a woman of colour from Canada soon after her arrival. There was little appreciation for the informal system which led Caribbean women to leave their families behind to seek out positions in Canada to better support their families back home. However, what Canadian officials viewed as abandonment was actually a strategy – which was not supported by the department but likely involved a great deal of personal sacrifice on the parts of the families concerned.

Hospitals were eager to hire them and offered them protection when they were threatened with deportation. Karen Flynn correctly attributes any gains that were made with the immigration authorities, to the efforts of hospital administrators, the lobbying efforts of Black activists as well as the anti-discriminatory stance adopted by the Canadian nursing elite.[38] But while the hospitals were trying to secure a stable and permanent staff, the Immigration Branch did not allow Caribbean nurses to become too firmly entrenched in their jobs and in Canadian society.

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[37] *Ibid.* Memo from the Chair of the Sub-Committee to the Director, December 26, 1951.

[38] Karen Flynn, "Experience and Identity: Black Immigrant Nurses to Canada, 1950-1980 in *Sisters or Strangers*, in Marlene Epp, Franca Iacovetta and Frances Swyripa eds., *Sisters or Strangers: Immigrant, Ethnic, and Racialized Women in Canadian History* (Toronto: University of Toronto Press, 2004), 383.

Besides entering as domestics and nurses, many of the female Caribbean non-immigrants came to Canada to study. Since pursuing a college or university degree required time and funds, the Caribbean students tended to come from more affluent families. Pauline, a 17 year old woman from Barbados, arrived in October 1950 and came to Canada to study at Carleton University in Ottawa. Once she had her bachelor's degree, she applied for permanent status, and was subsequently issued a deportation notice.[39] Elizabeth also entered on a student visa in 1952, studying at Sir George Williams College in Montreal and majoring in accounting. She finished her degree and proceeded to Toronto, where she took night courses at Shaw College and found a job at the CBC. After the department received an anonymous tip concerning Elizabeth violating her student visa status, she was ordered deported. She would have been a very strong candidate for leniency, since she was financially secure -- earning $2,200 a year and having $900 in savings. She was also lighter than most, being of Scotch and Jamaican descent, which the department often viewed as an asset. During the inquiry, Elizabeth tried to win over the officials, explaining that she volunteered each month at the Red Cross and that her father had left her with a considerable estate. Despite these favourable assets, she was deported in December 1954.[40]

The evidence indicates that the Caribbean women were deported mainly because of the colour of their skin. Officials spent a considerable amount of time

[39] LAC, RG 76, Accession 91-92/011, box 43, File# D86860.
[40] Ibid. Memo to the Immigration Appeal Board, December 28, 1954.

scrutinizing each individual's background and establishing their race, particularly if they were from the Islands and were of fair or olive complexion. For instance, during the questioning process, the immigration officer adopted the following line of inquiry with Pearl, who was from the Bahamas:

> Q. What is your racial origin?
> A. I do not know how the race goes.
> Q. Are you white, Negro, yellow?
> A. Negro, I'll say that.[41]

Pearl obviously wanted to avoid labeling herself, but she had little choice but to select one racial category. This often generated racial prejudices concerning their mental health and abilities. The SIO thus described Pearl as someone with "very pronounced Negroid facial characteristics, concluding "it is obvious that she had very little education and would appear to be subnormal mentally."[42] Another woman who suffered the same type of labeling was Katherine, who arrived from the British West Indies in August 1951. She came to work for a family in Toronto and was detained at the Malton Airport. The official immediately concluded that she would make a poor employee: "the appellant is described as being very dark, slow of speech and thinking and appears to be poorly educated and of a retarded type."[43] Hence, it was easily assumed that the darker their skin, the less intelligent these women were.

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[41] LAC, RG 76, Accession 91-92/011, File# E-42016. Minutes of the Board of Inquiry, Toronto, September 29, 1955, 2.
[42] *Ibid.* Memo to the Immigration Appeal Board, October 13, 1955.
[43] LAC, RG 76, Accession 91-92/011, File# D-46930. Memo from Appeal Sub-Committee to Director, September 12, 1951.

Celia, a 42 year-old single woman from Jamaica of mixed race, was treated with slightly more courtesy. She entered the country as a visitor and received an offer of employment from a family as a governess. When she applied for permanent residence after her visa expired, she was issued a deportation order. During the inquiry process, she received many representations: one from a Reverend describing her as "a young woman of sterling Christian character," and another from her employer begging the department to let her stay. The department official noted that she was "partly coloured but almost white." He gave her a glowing review, asserting that "she is very capable and a very desirable type of citizen for any country." Since she was single, had a job lined up and could almost pass for white, one would assume that the department would make an exception and let her remain in the country. Unfortunately, she was offered no respite and was deported soon after the board made its ruling.[44] In the end, Celia suffered the same fate as the darker women targeted for deportation.

Based on their statements during the inquiries, one finds that Caribbean women perceived themselves as ambassadors to their countries; overall, as such, they carried themselves with dignity, avoiding situations that could tarnish their reputations – both professional and personal. This was made clear during the interviews, since the immigration officials launched questions at them about their marital status, children, husbands, ex-husbands, and in some cases, the

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[44] LAC, RG 76, Accession 91-92/011, Box 44, File# D-85342.

father(s) of their children if they were single mothers. The department embraced the stereotype that Black women were naturally promiscuous and more likely to be single parents, and this came through during the inquiry process. There were, in fact, several single mothers among the group of 49 deportees, and they all had to confront questions about the men who fathered their children and the role they played in their lives. Even married women suffered the stress of being interrogated about their past. For instance, Pearl was bombarded with questions relating to her husband, whom she had left many years ago due to abuse. The inquiry included the following transaction:

> Q. Are you married, single, separated, widow or divorced?
> A. Married.
> Q. What is the name of your husband?
> A. ----
> Q. What is the present address of your husband?
> A. I cannot tell you. I have not seen him for years. I don't know where he is now.
> Q. How long did you and your husband live together before he left you?
> A. About five years before we separated.
> Q. Did you and your husband separate by mutual agreement?
> A. He was not nice at all so I left him and after I left him I went to the Magistrate in Nassau and he sent a policeman to my house to get more information. My husband was not nice and I could not stay with him.
> Q. Would you care to tell me why and in what way he was not nice to you?
> A. He was more or less a foolish type. All for nothing, simple things, he would jump on me and beat me and I could not put up with that.
> Q. Have you hear [sic] at all from your husband since he left you?
> A. No, from that time he has not offered me even a drink of water and I have not seen him or got in his way.
> Q. Have you any idea at all where your husband is now?
> A. I certainly have not.[45]

[45] LAC, Accession 91-92/011, File# E-24016. Minutes of the Board of the Inquiry, Toronto, September 29, 1955, p.3.

Clearly, the inquiry board was quite concerned about the whereabouts of her husband and about why they were no longer together. Officials wondered if he had been the one to leave, and if he was providing her with any type of financial support.

It was Nelly who faced the most scrutiny regarding her personal life in Canada. After she left her job as a domestic with the Trade Commissioner for the West Indies, she found employment with five different families in Montreal, and developed a relationship with her landlord after renting a room in his apartment building. The inquiry board asked her questions about the father of her children, but was primarily interested in her new boyfriend in Canada. They inquired about his marital status as well as the nature of their relationship. She revealed to the Board that he was separated from his wife, who resided in the British West Indies, and had promised to marry her as soon as he could. Nelly also divulged that they had engaged in sexual relations; when asked if she was pregnant, she responded that she was not.[46]

After their relationship ended, Nelly's boyfriend contacted her former boss, the Trade Commissioner, and informed him that Nelly was "molesting" his wife, who was residing in the B.W.I. and that he was contemplating police action. The Trade Commissioner, who had been trying to deport her after she left his home,

[46] LAC, RG 76, Accession 91-92/011, File# D-4007, Minutes of the Board of Inquiry, December 1, 1953, Montreal, pp. 2-4.

provided this information as well as her new address to the immigration authorities. By all accounts, she had been conducting herself well in Canada; she had been continuously employed and was seeing someone who had informed her that he was legally separated and interested in marrying her. But this was not enough for the department. Although many European women were allowed to remain in the country if they were healthy and employed, they did not want Black female immigrants staying in Canada for any length of time. Nelly received representations from two of her former employers, a representative from the United Church who described her as "a desirable person trying to support her poverty-stricken children in the West Indies," as well as the Private Secretary to the Minister of Finance, Doris Bentley. Despite this support, she was deported in December 1953.[47]

In contrast to the Caribbean women who generally came to Canada with significant skills, almost a quarter of the American women of colour who were targeted for deportation were deported for a variety of criminal offences, including possession of narcotics, loitering and vagrancy – which was another name for prostitution – theft and assault. In fact, fifty percent of the American women of colour who were deported had committed a crime.[48] There were a few domestics and nurses from the United States, but most of the women entered as

[47] *Ibid.*
[48] Case File Database.

visitors or as "entertainers".[49] One such woman, Carla, entered the country in 1947; she was arrested three times in Montreal for loitering and vagrancy and was then arrested for possession of narcotics. She served a six-month sentence at the Women's Gaol in Montreal and was subsequently deported in April 1952.[50] Similarly, Jackie, an exotic dancer who was visiting Montreal and worked in a nightclub, found herself facing a six-month jail sentence and a fine of $200 after being convicted by the RCMP for possession of heroin.[51] There was therefore, in general, a real distinction between the Caribbean and American Black deportees – in that the latter were typically engaged in less reputable pursuits than the former.

At least for Black American women, to be turned away at the border or after days or weeks in Canada was not too traumatic. This was particularly true of those who were charged with criminal offences and were expelled after spending many months incarcerated in a Canadian jail.[52] As one would expect, many of the Caribbean women were shocked at the way they were treated. Most assumed that as citizens of a British colony, Canada would readily admit them. In fact, several wrote to the department to complain about their treatment. A number of them requested the right to re-enter the country in the future.

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[49] Of the 11 American women of colour who entered the country, 5 were deported for criminal charges. Several were deported for moral reasons but the department used the non-admissible charge to expel them. Case File Database.

[50] LAC, RG 76, Accession 91-92/011, box 37, File# D-63974.

[51] LAC, RG 76, Accession 91-92/011, box 39, File#D-70089.

[52] There were four cases within the group of 11 American black women in which the women were charged with a crime and received a sentence of six months in prison. Case File Database.

Bernice, a 37 year-old woman from Trinidad, was one of those who wrote in to complain. In her letter to the department, she indicated that she came to Canada from the U.S., after completing her studies at Drake School in New York, for a short visit with a friend in Montreal. When her bus stopped at Blackpool, Quebec, she was stopped at the border, interrogated by the immigration officer, and issued a deportation order: "to my amazement there were copies of a deportation order made out against me. I was being deported from a place to which I had not been admitted!" She promptly appealed, but explained that:

> The appeal gave cause for even more investigation, during which, questions were hurled at me in rapid succession with the object it seemed, of trying to make me say that I had previously sought admission to Canada, that I had been deported from Canada, and that I had been imprisoned at some time. There were too, all sorts of personal queries, the officer making it quite clear that he did not believe what I told him, most of the time.[53]

During the inquiry process, the immigration officer, Mr. Bedard, stated that during the inquiry "15 minutes were then lost on weeping."[54] She was obviously overwhelmed and upset by the whole process. Although the officer promised to give her a copy of the appeal, he failed to do so, and after handing Bernice the deportation order, put her in a cab and sent her on her way. Rather than taking

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[53] LAC, RG 76, Accession 91-92/011, box 79, File# E-38198. Letter to Citizenship and Immigration, July 20, 1955.

[54] *Ibid.* Memo to J.M.A. Bedard, Immigration Officer, Lacolle, Quebec to the Officer-in-Charge, Lacolle, July 29, 1955.

her to the border, the cab set her in front of a drug store. Since it was the middle of the night, she had to wait outside quite some time before she was picked up. The bus driver told her that his shift did not start for a while, but took pity on her and let her in. In addition to telling her story, Bernice expressed shame about being deported, and requested an explanation for being designated part of a "prohibited" class: "the stigma of deportation is not pleasant to bear. Although it has been unjustly earned, it is possible that it could hamper my plans for the future."[55] After reviewing the letter and the appeal, the Minister left a message on the appeal document, "I feel that we have been too stiff in this case and that she could have been given the benefit of the doubt in being a bona fide visitor and therefore would recommend appeal be allowed for a visit of six days."[56] Written a few days after the deportation took place, the message exhibited some sympathy, but it obviously came too late to reverse the process.

Pauline, a 17 year-old Barbadian, also sent several letters of complaint to the department regarding the ill treatment she had received. She, too, requested an explanation as to why she was deported. In a letter written in December 1959, she stated that she was never told why she had been deported; she wanted them to know that "deportation carried with it a certain stigma usually associated with persons guilty of some criminal offence." She suggested: "since Canada is alleged not to practice racial discrimination could it be that I am of the "wrong

[55] *Ibid.* Letter to the Department, July 20, 1955.
[56] *Ibid.* Memo to the Appeal Sub-Committee, July 26, 1955.

race"?" The department replied that she had not been deported, but had left "voluntarily".[57] Evidently, she had been offered the option of a voluntary departure, which she rightly viewed as deportation. Had she left "voluntarily" she would have been re-admitted without much delay. After many years of writing to the department, complaining about her treatment and requesting to be re-admitted, the Minister finally conceded in 1965, allowing her back into Canada with her son, who was born in 1958, and providing her with landed immigrant status on 3 October 1965.[58]

Pearl was the only woman of colour who ultimately avoided deportation. The department offered her voluntary departure, along with the extended family members that she drove to Canada with from Florida. Rather than taking this offer, she successfully evaded deportation by disappearing. Although the department tried to track her down by writing to her cousin's child, who was living in the United States, it ultimately gave up searching for her. While she possibly left on her own without informing anyone, she may have remained in Canada undetected. In the end, however, she took matters into her own hands and made her own decision.[59]

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[57] LAC, RG 76, Accession 91-92/011, box 43, File# D-86860, Memo, December 10, 1952.
[58] *Ibid.*
[59] LAC, RG 76, Accession 91-92/011, box 82, File# E-42016. Letter from W.R. Baskerville, District Superintendent, to the cousin in Florida, February 3, 1956.

Before the government launched the Caribbean domestic scheme in 1955, many female Black immigrants entered the country in search of the opportunities that Canada supposedly offered. What they confronted was a range of legal barriers erected by the Immigration Branch that made it nearly impossible for them to remain as landed immigrants or citizens. The Canadian state invoked its concern with the immigrants' ability to assimilate and blend into Canadian society, or with the problems that might arise in the area of race relations. These excuses, of course, revealed their own racist views. Some Canadians, on the other hand, sought out the Caribbean women, primarily as domestics and nurses. As employers, they often intervened to protect these women from deportation. The employers of domestics, mainly wished to secure cheap labour. The hospitals, in contrast, appeared to value the nurses and treat them well. Moving from race to morality issues, the next chapter will examine the immigrant women who had babies out of wedlock in Canada and were slated for deportation for breaking this serious social taboo.

Chapter VI

"Fallen Women"

Edita had been in a concentration camp during the war after uttering a critical statement about Hitler. She was liberated by the American army in 1945 and returned to her native Poland to locate her family and her fiancé and piece together her shattered life. Soon after her arrival, she discovered that her parents and siblings were missing, and that her fiancé had been killed. She was then expelled from her native country by the Communist authorities in power and subsequently found her way to a DP camp. She had no alternative but to start anew. After arriving in Canada in January of 1949, under the DP domestic scheme, the National Employment Service (NES) secured a job for her with a family in London, Ontario, and after that, at St. Joseph's Hospital in the same city. She fulfilled her twelve-month contract and found a job in a factory, which paid more and provided her with greater freedom. She began dating a fellow countryman who was a Polish war veteran and soon discovered that she was pregnant. Instead of marrying her, he decided that he didn't want to continue the relationship. By the time she was eight months pregnant, she had to quit her job and applied for welfare. Soon after she had the baby and convalesced, she returned to work. Subsequently, the welfare officer in London, notified the immigration authorities about her status, and on April 9, 1953, she was issued a deportation notice.[1]

[1] LAC, RG 76, Accession 91-92/001, Box 56, File #E-3097.

Edita's case was not unusual. The federal immigration and labour officials had been extremely concerned about selecting women from the DP camps who were single, young, attractive, hard working, respectable and chaste. The Immigration Branch had considerable experience in this area. After the arrival of domestic servants who entered Canada as part of the Empire Settlement Scheme between 1926 and 1933, the department discovered that 670 of the 23,804 women had given birth to illegitimate children. In their minds, the women had "transgressed willingly and knowingly" the moral boundaries of the contract as well as of Canadian society. They ended up deporting 184 of these women as "public charges," since there was no "morality" clause within the *Immigration A*ct they could use to expel these "fallen women".[2]

In 1947, another crisis of this kind developed. Mrs. Rex Eaton, the assistant director of the National Selective Service, recommended to Arthur MacNamara, the Deputy Minister of the Department of Labour, that the department conduct pregnancy and VD tests, along with the other standard medical examinations in the DP camps. She also suggested that his officers closely supervise the women on their trip to Canada, in order to avoid any type of scandal along the way. She reminded MacNamara that they had brought over girls during the war who were pregnant; this had "put a great deal of pressure on their employers to make special arrangements, often at the department's expense." The Deputy Minister

[2] Barbara Roberts devotes a whole chapter of her Ph.D. thesis to the women who entered the country as domestics through the Empire Settlement Scheme. Approximately 3 percent of these women became pregnant. The department followed through by deporting 27 percent of the pregnant women as public charges. Barbara Roberts, "Purely Administrative Proceedings," 221-224.

supported the implementation of this plan of action to protect the virtue of the young women en route to Canada, whom the department viewed as the future mothers of the nation[3] – which had been an ongoing concern of the department since the late nineteenth century.[4]

Despite these precautionary measures, many pregnant single women managed to enter the country, either through lack of detection, or deliberate acts of deception. On November 24, 1947, Sister M. Mercedes from St. Mary's Hospital in Kitchener, Ontario wrote to Mr. MacNamara, to inform him that they had recently welcomed a pregnant Latvian girl named Lilija, who was engaged to a fellow DP who was still in the camps. She stated that the girl wanted to marry this man and that they were trying to locate him.[5] They were therefore disappointed to lose her services, but anxious to ensure that she married her fiancé in order to legitimize the baby and protect her reputation. The following year, the department received a similar plea from E. Lorentson, who was employed at the St. Paul L'Ermite Hostel in Quebec, which was used by the department as a boarding home for domestics after their arrival in Canada. He notified the Deputy Minister that they had received a twenty-seven year old

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[3] Christine Harzig notes that Mrs. Eaton was extremely concerned as well about accepting women who were traumatized or damaged by the war. In order to assist with the selection and supervision of the women coming over as domestics, she took part in this process overseas and chaperoned the women on the ships. See LAC, RG 26, Vol. 146, File #3-41-23, vol. 1. Letter from Mrs. Rex Eaton to Mr. MacNamara, 5 May 1947. Also, Harzig "MacNamara's DP Domestics" *Social Politics* (Spring, 2003), 39.

[4] Nicola Cunningham Armacost argues that the department worried about the virtue of these unmarried women, justifying the use of surveillance for this reason. But once they arrived, they received no protection by the state or the unions. Cunnigham, "Gender and Immigration Law: The Recruitment of Domestic Workers to Canada, 1867-1940," *Indian Journal of Gender Studies* 2:1 (1995): 25-43.

[5] Letter from Sister M. Mercedes to Mr. MacNamara, November 24, 1947. *LAC,* RG 76, Vol. 835, File #553-30 pt. 2.

woman from Poland who was six months pregnant. She had been given a medical exam in Europe, but her pregnancy was obviously not detected before she was approved for the program. The father of the baby was still in one of the DP camps, and like Lilija, the mother-to-be wanted to marry him. Unfortunately, they discovered that he had little prospect of coming to Canada.[6] Her fate was therefore uncertain, and the department was likely disconcerted that she had slipped through the cracks even after being subjected to a supposedly thorough medical exam.

By 1955, MacNamara was plagued by a slew of complaints regarding pregnant domestics, in this case, German DP's who were working in the Kitchener-Waterloo area. Twenty-three such women had given birth to illegitimate babies that year and were brought to the attention of the department by local municipal officials. Fifteen wanted to keep their babies while the remaining girls decided to give theirs up for adoption.[7] This situation ended up involving six different departments and organizations; as Patricia Daenzer observes: there was evidently "concern about the moral and economic resources of domestic workers."[8] The department was particularly suspicious of Black and German

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[6] This was followed by a nasty letter from MacNamara to Dr. G.D.W. Cameron, the Minister of Health and Welfare, in regards to this oversight, stating that the physican who undertook the medical exam in Genoa on April 22nd, obviously did not ask any questions or "look beyond the girl's eyes when he examined her." *Ibid.* Letter from E. Lorentson to Mr. MacNamara, May 7, 1948 and letter from A. MacNamara to G.D.W. Cameron, May 10, 1948.

[7] *Ibid.* Memo from Director to A. MacNamara, April 1, 1955 and letter from Children's Aid Society, Waterloo, to the department, April 12, 1955.

[8] Six departments were brought into this controversy: Citizenship and Immigration; the CAS in Waterloo; the Department of Labour; the Office of MP A.A. White; the Welfare Office of Kitchener; and the Unemployment Insurance Commission. Patricia Daenzer, *Regulating Class Privilege*, 51.

women, who were singled out for close scrutiny, but likely because of popular stereotypes that portrayed them as overly sexualized individuals who were more likely to bear illegitimate children.[9]

Following the war, women who bore children out of wedlock were ostracized and often branded as "fallen women". At that time, contraception was illegal and many young women were not educated in practicing safe sex, since it was assumed that good girls did not have sex before marriage. Consequently, they were advised by their parents -- or more likely their teachers during sex education class in school -- to be vigilant and fend off male passion by engaging in a long courtship. But as Wini Breines argues "the preoccupation with virginity, or sexual intercourse, articulated an extreme double standard; punishment that followed from its violation was visited only by females."[10] Regardless, many of the young single women who immigrated to Canada may not have received this same message in Europe, and after being exposed to unknown hardships during the war, found themselves pregnant. Their numbers are unknown, since there were no statistics compiled by the Immigration Branch for illegitimate births after the war. In turn, many of the women likely failed to report their pregnancies to the state, and therefore may have gone unnoticed if they received sufficient support from a boyfriend, friends, employers, family members or their community. Those who were discovered, however, were under tremendous

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[9] *Ibid.*, 44.
[10] Wini Breines, *Young, White, and Miserable: Growing up Female in the Fifties* (Chicago: University of Chicago Press, 1992), 113.

pressure to hide their condition, or else they would face the stigma associated with being a single mother.

Rickie Solinger argues that during the post-war years, unmarried pregnant girls in the United States were treated like deviants who threatened the social order: "single, pregnant girls and women of whatever race shared the debased status of illegitimate mother: a mother with no rights, or a female who had, according to the dominant culture, no right to be a mother."[11] Having a baby out of wedlock, therefore, was viewed as a subversive activity that posed a direct threat to the sacred post-war nuclear family. In contrast to the late nineteenth and early twentieth century, however, when single pregnant women tended to be labeled as "feebleminded" and viewed as genetically and psychologically flawed,[12] the post-war years propelled the view that these girls were capable of rehabilitation. This new attitude was prompted by the discovery that even middle-class girls were falling victim to this societal "crime". Rather than permanently ostracizing them in an asylum or in jail -- or worse sterilizing them

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[11] Rickie Solinger, *Wake up Little Suzie: Single Pregnancy and Race Before Roe v. Wade* (New York & London: Routledge, 1992), 3.

[12] For the literature on single mothers and illegitimacy for this earlier period as well as the post-war years, see Mariana Valverde, *The Age of Light, Soap and Reason: Moral Reform in English Canada, 1885-1925* (Toronto: McCClelland & Stewart, 1991); Angus McLaren, *Our own Master Race: Eugenics in Canada, 1885-1945* (Toronto: McClelland & Stewart, 1990); Lisa Brush, "Worthy Widows, Welfare Cheats: The Professional Discourse on Single Mothers in the U.S., 1900-1988" (Ph.D., University of Wisconsin, 1993); Regina Kunzel, *Fallen Women, Problem Girls: Unmarried Mothers and the Professionalization of Social Work, 1890-1945* (New Haven: Yale University Press, 1993); Rickie Solinger, *Wake Up Little Susie: Single Pregnancy and Race Before Roe v. Wade* (New York: Routledge, 2000); Andrée Lévesque "Deviant Anonymous: Single Mothers at the Hôpital de la Misèricorde in Montreal, 1929-1939," *Historical Papers* (Guelph, 1984), 168-184; Margaret Jane Hillyard, *No Car, No Radio, No Liquor Permit: the Moral Regulation of Single Mothers in Ontario, 1920-1997* (Oxford: Oxford University Press,1997); Peter Ward, "Unwed Motherhood in Nineteenth Century English Canada, *Historical Papers* (Halifax, 1981); and Linda Gordon *Pitied but not Entitled: Single Mothers and the History of Welfare* (Cambridge: Harvard University Press, 1994).

to avoid future deviant offspring -- the experts of the day, primarily psychiatrists, decided that a new course of action should be taken to ensure that some women be given a second chance to start again and make themselves available for marriage. Hence, if women followed the prescribed treatment of the day, which involved retreating to a maternity home, giving up the child for adoption and seeking psychological treatment in order to understand why they went astray, they could enter the marriage market with a clean slate.[13]

Unfortunately, these types of alternatives were typically not available to working-class Canadian and immigrant women, who lacked the financial means to secure these services. Consequently, they had a more difficult time remaining hidden from the public and protecting their reputations. Worse still, their condition threatened perhaps, their ability to support themselves, since most employers at that time, particularly mistresses of a home who hired domestics, did not want to keep pregnant employees around once they began to show. With no husband to support them, single domestics could not do without their incomes. For their part, immigrant women also lacked the financial and emotional support which family could provide during their pregnancy and recovery. As a result, some had to subject themselves to illegal self-induced or clinical abortions, which went

[13] These views were espoused by the experts of the day, psychiatrists, who embraced concepts that were neo-freudian in nature. To them, giving up the baby was an integral part of the healing process. Those that did not relinquish the child to the CAS were viewed as immature and mentally unfit. See Rickie Solinger, *Wake Up Little Susie*, 21and Lisa D. Brush, "Worthy Widows, Welfare Cheats," 214.

unreported and often led to life-threatening situations.[14] Finally, pregnancy posed a tremendous threat to those women's immigration status.

What options were available to immigrant women under these circumstances? Typically, most arrived alone; some had to leave their families behind in the camps while others were confronted with the death or absence of loved ones after the war. A number of them became pregnant in the camps and did not have a boyfriend or husband in Canada to support them. Others became pregnant after arriving in Canada. Those who did were frequently abandoned soon after discovering the pregnancy. All these women had to grapple with the issue of whether to keep the baby or not. As mentioned, they were under a great amount of pressure at the time to give up their babies for adoption, in order to resume work and start their life over again without the financial and social burden of being a single mother. The Immigration Branch officials certainly cultivated this prevailing view and felt it was their duty to monitor these women and ensure that they chose a path that was morally and economically sound.

Indeed, some women decided to give up their babies to the CAS, in order to provide the child with a better life and avoid falling into debt, thereby putting their own future in jeopardy. One woman who chose this option was Emily. She

[14] During the 1940s and 1950s, abortion was illegal in Canada under the *Criminal* Code. Therapeutic abortions began to be offered by some hospitals starting in 1954, but the woman had to petition the hospital's abortion review committee, which consisted of physicians, who had to determine if continuing the pregnancy would likely endanger the life and health of the patient. Very few cases were accepted, and as a result, most women who pursued this option relied on home remedies or back alley clinics. See Angus McLaren & Arlene Tigar McLaren, *The Bedroom and the State: The Changing Practices and Politics of Contraception and Abortion in Canada, 1880-1997* (Oxford: Oxford University Press, 1997), 136.

came from South Wales after working for some time in London, England during the war. She paid her own way to Canada in 1948, when she was thirty-three years old, and soon found employment as a waitress in Toronto. She later discovered that she was pregnant in 1950. After giving birth, she gave her child up for adoption to the CAS. She told the department that the father of the baby was living in town and that she "hadn't heard from him for quite a while."[15]

Sofia, in contrast, decided to keep her child and immediately confronted tremendous financial difficulties. A thirty-six year old DP from Poland, she completed her domestic contract in Sydney, Nova Scotia after her arrival in 1950. She then moved to Toronto to enhance her social and economic opportunities. In 1952, she gave birth to a boy and decided to keep him. She found work after the baby was born and paid the people she was living with to look after him during the day. She also took him to work when necessary. After receiving her deportation notice, she was brought in for questioning as part of the inquiry process. The departmental officials appeared to be concerned about how she was going to support herself and the baby; they inquired about the possibility of giving the child up for adoption, or if she was set on keeping him, marrying his father:

> Q. Do you intend to keep the child and support it?
> A. Yes
> Q. Is there any possibility of you putting the baby up for adoption?
> A. No, I won't put it out for adoption. I get daycare for him where I work or where I live and I think I can support it.

