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# Engendering Justice for Migrant Women Fleeing Violence in the Canadian Refugee Determination System

Jennifer Caroline Prashad Ms.

*University of Windsor, Faculty of Law, prashad@uwindsor.ca*

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In Western refugee law, women asylum seekers experience significant evidentiary hurdles, specifically the implicit assumption that most states are able and willing to protect women from private acts of violence carried out in the home. In situating Canada's obligations towards women in search of international protection, I elucidate how the *Safe Third Country Agreement* between Canada and the U.S. serves as an exclusionary measure for women fleeing domestic violence in search of asylum, and aim to uncover how recent regulatory reform under the *Immigration and Refugee Protection Act* amounts to procedural unfairness. I critically examine how gendered asylum claims are determined in problematic ways by drawing on persuasive and legal jurisprudence at the UN level, such as general recommendations, resolutions and international conventions and juxtaposing them alongside sources of domestic implementation. Furthermore, I examine the secondary works of Arbel (2013), MacIntosh (2009), and Bhuyan, Vargas & Pintin-Perez (2016), which reveals a pattern of 'superficial state protection' in the adjudication of asylum claims, whereby decision-makers fail to scrutinize the accessibility and adequacy of legislative measures and protective services in a woman's home state. Notwithstanding these valid critiques, few academics have considered whether the Immigration and Refugee Board *Guideline on Vulnerable Persons* can be integrated along with the *Gender Guidelines* in order to create an alternative policy solution that remedies the numerous obstacles that migrant women experience. I propose a specific IRB directive titled, "Remedying Barriers to Procedural Justice and Documentary Evidence: Guideline 10" which adjoins each existing guideline and recognizes the legal complexities surrounding claims of gendered asylum, specifically those founded on domestic violence. My proposed guideline has the capacity to attenuate the high evidentiary standards placed on claimants at the state protection stage in the refugee determination process, and can alleviate the procedural and substantive effects that 'one-size-fits-all-legislation' produces.