Dancing across borders: 'Exotic dancers,' trafficking, and Canadian immigration policy

Abstract (Article Summary)

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Recent depictions of global labor migration tend to divide the pool of workers into two categories: high skill and low skill. The designation of skill level is based on host country conceptions and appraisals of various occupations.1 While female labor migrants are allocated disproportionately to the low-skill category, understanding female labor migration as a subset of low-skill migration occludes certain important features of this gendered flow.

A global demand exists for labor whose core component consists of 'women's work.' By this I mean sex, childcare and housework. Demand exceeds supply of female citizens of affluent states willing to provide these services either as unpaid labor or for the wages and working conditions offered in the market. By and large, this has not led to a decline in the demand for commercial sex, a systemic redistribution of unpaid domestic labor between the sexes, or an increased market valorization of 'women's work.' Instead, migrant women from poor countries are recruited to top up the deficit at low cost. Sex-trade workers supply sex, live-in caregivers perform childcare and housework, and so-called 'mail-order brides' furnish all three. Although sex-trade workers are frequently criminalized as prostitutes and 'mail-order brides' are not formally designated as workers (insofar as their labor is unpaid), these migrations occur within a commercialized context where the expectation of economic benefit (to the women and to relatives in the country of origin) structures the incentives for entering the process. Thus, women's work constitutes a category not entirely subsumed by the low-skill labor category, though it remains accurate to posit a negative correlation between labor traditionally performed by women and the skill level accorded to it.

Immigration laws and policies articulate global supply with local demand by delimiting the terms of entry, duration and residence. In the case of sex-trade workers, the formal stance of most states tends toward exclusion. Canada's policy distinguishes it from many other Western nations in that Canadian law proffers a temporary work permit to 'exotic dancers,' otherwise known as strippers. This article documents the development of government policy toward foreign strippers and examines the claim that Canada's exotic dancer visa implicates the state in the trafficking of women into the sex trade. It exposes the competing and contradictory discourses animating the policy and its implementation and canvasses various policy options regarding the entry of foreign women ostensibly destined for the lawful side of the sex trade.

THE EXOTIC DANCER VISA PROGRAM

The Temporary Work Permit and Exotic Dancers

Membership in the nation-state is a public good, and it is distributed to migrants to Canada by the state via permanent resident or 'landed immigrant' status. Permanent residence creates a qualified entitlement to enter and remain in Canada, and it is also the precursor to legal citizenship, which in turn confers a virtually unqualified right to enter and remain in Canada.

Immigrants and most refugees in Canada acquire permanent resident status and become eligible to apply for citizenship after three years of permanent residence. They are prospective members of the nation-state and are free to choose their abodes and their occupations. In contrast, migrant workers who seek temporary employment in Canada must obtain a work permit, which allows them to remain in Canada for the duration of the permit and typically ties them to a particular employer. Depending on the province of residence, temporary workers usually have limited access to the public benefits available to most permanent residents and citizens, such as public health care and income support, although they do pay taxes and various employment-based deductions. Special programs for live-in caregivers and seasonal agricultural workers modify these criteria. Agricultural workers must reside in accommodations provided by the employer, usually located on the employer's property. Live-in caregivers are the only class of temporary workers who may change employers without violating the terms of their work permit, but in any event they remain legally compelled to reside in their employer's home. Another unique feature of the Live-In Caregiver Program is that after two years of live-in domestic work on a work permit, workers are eligible to acquire permanent resident status.

In political terms, immigrants are admitted to Canada as parties to an ongoing, open-ended and theoretically renegotiable social contract; temporary workers on work permits enter as mere parties to private employment contracts. The terms may vary, but the end of the work relationship signals the end of the worker's relationship with Canada. Temporary workers have a place in the economy, but not in the nation. This exclusion is not inherently problematic; its significance depends on the relative heft of the social citizenship entitlements available to the worker in her country of origin as well as the strength of her bargaining power in the global labor market.

According to a recently revised Immigration Manual, "The policy on foreign workers permits the admission of foreign workers who meet Canada's needs while ensuring that Canadian citizens and permanent residents have adequate employment and training opportunities" (CIC, 2001:s.1.1). Temporary workers should not displace Canadian workers or depress wages, working conditions and benefits. They are also meant to fill only temporary needs.

The work permit process was introduced in 1973 and legislated in the 1976 Immigration Act, which came into effect in 1978. A foreign worker with a Canadian job offer applies for a work permit from abroad. Meanwhile, the local employer must undertake reasonable efforts to recruit and train (if necessary) qualified Canadians and permanent residents at wages and working conditions sufficient to attract local workers. Only when these efforts have demonstrably failed will Human Resources Development Canada (HRDC) validate the job offer, thereby permitting the issuance of the work permit to the worker.

That is the theory. In practice, foreign workers are admitted temporarily to do jobs that Canadians are either unable or unwilling to do under prevailing wages and working conditions. Despite the official claim that work permits are intended to meet temporary needs, they also have evolved into instruments for rapid recruitment to fill immediate but not necessarily temporary needs (e.g., IT professionals) and as mechanisms to fill chronic gaps in certain undesirable, devalued and low wage sectors - such as live-in domestic work, exotic dancing, the garment industry and seasonal agricultural work. All but the last of these happen to be predominantly female domains.

Foreign workers who take jobs Canadians will not (as opposed to cannot) do find themselves in a dramatically disadvantaged position in relation to the meaning and impact of temporary status. In these cases, work authorizations are temporary not because demand is temporary, or because the workers necessarily wish to remain in Canada temporarily, or even to circumvent the delays of the regular

immigration process. Rather, employment authorizations are temporary because the insecurity created by linking permission to remain in Canada with service to a particular employer or occupation ensures that workers tolerate wages and working conditions Canadians and permanent residents find unacceptable.

Various mechanisms developed over the years to suppress the contradiction between the theory and practice of temporary work permits in the "3D" (dirty, dangerous, difficult) sector. With respect to exotic dancers, the cross-border movement in the 1970s and 1980s consisted mainly of Canadian and U.S. women engaging in an informal stripper exchange program. This presumptive reciprocity provided legal authority for dispensing with the requirement of applying and obtaining a work permit from overseas (Immigration Regulations: s. 20(5)(e)(iii)) and from the requirement to obtain an employment validation from HRDC (Immigration Regulations: s. 22). By virtue of a special exemption, strippers with a job offer from a Canadian employer could arrive at a Canadian port of entry, apply for and receive a work permit on the spot without any state scrutiny of the circumstances behind the demand for their services.

THE GLOBAL TRAFFIC WOMEN: EAST EUROPEAN SUPPLY MEETS CANADIAN DEMAND

In the early 1990s, the source region for foreign exotic dancers shifted from the United States to Asia and Eastern Europe. The reasons for the escalation in emigration of Eastern European women as exotic dancers are rooted in the gendered impact of the economic and political upheaval and the proliferation of organized crime in the region.

In most states of the former Soviet Bloc, the anticipated transition from communism to capitalist democracy actualized as a convulsive lurch to a dys-functional market economy. In much of Central and Eastern Europe, the process stalled at a stage characterized by varying degrees of chaos, corruption, economic decline, massive unemployment and wrenching social dislocation.

According to a 1997 report by the Global Survival Network on trafficking of women from Russia and the Newly Independent States (Caldwell et al, 1997:17-21), some experts estimate that women comprise up to 80 percent of those fired or laid-off in recent years due to downsizing and economic shifts. Women account for two thirds of the unemployed nationwide and up to 85-90 percent in some regions. Some 98 percent of women are literate, and many are university educated, but sexual harassment is endemic and employment discrimination condoned. About 70 percent of women graduates report that they cannot find gainful employment. Social services such as daycare, preschool, maternity leave and public health care have collapsed with the transition to a market economy, leaving even professional women with no work and no recourse to private or public support.

As one Russian scholar commented bitterly, "Women in Russia have a choice now: they can be prostitutes on the street, or they can be prostitutes in the office" (quoted in Caldwell et al, 1997:20). A growing number of women and girls conclude that "they might as well take their chances abroad" (Caldwell et al., 1997).

This macro-geographical shift in source countries for strippers in the 1990s coincided with a micro-geographical shift in the Canadian job site, which descended from the stage to the table-top to men's laps. The advent of 'lap dancing' exposed women to uninvited and unwanted physical contact with male customers. Lap dancing refers to the practice of a nude or near nude woman straddling a seated patron and more or less simulating sex. In principle, patrons are prohibited from touching the women. In practice, they do. Because bars that offer direct access to women's bodies draw more patrons than those that do not, market forces (as personified by bar owners) pressure women to 'consent' to physical contact.