[15] LAC, RG 76, Accession 91-92/011, box 29, File #D-24599. Minutes of the Board of Inquiry, March 2, 1951, Toronto, Ontario, p. 3.

> Q. Is there a possibility that you and [name deleted] will marry?
> A. If he wanted to, I probably would.[16]

The officials were evidently disappointed that Sofia was not prepared to give the baby up for adoption, or alternately, put some effort into marrying the father in order to legitimize the situation. The SIO subsequently referred to her as "a pleasant type who is not too bright."[17]

While married Canadian women could apply for family allowance following the war, this was not an option for married and unmarried immigrant women with babies. Although citizenship was eliminated as a barrier in 1948, unwed mothers – whether Canadian or aliens -- could not collect family allowance.[18] Whether the immigrant woman decided to keep her baby or not, she almost inevitably was placed in a position of debt after her stay in the hospital. Their only recourse in regards to finding a source of income to help pay for hospital bills and living expenses was welfare. Although welfare seemed like a welcome option to address the financial burdens that confronted a single immigrant woman with a baby, it was viewed as a last resort, as it brought their case to the attention of the state.

Sofia was forced to apply for welfare after having her baby, accumulating a debt of $127.73. She returned to work right after her convalescence and was earning $5 a day at her job and paying $5 a week for her room. She also paid for the

[16] LAC, RG 76, Accession 91-92/011, box 51, File #D-97085. Minutes of the Board of Inquiry, January 28, 1953, p.6.
[17] *Ibid.* Memo from SIO to DM, 28 January 1953, p.2.
[18] See Margaret Jane Hillyard Little, *No Car, No Radio, No Liquor Permit*, 68,120.

care of her child. Although she told the department that she wanted to pay off her debts, it would have taken quite some time to accomplish that feat.[19] Edita, who was mentioned earlier, in turn, had received $373.71 from welfare and owed the hospital $284.20. Since her baby was ill after his birth, she had to pay an additional $7 a week for his care at Mount St. Joseph's Nursing Home in London. She made $25 a week as a chicken plucker and was paying $5 a week in rent. Since the rent did not include food, she told the department official that "If I had to pay for my meals I would pay $15 a week. I couldn't afford to. I don't eat much now."[20]

Eva, a Polish DP, injured her back from a fall at work and had been in and out of the hospital for some time, owing $372.12 for her care. Unlike the others, she had been able to pay for her stay in the hospital. Her child was in an orphanage and the city was paying for its maintenance at $0.95 a day, her expenses totaling $173.85 by the time she was questioned by the department. During their exchange with Eva, the department officials were eager to find out if she could become self-sufficient, asking when she would return to work. She replied: "They just put a cast on my back, I do not know how long before I can work."[21] She had been on welfare for nine months after the birth of her child, was in a steel brace, and obviously felt as if she wasn't strong enough to return to work. The

[19] LAC, RG 76, Accession 91-92/011, box 51, File #D-97085.
[20] LAC, RG 76, Accession 91-92/011, box 56, File #E-3097. Minutes of the Board of Inquiry, May 27, 1953, p.4.
[21] LAC, RG 76, Accession 91-92/011, box 31, File #D-37115. Minutes of the Board of Inquiry, London, Ontario, October 2, 1951, p.3.

department asked about her child's father; she told them that she knew him before coming to Canada and met him again while she was working on a tobacco farm in Strathroy, where they got together. However, he later married another woman and was living in Windsor. The SIO didn't press the marriage issue, but he expressed doubts about her inability to work in his memo: she is "not totally incapacitated but apparently is reluctant to work as long as she can obtain welfare assistance."[22] This led him to warn that she should "not be considered to be a very good type of person." [23]

Emily, who was from South Wales, did not owe as much to the government as the others, but she spent a short amount of time at 999 Queen Street West – the mental asylum in Toronto -- after the birth of her child. Shortly thereafter, she returned to her job. While in hospital, she was diagnosed with "psychoneurosis", which was not explained in the medical report, but was likely brought on by postpartum depression and/or a type of depression triggered by having to give up her baby. She contacted the department to inform them of her status. During the inquiry process, the board reviewed her financial situation and determined that she did not owe the state any money. The board members asked her about $1000 from her savings that was given to the Public Trustee by the hospital. The exchange was as follows:

> Q. Do you have any money at all?
> A. I had over $1,000 and I don't know why but they have given it to the Public Trustee.

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[22] *Ibid.* Memo from the Appeal Sub-Committee to the Acting Director of Immigration, October 31, 1951.
[23] *Ibid.* Memo from the Central District Superintendent to the Director of Immigration, October 31, 1951.

Q. Has the Public Trustee your money at the present time?
A. Yes.
Q. How did you acquire this $1,000?
A. I earned it, sir.
Q. It is your own savings?
A. Yes, it is.[24]

The board was both impressed and suspicious in regards to her savings. In the meantime, the hospital had removed her funds from her bank account without consulting her, protecting her against her own supposed bad judgment.[25] Within her file, there was no indication of how and when the government was planning to reimburse her. The fact remains that Emily's situation was quite unusual, since most immigrants did not have her financial means, particularly those women who came out of the DP camps.

Those immigrant mothers who were abandoned by their boyfriends and had no savings had another option aside from applying for welfare, which was to sue the father for child support. This legal solution was supported and promoted by the CAS, since all of the agencies concerned were eager to find a way to make the women more self-sufficient and avoid having the government and taxpayers support them. Eva took advantage of this option and received a cash settlement

[24] LAC, RG 76, Accession 91-92/011, box 29, File D-24599. Minutes of the Board of Inquiry, March 2, 1951, p.4.

[25] A memo from the immigration inspector in charge of the case to the Central District Superintendent of Toronto written on March 21, 1951, indicated that she had been admitted to the hospital on January 18th and released on March 12, 1951. The cost of her care was $1 a day. The hospital had obtained her two bankbooks and handed them over to the Public Trustee, in order to pay for her hospital stay. Her total debt to the hospital was therefore around $55. Since her job paid $90 a month including room and board, she would have had more than sufficient funds to maintain herself. The hospital did not seem to be inclined to return her savings to her. It is apparent that they felt they needed to control her funds in case something else happened to her. *Ibid.*

of $700 from the father of her child.[26] Edita also sued her baby's father for support in 1953, with the help of the CAS.[27] In turn, Sofia consulted with a lawyer to get some legal advice. She explained to the inquiry board that he advised her to find a witness to prove, as she stated that "the boyfriend used to come and visit me on Avenue. Now I have the witness and the lawyer wants to take the whole thing to court."[28]

While the department sought financial independence for these women, its ultimate goal was to persuade them to give up the baby and/or marry its father. This would give these "non-mothers" a second chance in society.[29] But another concern of the department was to establish whether these "fallen" women were at all redeemable: were they the victims of a one-time fling with a lethario, or were they repeat offenders who were likely to burden the state with countless illegitimate offspring? Regardless of their ability to sustain themselves, those who seemed unwilling to adopt the appropriate "respectable" behaviour, were viewed with suspicion and disdain, and deemed unlikely to make good Canadian citizens.

Indeed, all of the women were aggressively questioned on issues relating to their sexual past. This was seen as necessary to properly assess their level of morality

[26] LAC, RG 76, Accession 91-92/011, box 31, File #D-37115. Minutes of the Board of Inquiry, October 2, 1951, p.3.
[27] LAC, RG 76, Accession 91-92/011, box #56, file #E-3097.
[28] The word Avenue was likely an incomplete reference to her street or apartment. LAC, RG 76, Accession 91-92/011, box, 51, file #D-97085. Minutes of the Board of Inquiry, January 28, 1953, p.4.
[29] Rickie Solinger refers to these women as "not-mothers" and makes this contention regarding marrying as an option for salvation. See Solinger, *Wake up Little Susie*," 21.

and respectability. As mentioned, Edita was still seeing her boyfriend, but had no sense as to whether they would get married or not, although she was interested in marriage.[30] Maria, who came to Canada to work as a children's nurse, arrived from Portugal in 1952 as a non-immigrant. She had been seeing a man who was a citizen of the United States for approximately seven years in Portugal and became pregnant with his baby. She was issued a deportation order citing misrepresentation as the cause, after applying for permanent residence. The department was quite interested in her relationship with this man, interrogating her about how the conception occurred as well as the likely future of the relationship:

> Q. When did the incident with Mr.[name deleted] happen?
> A. He was in Portugal until August last, and then came back to the United States, a few days before I left. I came in September. It happened on July 29th, and the doctor said it took 9 mos. And 2 weeks. I did not know I was pregnant when I left Portugal. He returned to the United States in August, and I came here in September.
> Q. Have you ever lived with this person as man and wife?
> A. Yes, in common-law relationship, for 7 years. My family thought I was married to him.
> Q. Since your arrive [sic] in Canada in Sept. 1952, have you lived with this person as man and wife?
> A. Some time he came to see me for week-ends, and he stayed at the Laurentien Hotel. Mrs.[name deleted] thinks I'm married to Mr.[name deleted].
> Q. How far has Mr. [name deleted] proceeded with his divorce?
> A. Seven years ago, he applied for a divorce, but only obtained a legal separation; now he has applied for a divorce in New York.[31]

[30] LAC, RG 76, Accession 91-92/011, box 56, File #E-3097.
[31] LAC, RG 76, accession 91-92/011, box 53, File# 98680. Minutes of the Board of Inquiry, Montreal, Que., 25 May, 1953, pp. 8-9.

Maria indicated that he was eager to secure a divorce from his wife and that they wanted to live in Canada together as man and wife. Since his wife was unwilling to sign the divorce papers, however, the department felt that the marriage was not likely to happen anytime soon. As a non-immigrant who had an illegitimate child and was unlikely to marry in the near future, the department viewed her as someone who would not make a good citizen.[32]

Another woman whose past was severely scrutinized by the department was Agatha, a single German DP who arrived in Canada in July 1952. She, too, was charged with misrepresentation, since she entered as the wife of a man who was already married, and whose wife did not want to come to Canada with him. He invited Agatha, whom he had never met before, to accompany him, using his wife's documents. They both felt that this would ease their access into the country. They went their separate ways and she later became pregnant with another man's child, whom, she told the department, she had no interest in marrying. While officials questioned her about the father of the child, they were particularly interested in whether she had had a sexual relationship with the man who claimed to be her husband.[33]

While officials viewed Maria as a woman with loose morals who was unlikely to alter her ways any time soon, Edita had a steady boyfriend and she tried to emphasize how committed she was to him. She also argued the pregnancy was

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[32] LAC, RG 76, Accession 91-92/011, box 43, File #D-81849. Minutes of the Board of Inquiry, July 23, 1952, p.4.
[33] *Ibid.*

an accident and an aberration, and that she did not lead a promiscuous life: "if I had lots of men I would not care, but just one time I have with him, he is the only one I have In Canada, and I get baby."[34] In contrast, Agatha informed the department that she had had another illegitimate child before coming to Canada, and that she had left him under her mother's care in the American Zone in Germany.[35]

These two women had been less honest with the departmental officials about their pregnancies. In turn, rather than being up front with her employer, Maria told the family that she worked for in Montreal that she had had gone to visit Ottawa, and after becoming ill, was hospitalized and had her gall bladder removed. The department questioned the household about her case and the maid turned her in when the immigration official questioned her about Maria's supposed trip. During the inquiry, Maria tried to deny it, but finally admitted to the officer that she had given birth to a baby in Montreal on May 13, 1953. She had lied about it because she was ashamed and the child had died, and felt that she had no reason to keep on living. The SIO tried to console her by explaining that "all that is happening is God's will and often turns out for the best."[36] Her act of deception was therefore brought on by a variety of factors such as shame, fear, and likely grief.

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[34] LAC, RG 76, Accession 91-92/011, box# 56, File #E-3097. Minutes of the Board of Inquiry, May 27, 1953, p.5.
[35] LAC, RG 76, Accession 91-92/011, box 43, File #D-81849. Minutes of the Board of Inquiry, July 23, 1952, p.2.
[36] LAC, RG 76, Accession 91-92/011, Box# 53, File # D-98680. Minutes of the Board of Inquiry, p. 7.

The most blatant case of deception, however, was perpetrated by Agatha. After receiving her deportation order, she later told the department that she deliberately became pregnant, hoping that they would take the child into consideration when dealing with her case and let her stay, since the child would be a Canadian citizen. She had the baby in March 1953 and left it with the CAS. She refused to sign any adoption papers and stated to the immigration official that she would not bring the baby to Germany with her. She also revealed that the father was a married man. Finally, she threatened to contact the German press if they deported her and separated her from her baby girl.[37] After consulting with the CAS, the department officials discovered that they required two weeks or more to schedule the requisite medical examination and file all of the papers required to release the child to the mother. In turn, they were informed that it would be impossible to put the baby out for adoption without her signature or waiting a lengthy period of time. They ultimately decided to return them both to Germany, hoping to avoid the potential mess of negative media attention. According to the attending officer, "It is apparent that if we permitted the child to remain and then tried to deport the mother she would make an awful fuss with the press."[38] The department feared that German citizens would be appalled to hear about a mother being deported and forcefully separated from her child. Consequently, after holding her and the child in the

[37] LAC, RG 76, Accession 91-92/011, Box 43, File D-81849. Memo from A/Director to the Deputy Minister, May 14, 1953.
[38] *Ibid.* Teletype message from the Montreal Immigration Office to Admissions, June 10, 1953.

Quebec City Detention Quarters for a month, both were sent back to Germany on the S.S. Canberra on July 23, 1952.[39]

For many women, the threat of being deported to their homeland was extremely stressful. This was particularly true for DP's from Iron Curtain countries. When asked to choose between staying in Canada or being deported, Edita responded: "I choose Canada because I don't want to go back to the Communists countries."[40] In contrast, Emily, who hailed from South Wales, informed departmental officials that she was eager to leave Canada and be sent back to a city like London, where people did not know about her past:

> Q. Would you like to stay in Canada or would you like to go back to Wales?
> A. Sometimes I would like to go back but I don't think my people would have anything more to do with me.
> Q. Is there any special reason why you would like to stay in Canada?
> A. I am not a very popular person here now, that is for sure. Since the child was born and since I gave it up I don't seem to have friends. I don't blame them but if I had the money to keep the child I would.
> Q. Is there anything you would like to say on your own behalf?
> A. I would like to go back to London.[41]

In the end, the department stayed the case and did not deport Emily, likely based on her decision to give up the child and pay off her debts.[42]

While the inquiry hearings suggest that the department might have wished to deport most of these single mothers, it proved often difficult to deport the DP's,

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[39] They were held in detention since the original ship's master from the S.S. Columbia refused to take them aboard in June, expressing concern about her attitude towards the child. *Ibid.* Minutes of the Board of Inquiry, July 10, 1953.
[40] LAC, RG 76, Accession 91-92/011, box 56, File #E-3097. Minutes of the Board of Inquiry, May 27, 1953, p.6.
[41] LAC, RG 76, Accession 91-92/011, box 29, File #D-24599. Memo from A/Central District Superintendent, Toronto, to staff, March 21, 1951, p.2.
[42] *Ibid.* Minutes of the Board of Inquiry, Toronto, Ontario, March 2, 1951, p. 4.

since these women were stateless and had nowhere to go. In fact, the IRO agreement stipulated that they were not entitled to deport the women who came over as part of the domestic scheme after they had been in Canada for eighteen months.[43] Hence, Edita was allowed to stay, due to the problems involved in deporting her back to Poland. An exception could be made for a non-immigrant like Agatha, guilty of misrepresentation and intentionally becoming pregnant. Since the IRO was no longer operating in 1953, the immigration officials had to work with the Department of External Affairs and the German Embassy to make arrangements to ship her back to Germany. Finally, the Immigration Branch paid for the passage of Agatha and her daughter, at a cost of $180, which they willingly took on in order to return her quickly to Europe.[44]

Out of the six women who were questioned about the illegitimate babies they had in Canada, only Maria and Agatha were deported. Both cases, in fact, ended up becoming somewhat heated and controversial. Both Maria and her employer complained to the minister about the way she had been treated by his officials. Her employer complained to a senior official that the SIO had told Maria he was glad the baby had died. Maria also put forth a request for a voluntary deportation, in order to avoid the stigma of being officially deported. After she evaded deportation by going to St. Marguerite du Lac Masson, without consulting the department, her request was quickly denied. While in detention, she

[43] RG 76, Vol. 753, File #514-22. Memo from P.T. Baldwin, Acting Director, to the Deputy Minister of Citizenship and Immigration, December 14, 1951.
[44] LAC, RG 76, Accession 91-92/011, box# 43, File #D-81849, June 10, 1953.

complained to the matron that the SIO, Mr. St. Onge, harassed her and endangered her health. She contended that he "continually persecuted her and that he was the sort of person who expects all the women to let themselves be made love to." She later submitted her grievance to the department as a formal complaint.[45] The SIO defended himself, stating that he had never made any advances towards her and that she was a "chronic complainer who had quite a genius for distorting everything that was said to her and repeatedly tried, in that manner, to make trouble for the Immigration personnel who dealt with her."[46]

The other four discussed earlier were, for the most part, investigated and scrutinized for months if not for years. Since their deportations were stayed rather than overturned, they could still have been expelled from the country if there were any future unfavourable reports that came to the department's attention. The intent of the extensive investigation process was to ensure that the women became self-sufficient and/or eventually married someone who had sufficient means to provide for them and their children. Eva ended up fulfilling these requirements by marrying in 1952. Checking into the couple's financial situation, the department discovered that they were living in a four room apartment and that Eva's husband was working for the Sterling Construction Company and was making $45 a week.[47] Edita, in turn, married a Canadian

[45] LAC, RG 76, Accession 91-92/011, box# 53, File #D-98680, July 20, 1953. Memo from J. St. Onge to the Eastern District Superinitendant of Montreal.
[46] *Ibid.* Memo from the Eastern District Superintendent to the Director of Immigration in Ottawa, August 11, 1953.
[47] LAC, RG 76, Accession 91-92/011, Box# 31, File #D-37115. Memo from the Inspector-in-Charge, London, Ontario to the Central District Superintendent, Toronto, December 15, 1952.

citizen in December 1953. They owned a home and lived with his illegitimate son. He had a good job with Canadian National and earned $55 a week.[48] Due to her successful circumstances, the department closed her case in January 1954.[49] In contrast, Sofia was investigated and her case was kept open until 1966, when it was finally closed. This was likely due to the fact that she continued to date the father of her child and did not marry him for quite some time.[50]

During the 1940s and 1950s, single female immigrants who became pregnant and gave birth to illegitimate children often faced near catastrophic consequences. Lacking the support of a husband, boyfriend and family, they typically became dependent on the state and were placed at the mercy of the Immigration Branch's inquiry board. They could get some support from the board if they proved that they had not perpetrated such "moral crimes" in the past, demonstrated an interest and ability to return to work and pay off their debts, or exhibit an interest in marrying the father of their baby or their boyfriend. The department could then display some sympathy by staying the deportation order. In the end, it only deported those two women – Agatha and Maria -- whom they felt were unlikely to marry and legitimize their babies, becoming, instead, repeat offenders, incapable of mending their ways. The Department's inability to deport many of the women who entered the country as stateless DP's, however,

[48] LAC, RG 76, Accession 91-92/011, Box# 56, File #E-3097. Memo from the Officer-in-Charge to the Hamilton Central District Superintendent, Toronto, December 3, 1953.
[49] *Ibid.* Memo from the Central District Superintendent to the Officer-in-Charge, Hamilton, January 4, 1954.
[50] The case was finally retired in 1966 following the Violi decision of 1965. Violi v. Canada (Minister of Citizenship and Immigration) was a case that involved two brothers who sued the department about issuing a deportation notice a certain number of years after the deportation order was issued.

certainly shaped the way it dealt with these situations, since deportation was not always a viable option when stateless immigrants were involved. As a result, long-term surveillance was conducted to ensure that these once "rebellious" women behaved themselves and carried out their lives in compliance with societal standards. Otherwise, they risked being brought up before the department again and face deportation. The following chapter will examine another group of women who violated the social mores of the time, by engaging in cohabitation with a man outside of matrimony.

Chapter VII

Forbidden Love

Bridget Cole came to Canada from England as a visitor for two months in 1947. She left her estranged husband, who had served in the British navy during the war, eight years earlier. After his return, she discovered that he had committed bigamy, since he was already married to another woman. She began living in a common law relationship with her boyfriend sometime after the breakup, and ultimately followed him to Canada after he relocated. Before leaving the port, she was detained at the Halifax immigration building for nine days for questioning. The immigration officer inquired about her relationship with her husband and common-law boyfriend. She informed him that she had tried to secure a divorce through the Naval Welfare Office in 1943, claiming desertion, but they told her that they couldn't help her, since he had been discharged, and consequently, was no longer their responsibility. Subsequently, she was unable to obtain a legal divorce without locating an address for her husband. As a result, she was legally unable to marry her boyfriend, and accompany him to Canada as his wife. She felt that she had no recourse but to change her name to that of her common law husband and start a new life with him in Canada as man and wife. Regardless of her circumstances, the department charged her with misrepresentation and sent her back to England. [1]

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[1] LAC, RG 76, Accession 91-92/011, Box #6, File# B-58458.

Cases like Bridget's were not that unusual after the war. While most couples who entered the country were legally wed, there were a number who were not. They came to Canada to seek out a new home, where they could live together without their neighbours knowing that their union was not sanctioned by church and state. And while Canadian couples who lived together in a common law relationship ran the risk of public condemnation and ostracism if they were discovered, immigrants were subject to deportation if they committed such a "moral" crime.

Although it is impossible to determine the numbers of couples who lived in common-law relationships after the war – the census and immigration records do not include cohabitation as a category of analysis -- it certainly was a choice that many Canadians and immigrants adopted for a variety of reasons, which will be discussed later on in this chapter. Most of the immigrants in this study did not select this type of living arrangement as a lifestyle choice or as a public statement against the institution of marriage. Rather, the majority did so out of necessity, when one or both of the partners were married or separated, and were, subsequently, unable to legalize their relationship.

There were also cases of bigamy that involved even more individuals in the mix.[2] Many of the thirty-three couples that are included in this chapter attempted to

[2] After the First World War, bigamy became a widespread practice across Canada. James Snell identified as many as 2000 of these cases during the first three decades of the twentieth century. See James Snell, *In the Shadow of the Law: Divorce in Canada, 1900-1939* (Toronto: University of Toronto Press, 1991), 242.

secure a divorce, but were confronted with a spouse that was unwilling to comply, due to his or her religious beliefs, or to a lack of desire to sever the relationship. Others were unable to locate their spouses and serve them with the divorce papers. Even when the spouse was available and willing, divorce was not a viable option for most working-class Canadians and immigrants, due to the need to secure a lawyer and pay a large sum for the decree.[3] Given those circumstances, most couples had to make due with a legal separation, which could be used for cases of desertion and involved waiting seven years following the departure or absence of the spouse.[4] This type of self-divorce was called the "poor man's divorce," since it was cheaper than the alternative, and was commonly used by those who could not afford a legal divorce.[5] Since divorce was not an option for most immigrants, due to the cost involved and the difficulty serving papers to a spouse overseas, separation became an alternative, and cohabitation became the favoured living arrangement for couples that could not legally marry.

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[3] In order to secure a divorce in Canada, the couple was require to wait a year in order to have it become an Act of Parliament and then pay $1000 to achieve this end. This type of process remained consistent until divorce was legalized in Canada in 1968. The only grounds for divorce was adultery on the part of the wife, for the husband. In turn, women could secure a divorce only on the grounds of adultery, coupled with cruelty or desertion. See James Snell, "The White Life for Two: The Defence of Marriage and Sexual Morality in Canada, 1890-1914," in *Canadian Family History*, ed. Bettina Bradbury (Toronto: Copp Clark Pitman Ltd., 1992), 383. Also see Kristen Douglas *Divorce Law in Canada*, (Government of Canada Web Site, Depository Services Program, Law and Government Division), 1 and Roderick *Phillips Untying the Knot: A Short History of Divorce*. (New York City: Cambridge University Press, 1991).

[4] Snell indicates that many people at the time believed that a seven year absence of a spouse legally allowed them to marry without a divorce and without state action. In fact, no such legislation existed, but the Criminal Code tolerated second marriages under these circumstances. See Snell, *In the Shadow of the Law*, 242.

[5] *Ibid.* 249.

Under Canadian law, cohabitation was illegal if it involved an individual who was married to someone else, or if one or both partners had lived or cohabitated with another person in a conjugal union.[6] Regardless of the legality of their choice, those who lived common law at the time -- particularly those who were married to others -- were not accepted by society. They constantly faced the prospect of being discovered, which could lead to their ostracism by their neighbours, friends, family and employers, since society at this time did not accept unmarried couples living together, essentially mimicking marriage. This negative perception of cohabitation had a great deal to do with the state's defence and protection of marriage after the war.

Indeed, along with the churches and the general public, the state viewed marriage as "the bulwark of the social order."[7] One of the main functions of marriage was to legitimize sex. Consequently, all sexual acts committed outside of marriage were viewed as immoral, particularly those involving adultery, homosexuality and bigamy. Strong families and marriages, therefore, required monogamy and restraint on the part of both partners.

According to some scholars, the post-war period was characterized not only by the fight against Communism, but also by the desire to contain sexuality to the

[6] James Snell, "The White Life for Two," 387.
[7] James Snell, *In the Shadow of the Law: Divorce in Canada*, 22.

home.[8] This was spurred on by a fear of sexual chaos, which could pose as much of a threat to the family, as Communism did to the state. As Elaine Tyler May argues:

> Moral weakness was associated with sexual degeneracy, which allegedly led to communism. In order to avoid dire consequences, men as well as women had to contain their sexuality in marriage where masculine men would be in control with sexually submissive competent homemakers at their side. Strong families required two essential ingredients: sexual restraint outside marriage and traditional gender roles in marriage. The issue of sexuality was central to both.[9]

Hence, only legally married men and women living together were recognized as legitimate couples, while all other arrangements were viewed as immoral and condemned. Behind every subversive, Tyler May asserts, "lurked a woman's misplaced sexuality."[10] It was therefore her duty to protect the relationship and the home from outside threats.

When it came to public attitudes vis-à-vis cohabitation then, women bore the brunt when it came to assigning blame, due to the double standard that existed

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[8] See Elaine Tyler May, in *Homeward Bound: American Families in the Cold War Era* (New York: Basic Books, 1999); Wini Breines, *Young, White and Miserable: Growing up Female in the Fities* (Chicago: University of Chicago Press, 1966); Franca Iacovetta "The Sexual Politics of Moral Citizenship and Containing "Dangerous" Foreign Men in Cold War Canada, 1950s-60s," *Social History* 66 (November 2000); and Gary Kinsman in his work *The Regulation of Desire*.
[9] Elaine Tyler May, *Homeward Bound*, 99.
[10] *Ibid.*, 96.

regarding sexual impropriety at the time.[11] Wives were often held responsible for failed marriages, since they were expected to make the necessary efforts to save it. And since marriage was the only acceptable way to express female sexuality, a woman who separated from her spouse and engaged in a common-law relationship was viewed not only as failure, but even worse, as a tramp. Immigrant women were, in fact, more susceptible to criticism and scrutiny than their Canadian counterparts, due to prevailing racist and class biases regarding sexuality.

As the guardian of both legal and moral codes, the Canadian state was responsible for preserving the sacred institution of marriage, and as such, the established social order.[12] The Immigration Branch supported this goal, by ensuring that immigrant women who committed sexual offences or strayed beyond the limits of propriety were investigated, interrogated, and if found guilty, were deported.

The two immigration acts covering the period under investigation, identified some sexual offences. For instance, homosexuality was added as an offense within section 5(e) of the 1952 Act. In turn, prostitution and those living off of the avails of prostitution, were also treated as offenses in both acts. None of the

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[11] See Nancy Cott, *Public Vows: A History of Marriage and the Nation* (Cambridge: Harvard University Press, 2000), 18.
[12] See Tina Loo and Carolyn Strange in *Making Good: Law and Moral Regulation in Canada, 1867-1939* (Toronto: University of Toronto Press, 1997), 50.

clauses, however, included adultery, bigamy and cohabitation as offences. In the United States, the Immigration and Naturalization Service (INS) relied on a moral turpitude clause within their immigration legislation to deport immigrants who committed adultery or other sexual offences that could not be punished using other sections of the act.[13] However, the Canadian context was a little different. While the 1927 and 1952 Immigration Acts did include a moral turpitude clause, it was applied to "persons who have been convicted of, or admit to having committed, any crime involving moral turpitude."[14] Although it could have been applied liberally to any immigrant who perpetrated an immoral sexual act, the department tended, at the time, to rely on the moral turpitude clause for petty criminal offences such as car theft.[15] Consequently, immigration officials found other means to sanction those individuals "living in sin".

