Canadian Refugee Policy Paradigm Change in the 1990s: Understanding the power of international social influence

by

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A thesis submitted in conformity with the requirements for the degree of Doctorate of Philosophy
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Abstract


This dissertation explores the factors which contributed to a change in the paradigm that framed Canadian refugee policy over the course of the 1990s. This change is characterized in the dissertation as a shift from a refugee protection paradigm that dominated policy-makers’ thinking in the 1970s and 1980s, to a security-control paradigm by at the end of the 1990s. This change is puzzling because it occurred prior to the events of 9/11 rather than in response to them and because domestic motivations for change do not provide a complete explanation of the shift. The dissertation argues that although factors in the domestic and international environments may have enabled paradigm change, a more complete explanation of shift needs to consider the process through which Canadian policy-makers were socialized into a developing international norm. This process of international socialization occurred through bureaucrats’ international interaction in bilateral and Regional Consultative Processes akin to Anne-Marie Slaughter’s global government networks. Using data generated from primary document analysis and a series of interviews of key policy-makers this dissertation maps paradigm change over the two periods. This data is then used to provide evidence of the importance of bureaucratic socialization through a global government network for migration in explaining this change.
Acknowledgments

I am very grateful to my supervisor and committee for their advice and encouragement. Nancy Bertoldi, my supervisor, and Grace Skogstad have provided such important practical and professional guidance throughout this process that I am sure I would not have finished without their help. Much of the strength of this research is a result of their hard work. They have been great teachers. I hope to model my own style of teaching after them. I have also greatly appreciated the advice of Phil Triadafilopoulos and Linda White who have helped sharpen my thinking as well as improve the presentation of this material. Finally, I am grateful to Myer Siemiatycki, who with my committee, has helped me see how I might push my research in new directions.

One of my greatest debts of gratitude is to those who agreed to be interviewed and gave their valuable time for this research. Without question, the participation of those interviewees greatly increased the quality of my research and the pleasure of conducting it. These individuals were very approachable, willing to engage and committed to contributing to the study of Canadian refugee policy. Amongst all interviewees there was a very real concern and commitment to the issue of international migration and refugee policy in Canada. International migration and refugee policy is without a doubt one of the most complicated and difficult problems facing states. Creating policy, practices and thinking that contributes sound solutions to very real and multifaceted problems with few clear cut answers, was and continues to be, a difficult task for this group of individuals. All of the interviewees demonstrate a genuine concern and commitment to their work. They represent a committed group of individuals seeking solutions to a set of tough problems.

I am also indebted to the people at the CIC library who help locate important documents for this research.

Several other colleagues have - in a variety of ways - supported my work and have helped me produce better research. Thanks to Emanuel, Nicole, Lilach, Markus, Kim, Mark, Tina, Nisha, Allona, Ruben, Brian, Kim, Debora, Derek, Barry, Dejan, Patti, Yasmine, Sherry and the people who have commented on my work at various conferences and workshops.

Three friends – Vanda, Joel and Chris - have provided immense personal and professional support. They have greatly increased my enjoyment of academic life and have encouraged me to be persistent in my work. My research has been greatly improved by the time that I have spent with these three and through their efforts. They provided a place to test ideas that have allowed me to work through many of my decision about those steps that should be taken and others that should be avoided. They have also been a tremendous source of information. Most importantly they have become some of my closest friends.

Friends and family have provided great personal support – from offering perspective on work-life balance to babysitting. This support has also made my research possible. Thanks to Jonathan, Nicky, Joanne, Joel, Vanda, Chris & Eugenia, Marianne & Peter, Kathryn, Simon, the Posavads, Veldstras, Paynes, Lammels, Binns, Cripps, Guetters, and Schofields.

Mum & Dad, Ann & David, and Uncle Everett & Aunt Margaret have provided me with much love and support that have made my pursuit of an academic career possible.

Alastair, Hannah and Thomas – you showed up along the way and have provided more love and excitement than I could have imagined possible. I’m sorry this work got in the
way some days and made me grumpy on other ones. Sarah, it has been a long road (14 yrs and the Atlantic ocean) since I chose a new car over pursuing a PhD. You’ve tolerated a lot of change on my behalf. For the love and support in so many ways, and for so long – thank-you.
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<td>ADM</td>
<td>Assistant Deputy Minister</td>
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<tr>
<td>CBC</td>
<td>Canadian Broadcasting Corporation</td>
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<tr>
<td>CCR</td>
<td>Canadian Council on Refugees</td>
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<tr>
<td>CEIC</td>
<td>Canadian Employment and Immigration Commission</td>
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<tr>
<td>CIC</td>
<td>Citizenship and Immigration Canada, Department of</td>
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<tr>
<td>CSIS</td>
<td>Canadian Security and Intelligence Services</td>
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<tr>
<td>CUSFTA</td>
<td>Canada-US Free Trade Agreement</td>
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<tr>
<td>DM</td>
<td>Deputy Minister</td>
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<tr>
<td>DMI</td>
<td>Department of Manpower and Immigration</td>
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<tr>
<td>EIAC</td>
<td>Employment and Immigration Advisory Council</td>
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<tr>
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</tr>
<tr>
<td>HoC</td>
<td>House of Commons</td>
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<tr>
<td>IAB</td>
<td>Immigration Appeal Board</td>
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<tr>
<td>IDP</td>
<td>Internally Displaced Persons</td>
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<tr>
<td>IGC</td>
<td>Intergovernmental Consultations on Asylum, Refugees and Migration Policies in Europe, North America and Australia</td>
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<tr>
<td>IOM</td>
<td>International Organisation for Migration</td>
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<tr>
<td>IRB</td>
<td>Immigration and Refugee Board</td>
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<tr>
<td>IRPA</td>
<td>Immigration and Refugee Protection Act (2002)</td>
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<tr>
<td>LRAG</td>
<td>Legislative Review Advisory Group</td>
</tr>
<tr>
<td>MP</td>
<td>Member of Parliament</td>
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<tr>
<td>MIO</td>
<td>Migration Integrity Officer</td>
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<tr>
<td>NAFTA</td>
<td>North American Free Trade Agreement</td>
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<tr>
<td>NDP</td>
<td>New Democratic Party</td>
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<tr>
<td>OECD</td>
<td>Organization for Economic Cooperation and Development</td>
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<tr>
<td>RAD</td>
<td>Refugee Appeal Division</td>
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<tr>
<td>RCMP</td>
<td>Royal Canadian Mounted Police</td>
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<td>RCPS</td>
<td>Regional Consultative Processes</td>
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<td>RSAC</td>
<td>Refugee Status Advisory Committee</td>
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<tr>
<td>SCSSI</td>
<td>Special Committee of the Senate on Security and Intelligence</td>
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<td>Parliamentary Standing Committee on Citizenship and Immigration</td>
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Chapter 1

The Bill reintroduces key measures to strengthen the integrity of the refugee determination system. These include front-end security screening for all claimants, clearer grounds for detention, fewer appeals and opportunities for judicial review to delay the removal of serious criminals, and suspension of refugee claims for people charged with serious crimes until the courts have rendered a decision.