Lap dancing and related practices occupy a grey zone in the Canadian legal landscape. Section 167 of the Canadian Criminal Code prohibits "indecent performances." Canadian jurisprudence measures indecency according to "the community standard of tolerance" for social harm. In R. v. Mara (1997), the Supreme Court of Canada ruled that the "relevant social harm to be considered pursuant to s. 167

is the attitudinal harm on those watching the performance as perceived by the community as a whole" (Mara, 1997:para. 34). Applying this test to the facts of the case, the Court ruled:

Any finding of indecency must depend on all the circumstances. I am satisfied that the activities in the present case were indecent insofar as they involved sexual touching between dancer and patron. Thus, the fondling and sucking of breasts, as well as contact between the dancer or patron and the other person's genitals, in circumstances such as the present case gave rise to an indecent performance. It is unacceptably degrading to women to permit such uses of their bodies in the context of a public performance in a tavern. Insofar as the activities were consensual, as the appellants stressed, this does not alter their degrading character. Moreover ... "[s]ometimes the very appearance of consent makes the depicted acts even more degrading or dehumanizing." (Mara, 1997:para. 35)

Assuming the presence of consent while disregarding its relevance allowed the Court to dodge the delicate task of interrogating the nature, scope and quality of the putative consent granted by individual women. Even if one concedes some form of meaningful consent at the outset of the performance, the judgment leaves unexplored the risk of subsequent nonconsensual contact - sexual assault - arising in such a context.

Elsewhere in the judgment, the Court remarks that the risk of harm to the performers themselves - identified as exposure to sexually transmitted diseases and prostitution-related harms - was of marginal relevance unless it also exacerbated the risk of social harm (Mara, 1997:para. 37). Thus, the protective ambit of the Court's concern appears to encompass women in the abstract, whose dignity and humanity are denigrated by these performances, but manages to avert its normative gaze from any real harms committed against the real women engaged in the performances.

In a subsequent case arising in Quebec, R. v. Pelletier (1999), the Court restored a trial judge's ruling that touching a dancer's breasts and buttocks in a 'private' cubicle in a bar did not constitute an indecent performance. From the Court's perspective, the designation of a booth in a club as private meant that there would be no spectators who would suffer the attitudinal harm that criminal prohibition on indecent performances seeks to prevent. On the facts of the case, the touching in question arose from a transaction between an undercover police officer and several dancers. The police officer did not opt to go further in his touching, and both the trial judge and the Supreme Court of Canada accepted the testimony of the accused manager that she had both means and will to effectively patrol behavior in the cubicles through peephole surveillance to limit contact to the type in which the police officer actually engaged. In fact there was no evidence of managerial surveillance of, or intervention in, the particular transaction. One is left to conclude that it was merely fortuitous that the undercover police officer did not exceed the boundaries that the law subsequently deemed permissible and that management would have caught him had he done so.

It requires little imagination to recognize that the risk of harm to performers in the form of nonconsensual contact could only be exacerbated in circumstances where the patron and the performer are secluded from observation. The curtain shielding what happens on the other side of it from public and, therefore, judicial scrutiny is precisely what heightens the performer's vulnerability. The parallels between the regulation of private and public space in these cases and historic patterns of judicial treatment of domestic violence seem striking and obvious.

Aside from criminal regulation, individual municipalities also attempt to restrict lap dancing and related activities through by-laws. The municipality of Metropolitan Toronto passed a by-law in 1995 that prohibited physical contact between exotic dancers and patrons. The enactment withstood a constitutional challenge before the Ontario Court of Appeal (Ontario Adult Entertainment Bar Association v. Municipality of Metropolitan Toronto, 1997). A few months after its decision in Mara, the Supreme Court of Canada denied leave to appeal the Ontario Court of Appeal's ruling.

One might reasonably conclude from the foregoing that lap dancing violates Toronto municipal by-laws and, depending on the circumstances, also constitutes an indecent performance contrary to s. 167 of the Criminal Code. However, a visit to any one of several clubs in the Toronto area would suggest that

these laws frequently do not get past the front door. The availability of lap dancing and other sexual acts involving physical contact attracts more customers than other noncontact sexual performances, so club owners have little commercial incentive to monitor their patrons' behavior in jurisdictions where lap dancing is illegal. Official disinterest in enforcing the law renders lap dancing and other similar activities effectively available in 'no-lap-dancing' municipalities.

It appears that this latest degeneration in working conditions furnishes the context for understanding the factors precipitating the decline in the supply of available Canadian and permanent resident exotic dancers. Feminists disagree about the extent to which prostitution constitutes a chosen occupation versus systematized violence against women; it is impossible to test this hypothesis by introducing prostitution into a world where it does not exist. Conversely, the advent of lap dancing is a relatively recent addition to the exotic dance repertoire. Based on anecdotal evidence, it appears that, all other things being equal, exotic dancers prefer noncontact forms of sexual performance over lap dancing and generally deplore the introduction of contact into their occupation. Their reasons include potential health hazards and threats to their physical safety, sexual integrity and personal dignity (Exotic Dancers' Alliance, 2000:4-5). Of course, all other things are not equal: lap dancing is more lucrative than noncontact alternatives because more men want it and will pay more for it.

In response to the redefinition of the tasks expected of exotic dancers, it appears that many exotic dancers balked. "Canadian women won't take the jobs," lawyer Mendel Green declared (Oziewicz, 1997:A1). The demand for strippers exceeds supply. Enter the East European (and Asian and Latino) women - women from poorer countries, with fewer options and less information.

Thus, the rise in the trafficking of women from Central and Eastern Europe to Canada as advertent, unwitting or coerced sex-trade workers is attributable to the 'push' generated by the degraded citizenship status of women in the new regimes and the 'pull' of an apparently insatiable appetite in Canada for commercial sex. When Russian and other Allied soldiers celebrated their victory over the Germans in World War II, they enacted their conquest on and through the bodies of German women. If the fall of the Berlin Wall symbolizes the defeat of communism and the triumph of capitalism, then perhaps commodified East European women, exported to serve Western men, are the spoils of the Cold War served up by the global market to the victors.

This contemporary trade in women is facilitated by an extensive (if loosely organized) network of smugglers, traffickers, pimps and brokers based in Canada and in Eastern Europe. They work in conjunction with Canadian club owners to unite East European supply with Canadian demand. Canada's employment validation exemption for exotic dancers provided a legal circuit for making the connection.

Canadian club owners negotiate with brokers who guarantee delivery of exotic dancers. Using job offers issued by the clubs, women could obtain work permits at the port-of-entry. In a recent study of eighteen Eastern European women working in the Canadian sex trade, none claimed previous experience working in any aspect of the sex trade in their countries of origin (McDonald et al., 2000:13). One woman interviewed by a journalist ruefully lamented her change of career from pediatric nurse in Romania to exotic dancer in Canada (Globe & Mail, 1998). The women's advance knowledge of the work they would be doing in Canada appears to vary, but even those who know they will be stripping report that did not anticipate the physical contact. The following comments by two Hungarian women typify the range of responses:

When I get to the flight and was one girl and we had a work contract and then I didn't write English either. But I keep see every time one word strip, strip, strip, strip and I start to thinking on the flight and I was ask her: "What is this strip, strip, strip, strip. Do you have any idea?" She go, "Ya, it's dance like you know when you have to take ..." I go, "And why I have this strip there. I'm not going to dancing." And she go, "Sure you do, that's why you came to Canada." And then I did find out what went on" (McDonald et al., 2000:44)

I heard that they keep the rules very strictly so I shouldn't worry about the dance. They knew I'd never

danced before that's why they said it. That nobody can ever touch me . . . always security everywhere. And so I won't have any problems with any customers, nobody can come close to me .... The difference was that of course people tried to touch me, of course they were closer to me than I expected. There was no security where we danced. So the customers could do whatever they wanted (McDonald et al., 2000:44-45).

Once in Canada, agents routinely and unlawfully seize the women's passports and visas, confine the women's movements and interactions, restrict their ability to interact with Canadians (other than customers), and intimidate them through physical and sexual violence, retaliation against family members in the home country, or by warning the women that they can have them jailed and/or deported by Canadian authorities (McDonald et al., 2000:25-26). The women do not speak English, do not know what Canadian law permits, and are multiply stigmatized as foreigners and as sex-trade workers.

Indeed, a recent study suggests that strip club owners, agents and brokers intentionally isolate foreign sex-trade workers from their Canadian counterparts and warn the women not to talk to or trust anyone but them. Predictably, this encourages ethnic enclaves, resentment and economic competition between Canadian and foreign women. The tension is evident in the comment by one Canadian exotic dancer, "There's clubs I won't dance at because of what you're expected to do .... But there a lot of new women who've come in from Eastern Europe especially who don't care, they just want the money" (Appelby, 1998). Moreover, the foreign exotic dancers are segregated from the one group of women from whom they might acquire vital information and build productive coalitions. McDonald et al. summarize the dynamic as follows:

Foreign women were brought to the clubs where they received no training or preparation for their job. In addition, they were told little or were given the wrong information so they were deceived about nature of stripping. As a consequence, they ended up providing sexual services for the same price Canadian women would charge for less intimate acts. Being cheaper, the Slavic women attracted all the customers and the Canadian workers were expected to redraw their own personal boundaries and provide more sexual acts for less money if they wanted to survive. The fact that they spoke little English and were told by their agent not to talk to anyone because they might be some kind of 'government person' just added to the problem. And, that so many "were just desperate to pay these fools off" ensures that the women would not be influenced by other workers (McDonald et al., 2000:57).