Rather than treating equally all unmarried couples entering the country and living in common-law relationships, the department classified these cases into different categories.[16] Couples with unmarried partners were treated as fiancés and expected to adhere to the established procedures, which involved having the two

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[13] See Martha Gardner, *The Qualities of a Citizen*, 240.

[14] 1927 *Immigration Act*, Chapter 93 and 1952 *Immigration Act*, Chapter 145, sections 3(d) and 4(d).

[15] After reviewing the immigration subject files in RG 76, File# 540-14, labeled "moral turpitude," I was unable to locate any references or cases within them relating to female sexual or moral offences. All of the cases, in fact, involved men who had committed petty crimes within their homelands or Canada. The category was therefore somewhat misleading, since one would certainly expect it to be used, like it was in the United States, for morality crimes, since this term essentially implies acts involving moral depravity. In fact, the department struggled to define what this term implied, and on October 1, 1956, amended 7.38(c) in the Procedure Manual so that the interpretation was left to the discretion of the immigration officer or SIO. See letter from D.A. Reid, A/Chief of Operations to the RCMP, October 24, 1956. LAC, RG 76, Vol. 783, File# 540-14 pt. 1.

[16] These categories were outlined in a memo from J.E. McKenna, A/Secretary to the Deputy Minister, 14 December, 1950. LAC, RG 76, Vol. 874, File # 559-30.

of them sign a declaration form guaranteeing that they would marry within 30 days of arrival. The couple also had to provide the department with a $250 deposit as a bond.[17] Those who carried through with their promise were given their money back and accepted as landed immigrants, if they behaved properly in all other areas of their lives. Those who failed to comply were generally deported.

Rowena Andrews and Blair Brown are a case in point. They met in England and developed a relationship there. He was a Canada citizen who was employed as an insurance agent. After returning to Canada, he sent for Rowena; she arrived on October 1953, entering as his fiancée and bringing her 18 month-old son from another relationship with her. She found a job working in the cafeteria of the T. Eaton Company and the couple lived together in his Toronto home. Five months later, she and her son were issued a deportation order and told to report to the immigration office for questioning. In his report, the officer indicated that Rowena had entered Canada through false or misleading information, expressing his doubts that they would ever marry.[18]

After questioning them separately, the officer described Blair as "evasive" and Rowena as a "poor type of low intelligence who would be satisfied to continue

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[17] This policy was developed in the 1930s but was adhered to well beyond that time. It was elaborated by F.C. Blair to the Director of the London Office on 3 December 1934. LAC, RG 76, Vol. 188, File # 67967, pt. 2.
[18] LAC, RG 76, Accession 91-92/011, Box 66, File# E-17575.

the present relationship indefinitely," thereby blaming her for the couple's failure to wed. When asked by the officer if she was living with Blair, she initially denied it. After further interrogation, she divulged that they were indeed living together. When the officer asked her if she understood that it was immoral to live that way, she replied: "we are very happy together and we don't interfere with anybody." Later in the interview, she capitulated "I do, but we are doing nothing wrong to anyone else except ourselves."[19] In the end, the board felt that since Blair had been married twice before, he was obviously uncertain about making that type of commitment a third time. While he promised to support Rowena and her son if the relationship didn't work out, they felt that without the legal protection that marriage provided, the mother and son could become public charges. Consequently, she was deported under the charge of misrepresentation, and her son followed as her dependent.[20]

The second category of cases related to common-law relationships involving couples where one or both of the parties were not free to marry. These were typically delicate cases that were not given great favour by the department unless the partners were able to secure a divorce and marry. Most of the female immigrants documented in this chapter were married or separated, and living in

[19] *Ibid.* Minutes of the Board of Inquiry, Toronto, Ontario, February 4, 1954, p.9.
[20] *Ibid.* Memo from P.R. Coyne, Deportation Conductress to the Central District Superintendent, April 23, 1954.

common-law relationships. In fact, the vast majority of the thirty-three cases fell into that group.[21]

In some cases, the male partner had a wife back home, who was unwilling to come to Canada with him, leading him to bring his mistress or girlfriend instead.[22] Other cases involved women fleeing from bad marriages, hoping to start a new life in a new country. Greta was one such woman. She had met her American husband while he was serving in Germany during the war. In 1953, he begged her to marry him before he was sent to Korea and she obliged. While away, he did not support her and she eventually discovered that his salary was being sent to his five children from a former marriage. When he returned, she found him to be "mental" and informed the immigration officer that he was often violent. She felt that he had not been honest with her and that she had married him under false pretenses. As a result, she left him and came to Canada to work, finding a good job at the Royal Victoria Hospital in Montreal.[23] For her part, Tabatha, a twenty-seven year old Native American, came to Canada in 1951 to escape her husband, whom she claimed had abused her and stabbed her with a knife when her baby was a day old in 1943, and live with her common-law

[21] Out of the 33 cases, 24 involved couples where one was married; two were bigamous relationships; five were engaged couples living together; and two were free to marry but not engaged.
[22] Two cases involved men who had asked their wives to join them but were unable to convince them to come. One was a Canadian man whose wife was living in England. When she refused to relocate, he brought over his South African girlfriend who was a resident of Britain. The second was an American man whose girlfriend was from Italy. LAC, RG 76, Accession 91-92/011, Files B-58458 and E-9251.
[23] LAC, Accession 91-92/011, Box 44, File# D-85241. Minutes from the Board of Inquiry, 9 April 1951, p.9.

husband.[24] She had used two aliases, the department discovered, in order to enter the country and make it difficult for her ex-husband to locate her.[25]

Indeed many of the women who came to live with their boyfriends resorted to setting up a false identity, changing their names as well as their identification documents to that of their partner. The emergence of the "illegal wife", Claire Langhamer contends, was a growing practice after the war, which involved the woman changing her name by deed poll in order to "facilitate respectable cohabitation."[26] Some of the women in this study adopted this strategy, typically within their homelands or in preparation for their trip to Canada. If the woman kept her married name, it would be easily discovered that she was not legally wed to their boyfriend, due to the different surnames. This would likely trigger an investigation with the immigration officer contacting her husband abroad. In order to enter Canada, a married woman needed written permission from her husband.[27] Those women who had been discovered carrying false names and documentation, were often charged with misrepresentation and deported.

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[24] LAC, RG 76, Accession 91-92/011, Box #5, File# B-16056.
[25] *Ibid.*
[26] Claire Langhamer, "Feature: Sexual Politics in Mid Twentieth-Century Britain Adultery in Post-War England," *History Workshop Journal*, 62(1) (2006), 96.
[27] Although this was not stipulated in the policy documents, most of the interrogations with the women in this group involved questioning as to whether she had her husband's permission to come to Canada. If the department was uncertain, they would often try to contact the husband to determine if he had willingly let her go. A negative answer served as evidence that the marriage was not dissolved and that she did not have his consent to live in Canada.

One such case involved a thirty-five year old British woman, Marilyn, who came to Canada with her boyfriend, Richard, and her four children. He left behind a wife and three children, from whom he had been legally separated for six years. While living in England, he had been paying his wife child support on a regular basis. After his departure, however, the payments stopped and his ex-wife wrote to the Canadian government seeking assistance in locating him. The immigration officer brought the couple in for questioning and discovered that Marilyn had used Richard's wife's birth certificate to get her passport as well as their marriage certificate. In turn, she relied on his youngest child's birth certificate for one of her own children, to provide proof that he was theirs. Eighteen months after their arrival, the whole family was deported for misrepresentation and fraud.[28]

Like many other couples, Richard and Marilyn worked very hard to pass themselves off as a normal married couple with children. Those who were discovered quite often received deportation orders after being turned in by a family member overseas, or through an anonymous tip. One wife from France worked tirelessly to locate her spouse, Martin. He had promised to take her to Canada; instead he married another woman in Argentina and brought her to Montreal, passing her off as his only spouse. The French wife, Francine, wrote many letters to the department, urging them to let her into the country so that

[28] LAC, Accession 91-92/011, Box# 58, File# E-6317.

she and her child could be reunited with her husband, as she was abandoned, penniless and in need of his support:

> Un homme ayant le visa d'immigration pour lui et sa famille, peut il abandoner sa famille en Europe et s'installer du Canada comme si de rien était? Est-il possible qu'une Canadienne fonde son bonheur sur le malheur d'une immigrante abandonée avec son enfant. J'avoue que je suis folle de douleur. Mon mari ne m'envoie pas 1 dollar pour me soutenir. Que font les lois pour moi? Ne peut on obliger mon mari à me faire venir? Je suis une mère, une femme désespérée, qui combattra jusqu'au dernier souffle pour son foyer. Pour son honneur.[29]

Despite her emotional plea, the department did not let her enter the country, viewing the dispute as a domestic matter. Martin was charged with bigamy in December 1952. However, he ended up getting an annulment from his first wife, Francine, and the court subsequently threw out the bigamy case. Rather than being deported, Martin and his new wife left for Germany on their own, in 1953.[30]

Beverley also was reported to the department by a tipster. She lived with her husband in New York State but worked as a domestic and cook at a motel in

[29] Letter from the wife to the Minister, 24 February, 1952. LAC, Accession 91-92/011, Box # 31, File# D-34579. The letter in English read "can a man who has an immigration visa for himself and his family abandon them in Europe and establish himself in Canada as if nothing happened? Is it possible that a Canadian woman can create her happiness on the basis of the unhappiness of an abandoned immigrant and her child? My husband has not sent me one dollar to support me. What have the laws done for me? Can't someone force my husband to send for me? I'm a mother, a desperate woman, who will fight until her last breath for her home. For her honour."

[30] *Ibid.*

Chippawa, Ontario.[31] For years, she crossed the Rainbow Bridge, commuting to her job in Canada. During that time, however, she was carrying on a long-term affair with her boss, Fred, who was a widower and the Postmaster of this town. Rather than being turned in by her husband, it was her boyfriend's son who anonymously reported her to the department. Evidently, he was not very pleased with the fact that his father was carrying on a relationship with his Black employee. He described Beverley as a "person of low moral character" who had been arrested in New York for being under the influence and resisting arrest at one time. He also revealed that other employees from the Inn noted that his father and Beverley were sharing a bed.[32]

Fred fought vigorously to fend off this attack, writing many missives to the Minister, his local MP, and even the leader of the opposition, Lester Pearson, arguing that he required her services at the motel, particularly during the tourist season. He assumed that this action against her was the result of racism: "I hope I am wrong in assuming that we Canadians are not taking a pattern from the Southern states like Alabama and Mississippi, where they try to kick the coloured race around."[33] He threatened to hire a lawyer and fight the action against Beverley in a court of law. All this time, Fred was unaware that the complaint against his girlfriend had been lodged by his son, who was employed

[31] An interesting fact about her was that she had worked as a cook for two movie stars in Beverley Hills before relocating to New York State. She was therefore skilled in the field of culinary work.
[32] LAC, RG 76, Accession 91-92/011, box 78, File# E-34693. Letter from son to Department, May 9, 1955.
[33] Ibid. Letter from "Fred" to the Minister of Immigration, April 14, 1956.

as an immigration officer, and was hoping to end the relationship by removing her right to cross the border. The Director of Immigration described this as "a ticklish case, especially in view of the fact that this man's son is one of our officers." In the end, the case was sent to the Minister for his review, with Beverley being deported in the spring of 1955.[34]

While some tips sounded rather convincing, others were pursued by the department with little or no evidence of the reported sexual offences. For instance, Mary Booker, a 28 year old Black woman from Jamaica, came to Canada to work as a nursing assistant at a hospital in Toronto. She was reported by her aunt, who was separated from her husband and living in Jamaica, and who wrote anonymously to the department, alleging that her niece was having an affair with her husband. Although it could not find sufficient evidence to that effect, the department attempted to dredge up other elements of Mary's personal life at the inquiry. They asked whether she had children, which she denied. After pressing the issue, she finally admitted that she had two children out of wedlock who were living in Jamaica. The SIO subsequently charged her with perjury; although the department could not prove adultery, and although it

[34] Fred lobbied from 1956 to 1958 to no avail. He argued that he had been a loyal civil servant and member of the Liberal Party, but received little support from his fellow Liberals while they were in power. In 1958, however, Lester Pearson, who was Leader of the Opposition, took up his cause and wrote to the Minister of Immigration on Fred's behalf. A dialogue between Pearson's personal secretary, Mary Macdonald to the Minister's secretary, Marguerite Hoey ensued. LAC, Accession 91-92/011, File# E-35693.

had received a very favourable statement of support from her employer, it dismissed her appeal and gave her the right to leave voluntarily.[35]

Another anonymous tip that led to an investigation involved Joan McIntosh, a twenty-eight year old married woman from Scotland. She was separated and had been living in Canada for four months, when the department called her in for questioning after receiving a letter from her husband, alleging that she was involved with one of the two men that she was living with. Although she strenuously denied having a relationship with either one, the department felt it had to take the matter into its own hands. This process involved sending the investigating officer, W.D. Pearce, to her Oshawa apartment to examine the nameplate in the hallway. Pearce also questioned the janitor, who informed him that the couple was living in the same apartment. It could not be ascertained, Pearce stated, "if this couple were actually residing as common-law man and wife." He also checked her place of employment and found she had listed her roommate as her husband and next of kin. A similar inquiry into his employment records indicated that he had listed Joan as his wife and next of kin. Based on this information, Pearce concluded that the couple must be living common-law.[36] During the inquiry, however, Joan informed the board that she took her his name "to ensure my employment with my employer in Oshawa as my uncle, [name severed], had a permanent admission to Canada and I felt that I would

[35] LAC, RG 76, Accession 91-92/011, box 89, File# E-59538.
[36] LAC, RG 76, Accession 91-92/011, Box 73, File #E-26791. Memo from W.D. Pearce, Investigating Officer to the Senior Officer, Port of Toronto, 28 September 1954.

not be allowed to continue in my employment if they [her employers] were aware that I only had a temporary entry."[37] Regardless, Joan was offered voluntary departure as an unsuitable immigrant.[38]

Although the department was notorious for its meddling, their inquiries involving sexual offences were by far the most intrusive. A charge of sexual immorality required evidence that the couple had been engaged in a sexual relationship, which was typically hard to prove. Hence, the department had to rely on a battery of obtrusive questions to gather significant evidence and to consolidate its case.

Janice, a twenty-two year old woman from Britain was subjected to this type of interrogation during her inquiry, which was held in Toronto in February of 1950. She had married a man from her homeland in 1948; after they separated by mutual consent, she came to Canada as a visitor and stayed with someone she claimed was her half-brother. The department got suspicious after discovering that her passport contained the ship card of a Canadian citizen who had been in Europe and returned in 1949. When asked about her relationship with this fellow, she stated that he was a good friend of her family and that she was keeping his ship card as a souvenir. Convinced that she was lying, the interrogation included the following exchange:

[37] *Ibid.* Minutes of the Board of Inquiry, Toronto, 29 September 1954, p.2.
[38] *Ibid.* Memo from the Central District Superintendent to Admissions, 5 October 1954.

Q. Why do you not want to give us the name of your friend?
A. I do not think it is any of your business what I do with my time. I came out here for a holiday.
Q. Now you want to remain?
A. Yes.
Q. Did you know anybody else before you came here?
A. Not a soul.
Q. Have you ever met a Canadian soldier in England?
A. No, I have never met a Canadian soldier.
Q. Have you met any Canadian men since you have been here?
A. No.[39]

Not satisfied with her answers, the officer asked her if had the written permission of her husband before coming to Canada. They also asked about her clothes, trying to establish who was supporting her, since she had not been working for some time:

Q. Have you bought any clothes since coming to Canada?
A. No, none.
Q. Have you never had any new clothes since coming to Canada?
A. No.
Q. Same pair of stockings?
A. No, not stockings.
Q. Who paid for these stockings?
A. Mrs. Munroe bought me some for Christmas.[40]

Janice was reluctant to provide details that could jeopardize her chance of remaining in Canada. In the end, her appeal was denied and she was deported as a public charge.[41]

[39] LAC, RG 76, Accession 91-92/011, Box 21, File# C-86551. Minutes of the Board of Inquiry, Toronto, 8 February, 1950, p.5.
[40] *Ibid.*, p.6.
[41] *Ibid.*, p.8.

Sandra Foucault also went through a similarly grueling round of questions during her inquiry. She was a single South African woman who came to Canada to visit her boyfriend, Jonathan, in October of 1950. He was a Canadian citizen who was married to a woman residing in England with their son. He had been separated from his estranged wife for three years and had been working on securing a legal divorce. His mother had paid for Sandra's passage and he traveled to meet her at the dock in Montreal. Exhibiting concern about her intentions vis-à-vis Jonathan, the department called her in to the immigration building for questioning. During the inquiry, the immigration officer repeatedly asked her about Jonathan, his marriage, and the nature of their relationship. The officer particularly queried her about the status of their relationship and whether they had been intimate, trying to throw her off balance and verify if she consistently responded in the same manner.[42] He also interviewed Jonathan separately, asking the same questions he had asked Sandra, in order to compare their answers. Sandra made it quite clear that she was not sleeping or living with Jonathan. Jonathan, in turn, insisted that they had never lived as man and wife; he assurred the officer that his lawyer had sent the divorce papers to his estranged wife and that he planned to marry Sandra once the divorce was finalized.[43] After a two-day inquiry, the board finally seemed favourably impressed with their responses, allowing Sandra to remain in Canada as a non-immigrant for six months until their nuptials could be arranged.

[42] LAC, RG 76, Accession 91-92/011, Box, 27, File # D-14497, Minutes of the Board of Inquiry, Montreal, 16 November 1950, p.5.
[43] *Ibid.*, p.9.

Since these hearings were held in camera, the tactics adopted by the department were generally unknown to most Canadians. However, in 1950, the department began to face criticism for its interrogation methods, particularly when it came to common-law cases involving immigrants from the United Kingdom. As this was spurred on by the "close questioning regarding marital status," which the Director of Immigration explained to his staff, "seems unduly to encroach on privacy."[44] But despite the criticism, the Director defended his officer's actions, asserting that "close questioning is often necessary owing to the fact that a woman living in a common-law relationship may have had her name changed by deed poll and carry a passport in the same name as her common-law husband." He was also confident that "the officers in charge understand that questioning is a delicate matter and should be carried out with appropriate tact and discretion."[45]

Indeed, senior bureaucrats within the department firmly believed that this process was essential to unearth these false marriages, ultimately protecting the families involved as well as the institution of marriage. As the Director of Immigration remarked to his staff:

> Marriage is considered as an institution based on religious beliefs and conventional morality. To look lightly upon common-law relationships could, in a

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[44] This was part of a confidential memo sent out to the district superintendents, SIO's and the posts abroad from the Director of Immigration, dated 2 February 1951. LAC, RG 76, Vol. 874, File# 559-30.

[45] *Ibid.*

> very real sense, be interpreted as condoning immorality.[46]

While the Canadian government recognized common-law relationships at the time by paying out pensions and family allowance to common-law wives, this generosity was reserved for women who were Canadian citizens. The main concerns expressed by the immigration bureaucrats was that the wife and children of common-law couples could become public charges, since the husband had no legal obligation to support them and they were not entitled to his inheritance if he passed away.[47] In turn, married men who engaged in common-law relationships could end up shirking their duty of supporting their first family. Hence, the department felt that any tolerance or liberal treatment that it might exhibit towards common-law couples, could generate criticism from religious organizations and the provinces, all of which were responsible for overseeing the institution of marriage.[48]

Out of the thirty-three women examined in this chapter, the majority were deported under certain clauses within Section 5 of the Act (Prohibited Immigrants), which the department was able to apply to their cases – primarily misrepresentation, unsuitability, and likely public charge – to quickly punish and

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[46] *Ibid.*
[47] *Ibid*, Memo from J.E. McKenna, A/Secretary to the Deputy Minister, December 14, 1950.
[48] *Ibid.* McKenna highlights this point arguing that "the institution of marriage falls within the purview of the various religious governments and the favourable consideration would invite criticism from the Province, religious organizations, etc…"

remove the guilty offenders from this country.[49] While the couples that were in a position to marry stood the greatest chance of being accepted as immigrants, those who violated the tenets of proper decorum and morality were quickly expelled from the country. One case that proved particularly unsettling to the department involved Serena Duncan, a thirty-three year old woman from England, who came to Canada in September 1953 to be with Sherman, her Canadian boyfriend. She had been separated from her husband for approximately seven years and indicated in her application that she was single. Serena was sponsored by Sherman, whom she claimed was her fiancé. Once the department discovered that she was unable to marry and was pregnant, they quickly called her in for questioning. After the inquiry, they charged her with misrepresentation, arguing that she had entered Canada for the purpose of marrying a Canadian when she wasn't free to do so, and then lived with him common-law. Once they determined that her due date was in September, they issued a warrant for her arrest and put her in detention in Hamilton, in order to make arrangements for her deportation. The District Superintendent, A.C. Aldridge, asked that the case be expedited and given "preferred attention," asserting that "she is further progressed in pregnancy and is becoming

[49] The breakdown for offences involving these cases were as follows: unsuitability (5), misrepresentation (7), non-immigrant (10), likely public charge (3), criminality (2), and other causes (4). See Case File Database.

troublesome."[50] She was ultimately moved to the Montreal Detention Centre and then deported back to England in June 1954, months before her due date.[51]

In addition to expediting those cases that it viewed as particularly "troublesome," the department also tended to adhere to a double standard when it came to common-law relationships, particularly those that were adulterous. While both partners were questioned about their living arrangements, the woman was usually more closely scrutinized and condemned for this type of lifestyle. As Claire Langhamer explains, with reference to the British context, "a continuing double standard combined with a more precarious economic status to ensure that female adulterers tended to pay a higher emotional, material and social price for their transgressions than men."[52] This type of discrimination often led to the woman being deported and her partner facing little or no punishment, if he had landed status or was Canadian.[53]

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[50] LAC, RG 76, Accession 91-92/011, Box 69, File# D-21566. Memo from A.C. Aldridge to the Director of Immigration, 11 June, 1954.

[51] *Ibid.* Deportation Statistics form "B".

[52] Claire Langhamer, "Feature: Sexual Politics in Mid Twentieth-Century Britain Adultery in Post-War England," 110. Feature: Sexual Politics in Mid Twentieth-Century Britain Adultery in Post-War England

[53] The case files included in this chapter were almost all in the names of the woman involved. The department appeared to be very intent on pursuing the case against them, often bringing the boyfriend in for questioning, but seldom forcing the man to leave the country or do anything more than commit to support the girlfriend.

While most of the women living common-law were expelled from Canada,[54] some evaded deportation. One was a pregnant American woman who had paid a $100 bond, and then disappeared with her boyfriend, leaving no forwarding address. The department frantically tried to track her down. The officer-in-charge contacted their landlord, their employers as well as local hospitals, where she may have given birth, trying to locate them, but to no avail.[55] But the one woman who put up the greatest fight was Shirley K. Taylor.[56] This twenty-three year old American woman was separated from her husband, Donald Fried, and had come to Canada through the Niagara Falls border in the fall of 1952 to visit her boyfriend Barry Brent, who lived in Scarborough, Ontario. She stayed for approximately three months, returned to Buffalo, and then came to Canada for another three month stay. After returning to the U.S., she came back again on New Year's Day in 1954, through the Fort Erie border by car. At this point, she had finally secured an annulment from her husband, and was hoping to make Canada her permanent home with Barry Brent as her spouse.

Once she crossed the border, she was detained by immigration officials and interrogated about her marital status, political affiliations, health, the couple's financial situation, and finally, her relationship with Brent. The Inspector-in-

[54] Out of the 33 cases, 26 were deported – both voluntarily and by force; three had their cases stayed since they were DP's and deportation was viewed as "not practicable"; the one mentioned earlier was given a six month stay to marry her boyfriend; one was a war bride who the department determined was a Canadian citizen; one woman disappeared; and finally, one woman, Shirley Brent, won her appeal against the department. See Case File Database.

[55] LAC, RG 76, Accession 91-92/011, box 50, File# D-95211.

[56] The name of the woman deported from this case is the only real name used in this chapter, since the case went to the Supreme Court of Canada, and is therefore in the public domain.

Charge, Mr. Eckertt, stated in his report that the "subject deserted her husband," and was stopped en route to her common-law husband Barry Brent.[57] On January 23rd, she paid a $100 bond, and was released from detention and instructed that she would be called to the Toronto Immigration Office for a hearing on the 28th of January.[58]

The inquiry included many questions relating to her former marriage, the annulment, and her future plans with Brent. They pried into her personal life asking the following questions regarding their relationship:

> Q. Have you been living in common-law relationship with Mr. Brent since your arrival in Canada?
> A. Yes.
> Q. Have there been any children as a result of this relationship?
> A. No
> Q. Are you expecting any children at the present time?
> A. No.
> Q. Have you taken any steps to marry Mr. Brent?
> A. No.
> Q. Do you intend to marry Mr. Brent?
> A. Yes.
> Q. Have you made any definite plans in connection with the marriage?
> A. About three weeks from now.
> Q. Where are you going to be married?
> A. Probably the City Hall in Toronto.
> Q. After your marriage do you intend to remain permanently in Canada?
> A. Yes.[59]

When asked about their relationship, Barry Brent confirmed their plans to marry in three to four weeks. In regards to their religious and/or political affiliations,

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[57] LAC. RG 76. Vol. 676, File E-17029. Memo from the Inspector-in-Charge, Toronto, to the Chief, Central Registry, Ottawa, January 4, 1954.
[58] Alan B. Harvey, ed. *Ontario Reports* 1954, (Toronto: Carswell, 1954), 707.
[59] *Ibid.* Minutes of Inquiry, Toronto, 28 January, 1954, p.4.

she claimed to have been part of a Catholic Church group in Buffalo and had no ties to any political organizations. Brent, in turn, revealed that he was a member of the C.C.F. and had been associated with that party for six or seven years.[60]

In a memo dated February 1, 1954, the SIO, Officer C. Ireland, stated that he doubted the couple would marry. The report also revealed that both of them had been under surveillance by the RCMP for quite some time, since she, Ireland claimed, had been "a very active member of the Communist Party," and he was viewed to be a likely subversive.[61] After the hearing, the SIO ruled that Shirley Taylor should be deported under section 20 (4)(b) of the Immigration Regulations, a broad exclusionary clause that essentially gave the SIO the discretion to ban or expel individuals that he felt were unsuitable.[62] Taylor appealed the decision but the Minister dismissed her appeal on February 15, 1954.

At this point, Taylor hired a lawyer, Mr. F.A. Brewin. In order to have time to review the case, he and M.P., A.J.P. Cameron, requested that the Minister withhold the decision for this case for a three week period.[63] On 2 April 1954, the

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[60] *Ibid.*, 4,6.
[61] LAC, RG 76, Vol. 262, File# E-17029. Memo from the SIO, 1 February 1954.
[62] This clause stipulated that "subject to the provisions of the Act, and to these regulations the admission to Canada of any person is prohibited where in the opinion of a Special Inquiry Officer such person should not be admitted by reason of his unsuitability, labour, health, or other conditions or requirements existing, temporarily or otherwise, in Canada or in the area or country from or through which such person comes to Canada." Extracted from P.C. 1954-19351.
[63] LAC, RG 76, Vol. 676, E-17029. Letter from A.J.P. Cameron, M.P. to the Hon. Walter E. Harris, Minister, 12 February, 1954.

immigration officers came to the couple's house carrying a warrant for Taylor's arrest. Rather than complying, their efforts were met with resistance. The department officials called the police, while Barry Brent contacted the three daily newspapers to tell them about the situation. Brent also attempted to contact his lawyer and the Minister. He asked to see the warrant and ripped it up. As the press congregated outside of the apartment, the couple came out and Shirley threw herself on the floor screaming at the top of her voice "I am a pregnant woman and an American citizen and you can't do this to me."[64] The press subsequently followed them to the immigration office to follow through with the story. After they were finally brought in, the couple informed the officials that they had married on 9 March 1954.[65] The department released Taylor after the Minister instructed his officers to defer proceedings.

Brewin sent a writ of *habeas Corpus* with *certiorari*[66] to the department, with a response due by 15 April.[67] He argued that his client, Shirley Taylor Brent, was not informed during the inquiry about the grounds of her deportation. The case went to the Ontario High Court in July, 1954; it then was heard by the Supreme Court of Ontario the following year. Both judges sided with the respondent,

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[64] *Ibid.* Memo from Deportation Officer, P.R. Coyne to Central District Superintendent, Toronto, 2 April, 1954.