- Citizenship and Immigration Canada’s News Release introducing the new Immigration and Refugee Protection Act, February 21, 2001

I. Introduction

On June 13th 2001, Bill C-11, the Immigration and Refugee Protection Act (IRPA), passed its third reading in the Canadian House of Commons. This new legislation, replacing the 1978 Immigration Act, introduced significant changes in Canada’s inland refugee status determination system and, more generally, its migration policy.¹ For policy-makers a central goal of the new legislation was the tightening of the Canadian refugee system. In the words of Elinor Caplan, Minister of Citizenship and Immigration: “By saying ‘No’ more quickly to people who would abuse our rules, we are able to say ‘Yes’ more often to the immigrants and refugees Canada will need to grow and prosper in the years ahead” (CIC, 2001f). Two concerns were used to justify this tightening, the need to protect the integrity of the Canadian system by more effectively controlling who entered Canada and the need to assure public safety and national security.

In both the introduction of the IRPA and the review process that preceded it, Canadian policy-makers framed immigration and refugee policy within a security and control paradigm. This framing reflected a securitization of migration policy that for the previous fifteen years had been occurring in most industrialized states. However, for Canada it marked an important departure from its traditional humanitarian approach that had guided much of its design and implementation of policies in the 1970s and 1980s. In short, by the

¹ The term “migration policy” is used here to capture regular aspects of refugee and immigration policies as well as broader policies that attempt to deal with unsolicited migration and border control.
end of the 1990s there had been a significant shift in the paradigm that framed Canadian immigration and refugee policy from one that emphasized refugee protection to one that emphasized state security and control.

Policy-makers’ policy paradigms define their basic and often taken-for-granted collective understanding of their world, their identity, the problems that they face, and the goals that they will pursue as well as the most effective yet appropriate strategies to achieve them. The paradigm that framed Canadian policy-makers’ thinking in the 1970s and 1980s is described in this dissertation as a protection paradigm focused on the goal of refugee protection and premised on the principle that such protection should override non-specific concerns of public and state security as well as the more general need for control.2 This paradigm included the acceptance of strategies that met these goals, including a broad definition of those who required protection and a liberal determination system that provided multiple appeals and that gave the benefit of the doubt to the claimant. By the end of the 1990s this paradigm had shifted to one oriented towards security and control. This research demonstrates that policy-makers’ paradigms became dominated by the goals of control, public safety and national security, premised on the principle that the control of those who entered Canada, and the protection of the Canadian state and its public, took precedence over attempts to protect refugees. Strategies that furthered these goals, but may have limited the chances of refugees finding protection in Canada, were viewed as increasingly important and acceptable given new understandings of the policy environment and the high priority placed on control and security.

This dissertation addresses why this change in paradigm occurred in spite of the apparent success of the previous Canadian system and its emphasis on a humanitarian approach. While acknowledging the importance of domestic sources of change, this research suggests that paradigm change was not simply a reflection of domestic values, events or processes of learning. Instead it considers the influence of a developing norm amongst western industrialised states that pushed for increased control and security. It suggests that the regular and close interaction between Canadian bureaucrats and their counterparts from

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2 For the purposes of this research the term “protection” has been used rather than “humanitarian” when describing the paradigm that existed through much of the 1970s and 1980s. While many of the ideas suggested by the term humanitarian are appropriate, the term protection reflects the specific language used in the Canadian policy discourse.
other states in international forums contributed to the conditions in which new thinking could be adopted into the domestic policy environment. In short, the argument of this dissertation is that paradigm change occurred, to a significant degree, through the socialization of Canadian bureaucrats into an international community of policy-makers shaped by a prevailing international migration norm that prioritized security and control. These bureaucrats then acted as important conduits between this international norm and changes in the domestic paradigm.

II. Migratory Pressures in Context: Security, Control and Refugee Protection

Changes in the paradigm that governed refugee policy in Canada took place in a specific policy environment and within the context of a broader trend experienced by industrialized states. In this period, Canadian policy-makers’ experiences in the field had the potential to raise the importance of a security and control approaches to refugees and challenged their commitment to a protection paradigm. In particular the mid-to-late 1980s saw policy-makers forced to deal with the arrival of increased flows of asylum-seekers and specific events which highlighted these trends, such as the arrival of two boats of migrants on the east coast of Canada in 1986 and 1987. Furthermore, policy-makers were challenged by the need to implement new and substantive changes to the refugee determination system, most significantly the adoption of oral hearings for every refugee claimant through the newly established Immigration and Refugee Board. Over the course of the 1990s other events also highlighted the need for security and control in Canada’s refugee policy and were coupled with changes in the Canadian political spectrum, especially the rise of the Reform party in Canada.

Paradigmatic change in Canadian refugee policy can also be placed within a trend in industrialised states’ response to migratory pressures. Efforts to enhance control and security in migration policies have taken a central position on the political agendas of many western industrialized states. While these concerns have been heightened in recent debates on illegal

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3 For instance, in the spring of 2006, immigration and migration control was a subject of significant debate in several western industrialised countries. In Canada, the media focused on the deportation of illegal migrant labourers (predominately Portuguese) and the ability to control illegal migration. This story captured media attention for over three months (Jiménez, March 28, 2006: A1; Teotonio, April 22, 2006: A10; Chung, May 27,
immigration, especially after the terrorist attacks on the United States of September 11, 2001, they have been driving industrialized states’ approaches for almost two decades. In particular, policy-makers have been concerned with large numbers of migrants in mixed flows containing refugees, unsolicited or ‘illegal’ migrants and individuals who pose genuine threats to public safety and national security. According to much of the literature on international migration, state responses to these movements have raised a problematic trade-off between humanitarian and security focused policy (Edwards, 2003; Global Commission on International Migration, 2005: chapter 3; Boswell, 2006; Crépeau and Nakache, 2006).

States’ concerns about mixed flows arose in the asylum ‘crisis’ of the late-1980s. This crisis was defined by a sharp rise in the number of asylum claims made in industrialized states at the end of that decade. In 1980, the number of claims placed in 38 industrialized countries was less than 200,000. After rising to 500,000 in 1990, the number peaked at 700,000 in 1992 before tapering off and declining over the rest of the 1990s. By 2001, the number of claimants was 450,000. A similar trend existed in Canada. The number of refugee claims at Canadian ports of entry or from within Canada increased from 952 in 1979 to over 36,000 in 1990 (Dirks, 1995: Appendix A; CIC, 2005: 62-63). Despite this rise in the late 1980s the numbers in Canada leveled off across the mid-1990s where the average number of claimants from 1993 to 1998 was 23,422 (CIC, 2005:62-63).

This increase in migratory pressures raised industrialized states’ concerns about illegal migration and state security. Within these flows significant numbers of migrants who were not refugees attempted to use the refugee determination systems of industrialized states to gain access to their territories. This activity was coupled with large numbers of illegal

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2006). In the United States, legislative proposals for more security at southern and northern borders and mass protests by undocumented workers were major political and media stories (The New York Times, March 29, 2006: 12; Hulse, March 29, 2006: 17; Stolberg, May 3, 2006: 1). In the United Kingdom, the release without deportation of migrants with criminal records into the British population garnered wide public protest and prompted the firing of the Home Secretary (Morris, May 9, 2006: 7).