The financial arrangements with respect to women working in strip clubs involve paying daily fees to the club and the disc jockey, plus special fees for the "VIP rooms" (cubicles). These fees can exceed $70.00 per day. Most women are not paid at all by clubs, but rather earn their income by charging individual patrons for lap dances, table dances or sexual acts. The women's earnings depend on how much they 'hustle' and what they are willing to do (Taylor, 2000) to make enough money over and above their 'fees.' The pressure to perform sexual acts ranging from masturbation to intercourse arises from their escalating debt load, backed up by threatened or actual physical/sexual coercion. In addition, agents demand hefty daily fees or may force the woman to hand over all her earnings for 'safekeeping' or with the [false] assurance that they will deposit the money in an account in the woman's home country. As one police detective put it, the fees women must pay give "new meaning to Owing one's soul to the company store' and encourage if not compel, these women to prostitute themselves to meet expenses" (Oziewicz, 2000a).

In some cases, women may believe they are working off a debt incurred for transporting them to Canada and arranging for jobs, yet the debt never diminishes. In other cases, women are trapped in conventional pimping relationships. Both scenarios constitute typical examples of debt bondage and/or forced labor. Some women are not paid and are held in real or virtual slavery. One Hungarian woman reported paying a Canadian agent $140 per week and Hungarian agent $200 per day. Another Hungarian woman described how her agents' rationale for extracting money alternated between debt repayment and a perpetual commission:

I paid for these two Hungarian guys, either one or the other. They were always together so it didn't

matter which one. I paid, well its an interesting thing, because first I thought I was going to pay for the papers, to get me the papers [the work visa]. Because that's what they said ... and it cost this much money, and that's what I have to pay for, but they never got me those papers but I had to pay at the same time, at the end of every month - $1100 altogether. And well sometimes I asked them: "Why am I paying?" And they answered to me "OK we will get you the papers, don't worry." And the other answer was that basically I have to pay for the opportunity that I can be here. Just the thing that I can be here because if I didn't have them as agents I couldn't be here. (McDonald et al, 2000:49).

Canadian Immigration Policy and Trafficking

In order to relate Canada's exotic dancer visa to the experiences of the women described above, it is necessary to set out the elements of trafficking. Article 3 of the recent Protocol to Prevent, Suppress and Punish Trafficking in Per-sons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime (2000:Article 2) provides the following definition:

(a) "Trafficking in persons" shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.

Neither "exploitation of the prostitution of others" nor "other forms of sexual exploitation" are defined in the Protocol. Nevertheless, even on the basis of this ambiguous legal definition, the exotic dancer visa implicates the Canadian state in the global trafficking in women in at least two ways. First, women entering on the exotic dancer visa may be deceived about the nature of the work required of them and forced to perform tasks they would otherwise refuse. A woman may expect to dance, but not strip; or strip, but not lap dance; or lap dance, but not masturbate, etc. When she objects, she may be intimidated into acquiescence by threats and/or violence. Deception, coercion and forced labor amount to one type of trafficking. Secondly, even if the job description matches the woman's expectations (be it stripping or prostitution), she may be subjected to debt bondage, forced labor or slavery (forced labor without compensation) in the performance of that job. It is important to acknowledge that the connection between the visa and trafficking subsists not only in the abuse of the work visa as a conduit to forced prostitution. Indeed, a woman who voluntarily and consensually engages in prostitution under working conditions that she considers acceptable is not trafficked. Moreover, women operating within the boundaries of the visa may also be trafficked insofar as they were deceived about the work or working conditions, subject to coercion, or held under conditions of forced labor, debt bondage, or slavery.

In 1997, the media seized on the special work visa for exotic dancers as part of a wider story about trafficking in women. The state's facilitative role in importing women destined for the sex trade caused considerable embarrassment to the government. Nevertheless, CIC did not react by abolishing temporary work visas for exotic dancers. As the next section reveals, the tortuous path traced by successive policy responses to the issue illustrates one of the singular attributes of immigration policy: its malleability in the service of conveying multiple, contradictory messages to disparate constituencies. This feature of the immigration regime is enabled by the low visibility of policy instruments deployed most extensively in immigration (such as regulation and guideline) and their implementation by an anonymous and largely inaccessible bureaucracy. To cite one example, it is impossible to obtain statistics from Citizenship and Immigration Canada on the number of women admitted annually on exotic dancer visas. The official explanation is that exotic dancer visas are recorded for statistical purposes in a broader category labeled "buskers," which in turn cannot be disaggregated back into the component subclassifications (CIC, 1998b). Withholding quantitative data about the program impedes meaningful, informed public discussion and analysis of Canadian policy. Informal estimates by Canadian club owners indicate that about four hundred visas were issued annually to East European women until 1999 (Caruso, 2000).

DISCURSIVE STRATEGIES AND IMMIGRATION POLICY

The apparent incoherence of Canada's exotic dancer visa program can only be rendered intelligible if refracted through the discursive lenses that produce the female labor migrant in Canadian popular consciousness. At the highest level of generality, these are economic discourse, which posits the migrant as worker; morality discourse, which scrutinizes the migrant as potential agent of physical, cultural or legal corruption; and, more recently, human rights discourse, which posits the migrant as a bearer of rights derived from personhood rather than status. These discourses sometimes operate synergistically, sometimes in opposition (which helps account for garbled policy outcomes).

These discourses are expressed within a nation-building narrative characteristic of settler societies such as Canada. A salient feature of this narrative is that at any given historical moment, mainstream society recites to itself a story that celebrates past generations of newcomers (from whom present members descended) and disparages the current generation by invoking a more or less recurrent set of tropes.

The Discourse of Economic Benefit

As noted earlier, the ostensible purpose of the temporary work permit is to fill temporary (short-term) labor gaps in the Canadian market. If demand is not temporary, the worker should be admitted as an immigrant. To the extent that strip-club owners were exempted from seeking job validations under the terms of the exotic dancer visa, the state abdicated responsibility for ensuring that foreign workers did not compete unfairly with local workers.

When controversy first erupted in 1997, the government indicated its intention to revoke the labor validation exemption, re-introduce the job validation requirement, and compel migrants to apply for work visas from Canadian embassies abroad instead of at the port of entry. Strip-club owners recognized that the practical consequence would be to constrict the issuance of exotic dancer visas. As a general rule, the further the locus of decisionmaking away from Canada, the more latitude exercised by decisionmakers to interpret permissive legal rules instrumentally to achieve specific policy objectives - such as keeping exotic dancers out.

Mendel Green, legal counsel for strip-club owners, denounced the decision in conventional labor market terms: "Canadian women won't take the jobs" Green objected, adding that the proposal to change the law "is preposterous and will cost thousands of jobs of Canadian workers in those clubs" (Oziewicz, 1997). In an attempt to reassure critics concerned about mistreatment and exploitation of workers, Mr. Green further declared that "[t]hese women are kept like fine race horses. They earn $ 1,000 a week and they all go home when they're supposed to go home."

Several aspects of Mr. Green's comments warrant attention, apart from his patent misrepresentation regarding earnings. First, Green asserts without argument that the state owes a general duty to the private sector to provide labor inputs where market incentives have failed. Indeed, another immigration lawyer states the case even more categorically: "If the industry is considered commercially important and the statistics and evidence demonstrate a labor shortage, the Department has an obligation to assist the industry with its continued economic growth (Caruso, 2000:3). The normative basis for this assertion is left undeveloped. Second, Green deploys the political threat that the state's failure to act will cause adverse economic consequences for Canadian citizens who, unlike the exotic dancers, can express their disgruntlement toward government policy at the ballot box. Recently, Toronto strip-club owners have complained that the restrictions on lawful entry for exotic dancers were costing them business and forcing some bars to close (Godfrey, 2000c). Finally, Green's oafish attempt to paint a favorable picture of dancers' working conditions by comparing them to race horses contains its own negation.

For its part, Citizenship and Immigration Canada insists that "the entry of exotic dancers should not be facilitated in any way different from that for temporary workers in other occupations" (CIC, 1997). The difficulty with the government's recourse to the language of formal equality is that, under the

government's own rules, temporary workers are admitted to fill temporary needs but not to sustain occupations that Canadians reject. Obliging stripclub owners to offer wages and working conditions sufficient to attract qualified Canadians could only expose the latter objective as the real economic motive animating the issuance of work permits in the sex trade. The state attempts to obscure the temporary worker program's role in solving chronic labor shortages in the 3D sector (and here I would add a fourth D - degrading) through various measures, including exempting employers from obtaining job validations.

Treating exotic dancers the same as any other temporary foreign worker would involve reintroducing the employment validation requirement. This would, in theory, compel the state to examine the nature of the exotic dancing industry and the impact of foreign workers on wages and working conditions. In fact, this never happened. First, club owners discovered another loophole through which to claim exemption from the job validation requirement. Eventually, this loophole was also closed, but not before generating considerable confusion and delay.

Ultimately, the veneer of economic logic allegedly guiding the government's response to the exotic dancer visa controversy in 1997 cracked in less than a year. Instead of actually requiring employers to demonstrate that adequate efforts were made to recruit qualified Canadian women to strip or to prove that they were offering wages and working conditions adequate to attract women to the sex trade, Human Resources Development Canada papered over the cracks in the policy by issuing the following generic letter:

Please be advised that Human Resources Development Canada does not foresee employment opportunities for Canadian citizens and permanent residents being adversely affected by the current level of foreign exotic dancers entering the country on a temporary basis.

As agreed, this letter will eliminate the need for case -by-case Employment Validations .... (Scott-Douglas, 1998)

The practical effect of this letter was to reinstate for strip club owners the exemption from employment validation.