[65] The immigration officials did not believe them, so they asked for the date, the church and the name of the officiant and looked into their story. In the end, they determined that they had indeed married on that date, at the Bathurst Street United Church with Rev. Domm officiating the ceremony. *Ibid.* Memo from Central District Superintendent to the Director of Admissions, 2 April 1954.

[66] This legal concept was used in many of the dozen or so cases involving immigrants that were targeted for deportation that were heard by the superior courts from 1919 until 1956. This request essentially asked that a judge look into whether the authorities had the right to detain or imprison the person in question.

[67] *Ibid.* Memo from the chief of Admissions to Mr. L.A. Couture, Legal Advisor, 8 April, 1954.

Shirley Brent, arguing that the grounds for deportation and restraint were not reasonable, without jurisdiction and without a proper hearing.[68] The government immediately appealed the decision and the case ultimately was sent to the Supreme Court of Canada. The department argued that the onus of responsibility was on the respondent, indicating that she had to demonstrate her desirability at the examination, since the *Immigration Act* stipulated that an immigrant had to prove that she was not from a prohibited class. On 8 March, 1956, a decision was finally rendered by that court in favour of Shirley Taylor Brent. In the end, the deportation order was quashed and the department was ordered to compensate Brent for her legal fees in the amount of $3,005.32.[69] She was granted landed status in May of 1956, ending her two-year ordeal.

During the post-war years, common-law relationships were not tolerated by the state and by most Canadian citizens. Those immigrants who adopted this type of lifestyle – whether by choice (if single) or forced circumstances – were severely penalized if discovered. Immigrant women, in particular, paid a heavy price for committing this type of moral crime. Not only did the department pry into their lives -- through intrusive investigations and interrogations -- but they often deported them back to their homelands in order to protect the country from their unconventional and "immoral" lifestyle. Officials did so by relying on a variety of

[68] See decision by the Ontario High Court, Ex Parte Brent, 5 July 1954, in *Canadian Criminal Cases*, Vol. 109, 258-266.
[69] This precedent –setting case was detailed further in the epilogue of this study. LAC, RG 76, Vol. 676, File# E-17029. Memo from J.D. Pickup, Agent of the Minister of Justice, 30 March 1956.

clauses under the Act, even resorting to other offences, such as links to Communism, in the case of Shirley Taylor Brent. Hence, common-law relationships were viewed by the state as being akin to criminal offences, as they posed a threat to sacred institutions such as marriage and the family, both of which served as the foundation of society.

Immigrant women who were married did not suffer from the same type of scrutiny by the Immigration Branch officials, in terms of their intimate affairs, but as dependents, were still targeted for deportation, when their spouses committed a crime or an offence under the *Immigration Act*. The next chapter will examine their status within the Act as well as their treatment by the department.

Chapter VIII

Dependent Women

Camilla Novotny and her husband Cyrel arrived from Norway in November 1954. She was Norwegian and he was of Czech descent. They had two children and Camilla had a third in Canada in 1955. Initially, Cyrel worked as a labourer while Camilla stayed at home, caring for their family. After losing his job, they moved into a hotel, where he worked as a maintenance man in return for free board. Since there was no salary associated with the job, the family struggled to make ends meet. In desperation, Cyrel stole $49.50 from the hotel owner; in April 1955 he was sentenced to two months in jail. The department subsequently issued a deportation order and included the wife and children as dependents.[1] Although Camilla and the children had committed no crime, under the *Immigration Act*, family members could be deported with the head of the family as dependents, regardless of the wife's intentions and relationship with the husband.

Between 1945 and 1955, 272,911 married women, like Camilla, came to Canada.[2] Most of them were admitted as dependents of men who had come to Canada as labourers and who later sent for their wives and children, after they

[1] LAC, RG 76, Accession 91-92/011, box 77, File E-34435.
[2] LAC, RG 26, Vol. 23, Miscellaneous Immigration Statistics, 1852-1964.

had fulfilled their contracts.[3] They were therefore part of a sponsorship scheme that was intended to reunite these men with their wives and children, in order to provide the familial support they needed to thrive. These married women were expected to stay at home, take care of their families and help facilitate their adjustment and assimilation to Canadian life. Some of the married women who came to Canada after the war through this scheme included the War Brides, Italian wives as well as the wives of Dutch farmers.[4]

Family sponsorship was a vehicle used by the state to preserve family bonds and for immigrants to gain access into the country, by sending the husband first, and then have the family follow. During the post-war years, the family took on a new and more pronounced role in Canadian society. Many experts --psychiatrists, social workers and educators -- believed that the family could serve as a sanctuary or fortress, protecting the individuals within it, particularly the father, from a chaotic and competitive world.[5] Each individual was expected to play a specific role. The mother was supposed to focus her energies on taking care of her children and her home. During this period, in fact, marriage, child-rearing and housework attained a status on par with other important occupations for

[3] Between 1945 and 1950, 104,521 dependent wives entered Canada. There are no further figures for dependent wives immediately after that date, but one would assume that of the 272,911 married women who entered the country between 1945 and 1955, based on the earlier figure, at least 70 percent of them would likely have entered as dependents. *Ibid.*
[4] In regards to the Italian wives, Franca Iacovetta notes that 70% of adult females from this group entered Canada after 1952 as sponsored wives. In "From Contadina to Worker: Southern Italian Immigrant Working Women in 1947-1962," 196.
[5] Authors like Elaine Tyler May argue that during the post-war years, the family was viewed as the remedy to the stresses of capitalism and even the threat of Communism. See May, *Homeward Bound*, 11.

women.[6] The intent was to guard Canadian society against all sorts of social problems that could arise from unhappy or failed marriages. Hence, the Immigration Branch did its part to assist with this effort of promoting family reunification and stability at almost any cost.

One of the major ramifications of the family sponsorship scheme was that women who entered the country as wives, were classified as dependents, and were expected to assume their expected roles. This entailed being loyal wives, diligent housekeepers and committed mothers. Married women were also expected to be economically dependent on their husbands – who were regarded as the breadwinners – even if they worked outside of the home. This left these women extremely vulnerable, since their legal and immigration status was linked to their husband's.

This status as dependent was drawn from common law principle, primarily from William Blackstone's definition of marriage in his work *Commentaries on the Law of England*, which stipulated:

> By marriage, the husband and wife are one person in the law: that is, the very being or legal existence of the woman is suspended during the marriage, or at least incorporated and consolidated into that of the husband: under whose wing, protect, and cover,

[6] For more information about families in post-war Canada see Annalee Golz, "Family Matters: the Canadian Family and the State in the Postwar Period," 15.

> she performs everything; and is therefore called in our law-French a feme-covert [married woman].[7]

Under English Common Law, the husband essentially controlled the physical body of the woman as well as her legal and economic status. The concept of feme covert essentially reflected the practice of a married woman transferring most of her rights to her husband upon marriage. As a result, a wife was unable to make any contracts without his involvement and consent, and could not own property on her own. Consequently, the identity of a married woman was derived from her husband's legal identity.[8]

The husband was therefore the only full citizen in the household, and a wife's citizenship status was intrinsically tied to that of her husband's. Since Canadian statutes, including the citizenship and immigration laws, were derived from Common Law, most of the regulations concerning marriage reflected the traditional relations between a husband and wife that were embraced therein. The concept of dependency was an intrinsic part of the citizenship legislation. For instance, in the 1927 *Naturalization Act*, married women were categorized with individuals with disabilities, including minors, lunatics and idiots.[9] Hence, within this legislation, married women, as Valerie Knowles argues, "could not become naturalized or control their national status as independent persons, except in

[7] This quotation from William Blackstone was taken from his work, *Commentaries on the Law of England*, Rights of Persons, Book 1 (Oxford: Clarenden Press, 1765-69).
[8] See Linda Kerber, "The Meaning of Citizenship," T*he Journal of American History* (December, 1997), 839.
[9] *Naturalization Act*, 1927, Ch. 138, ss. 2(f).

very rare circumstances."[10] After the passage of the 1946 *Citizenship Act*, married women were no longer included within the disability clause, and they were given their own citizenship. However, the citizenship of their progeny, if they were legitimate, was tied to that of their husband's.[11]

The *Immigration Act* also described married women as dependents in accordance with prevailing legislative rights accorded to men and women. In both the 1927 and 1952 immigration legislation, under the prohibited classes section, Sections 3(u) and 4(u) respectively, stipulated that all members of a family (including children over and under 18 years of age) accompanying a person who has been rejected under that section would be included in the deportation order "unless in the opinion of the Board of Inquiry no hardship would be involved by separation of the family."[12] Although both pieces of legislation included a fairly progressive and realistic definition of "head of the family" as "the father, mother, son, daughter, brother or sister upon whom the other members of the family are mainly dependent for support," in practice, the department typically assumed that the father was the breadwinner, regardless of whether the other members

[10] Valerie Knowles, *Forging our Legacy: Canadian Citizenship and Immigration, 1900-1977* (Ottawa: Public Works Canada, 2000), 65.
[11] The 1946 Citizenship Act provided the husband with the power of passing on his citizenship to his children and his wife, if she was not Canadian. See *Canadian Citizenship Act*, 1946 (10 Geo. VI), ch. 15, ss. 5(b)i.
[12] Revised Statutes of Canada, 1927 *Immigration Act*, Chapter 93, 2072.

of the family were employed and perhaps bringing in more money than the designated "head" of the family.[13]

In accordance with existing immigration policy, which favoured the entry of male labourers after the war, the husband was admitted as the accepted immigrant and representative for the family. The other members were later permitted to enter through the sponsorship scheme, which ultimately attached their immigration status and citizenship to that of the head of the family. This system could pose severe problems for the wife, since the prejudice in favour of the husband and father as a potential citizen implied that the wife was also desirable, but only in her role as dependent rather than as a full citizen.[14] As a result, all other members of the family were dependent on the husband/father for their sponsorship, livelihood and welfare.[15]

In a 1953 memo to district superintendents, the Chief of Operations within the Immigration Branch, indicated that several cases involving female immigrants had raised concerns within the department that merited a discussion of how to deal with dependents. This involved the issue of whether to issue a deportation order in the name of the "head of the family" alone, or to include all other members of the family as dependents within the order. He recommended that in

[13] This definition can be found in section 1(i) of the *Act*. See Revised Statutes of Canada, 1952 *Immigration Act*, Chapter 145, 3144.
[14] See Nancy Cott, *Public Vows: A History of Marriage and the Nation* (Cambridge, Mass.: Harvard University Press, 2000), 143.
[15] See Roxanna Ng, "Gendering Policy Research on Immigration," a paper presented at the Gendering Immigration/Integration Policy Research Workshop Proceedings, Edmonton, Alberta, 6-8 March, 1997.

the future, dependents "should be used in every case where applicable, regardless of any alleged self-sufficiency of the legal dependent and the person included." He added that "great care should be taken to provide sufficient details so that the Minister can determine if deportation was due to willful neglect or non-support by the head of the family, who is "legally bound to support the dependent member ordered deported."[16] Clearly, at this time, the department embraced the view that the father was the family head, who had a moral and legal obligation to support his family. If he failed in this role, all members of the family were subject to deportation, regardless of their level of independence and economic success. There was definitely a movement afoot to try to facilitate the process of deporting these men who failed in their role as providers, along with their dependents.

By 1955-56, there was a great deal of discussion within the department concerning the definition of a "family", and of the "head" of the family and his or her dependents. These questions were raised in a memo produced by the Department Statistician to the Director of Technical Services on 3 January, 1955. He was primarily interested in whether the family included family members who were employed or just those who were dependent. He also requested guidance as to whether the family should also include widows and children who had

[16] LAC, RG 76, Vol. 1102, File# 514-15, pt. 2. Memorandum from the Chief of Operations to the District Superintendents, 26 January 1953.

reached their age of majority, as well as clarification on who represented the "breadwinner" or the "family head," on which the family depended.[17]

A month later, in response to this request, the legal advisor produced the following definition of a family:

> A group or unit of persons related by blood. There is usually one head of that family and it is the person in that family upon whom the other members are mainly dependent for support. Thus a certain number of persons may, by reason of age and earning capacity, form part nominally of a family group without being necessarily dependent and being a necessary member of the unit.[18]

The legal advisor went on to state that dependency is a relative term and that the wife and children who accompany the husband may not be dependent on him. In the end, the department decided to let the SIO determine whether or not to include the other family members as dependents within the deportation order.[19]

On 20 November 1956, the Chief of Admissions released an official response to this issue, advising officers on how to deal with dependent members of the family when issuing deportation orders: "when a deportation order is made

[17] LAC, RG 26, Vol. 140, File# 3-40-1 pt. 1. Memorandum from the Statistician to the Director of Technical Services, 3 January 1955.
[18] The dates end in 1953, since there were no related statistics produced after that date. LAC, RG 76, Vol. 1002, File# 514-15, pt. 2. Memorandum from the Assistant Chief, Admissions Division to all District Superintendents, 15 February 1955.
[19] *Ibid.*, 2.

against the head of a family and dependent members of the family are included therein, such order has the same force and effect as an order made against each individual concerned."[20] He acknowledged that some members may be financially and legally independent, and he declared that family members be allowed to appeal decisions on their own, even if the head of the family was not eligible to appeal the decision under the *Act*.[21] The department seemingly conceded the issues relating to the head of a family and dependency within the family were rather complex. But how did these discussions translate into practice? A review of some deportation cases involving dependents can unveil the department's application of its evolving family policy.

Between 1946 and 1953, there were 24 individuals – mothers and children -- deported as dependents.[22] Considering the large number of dependents who entered the country after the war, this figure indicates that very few were actually expelled from the country under this category. The cases of eleven women who were treated as dependents within the deportation process, will be discussed here. Their experiences, for the most part, were extremely emotional and compelling, due to the fact that they were punished for their spouse's transgressions, rather than their own. While some of these women were close to

[20] LAC, RG 76, Vol. 1102, File# 514-15. Memorandum from the Chief of the Administration Division to the Acting Central District Superintendent, 20 November 1956.
[21] *Ibid.*
[22] *Annual Report*, Department of Mines and Resources and Citizenship and Immigration, 1947-1954.

their husband and offered them their support, others had less harmonious relationships and sought to pursue independent paths.

The Charlevoix family, a close-knit clan from France, faced this type of fate. Luc and Micheline arrived in Canada with their child in June 1948. Luc worked for a short period of time as a mechanic, and Micheline, soon after their arrival, had another child. Unfortunately, Luc ended up being committed to a psychiatric ward, and later became a patient at the Ottawa Civic Hospital. Micheline became pregnant in 1952, and had her third baby at the same hospital. The family was unable to pay the hospital bills, and Luc was issued a deportation order for being a public charge. Micheline and the eldest child were included in the order as dependents. The youngest two were omitted from the order, since they were born in Canada. Although Micheline was included in the order, she was not interviewed during the inquiry process. Regardless, her total silence suggests that she likely did not put up a fight to stay and supported her husband. She would take part in the deportation if that was their fate, rather than challenging or expressing her dissatisfaction with their decision of including her as a dependent. In the end, all members of the family were held in a detention center for two weeks -- in order to give Micheline and the new baby time to recover after the birth -- before the deportation took place in January 1953.[23]

[23] LAC, RG 76, Accession 91-92/011, box 6, Case File# B-57993.

Sandra and Robert McKenzie, was another family which suffered similar tragic circumstances leading to deportation. This Scottish couple arrived in 1953 with their baby son, and set up residence in Saskatchewan. Robert worked as a machinist, and after a short period of time, became mentally ill. He was placed in a hospital and diagnosed with psychoneurosis. The doctor felt that his symptoms were aggravated by the problems associated with living in a new country. A deportation order was issued in Robert's name alone, and he didn't appeal. The department assumed that his wife and child would join him, and Sandra did in fact visit the immigration office with her son, and filled out the necessary paperwork to join her husband. Ultimately, the couple left the country voluntarily in November of 1953.[24]

One family that was less inclined to accept the deportation order willingly was the Petrescu's. Immediately after the war, the husband, George, who was originally from Roumania and living in France, was charged with theft in Paris, and sentenced to six months in prison. He, his wife and son arrived in Canada in 1951 and settled into a comfortable life in Montreal. He worked as a salesman and his son was employed as a clerk with the Montreal Star newspaper, taking courses at a college at night. His wife, Nadia, was employed as a charwoman. Two years after their arrival, the department discovered his criminal record after the war, and immediately issued a deportation notice in his name, citing moral

[24] LAC, RG 76, Accession 91-92/011, box54, Case File# E-1828.

turpitude as the offence. His wife and son were included in the order as dependents.

The couple subsequently hired a lawyer who vigorously pled their case. On 16 June, 1953, he wrote a letter to the Minister of Immigration stating that his clients were of the "peasant and domestic class" who lived for their son. He further argued that "the facts actually are far more touching and pathetic than I can possibly describe them." He maintained that George had been falsely convicted in France of a crime that another man had committed, and due to his inability to speak French, as well as his lack of funds at the time, was unable to defend himself. In turn, he illustrated how the couple had established themselves nicely in Montreal and had saved a remarkable $8000. The family also secured representations from their priest, who described them as a good Christian family who was extremely honest and had high moral standards. The husband's and the son's employers also supported them, which greatly bolstered their case. Although George was committed to remaining in Montreal with his family, he informed the department that he was prepared to leave Canada for the sake of his wife and son, if it meant that they could stay. In the end, he did not have to make that sacrifice, since the department was impressed by their defence and suspended the order. In 1957, the family was finally granted landed status.[25]

[25] LAC, RG 76, Accession 91-92/011, Case Files# E-27167.

The three families above appeared to be loving, happy and cohesive. However, families are not monolithic entities; they include diverse members, possessing varying levels of power and often competing interests.[26] Furthermore, the less powerful members often run the risk of becoming victims of violence and desertion. Other cases reflected more somber realities.

Cyrel and Camilla Novotny, who were described earlier in this chapter, fell into this category. Despite the fact that Cyrel's crime did not likely call for any leniency and that Camilla had not been interviewed during the inquiry process, the department decided to suspend the proceedings, based on her promise to find a job. When rendering his decision, the immigration officer also took into consideration the fact that the baby was quite young and in no shape to travel and that Cyrel was a stateless person, who would be difficult to deport. The department did, however, follow up on the family's progress every six months and discovered that it had gone on family assistance and was experiencing a great deal of turmoil. During that time, Cyrel made plans to find a job in Toronto, stole his family's monthly cheque, and left his wife and children destitute. He later returned home, and once again, abandoned his family with the social assistance cheques in hand. Camilla then moved in with her sister in Vancouver and worked at various jobs to support her children.

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[26] Linda Gordon explains that "expressions attributing behaviour to an aggregate such as the family would be harmless except that they often express particular cultural norms about what 'the famiy' is and does, and they mask intrafamily differences and conflicts of interest." See Gordon, "Family Violence, Feminism and Social Control," in *Rethinking the Family: Some Feminist Questions* eds. Barrie Thorne and Marilyn Yalom (Boston: Northeastern University Press, 1992), 279.

In 1956, Cyrel fell ill from old war wounds and was in and out of hospital. In January 1956, Camilla told the investigating officer that she was still with her husband but the officer stated that her answer "was not altogether convincing and it should be noted that – (he) did not come down for the Christmas holiday."[27] By 1960, the departmental official expressed his disappointment that they had not deported the family earlier, since he viewed the father, Cyrel, as a failure, who had "shown himself to be an irresponsible person unable to shoulder his family responsibilities."[28] The department finally closed the case in 1974, after Cyrel passed away and Camilla was granted Canadian citizenship.[29]

At the time, desertion was commonly referred to as "self-divorce". Since it was typically very expensive and difficult to obtain a legal divorce, many working-class Canadians and immigrants, primarily men, resorted to desertion as a way to avoid a bad marriage, escalating family debt, or as a means of pursuing a new relationship.[30] Desertion often became a public issue pursued by private charities and the state, since the married women involved were often left without any financial means after the departure of their spouse. For social workers and bureaucrats, then, desertion was seen as a major social crime that imposed a

[27] LAC, RG 76, Accession 91-92/011, box 77, E-34435. Memo from H. Crump, Investigating Officer, to Pacific District Superintendent, 11 January 1956.
[28] *Ibid.* Letter from the social worker to Mr. Stuart, 17 February 1961.
[29] This regret was expressed in a note dated 8 October 1960. It was likely based on the family's instability as well as the debt that they owed to the province after drawing $6,528.15 in social assistance between 1956 and 1960. *Ibid.* Letter from Social Service Department of City of Vancouver to the department, 18 January 1961.
[30] Nancy Cott, *Public Vows*, 38.

significant financial burden on the state.[31] As a result, deserters like Cyrel were typically condemned for not only physically abandoning their families, but for shirking their primary responsibilities as breadwinners.

Another case of desertion, this one more severe and complex, involved Emma and Joseph Bulger, who arrived from England in 1950 with her two children from an earlier marriage. They had married in England after he left the army. He became a policeman and she was a housewife. Joseph started having an affair with a Canadian woman, who had three children of her own, and who had been abandoned by her husband in 1950. He first brought her into the Bulger family home as a boarder. Emma soon discovered that they were intimate and she ordered the woman out of her home. Joseph immediately left with his girlfriend, Katherine, and set up a home with her and her children. When Emma went to visit him to ask for child support, an altercation ensued which was described by the police as follows: "he grabbed his wife and beat her about the face with his fists, he knocked her down and dragged her to the door and put her out." Emma subsequently went down to the police station and laid charges against him.[32] Initially, she expressed some trepidation of charging him, fearing that he would get fired from the police force and would therefore be unable to support his family. Despite her fears, she eventually charged him with non-support and the

[31] See James Snell and Cynthia Comacchio Abeele, "Regulating Nuptuality: Restricting Access to Marriage in Early Twentieth-Century English-Speaking Canada," in Tina Loo and Lorna R. McLean eds., *Law and Society in Canada* (Toronto: Copp Clark, 1994), 142 and Anna R. Igra, "Likely to Become a Public Charge: Deserted Women and the Family Law of the Poor in New York City, 1910-1936," *Journal of Women's History* 11(4) (2000): 60-61.

[32] LAC, RG 76, Accession 91-92/011, Box 67, Case File# E-19015. Police Report, 21 November 1953.

police booked him under section 215 of the Criminal Code for adultery.[33] Evidently, the assault charge was either of less interest to the police, or harder to prosecute than a charge of adultery.

In the meantime, their neighbours, who likely grew tired of the arguments and commotion, petitioned the department to have the family deported, and an order was issued in March 1954. In response, Joseph wrote a letter to the Minister of Citizenship and Immigration, claiming that his wife had left him and had refused financial support. He argued that Emma wanted to make trouble and that a great wrong had been done to him. He also contended that he was employed as a police officer and had strong references to support his character and good standing in the police force.[34]

Emma defended herself, arguing that Joseph was carrying on an affair, refusing to support the family, and that the beating that he had inflicted on her led to her requiring treatment for disc problems, also making it impossible for her to work. Emma's Minister condemned the husband as "absolutely no good," and asserted that "the man lied on the slightest provocation and took advantage of everyone with whom he came into contact." Finally, Emma issued the following plea:

> Although I am his legal wife and he has taken years out of my life and I am left ill through his ill-treatment. I certainly think that he should be made to pay somewhere. I am anxious that he be

[33] *Ibid.* Court document, Windsor, 21 June 1954.
[34] *Ibid.* Letter from the husband to the Minister of Citizenship and Immigration, 26 July 1954.

> deported with me in order that he may be brought under the jurisdiction of the English courts and take proceedings there.[35]

Her plan was therefore to return to England and have her estranged husband follow, so that she could prosecute him there.

During the proceedings, Joseph was put in detention, first in the Sarnia Jail and later in the Montreal Jail, until a decision was rendered. During that time, his mistress Katherine wrote to the department pleading that they free Joseph and allow him to stay in Canada. Her children had been taken away by Children's Aid, and she wanted them to hear her side of the story; she and Joseph had set up a proper and loving home and when they took Joseph away from her, they "broke up a home and many little hearts." She added that she would be unable to get her children back until his release from detention, and that she was now pregnant with his baby.[36]

The department officials quickly dismissed Katherine's request, intent on deporting Joseph, Emma and their children as soon as possible. Joseph had threatened to inflict bodily harm on Emma by throwing her overboard in mid-Atlantic if they traveled on the same ship. Consequently, the Eastern District Superintendent asked the Central District Superintendent to ensure her safety if

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[35] *Ibid.* Immigration Appeal Board Inquiry, 5.
[36] *Ibid.* Letter from common-law wife to the Head of Immigration , 28 July 1954.

they were transported on the same vessel.[37] The Cunard Line informed them that that they couldn't separate them, but would explain the situation to the purser. The department appeared satisfied with this solution, and the couple was finally deported on 5 August 1954.

In 1955, Emma brought Joseph to court in England, charging him with non-support, adultery and desertion. He, in turn, started divorce proceedings, charging her with cruelty.[38] The court judgements were all in her favour. Katherine eventually moved to England to be with Joseph, where they lived together and had three more children. In 1963, Joseph unsuccessfully attempted to receive the department's support to return to Canada. Regardless, Katherine decided to return to her homeland on her own with her children, informing the department that Joseph was unsuccessful at providing her with a stable home, but hoping that he might be able to join her at a later date.[39]

Unlike many deportees, Emma was anxious to return to her homeland and wanted her estranged husband to join her, despite the abuse, desertion and non-support, since she wanted him to suffer the same fate as her and be around to support the family. The department was more than happy to comply. As this case indicates, the department was more interested in pursuing the charges of

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[37] *Ibid.* Memorandum from Eastern District Superintendent of Montreal to the Central District Superintendent, 30 July 1954.
[38] *Ibid.* Letter from Inspector-in-Charge, Pickering, 6 April 1955.
[39] *Ibid.* Letter from common-law wife to Department, 3 January 1964.

non-support and adultery, paying less attention to those of physical abuse and desertion. This priority on the part of the department, was mirrored in three other cases involving desertion and abuse.

These cases included two families from Holland and a third from Italy. Felicia Rossi came to Canada from Italy with her two sons, two years after her husband Alberto's arrival in March 1951. Soon after, while they were visiting a friend, Alberto took out a knife and stabbed Felicia fourteen times. He was immediately placed in a psychiatric hospital, and then after his conviction in 1952, was sent to Kingston Penitentiary and sentenced to 12 years in prison. Alberto was issued a deportation notice -- which was to be carried out after his sentence was served -- and Felicia and their sons were included as dependents. Felicia attempted to remain in Canada, receiving financial support from her parents, who were residing in the United States. Her parents retained a New Jersey lawyer who argued that Felicia and the children should not be included in Alberto's deportation order, explaining: "while categorically, Mrs. --- would be considered his dependent, the fact of the matter is that her father had been sending money to her while in Italy before she immigrated to Canada, and since the incarceration of --- she has not been dependent on him, nor does she desire to have anything further to do with him."[40]

[40] LAC, RG 76, Accession 91-92/011,box 33, Case File# D-44972. Letter from her lawyer, Mr. Harold Alper, to Mr. P.T. Baldwin, Department of Citizenship and Immigration, 23 June 1952.

This time around, the department allowed the wife to state her case during the inquiry process. Since she did not speak English and the department did not have a translator on hand, she was forced to rely on her nine-year-old son to act as a translator. The department described her as "getting along satisfactorily, although she has no savings and as stated above, she desires to have nothing further to do with the appellant."[41] Her appeal was dismissed and she was allowed to make a voluntary departure to Italy. Felicia relocated to the United States in May 1957 and Alberto was deported to Italy after serving his sentence.

Two Dutch wives experienced similarly brutal relationships with their spouses. The first, Henriette De Vries, arrived with her husband, Fabian, and two small children in May 1950. They settled in Nova Scotia and worked on a farm. A third child arrived soon after. The marriage had been volatile and violent. Fabian had been beating her on a regular basis soon after they married. Once she could no longer stand the abuse, she left with the children, set up another residence, worked as a fruit picker and began seeing another man. In March 1952, Fabian came to her house and severely beat her. He was charged and spent two months at the St. Thomas mental institution for observation and then a further two months in jail. He subsequently was issued a deportation notice. The department officer, T.G. Shelton, interrogated him about the assault:

> Q. Please give me the particulars leading up to your conviction
> A. They charged me with assaulting my wife.

[41] *Ibid.* Letter from Inspector A.D. Adamson to Central District Superintendent, Toronto, May 23, 1952.