4 A number of common terms have been used to describe this flow of migrants including “illegal” and “irregular.” However, these terms are problematic. Illegal migration contributes to a particularly negative image of migrants, including some who - as in the case of refugees - merit protection. Irregular migration suggest that the methods of migration used by individuals in these flows are not normal when in fact the large number of migrants not using state-sanctioned migration process is in fact quite regular. Thus the term “unsolicited” migration although not commonly used, seems to be more appropriate than most in that the defining feature of these flows is that they are not invited by the country which is receiving them.

5 These numbers are approximates (UNHCR, 2007: figure 2).

6 The numbers began to rise again in 1999 and 2000, with 30,543 and 36,933 claimants, respectively (CIC, 2005: 63).
immigrants who gained access to these states without using the refugee determination system. Although it is difficult to assess accurately the number of illegal migrants living in industrialized states, policy-makers have presented the problem as significant both in terms of the integrity of border control systems and ultimately - the preservation of state sovereignty. The Global Commission for International Migration (October, 2005: 85) estimated that there were 15 million individuals living illegally in the United States and Europe as of 2005. In Canada, the number of undocumented migrants has been estimated to be as high as 500,000 individuals. The perceived need for greater control has been furthered by policy-makers’ concerns that amongst these migration flows are threats to public safety and national security. These threats include migrants who might be criminals or connected to organized crime, war criminals or terrorists. Failure to control flows or to identify individuals within these flows has arguably made it increasingly difficult for law enforcement agencies to assess and act on potential threats to public safety and national security.

At the same time, policy-makers have also been challenged by the need to provide reasonable protection to refugees within these flows. The international refugee regime, based on the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol, places legal obligations on states to protect refugees who make claims on their soil. Policy-makers face the difficult task of establishing a system that adequately determines who might be a so-called Convention refugee while not making that system too susceptible to abuse by those who do not qualify for protection. It is in this task that the humanitarian-security trade-off is starkest. On the one hand, policies that seek to assist and accommodate claimants in the system have been susceptible to the criticism that they provide incentives to make false claims or limit the ability of the state to control and ensure security. On the other hand,

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7 Although some control concerns are independent of states’ refugee determination processes, these policies are often interconnected both in practice and wider perception.
8 This number was estimated by Liberal MP Andrew Telegdi (Vice-Chair, Standing Committee on Citizenship and Immigration). In response, the current Conservative Minister of Citizenship and Immigration, Monte Solberg, suggested that the numbers were “a little lower” but not that they were unfounded (Standing Committee on Citizenship and Immigration, June 7, 2006).
9 The United Nations High Commissioner for Refugees (UNHCR) placed the number of Convention refugees internationally, as of January 1st 2005, at 19,197,400 (UNHCR, 2006), the majority of whom were located in refugee camps in less-developed countries. This number is based only on Convention refugees and does not include the United States Committee for Refugees and Immigrants estimate of 21.3 million internally displaced persons (IDPs) or those who are considered to be in “refugee-like” situations (World Refugee Survey 2005, cited in Médecins Sans Frontières, 2006).
policies that might increase a state’s ability to control its borders and protect public and national security have been criticized for their lack of a humanitarian response to those who may genuinely be in need. This trade-off is present across many of the policies related to addressing these mixed flows of migrants and, more specifically, the process of refugee determination. These include, but are not limited to: detention policies; interdiction policies; policies addressing the process of refugee determination; policies limiting access to appeals; policies dictating access to housing, welfare, and employment; policies for the granting of permanent residency or citizenship; and opportunities for family reunification.

The post-asylum crisis trend amongst western states has favored policies that lean towards security and control over more humanitarian responses (Roberts, 1998). Thus industrialized states have devoted much effort in recent years to establishing policies that emphasize control of their borders: maintaining the relatively free flow of legitimate travelers - including refugees - while identifying and preventing access to the state by illegal immigrants and potential security risks. In culmination, these changes have been seen as a securitization trend in international migration (Huysmans, 2000) and have been interpreted by some as the development of a “Wall around the West” (Andreas and Snyder, 2000; Macklin, 2001) and a “fortress” mentality in states’ policies (Bloch, Galvin and Schuster, 2000; Gallagher, 2002; Rudd and Furneaux, 2002).

Until the mid to late 1990s Canada remained an outlier, resisting the trend towards securitization found in other industrialized states, despite the increased volume of refugee claims that it experienced.10 In this period, Canadian refugee policy, for better or for worse, was characterized as favouring humanitarian concerns at the expense of control/security considerations.11 Indeed, Canadian officials were often critical of other states’ responses to refugees. By contrast, recent changes in the thinking of Canadian policy-makers have reflected the broader trend towards securitization (Lanphier, 1999). As a result, they

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10 For instance, comparison in the early 1990s between Canada and Australia’s refugee determinations systems demonstrates that Australia was considerably more control-oriented (Cox and Glenn, 1994). It was not until the end of the 1990s that the thinking of Canadian policy-makers began to reflect that of their Australian counterparts.

11 Critics and supporters have both claimed that Canada has emphasised a humanitarian or refugee protection approach to migration policy. Critics have argued that this position has left Canada particularly vulnerable to control and security concerns. On the contrary, Canadian policy-makers have taken great pride in this reputation, which has been supported by leaders of significant international organizations.
represent an important departure from the perception that Canadian policy has historically leaned towards a humanitarian approach to refugee protection.

### III. Development of the Argument, Research Design and Methods

The timing and direction of paradigm change in the Canadian case raises important questions. Change in this paradigm in the aftermath of the events of September 11th, 2001, presents no particular puzzle for explanations of paradigm change. While initial suggestions of a connection between the terrorists and the Canadian refugee system were not substantiated, post-9/11 security concerns created a policy environment in which new thinking about control and security was both possible and expected. However, what is puzzling is that significant changes in policy-makers’ thinking actually occurred before the events of 9/11. This change is puzzling for several reasons. First, the fact that paradigm change occurred when it did does not immediately fit with available explanations of change. Specifically, obvious environmental motivations for change in the 1990s appear to be limited in the Canadian case. Few significant security or control events occurred, nor was there a significant crisis or critical juncture that could be pointed to as provoking new thinking on its own. As has been suggested, environmental pressures did exist, starting as early as the asylum crisis in the mid-1980s and it is likely that these pressures made policy-makers receptive to thinking which fit within the security and control paradigm. However, there are also indications that suggest that over the course of the 1990s the Canadian refugee system was, for the most part, successful and capable of addressing the pressures on the system, especially as many of these pressures appeared to be no greater in the 1990s than they were.