While this might superficially look like a victory for employers, Citizenship and Immigration Canada simultaneously deployed other devices to ensure that virtually no applicants for exotic dancer visas actually succeeded. These tactics were exposed in a 1999 case judicially reviewed by the Federal Court. Mackay J. upheld the refusal by a Canadian visa officer in Bucharest to issue a visa and temporary work permit to a woman applying to work as an exotic dancer in a Toronto club (Silion v, Canada, 1999). The first reason for the visa officer's refusal was that the applicant only had experience topless dancing and therefore lacked the qualifications to fill the position in Toronto, which required nude dancing. The second reason turned on the legal requirement that an applicant for a temporary work visa must intend to only remain in Canada temporarily. The visa officer did not accept the applicant's assurance that she would return to Romania after her work visa expired. The visa officer reasoned that life in Romania was so harsh that the applicant would probably not want to return there (Silion, 1999).

Without wishing to disparage the skill set required for exotic dancing, one cannot but question the visa officer's exacting evaluation of the applicant's qualifications to dance nude. In making her determination, however, the visa officer may have found reassurance in a CIC Operations Memorandum indicating that "if the applicant is unable to establish that he or she is able to establish him or herself as a qualified, experienced professional exotic dancer, an employment authorization to work as an exotic dancer in Canada should NOT be issued" (CIC, 1997, emphasis in original).

Regarding the applicant's intentions, it seems reasonable to suppose that only women whose life circumstances and prospects in Romania are very bleak would consider coming to Canada to work as strippers. According to the logic of the visa officer, however, they cannot come as temporary workers, because they may not want to return to Romania since life circumstances and prospects are so bleak

there - which is why they are willing to come to Canada as exotic dancers in the first place.

At present, the strict assessment of qualifications and the 'temporary intent' Catch-22 comprise the legal devices deployed to retain the exotic dancer visa de jure, in keeping with Canada's commitment to serve the economic interests of the private sector, while abolishing it de facto in the name of other competing interests. Between July 1997 and July 1998, immigration officers in Bucharest rejected 106 of 195 visa applications; another 27 were withdrawn. By March 1999, only eight applications were submitted, and none was approved (Caruso, 2000:1).

The Discourse of Crime and Morality

Contemporary rhetoric regarding trafficking in women inevitably draws on century-old representations of 'white slavery,' replete with images of innocent young women and girls, duped and robbed of their virtue by conniving, duplicitous 'slave traders.' Legal historian John MacLaren describes the social landscape that spawned the moral panic over white slavery in the early twentieth century. His account invites comparisons to early twenty-first century Canada:

After 1900 many middle class Canadians were receptive to suggestions that the moral welfare of the nation was threatened, not least by sinister outside forces.... The apparent decline in the quality of life and values was ascribed in these circles to advancing industrialization and urbanization, exacerbated by an influx of "inferior" immigrants into the country.... To those gripped by these anxieties, an alarming offshoot of the growth of cities and wage labor was the entry of larger numbers of working class women into the work force. The apprehended result was breakdown of the family as the basic unit of moral management.... Discomfort caused by greater economic and social mobility heightened with the arrival of increasing numbers of immigrants, especially those who lacked Protestant, Anglo-Saxon roots (MacLaren, 1996:paras. 33-35).

The whiteness signified by the white slavery was both literal and metaphorical. Moral virtue was the property of bourgeois Anglo-European women and girls. In contrast, social reformers extended no sympathy to the Chinese women and girls trafficked into Canada and prostituted to Chinese 'bachelor husbands' (immigrants denied the right to bring their families). Indeed, these women functioned not as signs of feminine victimhood, but as agents of Chinese depravity. This moral inferiority of Asians justified exploiting Asians as objects serving the nation-building project rather than as subjects constituting it.

White slavery narratives projected not only the positive image of the victims, but also the negative image of their complement, the violators. MacLaren describes a genre of popular tracts, film and drama of the era "sensationalizing lurid accounts of innocent maidenly virtue, defiled by wily male exploiters, often with East European accents or Asian features" (MacLaren, 1996:para. 42). Once again, one need not reach far to grasp contemporary analogs. Today's trafficking villains remain ethnicized. They are the brokers and agents of Asian and East European origin who recruit the women, arrange for their transportation, and control their bodies and their money. In contrast, the Canadian-born bar owners who profit from the women retain the status of businessmen, albeit sleazy ones. In recent years, they have organized a lobby group, the Canadian Adult Entertainment Association, to press their concerns with the government.

Today's trafficking victim, however, is no longer Anglo-European. She may be East European, Asian, Latin American or African. What remains crucial, however, is what was considered axiomatic a hundred years ago about young, white middle-class Anglo-Saxon women: the victim must be pure, innocent, and lured unwittingly into the sex trade. In this view, only 'good girls' can be trafficked; anyone who voluntarily enters the sex trade is a 'bad girl' and risks forfeiting entitlement to the concern, respect and protection of the state.

This good girl/bad girl paradigm continues to organize the unarticulated subtext of the present exotic dancer program. When HRDC issued the generic letter in 1998 stating the Canadian jobs would not be jeopardized by issuing visas to foreign exotic dancers, Citizenship and Immigration Canada prefaced

the letter with the following comment: "For various legitimate reasons, it has always been difficult for HRDC Counselors to provide validation opinions regarding applications from exotic dancers" (CIC Operations Memorandum, June 17, 1998:4). In other words, it has always been difficult for HRDC to form an opinion that club owners have genuinely sought out Canadian candidates and are offering wages and working conditions sufficient to attract Canadian exotic dancers.

What are the legitimate reasons for the difficulty? It seems unlikely that the nature of the occupation poses insurmountable challenges to the type of evaluation HRDC regularly conducts. One can only surmise that the state does not wish to be perceived as indirectly encouraging women to enter the sex trade by obliging club owners to demonstrate diligent attempts to recruit Canadian candidates. Why? Because stripping is a stigmatized, 'deviant' occupation, and the women who do it are viewed as [very] thinly disguised prostitutes - pathetic at best, depraved at worst. They are bad girls. Applying the job validation process in this context would force government bureaucrats into the awkward position of indirectly promoting the sex trade.

Economic discourse about supply, demand and commercial benefit to Canadians leaves no space to question whether market norms alone can justify supplying labor shortages in any and all sectors of the economy. The Immigration Manual states that the objectives of the temporary worker policy "primarily focus on the economic benefits accruing to Canada by fulfilling a legitimate need of the Canadian labor market" (CIC, 2001:sec. 1.1). The fact that there exists a dearth of Canadian and permanent resident women willing to enter and/or remain in the occupation as currently defined could provide a useful marker of where constrained choice shades into exploitation and where the concurrence of legality and legitimacy begins to diverge.

Having said that, the state has never responded to complaints about stripper shortages by suggesting that if employers did not require women to lap dance, perhaps there would not be a shortage of Canadian workers. Instead, the dominant anxiety expressed has been that the exotic dancer visa was both a conduit to the unlawful side of the sex trade for the women involved, as well as a chink in Canada's border armor, a legal crevice permitting other forms of international organized crime to infiltrate. In either case, the women entered as proto-criminals, or as vectors of criminality.

The potency of economic discourse about labor supply and demand masks but does not eliminate the countervailing force of the moral stigma attached to the sex trade. After all, the state has tacitly closed the door to legal entry for exotic dancers, signifying the political triumph of morality/crime control over commerce.

Nevertheless, the residual influence of economic discourse casts some light on anomalous aspects of the current regime. First, it explains why the visa category for exotic dancers has been retained in name, instead of being explicitly abolished. Second, rejecting applicants as unqualified or duplicitous in their temporary intent focuses the inquiry on the women as unskilled and deceitful, while leaving their employers' motives and actions unscrutinized. Conversely, the discarded option of enforcing the employment validation requirement against employers would have revealed employers' motives as inimical to the stated objectives of the temporary worker program and at least some of their profit maximizing strategies as exploitative and illegal.

Another locus for the operation of a moralizing subtext is in the temporary nature of the work permits. At no point in the evolution of policy responses did the government or employers contemplate that the solution to the allegedly chronic shortage of Canadian strippers would be to facilitate the permanent immigration of qualified and experienced strippers. Here, economic objectives operate in tandem with morality to reinforce the exclusion of sex-trade workers from permanent residence: club owners' interest is in retaining a pool of women who have no legal option but to work for them, which would be defeated if the women were granted permanent resident status (permanent residents are entitled to work in the occupation of their choice). In the sphere of morality, the silence of government officials and club owners alike also expresses the shared but unarticulated consensus that these women are not suitable candidates for membership in the Canadian nation-state. After all, Canadian sex-trade workers live on the margins of social citizenship. This reality furnishes little basis for optimism that Canada would welcome foreign sex-trade workers as future citizens.

Finally, the convergence of precarious immigration status and cultural disorientation operate to conjure an image of migrant women as intrinsically immoral: that Eastern European exotic dancers will perform sex acts that Canadian women will not do can be packaged and marketed as a cultural predilection for sexual voraciousness. The apparent willingness of migrant exotic dancers to 'go further' than their Canadian cohorts is not understood as the result of ignorance of existing laws, isolation from sources of information and support, or even a prudent strategy of servicing debt and self-preservation. Rather, it is rationalized through a racialized, ethnicized intragender hierarchy wherein migrant East European, Latin American and Asian women are differentially exoticized and hyperfeminized in contradistinction to Canadian women and to one another. Any casual perusal of websites or magazines advertising mail-order marriages or sex work by East European and Asian women will graphically illustrate the ways in which Asian women are marketed as exotic, docile, sexually servile and childlike. East European women are not presented as docile, but they are promoted as domestic, sexually available - and white.