Q. Did you?
A. I think so.
Q. Why did you assault your wife?
A. (Mumbled to himself).
Q. When did this trouble start?
A. She was going with some other fellow?
Q. Are you sure of that?
A. (Shrugged his shoulders).
Q. So you assaulted your wife then?
A. Sure.
Q. Why did you not assault the man?
A. No answer.
Q. He could hit you back?
A. No answer.[42]

Apparently, Mr. Shelton did not appreciate Fabian's answers. The latter contended that he wanted to leave Canada and that he did not see any chance for reconciliation.[43] Henriette, in contrast, vigorously lobbied to remain in the country. She demonstrated to the department that she was employed and self-sufficient. She also received support from a local Liberal MP, Blake E. Huffman, who asked the Minister to let her and the children stay in Canada. The CAS also wrote to the department pleading that they keep the husband detained, fearing that he might carry out his threat to kill his wife and children if he was released before his deportation. In the end, the department only included Fabian in the deportation order and allowed Henriette and her children to remain in Canada.

The second Dutch woman, Johanna Jansen, did not fare as well. She, too, had been abused by her husband, Marius, and had left him, starting a new life with

[42] LAC, Accession 91-92/011, Case File# C-87252, Board of Inquiry, Kent County Gaol, 9 July 1952, 3-4.
[43] *Ibid.*, 5.

her three children and her boyfriend, who was a lumberjack. In 1954, Marius was convicted for assaulting his wife, in Fernie, British Columbia. Johanna was desperately afraid of him, and before he was incarcerated, had moved seven times in order to remain safe, fearing that he would hurt her and take the children. However, the department seemed eager to reunite the couple, regardless of the fact that the social worker was opposed to this strategy. Illustrating the threat that Marius posed to his wife, who was terrified of him, the social worker, Ms. Patterson, emphasized that it would "take months of intensive casework service to reunite this family," adding that the social workers from the Family Division, did not have the time or the ability to achieve that goal.[44]

Unlike the other women discussed here, Johanna was granted an inquiry separate from her husband, during which she expressed her desire to remain in Canada as well as her fear of being anywhere near her husband. She argued that they were separated and that she should not be deported with him as a dependent. The officer responded that even if she received a legal separation, she would still have to return with her husband, since she and the children were legally dependent on him for maintenance and subject to deportation as dependents. The officer also informed her that it wasn't the department's policy to separate families during deportation, since "there is always a possibility of

[44] LAC, RG 76, Accession 91-92/011, box 41, File# D-76050. Memo from Miss Gunvor Patterson to Miss Marie Riddell, Family Division, 7 April 1954.

reconciliation being effected." However, in view of the circumstances, the department was prepared to reassess her case once her marital status was adjusted.[45]

Johanna wrote several letters to the department, hoping to alter its decision. She attempted to prove that she was not economically dependent on her estranged husband. She also expressed her grief and sense of injustice over the prospect of being deported with her abusive and estranged spouse:

> Please don't sent me back, can't you imagen at all what that is to me. Did you never sent just the one guilty one of a family back before? If that'll be the last time then, but please do it ones more. I can't get it over me to leave the country I love with my heart....My husband is just a stranger to me. We are living apart now more than a year, and the memory of all my husband has done to me.... How can you sent me back? I'm not living off the government and I have done no crime.[46]

Despite representations from friends who described her as a fine person and mother, the department began deportation proceedings for the whole family. At that point, Johanna hired a lawyer who issued a plea that she and the kids be allowed to leave on a separate boat, in order to protect her from Marius in transit. The department ignored their request, likely due to the financial costs

[45] *Ibid.* Letter from Mr. Smith to Mrs. ---- (the wife), 22 October 1954.
[46] *Ibid.* Letter from wife to Department, 3 November 1954.

and logistical difficulties involved; it sent them back to Holland on one ship, issuing instructions to keep them apart.[47]

After the deportation, Johanna had a fourth child in Holland, who was her boyfriend's baby. She then wrote approximately fifteen letters to the department during the years that followed, even sending a note to Queen Elizabeth, asking for her help and support in achieving her goal of returning to Canada. After securing a legal divorce and the custody of her children, she was finally admitted to Canada as a fiancée on July 24, 1958.[48]

It is no coincidence that a large number of women who entered the country and were deported as dependents were victims of abuse. Scholars have drawn a direct correlation between sponsored female immigrants and wife abuse, arguing that immigration legislation exacerbates the vulnerability of women to domestic violence.[49] Referring to contemporary Canadian immigration law, Colleen Sheppard contends that "immigration policies too often subsume a wife's identity to her husband, require and reinforce economic dependency within the family unit, remain inaccessible and discretionary and create systemic obstacles to

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[47] The couple was ultimately kept apart while detained in the immigration quarters and then placed aboard the ship separately as well. The departmental officials involved also indicated that they made an effort to make sure that the husband did not know that his family was on the same ship. *Ibid.* Memo from Atlantic District Superintendent to the Director of Admissions.

[48] *Ibid.*

[49] See, for example, Colleen Sheppard, "Women as Wives: Immigration Law and Domestic Violence," *Queen's Law Jounral* No. 26 (2000) and Uma Narayan, "Male-Order Brides: Immigrant Women, Domestic Violence and Immigration Law," *Hypatia* 10:1 (Winter, 1995).

leaving an abusive family situation for many immigrant women."[50] As we have seen in the post-war period, this level of dependency was exacerbated by the fact that immigrant women often did not speak English very well, or at all, and often did not have the paid employment enabling them to leave their husbands. Ultimately, what made them most vulnerable was that their status as immigrants was tied to the survival of their marriages.[51] While the family sponsorship scheme reunited families, many wives faced the prospect of poverty and even deportation if the marriage was threatened or dissolved.

For their part, immigration officers occasionally expressed a modicum of sympathy for immigrant wives who were the victims of desertion and abuse. But they were extremely reluctant to split up families. State bureaucrats thus tried to deport family members together, even if the couples were separated for a long time, had set up homes with other people, and had absolutely no chance of reunification. In practice, the department continued to operate on the assumption that the male head of the family (the husband/father) was in charge. He served as the primary breadwinner of the family, to whose fortune and fate the other family member's futures were effectively tied.

In the end, almost half of the women involved were able to remain in Canada. The reasons varied tremendously; some women like Mrs. Petrescu fought with

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[50] Colleen Sheppard, Women as Wives," 1.
[51] See Uma Narayan, "Male-Order Brides," 111.

their husband's to stay in Canada, and others like Micheline were allowed to remain in the country based on practical considerations. Johanna was the only individual to face deportation and successfully gain re-admittance to Canada as a landed immigrant. The majority of the women were deported with their spouses and children, typically in the name of family unity. For in most instances, only a legal divorce could convince departmental officials that the marriage was unsalvageable. Since it was largely unavailable to working-class immigrants, there were, very few options open to married immigrant women attempting to remain in Canada and to avoid deportation with their spouses. In the end, the evidence suggests that while the department's stance could be attributed to their unyielding commitment to the traditional family, its decision, in part, to deport whole families as well as placing abusive husbands on the same ship as their spouse, essentially came down to the economic imperative of protecting the public purse. Moving from marriage to mental illness, the following chapter examines how those immigrants who were committed to asylums or charged with certain moral crimes, ended up being slated for deportation.

Chapter IX

Mentally and Morally "Defective" Immigrants

Lena, a single 32 year-old woman from Germany, came to Canada in September 1955 through the domestic scheme. Before the war, she studied medicine and worked translating texts into Braille. Although she promised the government that she would work after her arrival, her real intent was to marry a German man living in Canada, whom she had connected with after he had placed a personal ad in a German newspaper the year before. They had corresponded for three months, and she decided to come to Canada to marry him. After spending some time with him, however, she decided that he wasn't for her. She subsequently left him and took many low paying jobs to support herself; in February 1955, out of loneliness and desperation, she tried to commit suicide. Lena was placed in the Selkirk Mental Hospital and diagnosed with schizophrenia of the paranoid type. While there, she was administered electric shock therapy, and when that didn't achieve the desired results, was given insulin coma therapy as well. After she tried to escape from the hospital, her physician administered an additional round of electric shock therapy (EST). Although she feared going back to Germany, Lena was deported back to her homeland in August 1956.[1]

After the war, many immigrant women like Lena ended up being diagnosed with mental illness shortly after their arrival in Canada. Most of these women had

[1] LAC, RG 76, Accession 91-92/011, Box 82, File# E-41951.

faced horrendous, and often inhumane circumstances during the war; a large number were interned in concentration and forced labour camps in Europe, where they were exposed to brutality, starvation, extreme labour, and in some cases, rape and forced prostitution. Consequently, in addition to adjusting to their new lives in Canada – learning a new language, securing a new job, and understanding a different culture – they had to grapple with the horrors they had experienced during the war. Those who exhibited signs of depression or paranoia faced being labeled insane and placed in an asylum, and ultimately deported back to their homelands, where many had no family left.

According to the *Immigration Act*, any immigrant who was diagnosed with a mental illness was subject to deportation. This included the following categories: idiots, imbeciles, morons, those who were insane, constitutionally psychopathic personalities, and those suffering from epilepsy.[2] Although epilepsy today is viewed as a medical problem, at the time, it was considered a psychiatric disorder. Homosexuality, which was included in the 1952 *Immigration Act* under those offences involving immorality, along with prostitution and pimping, was pathologized as well. Immigrant women who exhibited lesbian tendencies, therefore, were diagnosed with a psychiatric disorder and placed in asylums.[3]

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[2] *Immigration Act*, 1952, ch. 325, ss. 5 (a).
[3] Homosexuality fell under Section 5(e) of the 1952 *Act*. Only 2 out of the 376 case files that I examined documented women who were lesbians. Both of them were diagnosed with a pathology and placed in an asylum. It is quite possible that there were others who escaped detection. Those who were caught had to undergo treatment aimed at rehabilitating them so they could conform to societal standards of feminine, heterosexual behaviour. As Gary Kinsman explains it, "The inclusion of homosexuals and

After the war, a certain anxiety arose within the country over appropriate gender roles. Social workers, psychologists, doctors and teachers, all tended to label anyone who failed to conform to prevailing gender norms as abnormal or even as insane. These norms were based on white, middle-class, Anglo-Celtic models of the ideal woman and the "normal" family. As Mona Gleason explains it: "the normal family constructed through psychological discourse had full-time mothers, well-adjusted, bright, industrious children, and attentive fathers."[4] Hence, women who rejected domesticity, proper feminine behaviour, or heterosexual norms, risked being labeled as insane and relegated to an asylum which, essentially, served as a place of "moral quarantine."[5]

Although mental illness was experienced by both sexes, women tended to be committed for different reasons than men.[6] Some scholars also contend that during the post-war years, particularly the 1950s, women were committed to asylums at a higher rate than men. For instance, Dorothy Chunn and Robert Menzies discovered that 82% of inmates in British Columbia's asylums during the 1950s were women.[7] While violence and promiscuity tended to be tolerated for

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"homosexualism" in the immigration act… was symbolic of the Cold War hostility to homosexuality that extends into the 1970s." See Kinsman, *The Regulation of Desire: Sexuality in Canada*, 124.

[4] See Mona Gleason, *Normalizing the Ideal: Psychology, Schooling, and the Family in Postwar Canada* (Toronto: University of Toronto Press, 1999), 5.

[5] See Dorothy Chunn and Robert Menzies "The Gender Politics of Criminal Insanity: Order-in-Council Women in B.C., 1888-1950," *Social History/Histoire Sociale* Vol. 31, No. 62 (November, 1998), 277.

[6] Chunn and Menzies argue that women were more likely to be diagnosed with dementia/schizophrenia than men. *Ibid.*, 258.

[7] *Ibid.*, 247.

men, women who exhibited those behaviours were at greater risk of being pathologized and institutionalized.[8]

Eighty-four immigrant women within this study were institutionalized and charged with mental insanity under the *Act*.[9] This represents 22% of all women who received deportation orders from the larger group of 376 cases. The insanity clause was therefore the most commonly used to deport female immigrants.[10] Although there are few gender-based statistics available, we know that in 1949, women represented 34% of all mental deportees.[11] Since only 8 percent of all deportees were women during this period, we can assume that this particular clause was far more commonly used on women, per capita, than men.[12] In regards to their country of origin, most of these women were from Central Europe (33.3%) -- particularly Germany – followed by the U.K. (23%), Eastern Europe (18%), the U.S. (16.6%), Northern Europe (11%), and Southern Europe (7%). Of the women who were charged with this offence, 49% were single and 37% were married. Most, or 46%, had entered as domestics, and 21% as housewives.[13]

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[8] Carol Warren, *Madwives: Schizophrenic Women in the 1950s* (New Jersey: Rutgers University Press, 1991), 79.
[9] Case File Database.
[10] See Appendix #4.
[11] LAC, RG 26, Vol. 16, Statement of Deportations, 30.
[12] This figure represents the average number of female immigrants (101) deported between 1946 and 1949 compared to men (1267). *Ibid.*
[13] Case File database.

The women who were issued deportation notices by the department for being insane, typically carried with them a great deal of emotional baggage from the war, experienced severe dislocation after their arrival, and/or often suffered from marital or professional strains that contributed to their stress. The stress associated with their experiences during the war obviously played a pivotal role in shaping their ability to adapt to life in Canada. Unlike previous immigrants who mainly fled from poverty and misfortune, this group of female immigrants had been subjected to horrors that past generations of civilians had not witnessed before.

Hannah, for instance, was a widow who lost her husband, parents, and four of her siblings in the camps during the Holocaust. Only one sibling, her sister, had survived and was living in the United States. After being rejected as an immigrant to the U.S., Hannah gained admittance to Canada in 1952. Shortly thereafter, she was diagnosed with epilepsy, which, the doctors established, had likely developed after she had been hit in the head with the butt of a rifle by a Nazi officer in the camp. She was subsequently committed to a mental hospital for 130 days.[14] Masha was another woman who suffered tremendous losses during the war. She had lost her husband, who was serving in the Russian Navy during the war, along with her child – who died at six months – and parents. Masha had been captured by the Germans, placed in a concentration camp and

[14] LAC, RG 76, Accession 91-92/011, box 73, File# E-27366.

assigned to laundry duty. She was later transferred to Dauchau, where she was forced to do hard labour until she was liberated by the American Army and placed in a DP camp after the war.[15] Finally, a third woman, Margareta, a single woman from Hungary, had also been arrested by the Nazis during the war, and sent to a concentration camp outside or Berlin, after giving money to Jewish refugees in Budapest.[16]

These experiences, unfortunately, were not uncommon for female Eastern and Central European immigrants. They certainly shaped their memories, exacerbated their anxieties and affected their ability to cope with the changes they had to face in Canada. One domestic, Adele, moved from job-to-job, holding five different ones in one year. She had been depressed and exhibited a great deal of anxiety before she was committed to the Essondale Hospital in B.C. She attributed her problems to her experience during the war: "my nervousness is all the result of the war years, when there was very little possibility of sleep and great demand for heavy work." Rather than fighting to remain in Canada, she told doctors she wanted to return to Germany; since the people there had lived through the same experiences as her, she felt that she would fit in better.[17] Such requests for deportation were extremely rare. Obviously Adele's transition to Canadian life had been quite hard, especially with respect to Canadian's lack of understanding of her experiences during the war.

[15] LAC, RG 76, Accession 91-92/011, box 24, File# D-436.
[16] LAC, RG 76, Accession 91-92/011, box 29, File# D-25494.
[17] LAC, RG 76, Accession 91-92/011, box 70, File# E-22285.

In addition to the personal losses they had suffered, some single women also mourned the loss of the professional lives and social status they had enjoyed in Europe, which they were forced to abandon when they gained admission to Canada by signing up for the domestic scheme. Lena, who was mentioned earlier, gave up her medical studies in Germany, which had been interrupted by the war, as well as her translation work.[18] Masha, who had been employed as a teacher in Russia, took on work as a domestic and cook in Canada after her arrival.[19] Monika, a 39 year-old Polish woman, likely suffered the greatest professional loss; trained as a doctor in Gratz, Austria, with a specialization in eye surgery, she had practiced in her field from 1947 until the time that she came to Canada, when she was admitted as a domestic.[20] Monika arrived in May 1951, and was assigned to a family in Niagara Falls. She attempted to secure a more professional job after leaving this position. Her search proved unsuccessful, however, due to her lack of English. She took several more domestic jobs in that area, hoping to find a more interesting one; on December 29, 1951, she gave up hope, attempting suicide by cutting her wrists with her surgical knife.[21]

She was subsequently placed in the Ontario Hospital in Hamilton and diagnosed with reactive depression. While in hospital, her physician discovered that her last

[18] LAC, RG 76, Accession 91-92/011, box 82, File# E-41951.
[19] LAC, RG 76, Accession 91-92/011, box 24, File# D-436.
[20] LAC, RG 76, Accession 91-92/011, box 34, File# D-49070
[21] *Ibid.* Clinical Report, M.C. Johnston for Dr. Butcher, Department of Health for Ontario Mental Hospitals Division, Hamilton, January 17, 1952, p.2.

employer had threatened to deport her back to Poland if she did not improve her work. In her clinical report, the physician described the situation as follows:

> She did not like Mr. ---, and quoted many instances of where she could not suit him with her work, no matter how hard she tried, for instance he would look in the corners, to see if they were dusted, etc. He kept saying to his wife that they were paying her too much money.... The patient stated that she had always had a fear of the Russians, and she got the idea that Mr. --- was going to send her to Russia, as she heard him tell his wife of his intentions. She stated that from day to day, he made her more upset, until she thought that, although he was not in uniform, he belonged to the Secret Service.[22]

The threat of being sent back to her homeland, behind the Iron Curtain, obviously fed her anxiety.[23] The doctor who treated her also felt that "the loss of her occupation, that of a physician, in exchange for that of a domestic, an unhappy work situation, combined with a studious disposition on her part, left her small time for friends and resulted in her medical condition."[24] She was eventually released, and her deportation order was suspended, likely because she had attempted to pay her hospital bills, had a nephew in Hamilton to stay with, and as a stateless person, was difficult to deport. Soon after, she found a job in a hospital, working as a ward aide. This menial position seemed to better

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[22] *Ibid.*, p.3.
[23] *Ibid.* Minutes of the Board of Inquiry, Toronto, June 17, 1952, p.5.
[24] *Ibid*, Memo from the Central District Superintendent, Toronto, to the Director of Immigration, June 26, 1952.

suit her purposes; she enjoyed the opportunity to work in a hospital once again, escaping the confines, constraints, and potential perils of domestic work.[25]

The third group of female immigrants who often ended up in asylums was those married women who suffered from the stress of taking care of a home and family in a new land, and in some cases, dealing with the marital strains that ensued. Some experienced extreme isolation and loneliness, having to tend to their domestic duties within the home while their husbands were at work. Many spoke English poorly and lacked the proper support network that might help with babysitting, friendships, and emotional support. The situation was worse for those women whose husbands who were away for extended periods of time, or who lived away from the city, in areas that did not have any other immigrants, particularly those from their homeland.

Ella was one such woman who faced considerable stress after her arrival. She came to Canada from Britain with her three children in 1953, in order to join her husband Conrad, who had enlisted in the Canadian Army the year before. They immediately set up home in Petawawa, where he was stationed. Ella was forced to spend a great deal of time on her own with the children, while Conrad was on active duty. Due to the isolation, loneliness, and poor conditions on the base, she ended up suffering from a nervous breakdown and was placed in the Ontario

[25] *Ibid.*, p.6.

Hospital in Kingston in May 1954, and diagnosed with schizophrenia.[26] Matilda, a married woman from Norway, also suffered from a similar fate. She came to Canada with her husband and two children; after giving birth to her third, she was institutionalized in an asylum in Toronto in April 1955, allegedly suffering from neurotic depressive reaction. She likely had post-partum depression, since her illness occurred soon after her baby was born; her condition was further exacerbated by the fact that her husband had been living and working thousands of miles away from his family in Winnipeg.[27]

Finally, Valentina, a 28 year-old married woman from Poland with three children, was committed to the Ontario Hospital in Whitby on three occasions; the first one on January 11, 1954, and was diagnosed with schizophrenia of the catatonic type. She had exhibited strange and violent behaviour at home; she destroyed her children's school books, scratched the numbers off everything in the house and attacked her husband with a club.[28] The doctor treating her attributed her health problems to her living arrangement in rural Ontario. He felt that she was isolated and far away from her countrymen who spoke her language. A very religious woman, she was also upset about not living near a church. Her doctor subsequently recommended to the husband that he find a house in town so that

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[26] LAC, RG 76, Accession 91-92/011, box 74, File# E-29638.
[27] LAC, RG 76, Accession 91-92/011, box 65, File# E-17329.
[28] LAC, RG 76, Accession 91-92/011, box 27, File# D-13564. Memo to file from Dr. D.R. Fletcher, The Ontario Hospital, Whitby, October 19, 1955.

Valentina could develop friendships with other Polish women and attend church.[29]

Limited paid employment for female DP's, as well as the isolation and loneliness that some experienced after their arrival, could thus affect their state of mind. In Canada at the time, institutionalizing an individual was viewed as a last resort, following a crisis or the display of seemingly dangerous behaviour.[30] Furthermore, those with strong family support and sufficient financial resources were less likely to be committed to an asylum, and were discharged more quickly than those who had no one to accept and care for them.[31] Hence, immigrants were more vulnerable than Canadians, particularly well-to-do citizens, since they often did not speak the language and lacked the family network and support structure that Canadians generally enjoyed.[32]

In the majority of cases where the immigrant's wife was institutionalized for an extended period of time, the husband had to place their children with the CAS, having no other alternative, due to an absence of family support in Canada.[33]

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[29] *Ibid.* Memo from the Chief of Admissions to the Director, June 8, 1954.

[30] Carol Warren indicates that this type of behaviour, on the part of women, tended to be associated with the household and involved destroying or harming the home or the children. See Carol Warren, *Madwives*, 79.

[31] Mary Ellen Kelm argues those without family were more likely to be committed to an asylum. See ""The Only Place Likely to do her any Good": The Admission of Women to British Columbia's Provincial Hospital for the Insane," *BC Studies,* No. 96 (Winter, 1992-93), 80.

[32] Geoffrey Reaume observes that "poverty, racism, and mental collapse were all intertwined." See *Remembrance of Patients Past: Patient Life at the Toronto Hospital for the Insane, 1870-1940* (Oxford: Oxford University Press, 2000), 51.

[33] At least four to five of the families within this group had to place their children with the CAS. This was always viewed as a last resort for couples that had no family in town to help them out during their crisis.

This certainly placed added pressure and guilt on these women. Finally, all of them had to contend with the stress of being issued deportation notices, facing the prospect of being sent home to a country they sought to leave behind. This was particularly true for those DP's who held citizenship with an Eastern Block country. One Latvian woman, Anita, had a plea issued to the Minister of Immigration on her behalf by the Latvian National Federation of Canada. They asked for special consideration, arguing that the deportation order to a DP could pose a threat to her health.[34] But even those from the U.K. struggled with this possible fate. Dorothy expressed great fear of being sent back to London and to the scene of the bombings.[35] Stella also expressed anxiety about the prospect of being deported back to England. Her doctors relayed this to the department. Subsequently, the District Superintendent decided to postpone any action for six months, stating that "an adverse decision may have unfavourable reactionary results."[36]

At a meeting held in Toronto in August 1954, the Scientific Planning Council of the Canadian Mental Health Association discussed the problem of mental illness experienced by new immigrants. The Council attributed this problem to their "fear of authorities, new surroundings, and freedoms if refugees." But, it also felt that the attitudes of Canadians towards newcomers had a significant impact on

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[34] LAC, RG 76, Accession 91-92/011, box 22, File# C-96180.
[35] LAC, RG 76, Accession 91-92/011, box 32, File# D-41492.
[36] LAC, RG 76, Accession 91-92/011, box 9, file# B-94183. Letter from J.D. McFarlane, District Superintendent to C.H. Lewis, Assistant Director, Hospitals Division, Ontario Department of Health, Toronto, November 23, 1948.

the latter's mental health. Particularly at risk was "the mother who is left at home all day and who doesn't have the same chance to become assimilated or hear one of our languages."[37] For the CMHA and the Immigration Branch officials who deferred to these experts in the area of mental health, assimilation was the only solution for refugees and immigrants who were "damaged" by the war, isolated, and unable to speak the language.

But, rather than providing ailing immigrant women with counseling and help them adapt to their new country, psychiatrists tried to label them with a pathology, typically schizophrenia;[38] they adopted various treatments such as electric shock therapy (EST), insulin injections that induced comas, cold baths, pills, lobotomies and other tools of the trade that were widely used by the psychiatric profession at the time. These particular treatments, in fact, were disproportionately used on female patients during the post-war years. Elaine Showalter, in her work *The Female Malady*, contends that female patients in the United States were subjected to EST at a rate of 3 to 1 compared to their male counterparts.[39] They typically left women exhausted, frail, and devoid of much of their memory. In some cases, husbands viewed this loss of memory as a positive side-effect, since it enabled women to forget some of their troubles. However,

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[37] LAC, RG 26, Vol. 80, "Research Activities in the Field of Psychiatry", Appendix J, Digest of Discussions of the Scientific Planning Council of the Canadian Mental Health Association, Toronto, August 1954.

[38] Carol Warren defines schizorphenia as "a group of psychotic reactions characterized by fundamental disturbances in reality relationships and concept formations, with affective, behavioral and intellectual disturbances in various degrees and mixtures." See Warren, *Madwives*, 22.

[39] Elaine Showalter, *The Female Malady, 1830-1980* (New York: Pantheon Books, 1985), 205.

the latter often lost their sense of role competency, forgetting many of the skills that enabled them to fulfill their domestic responsibilities. Carol Warren notes this negative effect stating "a housewife who could not remember how to bake cookies or sew on buttons was, in the fifties, no housewife at all."[40] Unfortunately, during this period, doctors were quick to label patients and treat them.[41]

For instance, Adele, a single German woman who entered the country as a domestic, was subjected to six treatments of EST. Christa, a single mother from Denmark, was placed in the Panoka Hospital in Alberta and subjected to EST, hydrotherapy and occupational therapy during her stay. Despite all these treatments, the doctors reported little improvement.[42] Finally, during her six week-long stay at the hospital, Stella was treated to long baths and doses of alcohol: "they put me in a bath for eight hours and forcibly fed me alcohol, to which I objected very much."[43]

Some patients also occasionally received brutal treatment from hospital staff. One woman who received many shock treatments during her stay at the Allan Memorial Hospital in Montreal, proclaimed, at the end of her inquiry, that "they

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[40] Carol Warren, *Madwives*, 138.
[41] Chunn & Menzies, "The Gender Politics of Criminal Insanity," 259.
[42] LAC, RG 76, Accession 91-92/011, box 43, File# D-82422. Memo to file, from Dr. T.C. Michie, Medical Superintendent, Provincial Mental Hospital, Ponoka, Alberta, July 24, 1952.
[43] *Ibid.* Minutes of the Board of Inquiry, Toronto, October 26, 1948, p.2.

treated me like a pig in the hospital."[44] Another female patient claimed that she had been assaulted four times by a male nurse.[45] This type of aggression within asylums was not that unusual at the time; physicians tended to give their staff the benefit of the doubt or tolerated a certain level of brutality within their institution.[46]

Some doctors contested the attempts of the Immigration Branch to interrogate and deport their female patients. Dr. Reed, from the Verdun Protestant Hospital for the Insane, adamantly refused to let his patients be sworn in or give testimony under oath in the proceedings, claiming that it would be "worthless from a legal standpoint and forbidden."[47] In response, the departmental official attempted to go over Dr. Reed's head and secure the hospital's cooperation.[48] In the end, the department conceded that Dr. Reed's concerns were valid. It determined that, in the future, they would allow the superintendent of the hospital to decide if the patient's mental health allowed her to give testimony. In case of a negative decision, the patient's physician would be interviewed in her stead.[49]

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[44] LAC, RG 76, Accession 91-92/011, box 48, File# D-92955. Minutes of the Board of Inquiry, Montreal, October 8, 1952, p.3.
[45] LAC, RG 76, Accession 91-92/011, box 54, File# E-2959.
[46] Reaume, *Remembrance of Patients Past*, 84.
[47] This statement was issued in a memo to Mr. Baldwin, the Director of Admissions, on January 10, 1953. RG 76, Vol. 752, File# 514-20 pt. 2.
[48] *Ibid.*
[49] *Ibid.* Memo from L.A. Couture, Departmental Legal Advisor to C.E.S. Smith, Director, January 23, 1953, p. p. 3.

In turn, the Director of Psychiatric Services for the Branch of the Saskatchewan Department of Public Health, wrote a scathing letter to the Deputy Minister, Laval Fortier, after a patient being treated in one of his hospitals was kept there long after her discharge date, until the department could arrange for her deportation. The Director of Psychiatric Services virulently objected:

> A mental hospital is not a prison and is not operated as such and indeed, in an increasing number of wards, the doors are not locked. While many of the patients in mental hospitals are detained against their will, the essential feature of the administration of a mental hospital is treatment of the patient and it is therefore not possible to ensure the continued detention of a person in a hospital to the same extent as if he were incarcerated in a prison... It would seem to be entirely wrong in principle to attempt to use a mental hospital as a prison or place of detention for a person who is no longer mentally ill.[50]

As such, although the hospitals and department often worked in tandem to rid the hospitals of long-term immigrant patients who were unable to pay their bills, some physicians fought to ensure that these women were given adequate care and treated like patients rather than prisoners.[51]

Furthermore, women who were given an encouraging prognosis during their stay in hospital as well as those who had a family prepared to pay for the bills that

[50] LAC, RG 76, Accession 91-92/011, box 84, File# E-46434. Memo to Mr. Fortier, May 1, 1956.