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12 In response to the terrorist attacks in New York, Washington, Madrid, and London, as well as other threats of attack, policy-makers from western industrialized states have been quick to focus on border security as one of the central responses that might ensure security for their citizens. The fact that several of these attacks have not involved their perpetrators crossing international borders - or crossing the borders which are subsequently the subject of scrutiny - has done little to lessen the focus of all states on the issue of border security. In the Canadian case this is evidenced by the search for a “Canadian connection” to the attacks of 9/11. Canadian and US media and US officials repeatedly pointed to such a connection and discussed the need to enforce further the Canada-US border and tighten Canadian immigration and refugee policies in response, even after it had become clear that there had been no Canadian connection. In response to the arrest of 17 alleged terrorists in June 2006, Canadian and US media quickly focused on the need to tighten the immigration and refugee system despite the fact that those charged were either born in Canada or long-term Canadian citizens or permanent residents (Zremski, June 11, 2006: A1; Crary. June 9, 2006; Collacott, June 6, 2006: 17; National Public Radio, June 5, 2006).
The arrival of the Reform party on the Canadian political landscape in the early 1990s did have the potential to place issues of control and security higher on the public agenda. However, as will be argued in chapter 5, the influence of the Reform party in altering policy-makers thinking should not be overstated. The limited electoral success of the Reform party, its position in a Parliament dominated by parties that shared key values of refugee protection and the relative strength of the Liberal party, allowed key policy-makers to “ignore” the episodic pressures placed on them by the Reform party (Interview 6). Furthermore, it is not clear that the leadership of the Reform party wanted to make refugee policy a significant political issue in the early 1990s.

These factors raise the related question of why policy-makers altered their thinking in such a significant way, making what - on the surface - seems like a sharp about-turn from a protection paradigm to a security-control paradigm. Furthermore, this change occurred in the post-Cold War period, when Canada’s traditional humanitarian emphasis might have been expected to have been even more successful, as was the case in other areas of Canadian foreign policy (De Larrinaga and Sjolander, 1998; Howard and Neufeldt, 2002; Sallot, 1997). These puzzles raise the central question of this research: Why did policy-makers’ policy paradigms change in such a significant way in the late 1990s?

While both the public policy literature and international relations literature have sought to demonstrate that policy paradigms, and changes in them, affect policy (Berman, 2001), this research is focused on the preceding question of what motivates paradigm change. The argument of this research is that a more complete understanding of change in Canadian policy-makers’ policy paradigms and, by extension, policy over the course of the 1990s is obtained when the processes of international socialization of elite policy-makers are considered. In particular, the regular and close interaction between policy-makers from different jurisdictions in global government networks (Slaughter, 2004), and through processes resembling seminar diplomacy (Adler, 1998), builds a sense of a common community among policy-makers within which mechanisms of socialization are more likely to occur. This research considers the specific processes through which this international interaction develops understandings of a common community amongst policy-makers from

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13 As will be shown in Chapter 3, pressures did exist in the 1980s which could have led to the creation of a more control and security oriented system. However the changes that did occur continued to emphasis refugee protection.
‘likeminded states.’ In turn it seeks to demonstrate how this interaction leads policy-makers to adopt new thinking central to a change in paradigm, which is then transferred back to the domestic sphere. Existing pressures in the policy environment did contribute to this understanding. Policy-makers entered global government networks with concerns about security and control that arose from their practical experiences and made them receptive to new ideas. However, the interpretation of their experiences in this environment and what lessons are learned are shaped in important ways by new ideas acquired from policy-makers’ socialization through their activities in global government networks (GGN).

In undertaking this research a variety of methods was pragmatically applied based on their suitability to the particular task of each stage of the research and the specific nature of the data used. The objectives of this research were to document the nature of Canadian paradigm change from the 1970s to the summer of 2001 and to explain what motivated this change. The first step in the research sought to identify and describe paradigm change. Thus, policy-makers’ collective understandings of key aspects of paradigms were explored in particular time periods and change in these understandings was demonstrated. The focus on intersubjective understandings within paradigms required the use of epistemological and methodological approaches suitable to capturing these variables. Due to the fact that policy-makers’ policy paradigms are collectively held and exist in meanings beyond the simple content of debates and observed behaviour, an interpretivist methodology was chosen to capture those meanings (Hopf, 1998; Hopf, Kratochwil and Lebow, 2000). This research used content analysis to identify meanings contained within actors’ debates at the Standing Committee on Citizenship and Immigration. Specific attention was paid to establishing the collective understandings of key aspects of paradigms. These interpretations were checked, using a method of triangulation (Taylor, 2001: 322), against analysis of policy documents and editorial opinion. Interpretations were further checked against a series of interviews of senior policy-makers, senior bureaucrats, government consultants, members of the IRB and members of the Standing Committee, from across the 25 years under study. These

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14 An interpretivist approach recognizes that actors’ statements and actions must be understood within the context of broader collective meanings. Conclusions cannot be drawn from only measuring and weighing these statements and actions. Instead these statements and actions need to be interpreted by the researcher as part of collective meanings. Thus methods such as triangulation (Taylor, 2001: 322) are useful to capture data from a variety of sources to build an accurate interpretation of broader social structures such as paradigms.

15 For a description of the sources of data used in this research, please see Appendix A.
interviews provide a significant source of previously unavailable data. They are important because they give direct access to the thinking of policy-makers and insight into meetings and interactions between decision-makers in the policy process that are not publicly available. A comparison of the mapping of these two paradigms was used to demonstrate paradigmatic change.

In the case of the protection paradigm (1957-1989), analysis was focused on two specific periods. The primary period under study covered the years from 1975 to 1982, which included the establishment of the 1978 Immigration Act and the experience of its early implementation. Although the prioritization of a more protection oriented approach began in the late 1950s, the 1978 Act was the first legislation to address specifically refugees and establish a formal system mandated to respond to their needs. Furthermore, it was the 1978 Act, and the paradigm within which it was developed, that the 2001 Act replaced. Thus, the debates that developed this system and the initial responses to it mark an important location to consider policy-makers’ thinking. The second period of the protection paradigm considered in this research covered the years from 1987 to 1989. This period was chosen because it addressed a potential counter-argument that Canada’s humanitarian approach to refugee protection occurred only in a period before the rise of the asylum crisis of the 1980s. Furthermore, the period also saw significant amendments to the 1978 Act in response to increases in asylum flows, but it is still evident that policy-makers operated within a protection paradigm. The establishment of a protection paradigm across this period provides an important benchmark for considering how paradigm change occurred by the end of the 1990s.