This decontextualized construction of foreign exotic dancers validates a criminal response by projecting the women as naturally prone to overstepping the boundaries of lawful sexual performance. Similarly, rejecting applicants because they would allegedly "prefer to remain in Canada (even without an employment authorization extention [sic]) to avoid the less desirable conditions in their home countries" (Pascoe, 2000) simply elevates the Catch-22 reasoning employed by the visa officer and validated by the Federal Court in Silion to departmental policy. The implicit message is that female migrants from poor countries should be scrutinized as incipient outlaws. They are transgressive bodies, careening across political borders in space and sexual boundaries in law. The label 'illegal' affixes to their actions and their intentions. This reasoning is not applied to software professionals from India or to seasonal agricultural workers from Mexico. Only applicants for exotic dancer visas are rejected as intrinsically suspect for wanting to improve their life circumstances through temporary labor migration.

Human Rights Discourse

When the link between the exotic dancer visa and the global traffic in women first captured media attention, interdepartmental government correspondence revealed a concern that the entry of foreign strippers was "incompatible with Canada's highly publicized opposition to the trafficking in women for the purposes of sexual exploitation" (Oziewicz, 1997). Eater, when the visa for strippers was de facto eliminated, a CIC spokesperson insisted, "The logic behind that is really to protect the women," presumably from abuse and exploitation (Globe and Mail, 1998).

If the discourse of immorality conjures up the spectacle of transgressive bodies that must be policed, the discourse of human rights protection begins from the premise that trafficking constitutes a human rights violation, or at least that certain elements of trafficking violate fundamental human rights. Persons trafficked across borders and/or engaged in unlawful activity (such as prostitution-related activities) are still entitled to the various human rights and civil liberties guaranteed by domestic and international law. In short, trafficked women are victims of human rights violations and deserve protection, support and possibly compensation. Stigmatization, criminalization and punishment should be meted out to the traffickers, not the trafficked. Discussions within the international and feminist community about transnational trafficking in women often bifurcate along an unresolved political fault line - the normative conception of the sex trade within twenty-first century human rights and feminist campaigns (Carter and Giobbe, 1999; Demleitner, 1994; Derks, 2000; Hauge, 1995; Pickup, 1998; Razack, 1998). According to organizations such as the Coalition Against Trafficking in Women (CATW), the sex trade in all its manifestations constitutes exploitation and violence against women (CATW, 2000). Other groups, including the Global Alliance Against Trafficking in Women (GAATW), distinguish between voluntary and coerced sex work, expand the scope of trafficking to include domestic workers and mail order marriages, and "link [sex trafficking] to larger issues of labor migration and lack of informal-sector labor regulation" (Doezema, 2000:25).

These competing perspectives generate divergent remedial goals. One aspires to the eradication of the commercial sex trade, while the other strives for its reclamation as a legitimate form of labor, subject to all the rights and protections accorded to workers (Pickup, 1998:1005-1018). Despite these

political differences, however, there appears to be consensus that the elements of deception, coercion and violence associated with trafficking are matters of human rights concern, regardless of how one ultimately views the sale of sexual services.

If Canada were capable of policing its borders with the vigilance an uninformed public expects of it, the elimination of the exotic dancer visa might actually prevent the trafficking of foreign women into Canada. If law enforcement officials (both criminal and immigration) could devote the necessary resources and concern to the fate of trafficked women (both Canadi-an and foreign), they might supervise the practices of strip clubs more closely.

However, Canada's borders are porous, just like the borders of every other Western democracy. Contrary to recent public perception, Canada receives comparatively few undocumented migrants in both absolute numbers and relative to other wealthy nations, but the traffic in women for the sex trade reminds one that immigration law only partly controls who will come in and who will stay out. To some extent, it merely determines which entrants will be labeled legal and which will be labeled illegal. Women destined for the sex trade continue to enter clandestinely or as visitors, as refugee claimants, or as domestic workers. Both government officials and club owners acknowledge this (Oziewicz, 2000).

By prohibiting the lawful entry of foreign women employed in the sex trade, the state can avoid the embarrassment of propping up the exotic dancer market and play into an anti-prostitution, law and order agenda, but only at the cost of consigning trafficked women to the most unregulated market of all: the underground market. Here the role of the state shifts from regulation to restriction, and the women are no longer victims but now are doubly criminalized as illegal immigrants and as prostitutes. According to media reports, raids of strip clubs in September 1998 and May 1999 led to charges against almost a hundred women, mostly from Eastern Europe (Appelby, 1999:A5). Deportation is the likely consequence for these women (Godfrey, 2000).

Undocumented workers (and those who traffic in them) know that the attention of state authorities is precisely what they must evade at all costs. The spectre of imprisonment as a criminal or deportation as an illegal worker simply constitute further reasons to endure abuse rather than seek assistance. The denial of legal access to Canada does not actually prevent entry, and it is virtually impossible to know whether it even reduces it. One certain outcome is that it exacerbates the vulnerability of the women to intimidation, violence and exploitation by ruthless agents, pimps and brokers. As one agent predicted about the 1997 changes to the administration of the exotic dancer visa program, "The changes Immigration is trying to put in are not going to help the workers. They're going to help the agents, [because unscrupulous brokers are] going to be able to put the squeeze on these [strippers] even more."

A potentially positive development in this landscape was Project Almonzo, a joint multidisciplinary initiative by federal, provincial and municipal agencies in 1999 to crack down on organized crime and prostitution in Toronto strip clubs. The strategy involved targeting the agents, bro-kers and club owners engaged in trafficking and providing support and assistance to the women rather than arresting and prosecuting them. Within a year, police had conducted sixteen raids and laid pimping and immigration related charges against 200 men (including owner-operators, managers, agents, security guards and patrons) and prostitution-related charges against 100 East European, Latin American and Asian women (Jiminez and Bell, 2000). According to one source, there were concerns that police charge women in order to pressure them to cooperate in prosecuting traffickers. Police denied the allegation, stating that Project Almonzo ran a program for the women whereby charges would be stayed if they completed English and computer training courses. As of May 2000 the program had about 115 graduates (Bell and Jiminez, 2000a)

Regrettably, Project Almonzo was discontinued due to lack of support from the municipality of Toronto. In the absence of such initiatives, it is not evident how the human rights of the trafficked women are protected or enhanced by eliminating the exotic dancer visa, thereby criminalizing their presence in Canada. After all, if there is one group who is more vulnerable to exploitation than workers on temporary work visas, it is undocumented workers.

POLICY OPTIONS

Current government policy toward exotic dancers is disingenuous, if not hypocritical. Although the stated objective is to "provide applicants and their prospective employers with fair, transparent and consistent processing," it seems clear that the real objective is to preclude the lawful entry of women as exotic dancers for reasons related to morality and crime control, while retaining the category on paper as a gesture of fidelity to the norms of the private market.

Canada exercises no direct control over the push factors propelling women into the international sex trade, and this fact obviously constrains the potential efficacy of any policy prescription. What I hope to do here is launch a conversation about what a normatively acceptable policy might look like. By normatively acceptable, I mean a policy that gives primacy to ameliorating the circumstances of trafficked women with a view to vindicating their human rights, whether or not other objectives of morality/crime control or economic benefit are also served. At the institutional level, I also proceed from the position that it is a principle of the rule of law that legal rules should communicate a coherent message; exercising discretion in such a way as to systematically render a permissive rule nugatory subverts this principle.

I begin by eliminating two policy options that may seem theoretically attractive but, at present, are politically and practically remote. First, a policy of open borders would obviate the problem of trafficking across borders. Closed borders is what keeps smugglers and transnational traffickers in business. Absent those barriers, migrants would not need to rely on smugglers, agents and brokers to facilitate their travel and employment. At the other extreme, elimination of the exotic dancer visa, coupled with perfect border control, would presumably prevent the actual entry of trafficked women.

I organize the more modest options that remain in accordance with the discursive themes I utilized in previous sections, with the recognition that actual policy prescriptions tend toward overlap and heterogeneity.

Strippers as Workers

Can the government accede to club owners' demand for foreign labor in a manner that protects the human rights and respects the human rights of the women?

The alleged shortage of Canadian strippers arose in large measure because the job of stripping was redefined to include direct physical contact and sex acts with customers that insufficient numbers of Canadian women were willing to perform. If this is accurate, it is difficult to see how or why the state should make an exception to its rationale for temporary work permits and cooperate with club owners by supplying women who will operate under working conditions Canadian and permanent residents reject. Any justificatory claim that trades on the foreign women's freedom to contract for whatever wages and working conditions they deem superior to options available to them elsewhere is no more persuasive than arguments that employment standards legislation contravenes individual citizen workers' freedom of contract. To the extent that the latter claim has been rejected by most contemporary welfare state democracies, the former should also be dismissed.

Alternatively, we might assume that a chronic shortage of exotic dancers would persist even if bar owners and municipalities enforced 'no physical contact' by-laws. In light of persistent demand, foreign strippers could be admitted via the economic immigrant stream and enter as permanent residents.