[51] In one memo to the Director of Immigration, the Chief of Admissions indicated that it cost the mental institution $5 a day to care for a patient. The department therefore embraced expedience when it came to deporting individuals who would remain in hospital indefinitely and could not pay their bills, feeling it had a responsibility to protect the provinces from such exorbitant expenses. LAC, RG 76, Vol. 752, File# 514-20 pt. 1. Memo from the Chief of Admission to the Director of Immigration, March 12, 1951.

accrued could get a reprieve from deportation. Single women who returned to work and or had some type of support network were also likely to receive a positive verdict.[52] Hannah, the Holocaust survivor with epilepsy, was given a poor prognosis from her doctors, but the support that she received from her M.P., Dr. John Kucherepa, as well as funding from the Jewish Family and Child Services, succeeded in convincing officials that she would be a good risk.[53] Married women needed hard-working and loyal husbands to recover and remain in Canada. Some had husbands who visited them on a regular basis, worked hard to pay the hospital bills and the mortgage, and made arrangements to ensure that the children were well cared for. For instance, Anita's husband managed to pay their bills and even saved $2000 along the way. He acted as her counsel during the inquiry and made a plea for her at the hearing. As mentioned before, the Latvian Federation of Canada also supported her case.[54] Valentina's husband was also supportive of his spouse, and his decision to purchase a bungalow in Bowmanville, which was described by the officer as "nicely furnished, both clean and neat at the time of inspection," greatly impressed the SIO and convinced him that both would likely become good citizens.[55]

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[52] The department's stance was faithfully articulated by J.W. Dobson, in a memo to the Chief of the Administration Division in the following statement: "If the prognosis is favourable and opportunities exist for re-establishment, then it is not likely that deportation would be effected. Also, even though chances of recovery were slight, if the individual's immediate family was residents in Canada and prepared to look after him, the person would probably be allowed to stay in this country." This memo reflected the stance adopted by the department during the period under analysis. LAC, RG 76, Vol.752, File# 514-20 pt. 2.
[53] LAC, RG 76, Accession 91-92/011, box 73, File# E-27366.
[54] LAC, RG 76, Accession 91-92/011, box 22, File# C-96180.
[55] LAC, RG 76, Accession 91-92/011, box 27, File# D-13564.

In one case, the department discretely took the husband aside and asked if he would be willing to allow his wife to be deported back to the United States. His wife, Brenda, was born in New York, but her parents and husband were all Canadian. She had developed syphilis meningoencephalitis[56]and had been hospitalized for five years before the deportation order was issued in 1951. She had contracted syphilis after being raped by three men en route from Detroit to Canada seventeen years earlier; and her prognosis was very poor.[57] The couple had been married for twelve years and had two children. Her husband informed the officer in charge, H.A. Vince, that he wanted her to remain in Canada. He promised to visit her and continue paying her hospital bills.[58] The department had its officer monitor the family's situation on a regular basis; the Minister declared in 1955 that although Brenda had been a patient since 1946, "her husband is Canadian, they have two Canadian children and the hospital authorities are apparently quite satisfied with her husband's payments to them."[59] Hence, the husband's emotional and financial commitment to her, as well as her family's Canadian citizenship, went a long way in convincing the department to postpone and finally cancel the deportation order.

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[56] This disease is a psychosis caused by widespread destruction of brain tissue occurring in some cases of late syphilis. Mental changes include gradual deterioration of personality, impaired concentration and judgment, delusions, loss of memory, disorientation, and apathy or violent rages. Untreated, paresis is eventually fatal. *Encyclopaedia Britannica Online*, www.britannica.com.

[57] This patient had been subjected to 150 intravenous injections of thio-bismol, 80 hours of fever therapy and 12 injections of mepharsen. LAC, Accession 91-92/011, File# A-75218. Clinical Record, Ontario Hospital, St.Thomas, Case Book #392, April 8, 1946, p.3.

[58] *Ibid.* Memo from the H.A. Vince to the Central District Superintendent, Toronto, October 9, 1951.

[59] Annotation by the Minister on a memo produced by A.C. Aldridge, Central District Superintendent to the Director or Admissions, January 19, 1955. *Ibid.*

Several women, however, were not so lucky. Ona's husband disappeared after she took ill; when he finally turned up, he asked the department for a certificate stating that his wife would be confined permanently, so that he could secure a divorce.[60] When informed that his wife would be sick for the rest of her life, Aniela's husband abandoned her in the hospital and left for Reno to get a quick divorce. He, in fact, was likely responsible for her illness, having mistreated her during their marriage, by attempting to get her to kill herself by using the gas stove in their apartment. This prompted the immigration official responsible for her case to refer to him as a "sick man". Unable to secure a divorce, he then asked the Polish Consulate to send his wife back to Poland, and tried to get an annulment.[61]

Cases involving women with VD, such as Brenda, or women having committed morality infractions such as prostitution, promiscuity or homosexuality, were also placed on the department's fast track in regards to deportation. Sarah, a Jewish Holocaust survivor from Poland, had been found working as a prostitute in Montreal, and was discovered by the doctors to be suffering from syphilis.[62] Her husband in Sudbury supported her, and wanted the department to let her stay and recuperate at the Ontario Hospital in Toronto. The department, however, felt

[60] LAC, RG 76, Accession 91-92/011, box 49, File#D-93397.
[61] LAC, RG 76, Accession 91-92/011, Box 26, File# D-1112.
[62] Memo from A.C. Aldridge, District Superintendent, to Director of the Admissions Division, May 6, 1954. LAC, RG 76, Accession 91-92/011, box 65, File# E-17357.

that she would likely return to prostitution once she was discharged.[63] After making arrangements to deport Sarah, the department discovered that she had disappeared, and was unable to locate her.[64] During and after the war, the Canadian state spent a great deal of resources trying to identify and eradicate VD. Unfortunately, women were viewed as the main "carriers"; they served as scapegoats for the VD scare, becoming the symbol for the country's anxiety over changing sex and gender relations.[65] The department was thus taking part in the state's plan to protect Canada from these women.

Lesbians were another group of women who were viewed as unlikely to be rehabilitated. While lesbian and gay immigrants faced arrest before the war, during the post-war years, when the state and experts began to medicalize homosexuality, they were placed in asylums.[66] Two women in my study were committed to asylums and treated for their homosexual proclivities. One was from Hungary, and the other, from Denmark. The first, Margareta, was diagnosed as a pathological personality and sexual deviant with a poor prognosis; according to a report, she tried to commit suicide three times since her arrival. According to her clinical report, "she had difficulty adjusting to the Canadian way of life which she attributes, in part, to her practice of

[63] The memo from the Appeal Sub Committee dated June 1, 1954, stated that "he has promised that he will do everything in his power to make her rehabilitation a success and he was intending to proceed to the Ontario Hospital, Toronto, to see whether he could complete arrangements for her discharge."*Ibid.*
[64] A memo from the Central District Superintendent, A.C. Aldridge, to the Director of Admission dated July 5, 1954, indicated that he had written to her in Sudbury to explain that her appeal had been dismissed, but the letter was returned to him marked "moved, left no address." *Ibid.*
[65] Gary Kinsman, *The Regulation of Desire*, 110.
[66] See Eithne Leuibheid, *Entry Denied*, 86.

homosexuality, which is not accepted in this county."[67] Regardless, she was extremely fearful of returning to her Communist led homeland.[68] Gytha, the Danish woman, was described by the medical supervisor as having "expressed strong sexual urges towards persons of her own sex," in the ward.[69] While Margareta was a DP and Gytha had a wealthy father who owned a large hotel in British Columbia, both were viewed as incapable of rehabilitation and were deported. This marked a clear departure from the department's normal policy of allowing DP's and immigrants with family in Canada to remain.

On the other hand, the department faced certain difficulties transporting mentally ill patients, particularly during the post-war years. The two main challenges involved securing transportation and negotiating with countries that would have to provide long-term care for these patients, particularly those in Central and Eastern Europe that were ill-equipped to take back mentally ill DP's. First, shipping companies had problems transporting large numbers of mentally ill patients. In 1951, the main shipping company that the department relied on for this purpose, Cunard Donaldson Ltd., delayed the transportation of "mental patients" for many months, due to the need to update and repair the S.S. Samaria which, the company claimed, was the only ship suitable to transport these types of patients. The three to five month delay created a huge backlog for the department, which Laval Fortier described to the Director of the Cunard Lines

[67] Memo, March 9, 1951. LAC, RG 76, Accession 91-92/011, box 29, File# D-25494.
[68] *Ibid.*
[69] LAC, RG 76, Accession 91-92/011, box 51, File#D-96343, Appeal Memo, March 26, 1953.

as creating a situation "which is becoming embarrassing to the Department and at considerable expense to the institution in which the deportee is awaiting transportation to the country to which he is being deported."[70] This prompted the department to issue a thinly veiled threat that it might rely on other companies in the future to transport their deportees should the problem persist.[71]

Another dimension of the problem was the treatment of the deportees by the escorts that were assigned to look after them en route to their destination. The common practice at the time was to send at least one to two female escorts, along with male officers in some instances, to accompany female deportees during transportation, particularly those who were potentially violent. There were many incidents during which these deportees had become either self-destructive or violent, most likely because of the duration or the trip and the harsh conditions they were subjected to in transit.

For instance, it was not uncommon for long delays to occur when a ship broke down and had to return to port. Patients were then kept in detention until the repair work could be completed.[72] Rebecca was detained in a Montreal jail for some time, before being placed on a ship; she described her accommodations as

[70] LAC, RG 76, Vol. 752, File# 514-20 pt. 1. Letter from Laval Fortier to Arthur Randles, Esq., Director, Cunard Donaldson Ltd., March 17, 1951.
[71] *Ibid.*, p.2.
[72] There were two cases among the group where the ship lost its rudder and the deportees were stranded in Halifax and kept in detention for over a month. This included cases D-92955 and D-86189.

"a single room, no daylight, although there was a window, but heavily barred and facing a wall. All day long, the big electric double white light shining directly over the head."[73] She ultimately gave up hope and tried to commit suicide by taking seventy-two aspirins. Her suicide note stated: "I have been treated as a criminal and I have got nowhere to go, where to about a new life. No money, no work, no home, no future!"[74]

An Italian woman was actually rejected by the ship's surgeon as a passenger in December 1955, after threatening to go on a hunger strike. She also became very frantic and agitated at the thought of being transported back to Italy. The department's female escort, Miss Coyne, reported that "directly in front of one of the loading hatches, which was open, the deport began to scream and to make a dive to jump out the hatch."[75] She was subsequently restrained by the two escorts and six seamen, who carried her to the ship's hospital, where they spoke Italian to her and tried to calm her down. Instead, she spat, swore and shrieked at them to let her go.[76] The surgeon's ultimate decision to have her removed from his vessel was not only influenced by her behaviour, but also by the fact that shortly before that time, a female mental patient had attempted to kill the ship's doctor.[77]

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[73] LAC, RG 76, Accession 91-92/011, box 54, File# E-2959. Letter from deportee to the Under-Secretary of State, Ministry of Foreign Affairs, March 25, 1954, p. 3.
[74] *Ibid.*
[75] LAC, RG 76, Accession 91-92/011, Box# 65, File# E-16220. Memo from P.R. Coyne to the Central District Superintendent, December 5, 1955.
[76] *Ibid.*
[77] *Ibid.*

Evidently, escorts were subjected to considerable pressure and danger when transporting these women to their final destination. However, some responded with undue force and hostility, and their actions generated bad publicity and controversy. This prompted the release of an order from the Acting Chief of Operations to the superintendents, instructing them to inform the escorts responsible for "mental patients" to "exercise a degree of understanding and sympathy in recognition of the fact that such persons are human beings who are deserving of a sympathetic attitude."[78] This warning was necessary and timely; indeed, one deportee described being treated like "a piece of city garbage awaiting transportation to another bin," on her way back to Britain.[79]

To convince other nations to accept these "damaged" deportees who required a great deal of care after their arrival was the other major challenge faced by the department. The German government required six months before it admitted patients who were mentally ill.[80] All countries asked for sufficient advanced warning, in order to make arrangements for the patients once they arrived. The U.K., for instance, asked that a report be sent to the National Assistance Board ahead of time, to avoid "people wandering around who should be receiving care

[78] LAC, RG 76, Vol. 752, File# 514-20 pt. 2. Memo from the Acting Chief of Operations to the District Superintendent, May 12, 1956.
[79] LAC, RG 76, Accession 91-92/011, box 31, File# D-41492.
[80] LAC, RG 76, RG 76, Vol. 752, File# 514-20 pt. 2. Letter from the Under Secretary of State, External Affairs, to the Director of Immigration, September 14, 1955.

and attention, which might be the basis of some criticism."[81] Unfortunately, the Canadian authorities did not always abide by this agreement, and this did lead to criticism and bad publicity. In 1949, this prompted the District Superintendent to send out a memo to the Immigration Inspector-in-Charge in Toronto, in which he reported: "this is a situation which has arisen before and caused the department considerable embarrassment, it appears that some of your officers are still dealing too casually with the deportations of persons suffering from mental trouble."[82] In its haste to expel mentally ill immigrants, the department thus occasionally left them stranded overseas with no one to welcome or care for them.

When it came to mental illness, some female immigrants faced the prospect of being labeled "defective" due to their harsh and traumatic experiences during the war or their inability to conform to the Canadian middle-class standards of the day, particularly those associated with gender roles. Those who did not speak English or have family to support them were at a distinct disadvantage during the deportation ordeal, while in hospital. The department was particularly unyielding when it came to those afflicted with VD or accused of being "sexual deviants" like the lesbians. While these "defective" women often had no choice but to comply with the order and the department's attempt to return them to

[81] *Ibid.* Memo from the Superintendent of Canadian Immigration Services, London, to the Chief of Operations, July 8, 1952.
[82] *Ibid.* Memo from the District Superintendent to the Immigration Inspector-in-Charge, Toronto, August 31, 1949.

their homelands, some tried to escape, others fought back en route, and a few resorted to attempted suicide as the ultimate form of resistance. Obviously, many of these women were ill; the department's actions could have only worsened their condition, by removing any chance they had to better their lives in Canada. The next chapter delves into the lives of immigrant women who were deported as "likely public charges" under the Act. Many of these women were afflicted with physical illnesses, primarily tuberculosis, which undermined their financial security and brought their situation to the attention of the Immigration Branch.

Chapter X

The Dispossessed: Immigrants Targeted as Likely Public Charges

Helmi arrived from Finland in July 1948 after being prodded by her Canadian boyfriend to move to Canada. They had their first child together in 1951. Unfortunately, he turned out to be very abusive and lied to her about his marital status, informing her that his wife was deceased, when in fact she was still living. They eventually broke up and he ran off, failing to provide her or his child with financial support. She eventually had two more children with other boyfriends, who in turn, abandoned her. She worked sporadically as a domestic and then as an office worker for the Toronto Board of Education, but she was unable to hold a full-time job and care for her children at the same time. To add to her burdens, she also ended up in the hospital for a month, after she was suspected of having tuberculosis, which proved to be something less severe. She eventually went on welfare; the Immigration Branch began to document her case in 1951, after receiving a report from the hospital indicating that she owed a significant amount of money after her hospital stay, and another from the municipality, that informed federal officials that she was on the dole. Because of her illness and decision to apply for assistance, she immediately fell under the public charge clause of the *Act* and was issued a deportation order.[1]

[1] LAC, RG 76, Accession 91-92/011, Box# 5, File# B-27469.

During the post-war years, a number of women like Helmi were issued deportation notices as "likely public charges." Although the figures were rather minute compared to those of the 1930s – where thousands of immigrants were deported each year for being unemployed and indigent – this clause remained in force within the 1952 *Act*, in order to rid Canada of individuals who were dependent on the state or deemed to be a "likely public charge." The women most vulnerable under this clause were those with children who were deserted by their husbands or boyfriends, as well as recent immigrants who suffered from an illness requiring a lengthy stay at a hospital or sanatorium. This chapter describes how this clause was used by the department during this period, revealing the stories of the women who were reported for this offence. As you shall see, some significant changes arose after the war, regarding not only the women who were targeted, but also the attitudes of the Canadian public, of welfare and charitable organizations, and of the immigration officials who evaluated these cases.

The post-war period was characterized by a healthy and robust economy, as well as the development of the welfare state – involving the expansion of existing social programs as well as the introduction of a variety of new assistance programs for Canadians – which led to great optimism on the part of Canadian citizens. There was a sense that this level of support, in the form of unemployment insurance, family allowance, old age pensions as well as other support programs, would protect citizens from the type of financial catastrophe that befell many Canadians during the Depression years.[2] Unfortunately, immigrants were not entitled to benefits from government programs until they had secured the residency requirements within Canada, which was five years at the time.[3] Hence, new immigrants were unable to receive support; they were therefore more at risk of being deported as a public charge if they went into debt and sought assistance through a government or non-government organization.

Indeed, under the *Immigration Act*, immigrants who received money from a charitable organization or from the state were automatically reported to the Immigration Branch and issued a deportation order.[4] At that point, their fate rested in the hands of the immigration officer-in-charge, who was responsible for determining if the immigrant was likely to become a public charge; if, in his view, this was a probability, the immigrant would be subjected to a formal hearing by an inquiry board.[5] This aspect of the clause was therefore highly subjective. As Martha Gardner observes with respect to the American context, which was very similar to Canada's, the LPC clause "denoted not only current poverty but

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[2] See Ursell, *Private Lives, Public Policy: 100 Years of State Intervention in the Family* (Toronto: Women's Press, 1992), 252.

[3] Under Section 4(1) of the 1952 *Act*, residency was acquired by a person "having his place of domicile for at least five years in Canada after having been landed in Canada." See *Immigration Act*, 1952, Chapter 325.

[4] Under Section 41 of the Act, the officers and municipal officials were obliged to send a written report to the Director of immigration with full particulars if an immigrant was a public charge. See the 1952 *Immigration Act*, Ch. 145, p. 3163. Also see chapter four of this study.

[5] Under the 1927 and 1952 *Acts*, sections 3(h) and 3(j) of the former and 5(h) of the latter, covered public charges. Within the 1927 *Act*, a hearing for these types of cases was mandatory. In 1952, however, the *Act* was changed so that a hearing was not automatic, but left to the discretion of the officer-in-charge. *Ibid.*

potential poverty."[6] The legislation in both countries granted the officer the power to judge the immigrant's future behaviour. In turn, this clause served to reinforce prevailing gender roles; it punished male immigrants who could not provide for their families, as well as female immigrants who did not have the support of a husband or father to provide for them. Women without men were thus extremely vulnerable to deportation, particularly those living outside of a "family wage", as departmental officials could not envision them being able to support a family without a man.[7]

During the 1930s, the federal government had relied on deportation, and on this clause in particular, to relieve the country of its unemployed immigrants. Half of all deportations during the Depression years were based on this clause.[8] Between November 1931 and January 1935, 10,805 deportations were implemented for immigrants designated as public charges.[9] In many respects, deportation at the time was used as an alternative to relief; it enabled the state to cut relief rolls and lessen the municipalities and provinces' burdens.[10] As Barbara Roberts states, the department's strategy provided "a national system of immigrant poor relief through deportation."[11] Canadians and civil servants

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[6] Martha Gardner, *The Qualities of a Citizen*, 85.
[7] *Ibid.*, 93.
[8] Barbara Roberts, *Whence They Came*, 44.
[9] Barbara Roberts, "Purely Administrative Proceedings," 270.
[10] The unemployment rate ranged from 12.9 to a high of 26.6 percent of the Canadian working population from 1930 to 1933. After that time, it dropped slightly each year until 1940, when it hit a slightly higher than normal rate of 9.3 percent. See James Struthers, *No Fault of Their Own: Unemployment and the Canadian Welfare State, 1914-1942* (Toronto: University of Toronto Press, 1983), Appendix 1.
[11] Barbara Roberts, *Whence They Came*, 63.

typically treated the unemployed and indigent during the Depression years with criticism and disdain. Ss Henry Drystek argues, "being a pauper or destitute at this time was widely regarded as a sign of personal failure if not "moral obloquy."[12] Hence, any immigrant that couldn't hold a job or who became indigent, even during a major economic downturn, was viewed as an "undesirable", unlikely to become a productive Canadian citizen.

After the 1930s, deportation rates plummeted, particularly those cases involving public charges.[13] Public charge deportations subsequently ran from 8 to 33 individuals a year between 1946 to 1952.[14] In contrast to the 1930s, only 5 percent of deportations were carried out under the public charge clause.[15] One third of the cases involved men, almost one-third women, and slightly more than a third, children.[16] While the numbers of deportations effected under the LPC clause for this period are nominal, there were hundreds of deportation orders issued each year to immigrants under that offence.[17] Hence, many orders were issued but few deportations were actually carried out during this period.

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[12] For those unfamiliar with this word it means disgrace or shame. See Henry Drystek, "The Simplest and Cheapest Mode of Dealing with Them," 411.
[13] See Appendix #7.
[14] Memo from the Deportation Appeal Section to the Deputy Minister, 2 December, 1954. LAC, RG 26, Vol. 84, File 1-24-107, pt. 1.
[15] This figure is derived from 261 LPC deportations that were implemented from 1953-1956 out of a total of 5055 for that period. LAC, RG 26, Vol. 23, "Deportation Statistics, 1953-1959."
[16] Between 1946 to 1949, when the statistics exist that include gender breakdowns, 21 of the deportees were male, 18 were female and 24 were children. LAC, RG 26, Vol. 16, Vol. 23.
[17] Although there are no figures available for deportation orders issued by the department for public charge cases, one memo indicated that 410 board of inquiries were held for LPC cases from 1952 to 1954. See Memo from Deportation Appeal Section to DM, 2 December, 1954. LAC, RG 26, Vol. 84, File 1-24-107, pt. 1.

As I suggested, these plummeting deportation rates can be attributed to shifting attitudes in Canada with respect to unemployment. Those who could not find work were now viewed as unfortunate rather than immoral, and deserving of state support. Since new immigrants could not take advantage of these welfare programs, they could hardly achieve financial security during their early years in Canada.[18]

In 1953, this problem was discussed in a report from The Canadian Welfare Council (CWC) entitled "The Role of the Canadian Welfare Council in Relation to the Welfare of Immigrants." The report explained how immigrants in need were fearful of applying for public assistance due to their legitimate fear of being deported:

> An immigrant is often afraid to make application for public assistance when it is needed and may, therefore, go for long periods of time without help, which he needs. This may, and often does, contribute to a number of additional welfare problems – large family debt, borrowing from friends (often immigrants also in amounts which can not possibly be repaid), ill-health, mothers being forced to work when they should be at home, etc."[19]

[18] As mentioned earlier, immigrants had to fulfill their residency requirements in order to apply for many of the social programs. In turn, UI coverage required 180 contributions before becoming eligible. Some occupations such as labourers, domestics and agricultural workers were ineligible for UI, rendering the immigrants working in those fields more vulnerable to poverty and deportation. See the report entitled "The Role of the Canadian Welfare Council in Relation to the Welfare of Immgrants." LAC, RG 26, Vol. 84, File 1-24-107, pt. 1, p.9.

[19] LAC, RG 26, Vol. 84, File 1-24-107, pt. 1. The Canadian Welfare Council, "The Role of the Canadian Welfare Council in Relation to the Welfare of Immigrants," 1 December 1953, p.2.

Clearly, one of the Counsel's main concerns was to provide male breadwinners with sufficient work and protection so that wives and mothers could stay home and fulfill their "appropriate" roles.

The Council also grappled with those immigrants who faced health crises and were issued deportation orders because of the debts they had incurred after a long stay at a hospital. These cases were abundant after the war, particularly for immigrants who contracted tuberculosis. Although the Canadian state implemented mandatory x-rays in 1947 for all prospective immigrants before being admitted, many contracted this disease after their arrival.[20] Twenty-two percent of the case files covered in this chapter document immigrant women who ended up in hospital, the vast majority suffering from tuberculosis. Of these, sixteen percent were designated as LPC cases.[21] New immigrants ran a greater risk of contracting tuberculosis than their second-generation and Canadian born counterparts, because they were often over-worked, could not afford proper food and clothing, and often came from areas with high tuberculosis rates.[22] While tuberculosis rates for Canadians declined after the war, the number of

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[20] PC 1947-2951 was introduced after a large number of Polish soldier DP's entered the country and were diagnosed with tuberculosis. In order to prevent tubercular patients from being admitted into the country, the state required that all prospective immigrants take a chest x-ray and receive a clean bill of health from a radiologist before being accepted as an immigrant. Ninette Kelley and Michael Trebilcock, *The Making of the Mosaic*, 335.

[21] There were 23 cases that fell under section 5(b) of the *Act*, which covered seriously or terminally ill patients. The majority of patients, 60 in all, were charged under section 5(h) of the *Act*, since they were ill but also unable to pay their bills. Hence, indebtedness was the greater crime. Case File Database.

[22] This argument is made by Katherine McCuaig, *The Weariness, the Fever, and the Fret: The Campaign Against Tuberculosis in Canada* (Montreal/Kingston: McGill-Queen's Press, 1999), 154.

immigrants treated at sanatoria rose, keeping step with the growing numbers of immigrants being admitted to Canada at the time.[23]

These medical cases generated a great deal of attention and sympathy for the plight of new immigrants. Patients suffering from this disease underwent a long period of treatment, often experienced relapses, and were seldom strong enough to return to their jobs for some time or at all.[24] It is not surprising then, that this disease resulted in financial ruin for some of the new immigrants who contracted it.[25]

In addition, while the treatment of tubercular patients progressed after the war,[26] most of the afflicted immigrants documented in the case files were apparently subjected to the older treatments in Canadian sanitoria. For instance, Petra, a young single domestic from Yugoslavia, developed tuberculosis three months after her arrival. She was initially placed in the General Hospital in Ottawa and was then moved to the St. Lawrence Sanatorium in Cornwall. After a short period of time, she was moved again to the Mountain Sanatorium in

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[23] See Appendix #8. Also see George Jasper Wherrett, *The Miracle of the Empty Beds: A History of Tuberculosis in Canada* (Toronto: University of Toronto Press, 1977), 134.
[24] For instance, whereas the rate of admittance to sanitaria for Ontario natives ranged from 0.67 – 0.76 per 1000 from 1947 to 1952, for immigrants, the figures were slightly higher ranging from 0.79 – 1.35 for that same period. *Ibid.*, 52.
[25] *Ibid.*, 55.
[26] In 1943, Selman Waksman, a scientist at Rutgers University, discovered streptomycin, which was a type of antibiotic used to treat tuberculosis. By 1946, he collaborated with Dr. Feldman to establish the first effective chemotherapeutic remedy for tuberculosis. By the late 1940s and early 1950s, patients across North American and Europe were being treated with these new wonder drugs. See Sheila Rothman, *Living in the Shadow of Death: Tuberculosis and the Social Experience of Illness in American History* (Baltimore: John Hopkins University Press, 1994), 247-49.

Hamilton in 1949, where she was diagnosed with tuberculosis in her right lung, and received a six rib left thorascoplasty in two stages, where they collapsed her diseased lung. With over a year spent in hospital – from December 1948 until June 1950 – Petra's hospital bills were substantial. Since she was not in a position to pay off her debt, she was reported to the Immigration Branch as a public charge.[27]

Not surpisingly, immigrants were often in no financial position to take on this type of unexpected financial burden. This was the case for Morris and Molly Beckerman, two Jewish orphan survivors who came to Canada as teens in 1947 and wed in Toronto in November 1951. A month after their marriage, Molly became ill with tuberculosis and spent almost eighteen months in the Mountain Sanatorium for treatment. By the time she was released, the couple owed over $700.[28] Despite her lengthy stay in the hospital, she was given a good prognosis from her physician; he felt she was extremely resilient considering the conditions she was exposed to in the camps, and that she would be able to work after her release.[29]

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[27] This medical information was provided by the patient and her doctor during the inquiry process. See Minutes of Board of Inquiry, Mountain Sanatorium, Hamilton, Ontario, June 28, 1950. LAC, RG 76, Accession 91-92/011, box 12, File# C-30523.
[28] Memo from the Director of Immigration to Admissions, 22 May, 1952. LAC, RG 76, Accession 91-92/011, box, 41, File# D-75272.
[29] Letter from Dr. H.T. Ewart, Medical Superintendent, The Mountain Sanatorium, to Mr. L. Flower, Inspector-In-Charge, Department of Citizenship and Immigration, May 28, 1952. *Ibid.*

Even those immigrants with insurance and well-paying jobs were unable to cope with the high medical fees thrust upon them after a family member contracted a serious illness after their arrival. For instance, Benjamin and Sorel Friedman were presented with a bill of $1162 after Sorel's stay at the Toronto Hospital in Weston, Ontario. Sorel worked in a factory before taking ill, while Benjamin worked as a tailor and took care of their seven year-old child while she was in hospital. Their Blue Cross plan only covered a small portion of the bill, thus failing to protect them from the burden of this debt, and from that of being designated a public charge.[30]

In September 1949, following many complaints from immigrants who had been presented with substantial hospital bills and deportation orders as a public charge, Mrs. E.L. Brownell, the Immigration Director for the Ontario Department of Planning and Development, urged A.L. Jolliffe, the Director of the Immigration Branch, to take some action:

> The immigrant himself is unfamiliar with the procedure and his consternation at being served with a deportation order, while in a new country, and probably without adequate financial assets, is considerable. There is also the point that even Canadian residents cannot possibly finance a long term of sanatorium care, nor are they required to do so. The immigrant is therefore in an even less favourable position than the Canadian resident, because he is not possessed of sufficient means, or alternatively cannot

[30] Memo from the Appeal Sub-Committee to the Director, 14 May, 1952. LAC, RG 76, Accession 91-92/011, box 41, File# D-75298.