Evidence for the existence of a control-security paradigm focused on the period from 1996 to the summer of 2001. This five-year period was particularly significant in the development of this paradigm, defined by numerous reviews of policy and the ultimate process of writing the Immigration and Refugee Protection Act in 2000-2001. The third reading of the Act before the Parliamentary recess in the summer of 2001 provides an important end point for the analysis. This end point allows for an accurate assessment of the paradigm that shaped policy-makers’ thinking before the events of September 11, 2001. Thus, the periods under consideration provide a useful comparison and provide some control for competing explanations of paradigm change.
The second stage of this research addressed the dissertation’s central research question of why policy-makers’ policy paradigms changed. At this stage a method of process tracing was used. Process tracing highlights the specific causal mechanisms that contribute to processes of change by reconstructing actors’ motivations in decision-making (George and McKeown, 1985; Homer-Dixon, 1999; VanEvera, 1997; Bennett and George, 1997). Process tracing was adapted to look at the series of connections between change in policy paradigms and the explanations of change considered in this research. Initially guided by a series of hypotheses generated by the theories of change found in the literature and refined in the process of data collection, the process tracing method was used to build a detailed understanding of the factors contributing to paradigm change consistent with the evidence found in the analysis of the data.\footnote{This is consistent with Homer-Dixon’s understanding of the refinement of explanation of change through the use of process tracing (Homer-Dixon, 1999: 170-172).} That evidence included considering the sequence between variables that provoked change and actual paradigm changes (VanEvera, 1997: 64-65), as well as actors’ testimonies about motivations for change, either directly or as inferred from their discourse and an historical analysis of the context within which new ideas arose. The data utilised in this method were initially generated from the same sources as the first stage of research. However, they were expanded to include additional evidence from outside the main periods of comparison as the initial data led to the identifications of new motivations for change. Thus, at this stage considerable attention was paid to the development of actors’ paradigms, first in the late 1990s and then leading back to the early 1990s and late 1980s.

Focusing on the Canadian case had important methodological benefits. Canadian paradigm change presents a tough case for arguments of socialization; most significantly because a number of central conditions for socialization appear to be absent.\footnote{This justification of case selection is similar to Thomas Risse’s use of the “most unlikely” single case study in explaining the domestic internalisation of an international human rights norm (Risse, 2000).} Canadian policy-makers did not seem to be faced with a critical juncture that might have sparked such a change in thinking, nor did they possess the qualities of actors particularly susceptible to processes of socialization.\footnote{This is described further in chapter 2.} The case is also a difficult one for arguments of socialization because of the presence of an alternative explanation; the move to control and secure could be expected to be consistent with actors’ interests and therefore an interest-based explanation.
might appear more parsimonious. Alternatively, the expansion of refugee protection policy where policy is driven by interpretation of rights and obligations - which does not reflect powerful actors’ interests - may be more likely to be motivated by processes of socialization. Finally, Canada is also unique in that it was, for much of the 1990s, an outlier amongst western industrialised states, lagging behind the adoption of developing norms of security and control. Therefore, for a number of reasons this case has the potential to offer new insights into the processes through which developing international norms affect domestic paradigms.

The use of a single longitudinal case study is appropriate for developing and comparing in-depth and contextual understandings of the intersubjective meanings that make up policy paradigms and the multifaceted processes that contribute to their change. Furthermore, the weakness of a single case study in explaining change is offset in this research by the use of a process tracing method, which increases the number of observable instances of change (Bennett and George, 1997: 10-12; Homer-Dixon, 1999: 171 ff; King et al, 1994: 208), and the use of comparisons across time periods within the case.

**IV. Contribution of this Research**

The research undertaken in this dissertation makes contributions to a number of literatures. First, it addresses important debates and gaps in the literature on Canadian refugee policy-making. These debates focus on key aspects of refugee and migrant control policy, such as the role of security, the motivation of policy change, the influence of ideas in

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19 States’ costs for providing refugee determination and protection have been perceived as very high and the failure to control migration has been used effectively to further the perception of the limits of states’ abilities to exercise sovereignty over their borders and to provide security. In contrast, interest-based motivations for the protection of refugees are limited. Most actors are motivated by a sense of obligation and legal constraint open to considerable variance in interpretation. This is furthered by the fact that refugees are very weak actors with little representation of their interests in the political process. They lack the protection and advocacy of a state, including those from which they seek to make a claim for protection. There may be an exception to this. Using a bureaucratic politics argument, bureaucrats within states’ determination systems, including the IRB in Canada, might have an institutionally derived “interest” in furthering refugee protection and limiting efforts of control, although this is not immediately clear.

20 This distinction is susceptible to the criticism that social constructivist approaches focus on progressive norms (Checkel, 2000). More importantly, it brackets interest formation in the case of norms that might advocate increased security-control and considers change in this direction simply as an interest-based explanation. One of the contributions of this research is that it in fact looks at the social construction of those interests and what might be considered a less “progressive” norm. In short, it seeks to explain socialization into a security-control norm away from a humanitarian norm and the social construction of security interest.
shaping this policy change, and the international sources of new policy thinking. Second, it contributes to debates in both international relations and public policy that attempt to understand the processes of ideational change and the specific mechanisms through which ideas in the international realm affect the thinking of domestic policy-makers. While the findings of this research come from the specific context of the Canadian case, the insights generated have broader application and may shed light on important theoretical and policy debates occurring in other cases.

Since the late 1990s, there has been an increased interest in issues of security and control in the Canadian refugee policy literature. However, much of this literature is descriptive, identifying the increased focus on security and control in policy and the potential implication of these changes. With the exception of some key works (Aiken, 2000; 2001a; Ibrahim, 2005) limited attention has been paid to the motivation for these changes. Consideration of motivation for change in thinking in the 1990s has further been diminished by the post-9/11 debate, which has focused on this event as a breaking point and motivation for concerns about security in particular (Bhattacharyya, 2002; Macklin, 2002; Harvey, 2002; Adelman, 2002; Whitaker, 2002).

This dissertation makes two important contributions to this debate. First, it expands current understandings of change over the course of the 1990s. The research goes beyond a description of the changes in policy to look at the changes in policy-makers’ thinking about refugee protection, border control and national security over this period. The empirical data provide a survey of policy-makers’ thinking about refugee policy and include important new data from twenty interviews with senior policy-makers. The significance of a set of distinct Canadian values has been highlighted as the basis upon which refugee policy in Canada rests (Dirks, 1984: 281-82; 1995: 26). However, the content of Canadian values in policy making has received little systematic consideration. Furthermore, that the content of these values has remained consistent across time has only recently been challenged by the argument that Canadian values were being threatened by the policy changes introduced in the IRPA (Bhattacharyya, 2002; Lowry, 2002; Adelman, 2002). This research draws into question this

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21 While the importance of these topics received some attention before this period (Whitaker, 1987) it was a minor focus.
22 These authors recognise that control and security concerns had been on the increase in the pre-9/11 period. Furthermore, they recognise that policy-makers used the events of 9/11 as a catalyst for change. However, there has been a lack of attention to why policy-makers were increasingly preoccupied with these issues.
reification of Canadian values, suggesting that the thinking that frames policy-makers’ understanding of policy had in fact changed over the course of the 1990s in very important ways. Indeed, in contrast to the possibility for recent changes in Canadian values, this research argues that policy-makers’ thinking altered before the introduction of the IRPA and facilitated the legislative changes that took place subsequently.

Second, the research fills a gap in the literature by looking at the motivations for these changes in thinking. In particular, it considers the possibility that change in the policy paradigm that framed policy-makers’ thinking was motivated by international socialization into a developing international norm. It suggests that policy-makers’ thinking is shaped by international factors and as a result is not distinctly Canadian. The focus on international factors addresses a further limitation of the literature, which has given little consideration to the role of international processes in shaping domestic paradigms. Although academics and policy-makers appear to be aware of the role of international pressures – in terms of increased numbers of migrants or security threats - the role of international socialization as an important factor in generating new policy thinking has not been explored. Thus, this dissertation makes an important contribution by providing both a description of how paradigms have changed and explanations for that change.