The quick legal rejoinder to this is that the women would not qualify under Canada's point system for economic immigrants because the skill level attributed to their occupation is too low, which would virtually preclude attainment of sufficient points. Yet the fundamental premise of the econom-ic immigration stream is to select those who will make productive contributions to the Canadian economy. While policymakers and politicians insist that only high-skill workers meet this criterion, the insistence by club owners that Canada suffers from a stripper shortage of crisis proportions, one that threatens the livelihood of thousands of Canadians, suggests otherwise. Moreover, it appears that

many of the women trafficked into Canada form part of the 'brain waste' - migrants who bring with them significant educational and post-secondary vocational qualifications that go unrecognized in Canada. In McDonald et al.'s (2000:13) recent study involving eighteen East European migrant sex workers, three had university degrees, six were graduates of vocational colleges, one was a professional athlete and four were vocational students. In any event, the Immigration Act contains ample discretion to facilitate the entry of an immigrant who does not acquire the requisite number of points.

Another route to the same destination involves facilitating the permanent immigration of workers admitted on temporary work permits. Indeed, this is the clear objective of current federal policy toward information technology professionals who enter on temporary work visas. Canada's Live-in Caregiver policy achieves the same end, albeit only after confining caregivers to live-in domestic work for two years. Michael Walzer (1983) and Joseph Carens (1989) advance compelling arguments that a polity cannot relegate foreign workers to perpetual 'temporary' status without committing a basic injustice. A conventional contractarian approach to the relationship between the state and the individual migrant fails to accord due weight to the fact that migrants are more than embodied labor. They live. Contrary to public perception, not all temporary migrants intend from the outset to settle in the host country, and a number do return. However, as many become economically, socially, culturally and politically enmeshed in the host society, de facto settlement becomes inevitable (for a historical and institutional description of how this happened with European guestworkers, see Jacobson, 1996). As Swiss writer Max Frisch (1986:374) famously remarked about the Swiss guestworker program "We asked for workers. We got people instead." An analysis which inquires only into the economic benefits conferred by temporary immigration regimes on citizens of the host country (e.g., Devoretz, 1999) will not attend to the processes that ultimately call into question the normative viability of the formal 'member' vs. 'nonmember' distinction upon which the analysis is premised. Yet it seems reasonable to contend that states cannot extract labor from temporary workers indefinitely without conceding that migrants legitimately earn an entitlement to member-ship by virtue of the benefits their labor confers on the host society. The claim is particularly compelling in settler societies, where the tradition of earning membership by contributing to the nation building enterprise is embedded in national mythology.

On a practical level, temporary immigration status is, for many migrant workers, an instrument of exploitation, whereby workers 'work hard and work scared' for wages and working conditions that violate domestic employment standards. The longer a state permits the manipulation of temporary status for oppressive purposes, the greater the injustice. Indeed, I contend that the claim to permanent resident status assumes a compensatory function where temporary migration status is implicated in maintaining workers at wages and working conditions that would not obtain in a labor market confined to citizens and permanent residents. Arguably, the more exploitative the consequences of temporary status, the greater the marginal value extracted from the worker, and the greater the entitlement to permanent membership as a measure of recognition and compensation.

The Live-In Caregiver Program, with its option of permanent resident status after two years of live-in domestic work, operationalizes the principle described above. A compelling case might be made for offering permanent resident status to all temporary workers (including exotic dancers) who fulfill the requirements of temporary work permits for a specified period of time. Given that most exotic dancers are young, and many already have post-secondary education, they possess the potential that CIC claims to seek in prospective immigrants.

Attractive as this proposal may seem, certain practical and political obstacles remain. At the political level, live-in caregivers are widely understood to perform the socially necessary (if devalued) task of childcare. Their employers are typically middle- or upper-class professionals, a powerful political constituency. In contrast, the labor performed by exotic dancers is alternately viewed as demeaning to women and/or immoral; their employers and customers lack the respectability and the clout of affluent professional parents.

Second, I have residual concerns that conditioning permanent resident status to performance of an occupation that is either inherently exploitative or potentiates exploitation remains deeply problematic. One might imagine that the state could reduce the risk of exploitation through vigorous enforcement of employment standards and the provision of information and support to women in the country of origin

and in Canada. Relevant information would include the immigration conditions attached to their visa and work permit, the illegality of passport seizure, applicable criminal laws and municipal by-laws, and resources for assistance. However, it should be noted that individual live-in caregivers, despite their extensive advocacy network and superior language skills, still experience abusive working conditions. Although CIC has improved in recent years in its communication with workers about their rights and obligations under the program, caregivers' real source of support has been self-help advocacy organizations. Exotic dancers have no such support network; the surveillance under which they work and live are designed to preclude the emergence of any collective alliance to secure their interests.

Ironically, in a recent bid to soften the government's resistance, the Adult Entertainment Association of Canada (a coalition of club owners and agents) actually proposed more active state monitoring of the industry, allegedly in the interests of protecting workers and cleaning up the industry's reputation. Close examination of the proposals, however, reveals that most were designed to enable club owners to exercise greater control over the workers through heightened Immigration surveillance, while leaving employers and agents virtually unregulated. For example, the association suggested requiring visa holders to report regularly to Immigration for the duration of their visas (CAEA, n.d.). Failure to report would lead to enforcement action, including possible deportation (Pascoe, 2000). Another proposal would involve instituting standardized contracts between employers and employees whereby the employees could be deported for breaching the terms of their employment contracts (Godfrey, 2000) (it is interesting to note that the current employment relationship evidently does not feature a written contract, much less a contract translated into the employee's native language). The association also has floated the idea of establishing a help line for dancers in need of protection and information, though it has not specified who would provide the service or in what languages (Pascoe, 2000). Perhaps a more significant omission is the failure of the association to go ahead and institute the help line, given that it acknowledges the need for such a service.

There is certainly reason to be skeptical about club owners' motives and even more reason to doubt the ability of any measures to overcome the vulnerability of temporary worker status and the predation of agents. Nevertheless, the fact that club owners would advocate increased government regulation of their industry in exchange for eased migration rules is a telling (if tactical) admission of market failure.

I alluded earlier to the fact that permanent residents can choose their occupations, meaning that once women admitted as strippers obtain permanent resident status, they may well seek other employment. This does not constitute a normative objection, though it does present a pragmatic obstacle to acceptance by policymakers. At this stage, however, I want to consider another concern about permanent resident status as a policy solution.

Anecdotal evidence indicates that the overwhelming majority of women who enter Canada as exotic dancers are indebted to recruiters, brokers and agents who arranged for their transportation and employment. It is the servicing of this debt that becomes the basis for forced labor, debt bondage and servitude. While admission as a permanent resident may remove the powerful threat of deportation, it may not suffice to relieve women's vulnerability to control, abuse and exploitation by the pimps/agents/brokers who delivered them to the Canadian market. In other words, they will be in a position similar to many Canadian and permanent resident women who are pimped within Canadian borders.

At this point, it is instructive to compare the recruitment and transportation of exotic dancers with two other categories of temporary workers: software professionals and seasonal agricultural workers. Both groups are overwhelmingly male, though they are positioned at opposite ends of the skill spectrum.

Canadian companies keen to recruit software professionals offer candidates a number of incentives, including free airfare and moving costs to Canada. Under the government-regulated terms of the Seasonal Agricultural Workers Program, employers pay for workers' transportation and accommodation. Employers may deduct the cost of the former from employees' wages, but not the latter. Employers of IT professionals and agricultural workers pay the recruiters to locate the workers, and there appears to be little opportunity for these intermediaries (whether labeled as brokers, agents or pimps) to siphon off the workers' salaries.

Could these models be adapted to the exotic dancer labor market? Answering this question raises other queries that warrant further research. How do club owners establish contact with recruiters? What are the financial arrangements between club owners and recruiters? Why do club owners not finance exotic dancers' travel expenses, if this is common practice among other employers whose industry viability depends on foreign workers? I suspect the answer to this latter question is that club owners have no incentive to pay the women's expenses if they know that recruiters can pay the costs and extract the money from the women without costing employers money.

Strippers as Outlaws

Within the discourse of morality and criminality, strippers engage in deviant but not illegal conduct. As such, they neither deserve protection nor warrant prosecution. The state can ignore them or perhaps regulate them at the margins. If they cross into the unlawful side of the sex trade qua prostitutes, the women become criminals, inhabiting the same moral register as those who profit from them.

The policy implications of this framework in respect of migrant sextrade workers tend toward increased border control, detection, detention and deportation. Insofar as the exotic dancer visa is seen as a conduit to prostitution, the state is justified in refusing to issue any visas. Of course, policing borders in the name of preventing the entry of sex-trade workers can easily lead to the selective targeting of all women from source regions, thereby erecting yet another barrier to the global mobility of all women.

As noted earlier, women who cannot enter Canada legally will be smuggled into the country. At this point, although employers and agents who employ and exploit them are also breaking the law, it is the women who are at greatest risk because it is simpler to deport illegal migrants than to successfully prosecute club owners or agents under criminal or immigration legislation.

To a great extent, this scenario describes the present policy and its consequences.