> transfer sufficient assets to cover the period of a long illness.[31]

Department officials agreed that they would have to do a better job of informing immigrants, rather than simply passing the deportation order to them in a cold and abrupt manner. In October 1949, Mr. Jolliffe ordered his officers to explain to immigrants the reason for the proceedings as well as their right of appeal in order to avoid "consternation and allay unnecessary fears on the part of the incapacitated person."[32] Clearly, Joliffe had no intention of postponing the delivery of the order; rather, he assumed that a fuller explanation of the process would facilitate matters.

These meager efforts did not stop new complaints coming in from patients, nurses, doctors and politicians, all of whom, condemned the department's treatment of tubercular immigrants. One case involving a British woman from Britain, Mrs. Rixon,[33] was one of many which attracted considerable attention. She arrived in Canada with her husband in January 1949, and was later diagnosed with tuberculosis in July 1950, after working in a variety of factories. She was covered by Blue Cross, but the company only agreed to pay 51 days of

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[31] Letter from Mrs. E.L. Brownell, Director of Immigration, Ontario Department of Planning and Development to A.L. Jolliffe, Director of Immigration, September 1, 1949. LAC, RG 76, Vol. 750, File# 514-15 pt. 1.

[32] Memo from Mr. Jolliffe to the Acting Commissioner, Department of Mines and Resources, October 8, 1949. LAC, RG 76, Vol. 750, File# 514-15 pt. 1.

[33] This was the immigrant's real name, which was revealed in a memo within the department's subject file. See memo from F.A. Smith to P. Baldwin, November 15, 1950. LAC, RG 76, Vol. 750, File# 514-15 pt. 1.

her hospitalization.[34] She remained in hospital for over a year; and she and her husband then owed the hospital $598.50. Due to their inability to pay, she was designated a public charge. Exasperated with the treatment that his sick wife received from the immigration officials during the hearing, the husband called the department to condemn its tactics. He reported that officials "were using Communistic methods by interviewing a sick woman" and that he was extremely annoyed by the process.[35]

There were also several complaints from hospital staff about the way immigration officials disturbed their patients and undermined their recovery. As one nurse explained: "the patient requires complete rest and after an immigration examination is constantly worried over a deportation order." She added: "this is detrimental to the progress of a patient which can be very well understood."[36] Mr. Baldwin, the Director of Immigration, was apologetic, assuring the hospital that he was personally against instituting deportation proceedings in these types of cases, and that the members of the Appeal Committee shared his views. He subsequently charged his subordinate, F.A. Smith, with the task of directing District Headquarters to temporize the immigration officers' "zeal with prudence in cases of this nature."[37]

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[34] Memo from the Inspector-in-Charge to the Central District Superintendent, Toronto, November 3, 1950. LAC, RG 76, Accession 91-92/011,box 24, File# D-897.

[35] *Ibid.*, p.2. This case was cited as an example of the criticism that the department was encountering and was included in a memo from F.A. Smith to P. Baldwin, November 15, 1950. LAC, RG 76, Vol. 750, File# 514-15 pt. 1. Also see her case file, LAC, RG 76, Accession 91-92/011, box 24, File D-897.

[36] This was cited in the same memo from F.A. Smith to P. Baldwin. *Ibid.*

[37] *Ibid.*

In 1952, the Chief of Admissions proposed an amendment to the immigration procedures regarding deportation proceedings, asking officers to provide a certificate stating that the patient was either willing or unwilling to provide funds for their hospital care and maintenance.[38] Departmental officials could then discern which cases to pursue in regards to a deportation hearing, dismissing those involving individuals willing to pay their debt to the hospital and the government.

On the other hand, the department consistently claimed that it had never deported an immigrant, particularly those who were ill, solely for being in debt. In response to a question raised in the House of Commons by Joe Noseworthy, an MP from the CCF Party, about the treatment of tubercular immigrants in sanatoria, the Minister of the Department of Citizenship and Immigration, Mr. Harris, replied that "the relevant section of the Act is applied sympathetically by the Canadian immigration authorities and an alien is seldom, in practice, deported on the grounds of indigence alone."[39]

In response to considerable pressure from NGO's and opposition MP's in the House of Commons, the government introduced in 1954 a new federal-provincial initiative, in the form of a bilateral agreement, which provided support to new

[38] Memo from the Chief of Admissions to Mr. A.W. Boulter, January 31, 1952. *Ibid.*
[39] House of Commons, *Debates*, October 3, 1951.

immigrants for the first twelve months following their arrival. Immigrants were now provided with coverage for the costs of medical care, hospitalization, temporary assistance and rehabilitation, if rendered indigent through accident or illness during their first year in Canada. The agreement was signed by seven provinces; it served as a commitment to support immigrants "who became destitute through no fault of their own but who do not have the necessary residence qualifications, to benefit from the services normally supplied to people in need to provincial or municipal governments."[40]

Despite the partial recognition of the problem, new immigrants still suffered many hardships. The department persisted in rigorously questioning them during the hearings and typically investigated them for a long period of time, verifying if they were either addressing their debts or could be pardoned for their indebtedness. Those fortunate enough to have their deportation orders suspended were subjected to years of investigation by the immigration officer-in-charge, who checked the wife's health, the husband's employment, and their ability to pay their bills. For example, Helmi was permitted to stay, despite her three illegitimate children, because her health had improved and she had displayed a willingness to work and support her family.[41] However, the department tracked her progress until 1963, when she went back to Finland to

[40] The first seven provinces covered by this agreement included British Columbia, Alberta, Saskatchewan, Manitoba, Ontario, Nova Scotia and Newfoundland. The agreement with Nova Scotia, however, was a little more restrictive, in that it only covered hospitalization and incidentals. Memorandum from the Director of Immigration entitled "Branch Update, 1954," W.J. Brennan, to the DM, C.E. Smith, 14 May, 1954, p.2. LAC, RG 26, Vol. 84, File 1-24-107 pt. 1.

[41] LAC, RG 76, Accession 91-92/011, box 5, File# B-27469.

pick up a sizeable family inheritance. At that point, they dropped the case and allowed her to remain in Canada without further interference.[42]

Similarly, Molly Beckerman eventually won the support and sympathy of the department, which suspended her order. It determined that her husband was employed as a diamond setter and earning $50 a week, enough to support the couple and pay back some of their debts. In addition, the officer-in-charge described Molly as "a good type of immigrant," while the District Superintendent, W.R. Baskerville, stated that "she has no relatives in the world with the exception of her husband and her aunt, Mrs. ---, and she desires in the circumstances to remain in Canada."[43] Hence, financial considerations were critical to these cases, but the hardships that some female immigrants had encountered, particularly those who were DP's or survivors, were occasionally taken into consideration when rendering a decision.

On the other hand, the department tended to vigorously promote and expedite deportation in cases where the immigrant was given an extremely poor prognoses by a physician. For instance, a young single Scottish woman named Erna came to Canada and worked for some time as a waitress in Montreal, and then as a sales girl in Toronto. She fell ill in the fall of 1950 and was diagnosed

[42] Memo from the Chief of Admissions Division to the Acting Director of Immigration, December 30, 1963. *Ibid.*
[43] Memo from W.R. Baskerville to the Director of Immigration, May 22, 1952. LAC, Accession 91-92/011, box 41, File# D-75272.

with cancer by her doctor at St. John's Convalescent Hospital in Newtonbrook, Ontario, who found a malignant tumor on her spinal cord. After performing two surgeries with no positive results, the doctors concluded that she had about two months to live and would likely be afflicted with paralysis before her demise. She was now a public charge patient, and the doctor advised the department "if this girl is not returned to her home in Scotland within a week or ten days, it may not be possible to move her."[44] The officer responsible for the case, Theodore Shelton, advised his supervisor that "deportation arrangements be instituted immediately, as there is every indication that this girl will be a complete invalid in a short time."[45] The case was fast-tracked, and Erna was quickly placed on a flight back to Scotland, at the department's expense.[46]

By 1955, the Canadian Welfare Council's Committee on the Welfare of Immigrants was calling for the repeal of the LPC clause within the *Act*. This committee was established in 1954, and consisted of representatives from the federal departments involved, as well as municipal welfare offices, local charities, religious organizations and other interested groups.[47] The committee members found the department somewhat sympathetic towards infirm immigrants, but

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[44] Memo from the Travelling Investigating Officer, Mr. Shelton, to W.B. Baskerville, April 13, 1951. LAC, RG 76, Accession 91-92/011, box 30, File# D-32102.
[45] *Ibid.*, p.2.
[46] *Ibid.*
[47] The Committee consisted of 30 representatives which included individuals from the CWC, the federal departments of Labour, National Health and Welfare, Citizenship and Immigration, some of the embassies, religious organizations such as the Jewish Immigrant Aid Society, Canadian Jewish Congress, the Canadian Council of Churches, and the Canadian Catholic Conference, and finally, broader organizations like the Canadian Council of Labour and the National Council of Women. This list was from the Minutes of the Committee on the Welfare of Immigrants, Ottawa, March 31, 1955. LAC, RG 26, Vol. 84, File# 1-24-107 pt. 1.

they believed that the LPC clause was unfair and not in keeping with the times. The present legislation, they recommended, "should be an interpretation of present attitudes."[48]

Senior immigration officials made a number of statements supporting their track record, in order to fend off the criticism that depicted them as unfeeling bureaucrats intent on deporting immigrants who had suffered from a short bout of bad luck or a health crisis. In a letter to Mrs. Govan, Secretary of Special Projects for the CWC, dated August 2nd, 1956, Laval Fortier insisted that "the Department does not order a person's deportation solely because he has become a public charge unless the individual has resisted all efforts on his behalf for satisfactory establishment." Rather, he continued, "we endeavour to place him in employment and assist him in any way possible with whatever difficulties he may be encountering with a view to effecting his integration into Canadian society."[49] Despite these assurances, however, there is little evidence to suggest that the department ever provided a family with work or assistance, particularly after their first year in Canada.

On February 17, 1955, the Minister of Citizenship and Immigration, Jack Pickersgill, was bombarded with questions from MP's in the House of Commons, especially from Wallace B. Nesbitt, of the Conservative Party. Nesbitt called for

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[48] Minutes of the Meeting of The Canadian Welfare Council, Ottawa, March 31, 1955, p.3. LAC, RG 26, Vol. 84, File# 1-24-107 pt. 1.
[49] Letter from L. Fortier to Mrs. Govan, August 2, 1956. *Ibid.*

the repeal of the LPC clause. The Minister attempted to respond in a contrite manner: "I am not terribly proud of having it there ... Honourable members know that one of the reasons why it is there is that it was represented to us that if it were not there then in certain provinces and certain localities the entry of immigrants would be actively discouraged, and that on balance it is apt to make the flow of immigration greater than otherwise." He concluded: "I must say that of all the things that are in the Act it is the thing that I am least happy about, and I confess that quite frankly."[50] The Minister was thus placing the blame on the provinces and municipalities; he contended that they were pressuring the department to keep that clause within the new *Immigration Act* of 1952.

Whatever the case, however, the department seemed, overall, to readily embrace its assigned role of acting as a collection agency for immigrants that went on the dole or could not repay their hospital fees. The post-war period was characterized by a very low deportation rate for LPC cases. At the same time, some of these cases attracted the attention of the public, politicians and NGO's like the CWC; this reflected a growing concern for the plight of indigent immigrants, particularly those who had contracted tuberculosis. This criticism forced the department to confront its tactics and adopt a more flexible approach. Although the Minister and his officers expressed some sympathy towards immigrants who were ill, they remained unsympathetic and unyielding when it

[50] *Hansard*, February 17, 1955.

came to cases in which the individual's prognosis was extremely poor. The system that was criticized during this time was severely contested in the higher courts during the mid-1950s. A discussion of these court cases and their impact on the deportation system is discussed in the following chapter.

Chapter XI

Deportation in the Courts -- the 1950s

During the 1950s, the Department of Citizenship and Immigration found itself fending off fierce attacks against its practices from the public, the press and politicians. Barbara Roberts has argued that before the Second World War, the public was unaware of the department's practices with regards to deportation.[1] By the 1950s, however, certain prominent cases made their way to the higher courts and brought greater visibility to the inherent problems that plagued the deportation system. The Canadian Bar Association championed the cause of reforming the existing informal, opaque and insular system in favour of one that was more transparent, formal, just and accountable to the government and the public.

The Canadian Bar Association's (CBA) concerns were first raised by its Committee on Civil Liberties, which produced a report that was sent to the Minister of Citizenship and Immigration in June 1954. This report called for several reforms: the codification of the immigration regulations by the department; the publication of the intra-departmental directives; implementation of the proper and legal appeal procedures as contemplated in the Act; examining the possibility of making departmental files available to applicants and their

[1] Roberts argues that the immigration officers then misrepresented and concealed their actions to the public. Because the hearings were held in camera, the public was not privy to what was going on. In *Whence They Came*, 3.

attorneys; recognition of barristers and solicitors regarding immigration laws; and finally, the establishment of procedures setting forth reasons for the rejection in each case.[2] In addition, the report recommended the creation of an immigration appeal board that could follow proper judicial and legal practices.[3]

This report fed Conservative attacks against the Minister of the Department of Citizenship and Immigration, Jack Pickersgill, in the 1955 session of Parliament. The strongest critics were Davie Fulton and John Diefenbaker. They brought forward a motion for censure that ultimately was defeated. However, they continued to consistently challenge the department's actions, particularly the level of discretion granted to officials under the 1952 *Immigration Act*.[4]

These attacks against the department were also fueled by several deportation cases that reached the higher courts during the early to mid-1950s. These included: Narine-Singh v. Canada (SCC – April 19, 1955), Regina v. Spalding (BCCA – July 6, 1955), Canada v. Chai (SCC – December 18, 1953), and the most publicized of all, the case of Canada (Attorney General) v. Brent (SCC – February 9, 1956).[5] From 1906 to 1956, approximately two dozen deportation cases made their way to the provincial superior courts, and of those, fourteen

[2] Canada, House of Commons *Debates*, Session 1955, Vol. 3 (Ottawa: Queen's Printer, 1955), 1166.
[3] *Ibid.*
[4] Kelley and Trebilcock, *The Making of the Mosaic*, 326-27.
[5] This information was extracted from the Quicklaw database.

were appealed all the way to the Supreme Court of Canada.[6] These low figures indicate that very few immigrants were in a position to hire a lawyer and have their cases heard by the courts.

The court cases became part of the public record; details surrounding the deportation proceedings and the challenges that ensued were reported, to a varying extent, by the journalists who attended the hearings. Although these cases challenged different elements of the process, they all served to mobilize public opinion against the department's deportation practices.

For instance, the Narine Singh case involved a couple from Trinidad, Harry and Mearl, who entered the country as visitors. They were issued a deportation order after Harry applied to join the Canadian Armed Forces and asked for landed status. They were charged under section 20(2) of the *Act.* The SIO claimed in his report that they were not admissible due to their "ethnicity," since he labeled them as "Asians". The couple hired a lawyer and challenged the decision all the way to the Supreme Court of Canada, arguing they were East-Indians from Trinidad, not from Asia, thereby taking issue with the department's definition of their ethnicity and race. In the end, the court threw out the case, arguing that

[6] *Ibid.*

the definition for ethnicity within the Oxford Dictionary did include race.[7] Hence, the judge ruled that the department's verdict was correct.[8]

The Chai case involved a twenty year-old Chinese man who was issued a deportation order while visiting his father. The father was a Canadian citizen who had entered the country decades earlier, and like other men from China, had been unable to bring his family over to join him due to the passage of the *Chinese Exclusion Act* in 1923. After its repeal, the son, Leong Ba Chai, hoped to reunite with his father after spending their lives apart. Chai challenged the order, which stated that he was not eligible for admission because he was the child of the man's second wife, who was a concubine; he therefore was deemed illegitimate. After a three-year battle, the Supreme Court of Canada ruled that the legitimacy of a child is determined by the law of his birthplace, where his parents were domiciled, which was determined to be China, and ruled in favour of Chai.[9]

These two cases were primarily concerned with issues of race and legitimacy, rather than with the deportation process itself. The decisions rendered suggest that Canada was prepared to welcome the offspring of citizens, but not

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[7] Narine-Singh v. Canada (Attorney General) S.C.R. 395, April 4,19, 1955. Taken from the Quicklaw database.

[8] James St. G. Walker investigates this case in his book and notes that this issue was never cited in subsequent cases because the regulations were amended a year later. See Walker, *"Race," Rights and the Law in the Supreme Court of Canada* (Waterloo, Ontario: Wilfrid Laurier University Press for the Osgoode Society for Canadian Legal History, 1997), 297.

[9] See Canada v. Chai, S.C.R. 10 [December 8,9,18, 1953] from the Quicklaw database.

immigrants who came from certain "ethnic" or racial groups that were barred from entering the country due to the existing quota system.[10] As a result, the Narine-Singh decision, as James St. G. Walker notes, reflected the values of the day when it came to race issues and immigration.[11]

The remaining two cases, Spalding and Brent, were heard between 1954 and 1956, and involved women who challenged certain rules and processes associated with the deportation system. Elizabeth Spalding, a twenty-nine year old Australian woman, left her estranged husband and her two oldest children behind to move to Canada with her infant and join her boyfriend, Lindsay Ingall, in Calgary.[12] When she arrived, she only had six Australian pounds on her and no return ticket. Consequently, she was interrogated by the immigration officer at the Vancouver port, who argued that she had left Australia without her husband's consent and with no immediate prospect of a divorce.[13] She was subsequently issued a deportation order, which she appealed and challenged all the way to the British Columbia Court of Appeal.

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[10] James Walker contends, in reference to the Narine-Singh case, that despite other important rulings that were made by the Supreme Court which challenged the deportation process and led to revisions of the regulations, the courts "left the level of racial discrimination more or less exactly as it had been when the Supreme Court of Canada discerned that no change was intended." See Walker, *"Race," Rights and the Law*, 317.

[11] He argues that there was little change in public opinion regarding race during this time, and as a result, the judges were simply applying what could have been called "community standards". *Ibid.*, 313. Also see Constance Backhouse, *Colour-Coded: A Legal History of Racism in Canada*, for more details surrounding race and related court cases held during the early twentieth century. Backhouse, *Colour-Coded: A Legal History of Racism in Canada, 1900-1950* (Toronto: Osgoode Society for Canadian Legal History and the University of Toronto Press, 1999).

[12] See Regina v. Spalding, *Canadian Criminal Cases*, Vol. 112, 112.

[13] Canada, *House of Commons Debates*, Session 1956, Vol. II, 2123.

The Spalding case shared a number of commonalities with the Shirley Kathleen (Taylor) Brent case, which was discussed in an earlier chapter.[14] For instance, Fay Spalding and Shirley Brent were both separated from their husbands and they had entered the country in order to reunite with their boyfriends. However, neither had secured a divorce before they arrived, which provoked the ire of departmental officials. Both women hired lawyers and challenged the deportation process in the courts. Fay Spalding's lawyer argued that she was denied a fair hearing by the SIO during the appeal process, since she was excluded from the hearing while evidence was taken. She was also not informed about the reason for the inquiry, nor the grounds upon which the deportation order was made. As such, her lawyer argued that it was not a valid hearing at all, but, rather, a violation of fundamental due process.[15]

Brent's case challenged Section 27 of the *Act*, which stipulated that the burden of proof rested on the immigrants with respect to proving that they did not belong to one of the prohibited classes included in the *Act*. Brent's attorney, F.A. Brewin[16], who also represented the Narine Singh's in their fight against the department, argued that Brent did not know what offense she had committed, which immigrants were entitled to know the grounds on which action is being

[14] See chapter seven, "Forbidden Love".
[15] Regina V. Spalding, *Canadian Criminal Cases*, Vol. 112, 96.
[16] Francis Andrew Brewin was a prominent lawyer who represented a number of immigrants who took their cases to the Supreme Court of Canada during the 1940s and 1950s. In addition to representing Shirley Taylor Brent and Harry and Mearl Narine-Singh, he also was the lawyer for the Co-operative Committee of Japanese Canadians, whose case was heard by the Supreme Court of Canada in 1946. Later in his career, he ran for office for the CCF and represented that party, and their successor the NDP, in the House of Commons from 1953 to 1968.

taken against them. And finally, Brewin contended that the hearing was unfair, since Brent did not understand the charges against her.[17] The Brent case, then, also challenged the department's failure to give immigrants a fair and just hearing.

Both the Spalding and Brent cases were processed during the same time frame. Although the Brent case was heard by the Ontario High Court in July 1954, it was not finalized until February 1956, when it progressed to the Supreme Court of Canada. The Spalding case was heard in 1955, while the Brent case had worked its way to the Ontario Court of Appeal. Consequently, the department was forced to contend with both cases at once, and to bear the costs as well as the criticism involved in their appeal to the higher courts.

At the Ontario High Court, Judge J. Wilson quashed the deportation order and discharged Brent from custody, reminding the department that "the deportation order must fully state the reasons for the decision, in respect to the allegations." He further observed that "the spirit, as well as the frame of the whole statute, evinces the intention that these provisions which are mandatory."[18] *The Globe and Mail* published three articles on this trial.[19] It focused on Brent's unfair treatment by the department and celebrated the judge's decision, which confirmed "the basic right of people in this country to defend themselves against

[17] Ex Part Brent, Ontario High Court, J. Wilson, July 5, 1954. *Canadian Criminal Cases*, Vol. 109, 261-64.
[18] *Ibid.*, 264.
[19] *The Globe and Mail,* April 24, 1954, July 5, 1954 and July 8, 1954.

official accusation, and to know what the accusation is." He further proclaimed that "this newspaper will always criticize the infamous system by which persons connected with the defense program can be dismissed on security grounds, without being told what it is that makes them insecure."[20] Hence, *The Globe and Mail* openly threw out the gauntlet, denouncing the government's deliberate attempts to squelch the rights of immigrants without clear evidence or a proper explanation of the deportation process and offence that they had committed.

These attacks led to a heated debate in the House of Commons. In April 1954, Davie Fulton asked the Minister of Citizenship and Immigration, Walter Harris, if he would be prepared to provide the lawyers representing the immigrants access to the department's files, so that they could know the basis for the deportation. Harris refused, arguing that the issue had been discussed two years earlier, and that it was then determined that immigration should not become a matter of law, that is, the court system could not be used to determine who would be admitted or not to Canada. Fulton replied that the court had demonstrated that immigrants have the same rights as Canadians; Harris forcefully responded by stating that the courts did not possess the authority to make that judgment.[21]

By 1955, the Brent and Spalding cases had been awarded favourable decisions. The verdict in the first case was issued by the Ontario Court of Appeal in April

[20] *The Globe and Mail*, July 5, 1954.
[21] *House of Commons Debates*, Session 1953-54, Vol. VI, 6832-33.

1955, and the second one was rendered by the B.C. Court of Appeal on July 6, 1955. In the Brent case, Judge J.A. Aylesworth supported Judge Wilson's decision; he argued that the existing deportation needed to be more in line with legal standards. Otherwise, he stated, "the whole proceedings are reduced to an absolute farce, leaving only the Special Inquiry Officer without direction or purpose, but the applicant for entry into Canada in complete ignorance of where lies the burden which he or she is required to discharge, or wherein his or her admission into Canada is alleged to infringe the Act or Regulations."[22] Following this second decision, Minister Jack Pickersgill, faced another round of attacks when he was asked if he planned to appeal the decision to the Supreme Court of Canada. Pickersgill answered in the affirmative; to let the decision stand, he contended, would pose a threat to the existing system, which ultimately relied on Parliament as the final arbiter when it came to immigration law.[23]

Several MP's challenged the Minister's interpretation of the system, as well as his intentions vis-à-vis the court cases that were in motion. Colin Cameron, an MP from the CCF Party, warned the Minister not to waste Canadian taxpayers' money by taking the Brent case to the Supreme Court, since the department would most likely become the object of ridicule based on past decisions.[24] The leader of the Conservative Party, John Diefenbaker, also attacked Pickersgill, contending that in cases where human rights were involved, the deportation

[22] Ex Parte Brent, Ontario Court of Appeal, April 5, 1955. *Canadian Criminal Cases*, Vol. III, 331-32.
[23] *House of Commons Debates*, Session 1955, Vol. Vol. II, 3299.
[24] *Ibid.*, 3303-04.

regulations should not be in the custody of individual officials, "in accordance to their whim or prejudices."[25] Fulton further elaborated on this theme:

> The people of Canada are very much concerned with the arbitrary methods followed in the department in dealing with immigration cases, the arbitrary refusal of adequate information to people who are concerned as to the reasons for rejection of the reasons for the order which are made in deportation cases, and in general, the arbitrary attitude which is in fact improper and would be recognized, I submit, by any other department of the government under the circumstances as improper.[26]

With the Spalding case resulting in another defeat for the government, Minister Pickersgill decided to hold off an appeal until the Brent case was resolved.[27] Although both Spalding and Brent had married their Canadian partners and the latter had a baby with hers in June 1955, [28] the department was still reluctant to admit the two women and to drop their cases. The Brent case was finally heard by the Supreme Court of Canada in February 1956, with a favourable decision for Brent released in March. Once again, the deportation order was quashed by the court, and the large degree of discretion enjoyed by the SIO's and the department in general was criticized by the judges, and subsequently the press.[29] The press gave ample coverage to the trial; as *The Globe and Mail* summed up the decision in an article entitled "Court Spanks Cabinet for Allowing

[25] *Ibid.*, 3320.
[26] *Ibid.*, 3293-94.
[27] See *House of Commons D*ebates, Session 1956, Vol. II, 2123-2125.
[28] The baby announcement appeared in the *Toronto Star*, June 16, 1955, 40.
[29] Canada (Attorney General) v. Brent, [1956] S.C.R. 318, Supreme Court of Canada, February 8,9 1956. This case was extracted from the Quicklaw database.

Officials to Order Deportation." Indeed, reported the newspaper, the "court here thought so little of the government's case that it gave judgment without even hearing the argument against the deportation order which had been prepared by Mrs. Brent's counsel, F. Andrew Brewin of Toronto."[30] As a result, the department was instructed by the court to redraft the order-in-council that had been passed in June 1954.

According to Davie Fulton, the decision confirmed what his party and the Canadian Bar Association had been saying for the past five years, namely that "every official of the Immigration Department from the Minister down has been a law unto himself."[31] Fulton blamed Pickersgill for the department's actions, thereby, giving his party credit for unveiling the deception and conceit; he of course, didn't concede that Minister Harris and most of his predecessors had defended a system which had been in place for fifty years and which had served both parties well.