The research contributes to the literature on international migration by providing insights into the development and spread of a security-oriented international norm for refugees. Contrary to the belief that the end of the Cold War marked the beginning of a more secure international system, the 1990s represented a reassertion of traditional state security concerns and their permeation into areas traditionally dominated by norms of human rights and human security. The degree to which this norm has been internalised by Canadian policy-makers provides important insights into its spread. In particular, Canada’s adoption of this norm, despite perceptions of its past international leadership through a strongly liberal and humanitarian refugee policy, suggests an important stage in this norm’s consolidation at the international level. Because of the prominence of the development of this norm of securitization and control in refugee and migration policies throughout industrialized states, understanding its sources and spread into domestic paradigms is an important contribution to understandings of domestic and international policy making.

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23 For further substantiation see chapter 3.
This research also makes an important contribution to the literature on international relations by offering a fuller theoretical understanding of how processes of socialization operate in bringing about domestic paradigm change. It adds a further case and theoretical refinement of the specific and pragmatic processes by which international ideational variables, such as norms, are internalised by domestic policy-makers. To date these processes have received limited attention in the literature. Indeed, the research responds to specific calls for further empirical evidence of the process of international socialization (Alderson, 2001: 432) and in particular evidence of specific mechanisms and microprocesses through which international ideas shape domestic actors’ thinking (Johnston, 2001; Risse and Ropp, 1999: 271; Finnemore and Sikkink, 1998: 890). Furthermore, it draws out and highlights the importance of community and community building for the process of socialization, a factor that has not received the necessary attention in the literature on socialization. In giving international socialization focus, the research here looks at the international activities of domestic bureaucrats and their role in learning and transmitting new thinking from the international to the domestic realm. It employs Slaughter’s (2004) concept of global government networks as an important venue for community building and suggests that this process furthers existing understandings of socialization and norm adoption in the international relations literature. In a policy environment where policy-makers are actively engaging their international counterparts in the policy making process, the importance of this interaction for shaping thinking requires consideration. The literature on policy transfer has begun to address this absence in the public policy literature by looking at the process of adopting new policies from other jurisdictions.24 This research goes beyond this initial step to consider the deeper effects of the international activities of policy-makers in shaping the fundamental understandings contained in their policy paradigms. Furthermore, it considers the processes by which norm adoption occurs in direct state-to-state interaction and in the absence of formal international institutions that push for new norms. In a policy-making system where the international-domestic lines are unclear and where domestic policy-makers spend increasing amounts of time in international forums, understanding the effects of this interaction on policy paradigms is an important new avenue of research.

V. Chapter Outline

The dissertation addresses the questions introduced above as follows. Chapter two provides a survey of the existing literature used to describe and explain the process of paradigm change. This survey draws from literature on public policy, policy transfer and change in international politics, and is supplemented by the literature on Canadian refugee policy and international migration. It begins by defining how paradigms are understood in this research and what is meant by policy change in relation to other categories of change. It proceeds to identify the importance of focusing on policy-makers when looking at paradigm change. The chapter then outlines existing explanations of paradigm change and how consideration of policy learning and change might be used to explain paradigm change. This includes consideration of the roles of environmental change and pressures, policy learning, international interaction and community building, and the process of international bureaucratic socialization. Absences in the existing literature are identified and the added value of combining insights from the public policy and international relations literatures is considered. From this, the chapter provides a framework through which paradigm change in the Canadian case can be identified and explained. This framework includes an outline of the criteria by which we can understand the importance of bureaucratic socialization for domestic paradigm change.

Chapters three and four describe the changes that have taken place in policy-makers’ paradigms as they relate to refugee policy. Both chapters use the available secondary literature, the data generated by this research and evidence from the practice of policy-makers to outline in greater detail the dominant paradigm of each period under study. Chapter three begins by providing a description of two ideal-types of the protection and security-control paradigms against which the Canadian case can be measured. The chapter proceeds by describing the refugee protection paradigm. This chapter provides the historical context of paradigm change and a benchmark against which the new thinking of the 1990s can be measured. It also demonstrates that this change was not episodic, but the result of a continuing progression in policy-makers’ thinking. Chapter four describes the security-control paradigm. It demonstrates that paradigmatic change occurred by the end of the 1990s.
and before the events of 9/11. The findings of these two chapters provide the description of the change that the rest of the dissertation seeks to explain.

Chapters five and six provide an explanation for paradigm change. Chapter 5 explores the importance of pressures from the policy environment in contributing to paradigm change. Policy-makers have pointed to a number of sources for new thinking about refugee policy. These sources included intensified migration pressures and specific events that raised public awareness of the problems of refugee policy. It is likely that these experiences provoked policy-makers to review their approach to policy and provided important content from which justifications for a more security and control oriented approach to refugee policy could draw. Furthermore, the existence of these contextual pressures enabled the adoption of a new paradigm which offered potential solutions to these perceived problems. However, it is not clear that these environmental pressures needed to be interpreted in such a way that provoked a shift in thinking towards a security-control paradigm. Nor is it evident that the shift in the domestic political landscape, public opinion or pressures from the United States imposed such an interpretation on policy-makers. The fact that the conclusions policy-makers drew were open to a variety of interpretations raises the question of what alternative factors might have contributed to this shift.

In response to this question, chapter six explores the role of the international socialization of Canadian bureaucrats’ into a developing international norm focused on security and control as a contributing factor to domestic paradigm change. This chapter begins by demonstrating that an international security-control norm existed and describes the existence of a global government network that carried this norm. It then demonstrates that Canadian bureaucrats’ increased participation in this network provided the circumstances through which their paradigmatic thinking could be changed. Through their interactions, these policy-makers developed a sense of community which raised the effectiveness of the process of socialization. As a result, over time, bureaucrats’ interactions in these GGNs contributed to changes in their thinking about refugee policy. The chapter then outlines how these policy-makers were in an ideal position to act as a conduit for transferring new ideas into the domestic policy realm. Using the trends and events of the Canadian policy environment, these policy-makers altered existing interpretations and negotiated a fit for the international security-control norm. Thus this chapter concludes that although pressures in
the policy environment mattered, a complete explanation of paradigm change in the Canadian case needs to consider the socialization of domestic policy-makers in GGNs as an important part of the explanation of that change.

Chapter seven provides a conclusion to the dissertation, drawing together the findings of the research. It then outlines the contributions of these findings to the study of Canadian refugee policy as well as the theoretical debates related to ideational change and learning found in the literatures on public policy, policy transfer and international relations. Finally, the chapter points to avenues of research that flow from the findings of this research and how these might be pursued in subsequent projects.
Chapter 2

Literature Review and Theoretical Framework

I. Introduction

The driving question of this research asks why did the policy paradigm that framed Canadian policy-makers’ understanding and behaviour in refugee policy change over the course of the 1990s? Working from the premise that the policy paradigms to which policy-makers subscribe affect policy, the research seeks to better understand the motivations for and process of change in these paradigms. Understanding processes of ideational change has been identified as an important avenue of current research in both the literatures on public policy and international relations. While important progress has been made, it has often been limited by the fact that it has been achieved in each field independently of the other and whose literatures are largely divided in their respective domestic and international focuses. This research combines the insights of each field to address the internationalization of public policy and paradigm change, an area where their focuses overlap. The benefits generated by this interactive approach are then applied to the Canadian case, where little attention has been paid to the roles of ideas and internationalization.¹ In demonstrating how these literatures can be joined, this chapter provides an important framework for both understanding paradigm change and assessing which factors are most important in motivating such change. Thus, the chapter sets up the analysis of the empirical data throughout the rest of the dissertation.