Strippers as Humans with Rights

An immigration policy informed by a human rights approach would attend to preventing and suppressing trafficking and protecting the human rights of trafficked persons. Regardless of whether the trafficked persons operate within or outside the legal boundaries of sex work, their status as trafficked persons would render them victims of a human rights violation and militate against criminalizing them under domestic immigration or criminal law. As such, it is the experience of being trafficked, not the nature of the work performed qua trafficked person, that is salient.

The actual content of such a policy would depend in part on one's stance toward sex work. If one adopts the view that sex work is inherently exploitative, there is no justification for supplying Canadian club owners with foreign exotic dancers. This would require the state to formally renounce any generalized duty to supply the private sector with foreign labor, to declare that it is contrary to Canada's commitment to women's human right to equality to cooperate in sustaining the stripping/lap dancing industry, and to support vigorous publicity campaigns in source countries to warn women against the risk of becoming trafficked.

In effect, this stance yields a policy that combines criminalization of trafficking with secondary attention to the human rights of the trafficked women. The objectives of immigration policy would be to prevent the entry of women destined for the sex trade. However, a human rights response would direct law enforcement efforts at prosecuting those who transport, employ and trade in women while protecting and providing support services to the trafficked women themselves. This appears to have been the orientation of the now defunct Operation Almonzo.

The recent Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention Against Transnational Organized Crime (1990) also embodies this amalgam of criminalization and human rights. The Protocol's status as an

annex to a convention about transnational organized crime evinces the status of trafficking as first and foremost a matter of criminality and an assault on state security and sovereignty. No serious discussion took place about the viability of addressing trafficking as an annex to the International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families (1991), which might have signaled the recognition of trafficking (including for purposes of the sex trade) as a phenomenon associated with the conditions of labor migration under globalization. Nor did the option of addressing trafficking as the discrete subject of a human rights instrument attract widespread support.

Part II of the Protocol encourages States Party to adopt various measures to protect the privacy, identity and security of trafficked persons and commends provision of legal, social and psychological assistance to trafficked persons (Article 6). Most measures are cast in hortatory terms. States are only required to ensure that victims are informed about judicial proceedings and are able to have their views considered in the course of criminal proceedings.

These provisions are directed at persuading victims to cooperate with law enforcement actions directed at traffickers. States are not obliged to do anything on behalf of trafficked persons, and the Protocol confers no entitlements on victims. Along the same lines, the Protocol advises States Party to "consider" adopting measures permitting trafficked victims to remain in the territory of the receiving state temporarily or permanently "in appropriate cases," taking into account humanitarian and compassionate factors (Article 7). Elsewhere, it counsels that repatriation "shall preferably be voluntary" (Article 8). Ultimately, the sanctity of borders within a regime of state sovereignty remains untainted.

Recent U.S. legislation goes somewhat further than the Protocol and provides, inter alia, for the provision of social benefits and assistance to victims regardless of immigration status (Victims of Trafficking and Violence Protection Act 2000). In addition, trafficked persons who are minors and/or cooperate with law enforcement officials in trafficking prosecutions may be eligible for temporary residence permits and even permanent resident status (Victims of Trafficking and Violence Protection Act 2000: s. 107(b); Chaddock, 2000). Related options under Canadian law might include favorable humanitarian and compassionate consideration for trafficked women (Immigration and Refugee Protection Act, s. 25). There is also Canadian precedent for successful refugee claims made by women trafficked into Canada who feared persecution in their countries of nationality for attempting to escape conditions of debt bondage, slavery and/or violence (CRDD, 1995; CRDD, 1997; CRDD, 1999).

If one endorses a conception of the sex trade as a labor market sector, the resulting policy would preserve access to the Canadian labor market for foreign exotic dancers, subject to full protection by applicable domestic and international legal standards relating to labor and human rights. To the extent that this approach assumes that women may choose to voluntarily engage in the full spectrum of sex work, it leads almost inexorably to a claim for the legalization of all elements of the sex trade, including prostitution. Regardless of which perspective one adopts toward the sex trade, the decriminalization of sex workers remains a shared goal.

One feature of the options explored thus far is the secondary position occupied by human rights concerns in relation to the primary objective of the policy, whether it is servicing the market or moral regulation. Another is the inevitable fallibility of either policy: whatever route one takes, there will always remain a number of women who are trafficked in the sense of being duped or deceived into performing work other than what they expected, or those who are trafficked in the sense of being coerced into performing work under exploitative conditions.

What would a policy that gives primacy to human rights look like? In my view, if one takes seriously the idea that trafficking is a human rights violation, then the next question should be, who is/are the perpetrators? Traf-fickers would not exist absent the citizen clientele in the host country or without the web of restrictive immigration and, in this case, sex trade laws that entangle those who would attempt lawful entry. In other words, host countries and their citizenry are actively and directly implicated in the human rights violations encompassed under the rubric of trafficking. One need not renounce the

concept of borders to acknowledge their role in structuring a regime that leads to the violation of human rights.

Pursuing this line of inquiry leads to deeper questions about the interface between human rights, migration and globalization. One feature associated with globalization is the interconnectedness of apparently local phenomena with transnational networks of finance, communication, transportation, etc. Actions emanating from the local and from the individual come to be seen as embedded in a polycentric matrix, signified by the global and the systemic.

So too with human rights. The individual agent/pimp/trafficker, isolated and identified as the villain in the trafficking narrative undergirding the Trafficking Protocol, avails himself of opportunities created by systems of gender, of borders, and the uneven impact of capitalist expansion. Precisely because trafficking as human rights violation transcends national borders, it evades the impulse to containment within the territorial frame of a single state and the conduct of a particular individual (namely, the trafficker). While not stateless in the technical legal sense, the trafficked person realistically has little prospect of protection from the state she left or from the state into which she was trafficked. And what is the virtue of national citizenship if not protection against violation of fundamental human rights? It is in this sense that one might describe the trafficked person as metaphorically stateless.

Two points emerge from this sketch. First, host countries are not [only] targets/victims of trafficking. Their citizens exploit and consume the services of trafficked persons, with varying degrees of advertence. It is no secret that national economies profit from the cheap labor of trafficked persons who live and work in fear of detection and expulsion. In other words, receiving states are implicated in enabling and benefiting from the various forms of exploitation that constitute trafficking, even as they proclaim their indignation at the entry of undocumented migrants and devote resources to restricting legal entry. This is not to deny the culpability of the persons who actually recruit, transport, deceive and abuse the trafficked person, but rather to widen the lens to capture the structural sources of the violation. Second, the corollary of international law's attribution of human rights based on personhood rather than status is that states might breach human rights obligations owed to noncitizens within their territory. In the circumstances of trafficked persons, it is simply not feasible to expect the country of nationality to take the initiative in vindicating those rights.

This brings me to a tentative proposal. If we take trafficking seriously as a human rights violation, and we admit the contributory role played by receiving countries, perhaps we should conceive of the host country owing the trafficked person a remedy arising from its complicity in the violation of her human rights. From this perspective, the option of secure immigration status could be viewed as human rights remedy and not merely as munificence on the part of the host country, or as a contingent benefit conditional upon cooperation with legal authorities in the prosecution of traffickers. Of course, trafficked women may prefer to return to their home states, and this should be facilitated in accordance with their wishes. Secure immigration status would mitigate a significant cause of the vulnerability of the trafficked sex worker. That it would not resolve it completely speaks to the multiple sources of the disempowerment that generate the migrant woman's vulnerability, including sex, nationality, class and race/ethnicity.

CONCLUSION

Immigration policy toward exotic dancers has been and remains incoherent because it is animated by discursive currents which alternately contradict and complement one another. What does seem reasonably clear is that the impact of the current policy on women migrating as sex workers neither prevents their entry nor protects them from the human rights abuses associated with trafficking.

At the policy level, two other points seem evident. First, as long as the state effectively criminalizes prostitution, women who enter as exotic dancers but end up in prostitution - women in the sex trade - remain vulnerable to abuse and exploitation by pimps, traffickers, agents and club owners. This is as true for the Canadian woman trafficked from Halifax to Toronto as for the Romanian woman trafficked from Cluj to Toronto. One need not endorse the view that sex work is normatively acceptable to justify

decriminalizing the women and men who sell the services. Arguably, the choice of whether to criminalize those who purchase the services is the place where the normative judgment should manifest.

Second, whether one prefers a neo-liberal approach to strippers as workers entitled to access the Canadian labor market or opts instead for a neo-abolitionist approach to the sex trade, a commitment by the state to respecting the human rights of migrant women in the sex trade will require the investment of substantial resources. If lap dancing is de jure illegal, then increased enforcement is necessary to give effect to the law. Material and legal support will be especially critical if the objective is to provide the kind of protection to trafficked women that will encourage them to cooperate with law enforcement officials in subsequent prosecution efforts directed against traffickers. It is important to note, of course, that the respective schemes impose qualitatively and quantitatively different burdens on different state actors (police, immigration authorities, social services, etc.), thereby creating different institutional incentives to advocate for one strategy over another.

The recent demise of Project Almonzo arose from the unwillingness of the municipality to allocate further resources to pursuing a criminal/human rights model. Similarly, in early 2000, CIC responded negatively to the Adult Entertainment Association of Canada's proposals regarding the regulation of the stripping industry as a labor market sector. In a letter to lawyer Mendel Green, a government official advised that the association was proposing "a model that was much more highly managed than most activity involving temporary foreign workers ... [and] would require a high level of resourcing for a relatively small portion of the entire Temporary Foreign Worker program" (CIC, 2000: 2).