When pressed in the House to explain how the department was now planning to deal with the Fay Spalding case, Minister Pickersgill indicated that the government would not appeal the case to the Supreme Court of Canada, after the Brent decision had been rendered. Fulton replied that Mrs. Spalding had no status and asked if the department would allow her to stay. Pickersgill reminded

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[30] *The Globe and Mail*, March 3, 1956, 12.
[31] *Ibi*d.

the House that she had abandoned her husband and two older children, and that "our immigration policy is not designed to go about seeking women who have deserted their husbands and families and came to this country with infants and without visible means of support; and these are the facts of the case."[32] In response, Fulton cried out to the Minister that he had "blackened the name of an innocent woman."[33]

As for Shirley Brent, despite her enormous victory, she was also an immigrant without status. Immediately after the decision was issued, the Assistant Chief of Admissions warned the Director of Immigration that Mrs. Brent was likely to visit her relatives in the United States, in order to take advantage of the ruling. But, the ruling did not change the fact that she still failed to meet the requirements for landing; he thus issued a request that "a general lookout notice be issued with instructions that if Mrs. Brent seeks to return to this country, her admission to Canada be dealt with strictly in accordance with the Regulations."[34] Fortunately, this memo was submitted to the Deputy Minister, W.R. Baskerville, who prudently warned his officers to cancel the lookout and allow her to remain in Canada, reminding them "no doubt public opinion would point its finger at us claiming persecution."[35] After subjecting Shirley Brent to a full medical

[32] *Ibid.*, 7184.
[33] *Ibid.*
[34] Memorandum from the Assistant Chief of Admissions to the Director of Immigration, March 8, 1956. LAC, RG 76, Vol. 676, File# E-17029.
[35] *Ibid.*

examination, the department finally granted her landed status on May 11, 1956.[36]

After the Supreme Court ruled that Section 20(4) of the Immigration Regulations was invalid, because it exceeded the authority of the *Immigration Act*, the department had no choice but to implement the court's recommendations.[37] Although Minister Pickersgill was reluctant to change the system, believing that the decision of the court "destroyed the whole administrative basis for the selection, admission, and exclusion of prospective immigrants and visitors,"[38] he finally opted to introduce an amendment to the *Immigration Act*, which was tabled in the House on May 24, over two months after the final decision was rendered. By invalidating Section 20 of the Regulations, the Brent case was directly responsible for prodding the government to introduce new provisions governing the rules of admissibility, which were articulated in P.C. 1956-785.

During this time, the government also set up a new appeal system for deportees, which was intended to be a more independent and impartial body than its predecessor. The newly created Immigration Appeal Board was a quasi-judicial entity, established on January 23, 1956.[39] Although it reported to the Minister of

[36] Summary of Brent case by A.J.P. Cameron, MP, May 11, 1956.

[37] Subsection 20(4) conferred tremendous power to the SIO to prohibit admission "where in the opinion of the Special Inquiry Officer such a person should not be admitted because of the customs or methods of holding property in his country of origin or because of his probably inability to become readily assimilated after his admission." See Kelley and Trebilcock, *The Making of the Mosaic*, 326.

[38] Jack Pickersgill, *My Years with Louis St. Laurent* (Toronto: University of Toronto Press, 1975), 240.

[39] *Canada Gazette*, Vol. 90, January 23, 1956.

Citizenship and Immigration, it was independent in the sense that all the appeal documentation went through the IAB Clerk and was headed by a Chairman, who oversaw the activities of the Board. While the members were supposed to be impartial, there was some discussion within the House as to whether the individuals who were appointed by the department could fulfill this obligation. Fulton noted within the House of Commons that three of the four appointed members were former civil servants from the Department of Citizenship and Immigration. Pickersgill assured him that as civil servants, they understood the legislation and were expected to conduct themselves with honour.[40]

Clearly, the court decisions rendered in the early to mid-1950s, particularly the Brent case, played a key role in drawing attention to the department's questionable practices concerning the treatment of immigrants slated for deportation. Since the inception of the first deportation legislation in 1906, the department had relied on a system that provided immigrants with few or no rights and resources to defend themselves during the deportation proceedings. Officials had also effectively shielded themselves from any type of scrutiny and criticism. Hence, these court rulings represented a remarkable breakthrough in regards to recognizing the rights of non-citizens by making the regulations a little more fair, in terms of taking some of the power away from the SIO's, and altering the appeal process so that it was more transparent and equitable. While

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[40] *House of Commons Debates*, Session 1956, Vol. II, 1885.

the new Immigration Appeal Board was certainly not a panacea for all of the problems associated with the deportation process, it did represent a move forward as well as offer the possibility for future change.[41]

[41] After 1956, the IAB evolved and became more independent. On November 13, 1967 a new Immigration Appeal Board Act was passed. The old entity established under the 1956 Act, had no authority to consider an appeal against an order of deportation on other than strictly legal grounds. Its powers were also very limited, due to the fact that its decisions were subject to review by the Minister, who could confirm, quash their decision, or substitute his own. The new IAB created in 1967, was larger, consisting of seven to nine individuals, and met in three different cities: Ottawa, Montreal, and Toronto. In turn, it had the power to review orders of deportations and appeals from immigrants and sponsors, and its decisions were final. The decisions could, however, be appealed to the Supreme Court of Canada on any question of law. Hence, under the new system, the Minister could not tamper with the proceedings of the IAB. Its successor, the Immigration and Refugee Board, which exists today, was established in January 1989. This quasi-judicial tribunal is overseen by a chairperson and receives funding and reports to Parliament through the Minister of Citizenship and Immigration, but enjoys a significant degree of autonomy from the Department. See Freda Hawkins, *Canada and Immigration*, 164-65 and Kelley and Trebilcock, *The Making of the Mosaic*, 414.

Conclusion

Following the Second World War, Canada seemed to offer tremendous opportunities for new immigrants from war-torn or economically depressed countries. The tangible benefits, however, were not truly passed on to them until they had established residency five years after their arrival. However, during the transition period, they were, in many respects, living their lives in limbo. Those who committed offences under the *Immigration Act,* ran the risk of being deported back to their homelands. This study clearly illustrates the vulnerable position that non-citizens occupied within Canada from 1946 to 1956.

Despite the fact that women were deported at a far lower rate than male immigrants, their experiences were certainly quite unique, emotionally wrenching, and worthy of analysis. Unlike men, who were typically deported from Canada for offences in the area of criminality and misrepresentation, women were more likely to be targeted for moral and health-related offences that were often beyond their control. Furthermore, their interactions with the state were quite different than those of their male counterparts, due to the Immigration Branch officials' preoccupation with their sexual proclivities, marital status, and economic prospects, if single and unattached. Those targeted for deportation confronted long hearings, where they were bombarded with numerous questions delivered by immigration officers, surrounding their past behaviour and future intentions as potential citizens. In cases where the deportations were stayed, either because deportation was not practicable or the department wanted to give the individual a chance to recover, get back on her feet financially, or time to remedy her ways if she had violated a moral offence, the women were subjected to years, sometimes decades, of intense scrutiny and surveillance by departmental officials. This period of investigation was extremely intrusive, and the persistent threat of deportation that existed during this phase of the process served as an effective means of regulating the behaviour of this category of female immigrants, who were extremely anxious to remain in Canada and gain citizenship.

In the end, those female immigrants who adhered to the prescribed standards of the day and were viewed as likely to either hold down a job, marry a financially stable man, or salvage their marriage if already married but estranged from their husbands, were typically pardoned. Those who violated these tenets were seen as poor prospective citizens and likely to find themselves detained and deported back to their homelands.

While gender played a significant role determining the offences that were applied and the treatment that the immigrant could expect to receive during the deportation process, ethnicity, race and sexual orientation also came into play as well. Although most of the new immigrants at this time were from Europe, the Canadian government definitely preferred women from specific countries and ethnic groups. Those from Eastern Europe – Estonians, Latvians and Balts – were perceived as highly desirable immigrants. Conversely, Southern European immigrants and Jews, were not viewed as favourably, and consequently, confronted greater scrutiny during the deportation hearings. As discussed earlier, women of colour were only welcomed as temporary workers – particularly if they were domestics and nurses – but were not permitted to remain as permanent residents. Finally, in addition to turning away and deporting immigrant women who committed crimes such as prostitution, the Canadian state was also eager to expel women who contracted VD, as well as those who exhibited homosexual tendencies.

What comes across within this study, besides the heart-wrenching episodes that transpired during the hearings or after the deportation, is the important role that representations and family support played in determining the immigrant's fate. Those non-citizens who came to Canada alone and attempted to deal with the immigration officers without this type of support, were at a distinct disadvantage. It was certainly a David and Goliath type of interchange, particularly since immigrants were not provided with free counsel and did not have the option of having their case heard in a court of law. The odds of a female immigrant -- who likely did not speak much English or have much in the way of financial resources -- beating the state in this type of process that provided all of the power to the department and its officers was rare. The vast majority of cases were, in fact, dismissed, after the immigration appeal board heard the case. Those women, however, who had the support of family, or representations from a religious leader, an employer, a politician, or a community organization, were slightly more likely to garner favour with the department and have their deportation order stayed or revoked. Also, those individuals who were stateless were also much more likely to have their deportations deferred, due to the difficulty of finding a country to receive them.

Most of the cases heard during the pre-war years remained hidden from the public, due to the private nature of the hearings and the lack of attention directed at the deportation system. During this decade, however, certain cases garnered the attention and support of the press, opposition MP's in the House of Commons, religious organizations, and in high profile cases like that of the Shirley Taylor Brent, the general public, due to the publicity that it received. As a result, the Immigration Branch faced greater challenges to its deportation system during this time than it had during the first forty years that the deportation system had been in place as of 1906. In turn, this led to significant changes being made to the process, as well as the entity that heard all of the appeals, the Immigration Appeal Board.

And what role did gender play in altering the system? Although the Spalding and Brent cases were extremely influential in prodding the department to address the problems that plagued the deportation system at this time, did the sex of those who challenged the system play a role in the ultimate court decisions? Since these cases were based on legal and procedural challenges, gender did not receive much consideration within these court cases. However, one could certainly argue that since these two women – like many other female deportees -- had committed moral offences that were not in violation of the Criminal Code nor specifically outlined in the *Immigration Act*, they were in a much stronger position to challenge the rulings against them than most of their male counterparts. In turn, the women involved were strong, determined individuals who obviously made a difference. Thus, gender likely played a role in bringing forth these changes to the system.

While liberal scholars may argue that this period represented the dark days of deportation, one could easily contend that although the structure has changed dramatically since that time, the same concerns and issues have arisen recently regarding the IAB and current Immigration and Refugee Board's (IRB) treatment of immigrants and refugees. For instance, in 1980, Hyacinth Burnett, who was initially sponsored by her husband, was instructed by immigration authorities to return to Jamaica after the couple separated. When she informed the immigration adjudicator that she could not afford the trip home, she was issued a deportation order.[1] In 2002, Brendalyn, a West Indian woman, was issued a

[1] This article was documented in the story "Woman avoids Deportation" in The Toronto Star, January 17, 1980. After this same story was published earlier by the same newspaper, several people offered to pay for

deportation order as well, and was confronted with the prospect of leaving her Canadian-born child and partner, who was also a Canadian citizen, behind in Canada. She revealed to Michele Landsberg, from *The Toronto Star*, "I've been crying non-stop," worrying about the prospect of leaving her loved ones, particularly her little girl, behind. Although she was placed in detention and prepared for her trip, her lawyer won the court appeal a few days before her departure date, and she was allowed to remain in Canada.[2] And finally, in 2004, another case arose that drew considerable attention from the press. Lucy Lu, a Chinese immigrant, was prosecuted for manslaughter after the death of her first husband. She was subsequently threatened with deportation and execution in China, the typical punishment for Chinese citizens who have committed a crime abroad. Ultimately, after receiving free legal support, the assistance of MP Peter Milliken, and the aid of her church, who provided her with refuge for over a year, she was given a pardon by the National Parole Board and was permitted to remain in Canada.[3]

Although the system has changed and is more sophisticated and a little more open than it had been during the 1950s, female immigrants – particularly non-immigrants who enter as nannies and domestics -- are still targeted for deportation for similar types of crimes, and face the same type of threat and

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her trip back to Jamaica, so that she could avoid deportation and complete the paperwork to return to Canada back in her homeland.

[2] The Toronto Star, April 13, 2002.

[3] This story garnered a great deal of attention, due to the potential punishment that she faced if the deportation action was carried out. See "The Case of Lucy Lu" in the Disabled Women's Network Ontario (DAWN) web site: http://dawn.thot.net/Lucy_Lu.html.

fears that earlier immigrants were forced to confront. Deportees today, however, seem to have greater access to counsel[4], and consequently, the press and public frequently hear about and respond to these cases. Regardless, deportation is a harsh punishment meted out by the state to those immigrants who violate Canadian laws or the *Immigration Act*.

Rather than investigating the bureaucratic process involved in deportation, this thesis unveils the myriad stories of immigrant women who were caught up in the system, in order to reveal the human dimension to the deportation process. Since the early days of deportation, many fine female aliens, who would have become valuable citizens, were subjected to this harsh and unfair process. By making this system more visible and describing the experiences of those who were victimized by the state, in particular the Immigration Branch, one can hope that changes can be brought about to humanize the immigration and refugee system and recognize the impact that it has had on some of Canada's most vulnerable residents.

[4] One must keep in mind, however, that the Supreme Court of Canada ruled that "free counsel" is illusory and that there is no Charter right to provide clients with access to public funding to pay for legal support.

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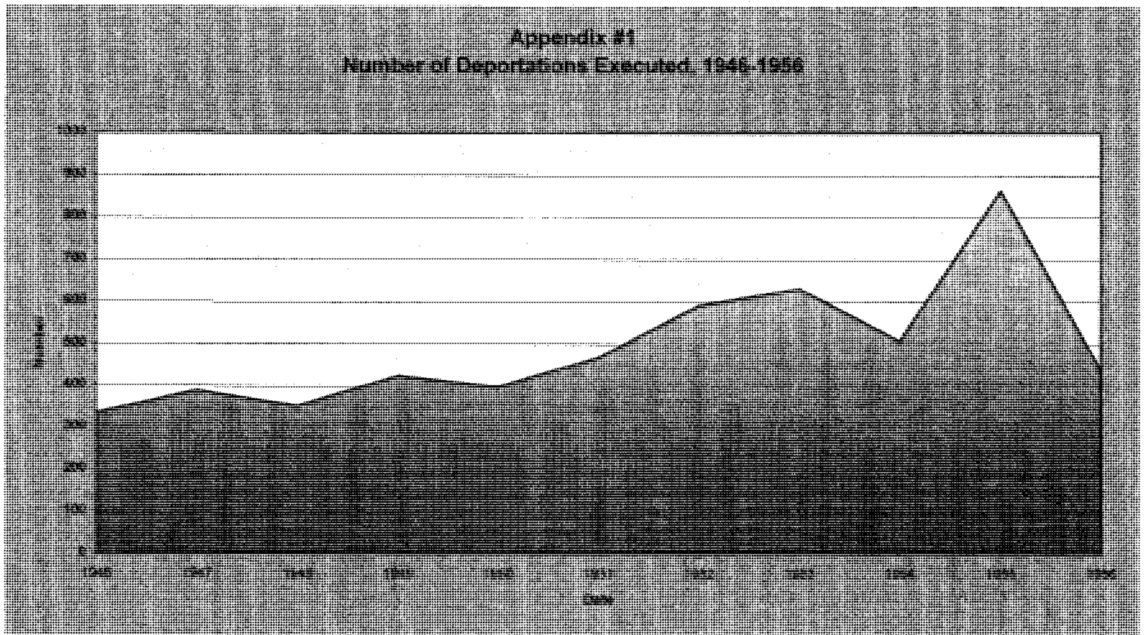
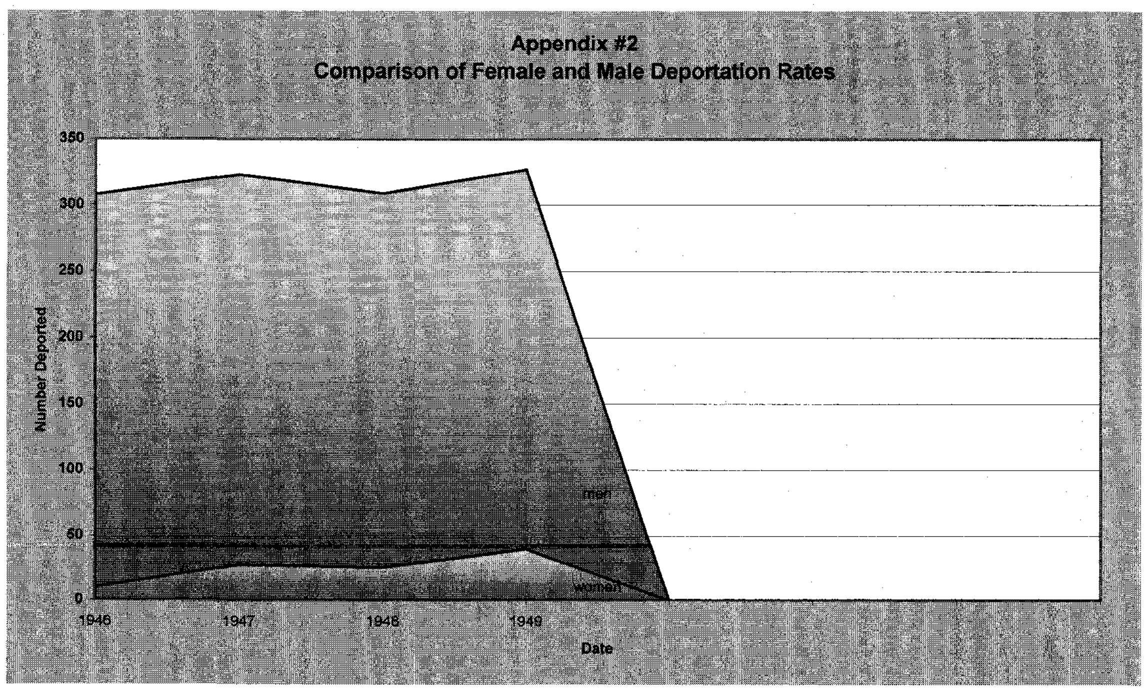
Appendices

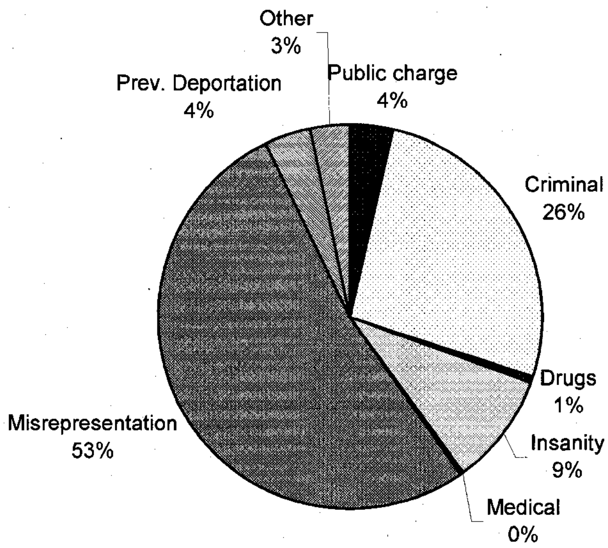


Source: *Annual Report*, Department of Citizenship and Immigration, 1957.



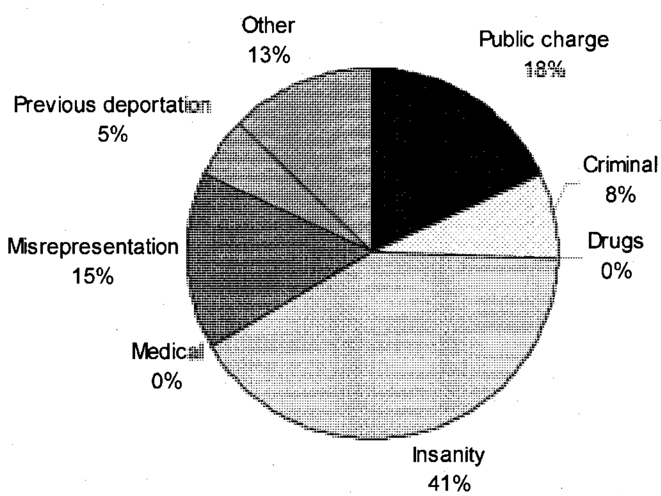
Source: LAC, RG 26, Vol. 16, "Deportation Statistics."

Appendix #3
Reason for Male Deportations, 1949

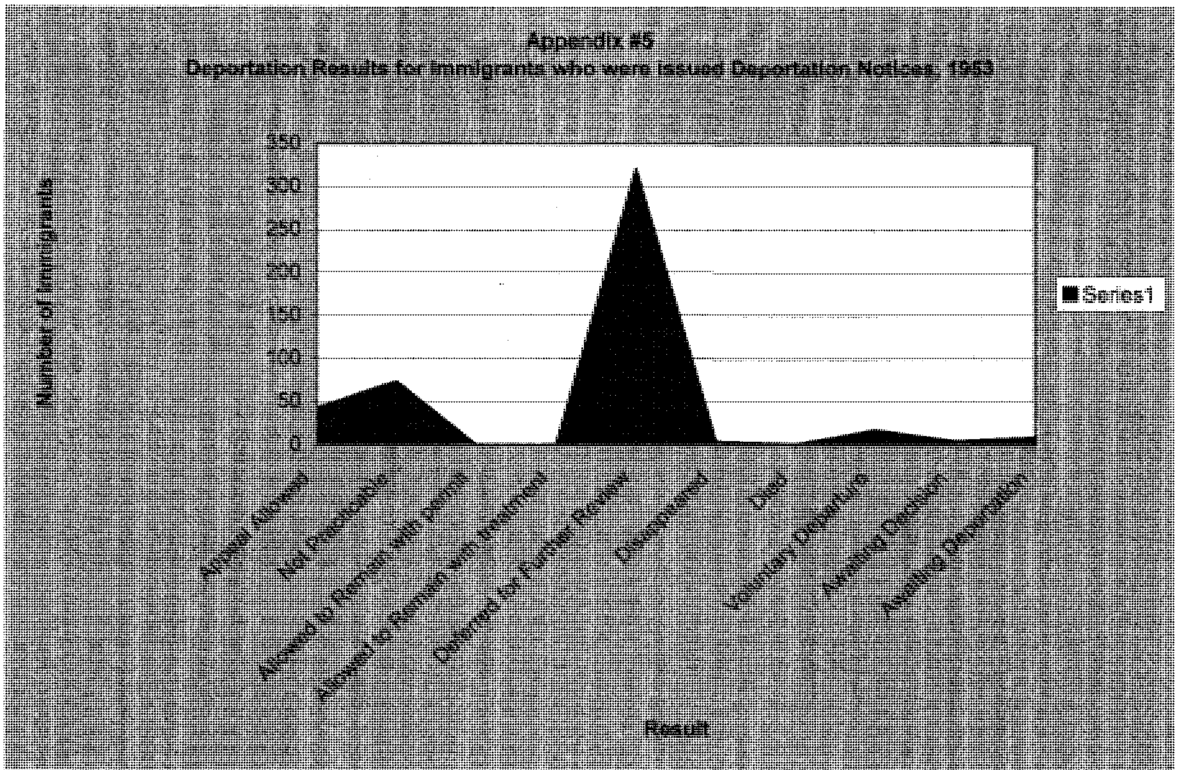


Source: LAC, RG 26, Vol. 16, "Deportation Statistics."

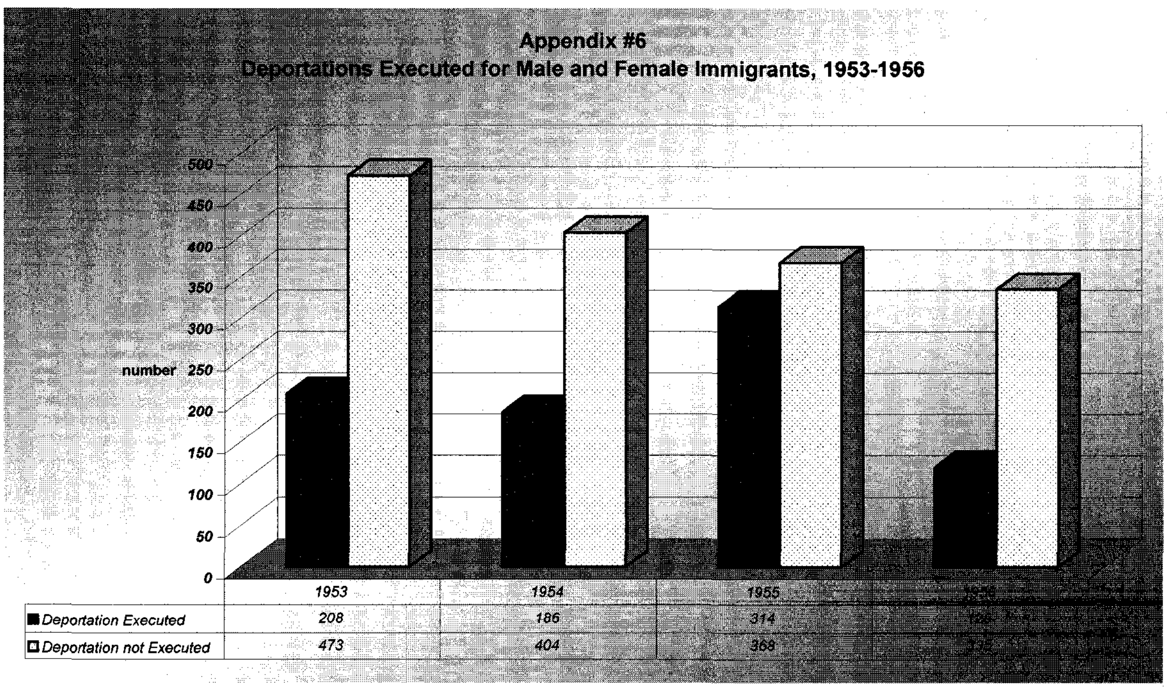
Appendix #4
Reason for Female Deportations, 1949



Source: Lac, RG 26, Vol. 16, "Deportation Statistics."

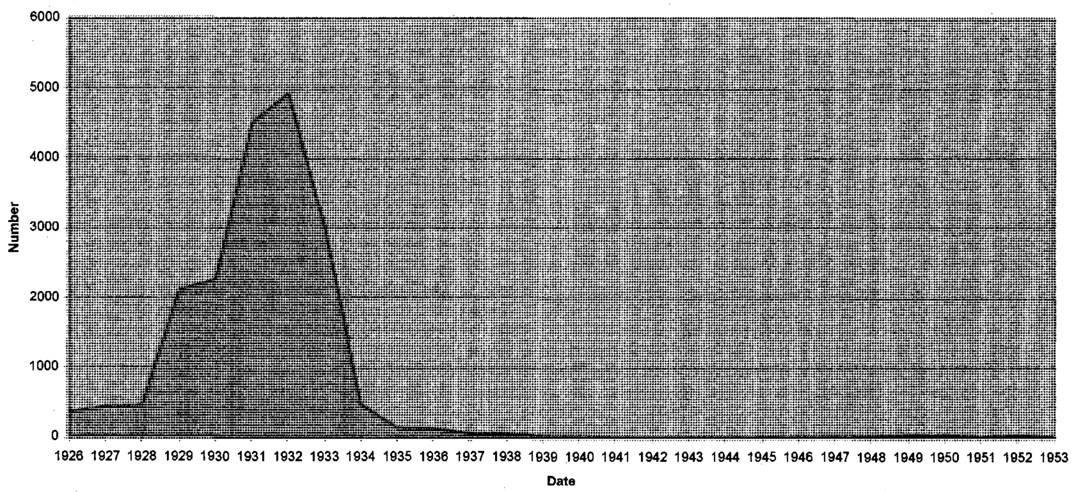


Source: LAC, RG 26, Vol. 23, "Deportation Statistics, 1953-59."



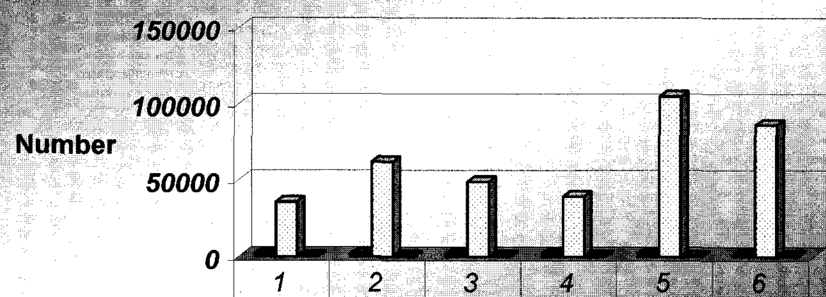
Source: LAC, RG 26, Vol. 23, "Deportation Statistics, 1953-59."

Appendix #7
Number of Public Charge Deportations Effected, 1926-1953



Source: Report of the subcommittee on the Public Charge clause of the Immigration Act, March 9, 1955, p. 4. LAC, RG 26, Vol. 84, File# 1-24-107 pt. 1.

Appendix #8
Rate of Immigrants Admitted to Sanatoria Compared to Annual Arrivals, 1947-1952



	1	2	3	4	5	6
■ *Year*	*1947*	*1948*	*1949*	*1950*	*1951*	*1952*
□ *Annual Arrivals*	*35543*	*61621*	*48607*	*39041*	*104842*	*86059*
■ *Immigrants Admitted*	*88*	*159*	*194*	*236*	*278*	*323*

Source: George Jasper Wherrett, *The Miracle of the Empty Beds: A History of Tuberculosis in Canada*, 134.