The central argument of the chapter is that an important contribution to understanding domestic paradigm change can be made by considering the processes of international socialization, specifically processes through which the international interactions of domestic policy-makers from different states contribute to an increased identification with an international community of policy-makers. In particular, global government networks (GGNs) – developed through frequent private and informal contacts between government bureaucrats – foster common identities and shared definitions of problems and values.

¹An important exception to this can be found in the work of Triadafilos Triadafilopoulos. See for instance Triadafilopoulos, 2010.
Bureaucrats active in these networks seek to establish and consolidate membership, construct compatible paradigms and, in turn, transfer these paradigms to the domestic policy environment. This chapter outlines existing considerations of ideational change in a number of key debates within the public policy and international relations literatures. It focuses mainly on the explanations of learning in public policy, learning from international sources found in the developing sub-field of policy transfer, and international relations considerations of learning and change. The public policy literature provides useful theoretical insights into the process of policy change. However, it suffers from two weaknesses. First, its focus on policy change has resulted in only limited explanation of the underlying motivations for change in policy paradigms and the impact of social interaction on this change. Second, it has, until recently, been limited to domestic sources of policy change. In the case of this latter criticism, recent developments in the sub-field of policy transfer and international learning have provided an important advance in the understandings of domestic learning by addressing international processes (Ross, 1991, 1993; Stone, 1999; Dolowitz and March, 2000). The innovation is a practical one, driven by increases in international communication, globalisation, and the activities of domestic policy-makers in terms of seeking policy lessons from abroad (Dolowitz, 2000: 119; Stone, 1999; Banks et al, 2005; Weyland, 2004, 2005; Orenstein, 2008). It provides a particularly useful interface between the study of domestic policy learning and the international processes considered by students of international relations (Stone, 1999). However, while the study of this interface complements the learning literature (Greener, 2002: 163), a major short-coming is that it explicitly builds on existing theories of policy learning without addressing the underlying motivations for paradigm change and in particular the importance of social interactions discussed below.

The international relations literature contributes to this question by considering the international sources of domestic policies (Gourevitch, 1978). Furthermore, the social constructivist “turn” in international politics (Checkel, 1998) has placed a useful emphasis on the role of ideas, how they change, and how they bring about changes in actors’ behaviour. In particular, consideration of socialization and the spread of international norms provide important insights into the processes through which domestic policy-makers alter their thinking as a result of international social processes. The shortcoming of the international relations literature has been in the lack of middle-range theories that highlight the micro
processes through which such change occurs (Alderson, 2001; Johnston, 2001). Thus, the mechanisms through which connections are made between abstract ideational concepts in the international realm and the development of thinking of policy-makers based within states require further consideration.

Exploring the interfaces of the public policy and international relations literatures on paradigm change offers a fruitful avenue for research. The public policy literature adds useful insights into the specific processes through which policy change occurs. The international relations literature, and the constructivist approach in particular, provides important insights on the role of international ideational influences on domestic public policy thinking and an explicit focus on the processes of ideational change. The respective strengths of these approaches is recognised by Diane Stone, who argues that “[t]he public policy literature has tended to concentrate on the transfer of ‘knowledge’ – usually of a codified variety – as well as policy instruments and practices whereas the IR literature has been stronger on the diffusion of norms that can promote learning and building consensus” (2004: 546). Ultimately, the convergence of these different theoretical approaches on common issues flows from the reality of domestic and international politics on the ground (Coleman and Perl, 1999; Stone, 1999, 2008). This reality is no less the case in the field of migration policy, where the practice of policy-makers - exemplified by their participation in regional consultative processes - has blurred the domestic-international line; a fact that theoretical explanations of change must address.

The focus on both ideas and international sources of change also address important gaps in the literature on Canadian immigration and refugee policy. Studies of Canadian refugee and immigration policy have recognised that the Canadian system has faced new migratory pressures as a result of shifts in international migration trends and as a result of the policy responses of actors in other jurisdictions. In short, there is recognition in the literature that the Canadian state is responding to an international phenomenon. However, explanations of Canada’s policy responses have largely focused on specific domestic factors. Thus, a domestically motivated policy response could be explained by traditional public policy

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2 Coleman and Perl make a similar point about the policy community and network literature in public policy (Coleman and Perl, 1999: 691-2).
explanations of change. Furthermore, because the primary ideational variable framing policy – a distinct set of Canadian values – has been understood to remain constant, explanations of ideational change would seem unnecessary.\(^4\) The theoretical focus of this research draws into question both of these assumptions. Indeed, it suggests the possibility that Canadian immigration and refugee policy may have been changed as a result of a fundamental shift in the paradigmatic thinking of Canadian policy-makers, and that this change may have occurred in part because of international social pressures rather than domestic factors or normative change alone.

This chapter begins by outlining understandings of policy paradigms, how change in them might be identified and the importance of elite policy-makers as carriers of paradigms. It then considers existing explanations of change in both the public policy and international relations literatures. It focuses on traditional rationalist understandings of policy change and social learning, and how they seek to explain change in underlying policy paradigms. The chapter then focuses on the contributions made by social constructivist approaches in the international relations literature, in particular the process of international community building, persuasion and social incentives. It continues by looking at the literature’s consideration of bureaucratic socialization through global government networks and seminar diplomacy as an important intersection between international socialization and domestic paradigm change. Finally, the chapter draws these literatures together into a framework for considering paradigmatic change in Canadian refugee policy in the rest of the dissertation.

\(^4\) Reg Whitaker suggests that this distinct set of values reflects an “imagined Canadian community - more liberal, tolerant, [and] progressive” in its approach to refugees (Whitaker, 2002: 32. Emphasis in original. See also Dirks, 1984: 281-82; 1995: 26). For a criticism of policy-makers use of a distinct Canadian identity as a guide to policy-making see Moen, 2003. The content and meaning attributed to these values as well as the possibility that they have changed has been under explored in the literature. For instance, proposed changes in legislation in the period from 2000-2001 were seen as a challenge to Canadian values as a guide to policy (Bhattacharyya, 2002; Adelman, 2002: 6-7). However, no consideration was give to the fact that while values remained a guide to policy, the specific content of those values may in fact have changed.
II. Conceptualising Paradigms and Change

Policy Paradigms

This research focuses on the factors that motivate change in policy-makers’ thinking about policy. Various concepts in both the public policy and international relations literatures have been used to capture a broad array of the ideational variables that are understood to frame and guide policy-makers’ policy thinking. These ideational variables include those that imply substantial background framing of policy-makers’ thinking, such as culture (Jepperson et al., 1996), episteme (Kornprobst, 2007: 70) and world views (Goldstein and Keohane, 1993: 8), as well as those that point to specific policy relevant knowledge, such as policy frames (Schön and Rein, 1994), référentiels (Jobert and Muller, 1987) and collective knowledge (Adler, 1997a. 327). Despite the large number of terms in use there is considerable overlap in the processes that they describe which creates a level of confusion in each of the two literatures. Thus, the use of policy paradigm in this dissertation returns to one of the earliest and most popular concepts put forward in the public policy literature. Peter Hall’s definition of paradigm (Hall, 1993) provides an important foundation and captures many elements of the concepts noted above. The theoretical framework used in this dissertation begins with this term and incorporates other key contributions in the literature that serve to adapt and update Hall’s original definition.