In late 2001, Canada passed into law the Immigration and Refugee Protection Act (IRPA), which replaced the former Immigration Act. Migrant workers now hold the status of temporary worker, and the temporary employment authorization is now known as a work permit. The substance of the regime governing exotic dancers remains unchanged.

The foregoing has attempted to explore the implications of various policy options available to the state. While debates about how to conceptualize exotic dancers in particular and the sex trade in general are crucially important, one variable remains constant regardless of where one's normative commitments lie. As long as the state resists dedicating the resources necessary to protect trafficked women, the human cost of trafficking will continue to be paid by the women themselves.

[Sidebar]

[Footnote]

1Typically, immigration policymakers in First World countries insist that the former are in high demand, while the latter are in low demand, though this turns out to be more of a normative than empirical claim, if actual employment patterns are any indication.

[Reference]

REFERENCES

Adult Entertainment Association of Canada 1998 "Portfolio of Members and Associates." Unpublished. September.
Alcivar, C. 2000 Personal Communication. August 19.
Appelby, T.
1999 "Toronto Police Bust Prostitution Ring," The Globe and Mail. July 21. P. A5.

_____
1998 "Arrests Total 115 in Prostitution Related Raids," The Globe and Mail. September 2.
Bell, S. and M. Jiminez
2000a "Ottawa Helpless to Stop Global Sex Traffic," The National Post. May 17.

_____
2000b "Lax Immigration Rules Encourages Sex Trade," The National Post. April 15.
Caldwell, G., S. Galster and N. Steinzor
1997 Crime & Servitude: An Expose of the Traffic in Women for Prostitution from the Newly Independent States. Washington, DC: Global Survival Network.

Canadian Adult Entertainment Association
n.d. "Submission on Behalf of Exotic Dancers to the Ministry of Citizenship and Immigration and Human Resources Development Canada." Unpublished, n.d.
Carens, J.
1992 "Membership and Morality: Admission to Citizenship in Liberal Democratic States." In Immigration and Politics of Citizenship in Europe and North America. Ed. W. R. Brubaker.
Carter, V. and E. Giobbe
1999 "Duet: Prostitution, Racism and Feminist Discourse," Hastings Women's Law Journal, 10:37-68.
Caruso, B. J.
2000 "Why is There a Shortage of Dancers? Peeling Away at the Truth," Immigration & Citizenship Bulletin, 11(10).
Chaddock, G. R.
2000 "Congress Takes Aim at Modern-Day Slavery - Traffickers in Human Cargo for Sex Trade or Sweatshops Will Face Tougher Penalties," The Christian Science Monitor. October 18.
Citizenship and Immigration Canada (CIC)
2001 "Temporary Foreign Worker Guidelines." Chapter FW-2: Policy and Special Considerations. Immigration Manual. <http://www.cic.gc.ca/manuals-guides/english/FWe/FWE02.pdf>. Accessed February 16, 2001.

_____ 1998a "Pilot Project to Help Canadian Employers Attract Highly Skilled Temporary Workers," News Release. September 30.

_____ 1998b "Exotic Dancers," Operations Memorandum, IP, IS. June 17.

_____ 1998c "Exotic Dancers." Operations Memorandum, IP 98, IS 98. July 15.
_____ 1997 "Exotic Dancers - VEC E99," Operations Memorandum, OP 97-13, PE 97-09, IP 97-05. April 11.
Coalition Against Trafficking in Women
2000 "Philosophy of the Coalition Against Trafficking in Women," <http://www.uri.edu/artsci/wms/hughes/catw/philos.htm>. Accessed October 11.
Demleitner, N.
1994 "Forced Prostitution: Naming an International Offense," Fordham International Law Journal, 18:163.
Derks, A.
2000 "From White Slaves to Trafficking Survivors: Notes on the Trafficking Debate." Working Paper Series, Working Paper No. 00-02m. Princeton, NJ: The Center for Migration and Development.
DeVoretz, D.
1999 "Temporary Canadian Migration: Quo Vadis?," Third International Metropolis Conference. November 30-December 3.
Doezema, J.
1999 "Loose Women or Lost Women? The Re-emergence of the Myth of 'White Slavery' in Contemporary Discourses of 'Trafficking in Women,'" <http://www.walnet.org/csis/ papers/doezema-loose.html>. Accessed November 27.
Exotic Dancers' Alliance
2000 The Naked Truth: An Information Resource for the Exotic Dancers' Community, 3:1. April.
Frisch, M.
1986 Gesammelte Werke in zeitlicher Folge. Volume 5. Surkump. 374.
Globe and Mail
1998 "Strippers Chilled by Immigration Rules," The Globe and Mail. July 31.
Godfrey, T.
2000a "Canada Tries to Break the Habit - Foreign Strippers are Posing as Nuns, Officials Say," The Toronto Sun. May 9. P. 5.

_____ 2000b "Brit 'Nannies' Turn to Stripping in T.O.," The Toronto Sun. February 18.

_____ 2000c "Foreign Peelers Crucial, Say Clubs," The Toronto Sun. May 10. P. 7.

_____ 2000d "Strippers Get the Boot," The Toronto Sun. March 17.
Greenhill, D. and J. Aceytuno
1999 Managed Migration and the Seasonal Agricultural Worker Program. Washington, DC: Fourth International Metropolis Conference: Trade Agreements and Migration. December 8-11.
Hauge, C.
1995 "Prostitution of Women and International Human Rights Law: Transforming Exploitation into Equality," New York International Law Review, 8:23-50.
Hawaleshka, D.
1997 "Sex, Lies and Money," Maclean's, 22:24-26. September.
International Organization for Migration
1999 "Irregular Migration in Canada," Trafficking in Migrants. July 2.

Jacobson, D.
1996 Rights Across Borders. Baltimore: John Hopkins Press.
Jimenez, M.
2000 "650 Charged in Canadian Sex Slave Trade," The National Post. May 18.
McDonald, L., B. Moore and N. Timoshkina
1996 Migrant Sex Workers from Eastern Europe and the Former Soviet Union: The Canadian Case. Status of Women Canada, <http://www.cfc.gc.ca/pubs/062653351/index_e.html>
McLaren, J.
2000 "Recalculating the Wages of Sin," Manitoba Law Journal, 23:524-555.
Note
1998 "The Trafficking of Women for Prostitution: A Growing Problem within the European Union," Boston College International and Comparative Law Review, 21:183-199.
Oziewicz, E.
2000a "Strip Club Raided, Owner Faces Prostitution-related Charges," The Globe and Mail. February 25.

_____
2000b "Canada Bare Essential," The Globe and Mail. February 19.

_____
1997 "Ottawa Eyes Curb on Entry of Strippers," The Globe and Mail. February 7. P. A1.
Pascoe, B.
2000 Correspondence to Mendel Green. January 31.
Pickup, F.
1998 "Deconstructing Trafficking in Women: The Example of Russia," Millenium, 27(4):995-1021.
Razack, S.
1998 "Race, Space and Prostitution: The Making of the Bourgeois Subject," Canadian Journal of Women and the Law, 10:338-376.
Scott-Douglas, R.
1998 Correspondence to Joan Atkinson, Director General, Selection Branch, Citizenship and Immigration Canada. May 29.
Spector, M.
1998 "'Traffickers' New Cargo: Naive Slavic Women," The New York Times. January 11. P. 1.
Taylor, M.
2000 Exotic Dancers Alliance, Personal Communication. May 12.
Thompson, A.
1999 "Promised Fresh Start Turns into Enslavement," Toronto Star. February 20.
Thompson, G.
1999 "Abused and Unshielded Wives," The New York Times. April 18. P. 37.
Walzer, M.
1983 Spheres of Justice. New York: Basic Books.
CASES
1999. CRDD T98-06186. Bousfield and Milliner (diss.) November 2.
1997. CRDD V95-02904. Nuenfeldt. November 26.
1995. CRDD U94-04874. Smith and Haddad. November 7.
Re Ontario Adult Entertainment Bar Association and Municipality of Metropolitan Toronto (1997), 35 O.R. (3d) 161.
Silion v. Canada (Minister of Citizenship and Immigration) (1999), 173 F.T.R. 302 (T.D.).
R. v. Mara [1997] 2 SCR 630.
R. v. Pelletier [1999] 3 SCR 863.
INTERNATIONAL LEGAL INSTRUMENTS
International Agreement for the Suppression of the Slave Trade. 1904. I LNTS 83. May 18.
International Convention for the Suppression of White Slave Traffic. 1910. III LNTS 278. May 4.
Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, opened for signature, March 21, 1950. 96 UNTS 271.
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, G.A. Res 45/158, 55th Sess., Agenda Item 12, UN Doc. A/RES/45/158 (1991).
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. 2000. UNGA A/55/383, Annex II. November 2.
CANADIAN LEGISLATION
Criminal Code of Canada. RSC 1985, c.C-2.
Immigration Act. RSC 1985, c. I-2.
Immigration Regulations. SOR/78-172.
Immigration and Refugee Protection Act. SC 2001, c. 27.
Immigration and Refugee Protection Regulations. SOR/2002-227. June 11, 2002
UNITED STATES LEGISLATION
Victims of Trafficking and Violence Protection Act of 2000. H.R. 2344. 106th Congress. January 24.