Thus, in this research policy paradigm is defined as the normative and cognitive understandings that frame policy-makers’ basic and routine thinking about policy and the environment within which it operates. These understandings are not limited to the beliefs of individuals but rather are held collectively and often taken for granted by actors within a policy environment. This usage draws on Hall’s 1993 definition of policy paradigm as an

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5 For further discussion on policy frames and référentiels see Coleman and Perl, 1999: 698. Other similar terms include: cognitive structures (Adler, 1997a: 331), epistemic conventions (Johnston, 2001: 496) or social episteme (Barnett and Adler, 1998: 417).
6 For a definition of cognitive and normative beliefs see footnote 9.
7 Although paradigms may be manifest in the thinking of individual policy-makers, like corporate memory they exist beyond individual actors. In this way policy paradigms differ than social psychology’s consideration of schemas (Larson, 1994), which focus on the individual’s understandings of the world that may be “idiosyncratic” (21), although they are not unlike belief systems which often relate to broader collective ideational structures (21).
[interpretive] framework of ideas and standards that specify not only the goals of policy and the kind of instruments that can be used to attain them, but also the very nature of the problems they are meant to be addressing. Like Gestalt, this framework is embedded in the very terminology through which policymakers communicate about their work, and it is influential because so much of it is taken for granted and unamenable to scrutiny as a whole (Hall, 1993: 279). 8

Although policy paradigms do provide actors with “road maps” (Keohane and Goldstein, 1993) or “flashlights” (McNamara, 1998) that provide cognitive short cuts, they are not limited to this. Rather than being a simple intervening variable that highlights a pre-existing world, policy paradigms map that world, interpreting and giving value to the physical realities ‘out there.’ This definition employs a strong cognitivist understanding (Hasenclever et al, 1997: 154-208) and draws on the recent expansion of such terms as collective thinking or episteme used in the constructivist literature in international relations. Thus, paradigms shape the social reality within which actors operate. They attribute meaning to knowledge, define which role actors play in the policy field, assign them responsibility for dealing with problems, and define some events as problems and others as desirable. As a result, policy paradigms provide social causes for actors’ behaviour, providing a range of possible understandings and actions while limiting those not contained in these paradigms (Adler, 1997a: 329-330; Wendt, 1999: 87-88).

For the purpose of clarity, this research organises this definition of paradigm around four specific components: actors’ understanding of their world and the problems they face; their goals or interest in the policy process; their identity; and their understandings of the most efficient and appropriate strategies for meeting those goals. 9 This organisation is useful because it provides four conceptual boxes within which elements from both the public policy and international relations literatures can

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8 This understanding of paradigm is broader than his earlier consideration of political discourse, defined as “a prevailing set of political ideas. These include shared conceptions about the nature of society and the economy, various ideas about the appropriate role of government, a number of common policy ideals, and collective memories of past policy experience” as well as a “web of meaningful concepts and associations that make it up” (Hall 1989: 383).

9 The categories effectively map onto the common division between cognitive and normative beliefs (Goldstein and Keohane, 1993, 8-11). Policy-makers’ normative beliefs include those about state goals or interests, definitions of appropriate behaviour and understanding of their identity. Cognitive beliefs include understandings of cause and effect relationships pertaining to the manner in which the world operates and understanding of efficient policy responses.
be placed. While there may be overlap between these categories, the variety of concepts in the literature requires that as much clarity as possible be given to the concept of paradigm.

The first component is policy-makers’ understanding of the environment within which policy operates and problems arise. Policy paradigm defines more than policy-makers’ particular understandings of cause and effect or knowledge of how the components of the policy environment relate to each other (Keohane and Goldstein, 1993). Paradigm includes the meaning attributed to these relationships and a deeper understanding of the way that the world “hangs” together (Ruggie, 1998). While the relationship between A and B is an important component of a policy paradigm, the meaning or significance that is attributed to that relationship is equally or more important. For instance, the literature on problem definition suggests that problems are social constructs (Rochefort and Cobb, 1993; Drey 2000, Kay, 2003), an “organisation of a set of facts, beliefs and perceptions – how people think about circumstances” (Weiss, 1989: 118). Similarly, the literature in international relations suggests that definitions of problems are socially constructed (Finnemore, 1993). Problems do not simply exist to be discovered but are created in processes through which meaning is attributed to them (Rochefort and Cobb: 1993: 56-57). Individuals crossing states’ borders are a physical reality. However, the significance of this reality is open to interpretation. Are they desirable or undesirable immigrants? Are they victims in need or threats to state security? Similarly, defining a problem suggests an understanding of what is undesirable and in need of a solution. Problem definition also attributes importance to issues, identifies those responsible for addressing problems and the sources of legitimate knowledge with regards to those problems (Kay, 2003).

The second component of a paradigm concerns policy goals. What is perceived by policy-makers to be desirable is directly linked to definitions of problems, as outlined above. Policy-makers identify those issues and policy problems that they deem valuable and those in need of solution and choose certain desirable outcomes as policy goals. Furthermore, paradigms define the benchmarks of what is valued. They “contain ‘images’ or ‘generative metaphors’ that help define a vision of the world: ‘the single market’, a ‘universal bank,’ ‘modern and efficient farming’” (Coleman and Perl, 1999: 698). These understandings of

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10 Cited in Drey, 2000: 37.
goals or interests are not pre-existing but are defined by actors’ paradigms. This insight is a central focus of the constructivist international relations literature (Weldes, 1996). For instance, Martha Finnemore argues in her study of the spread of international science programs that that international organisation “taught” states that it was in their interest to have national science programs even if the need for these programs was not readily apparent (Finnemore, 1993). Thus, paradigms define the goals that policy-makers value and pursue.

The third component of a policy paradigm used in this research is actors’ identity. This is an important modification of the public policy literature which has not considered identity as a component of paradigm. The social constructivist literature in international relations attributes significant importance to the role of identity in policy-makers’ thinking which in turn affects foreign policy (Risse-Kappen, 1996; Jepperson, Wendt and Katzenstein, 1996; Bukovansky, 1997; Banchoff, 1999; Loriaux, 1999; Hemmer and Katzenstein, 2002). How states see themselves and ‘others’ shapes how they interact, their understanding of their roles and obligations, their understanding of their interests and how they should behave. For instance, Hemmer and Katzenstein argue that a Southeast Asian equivalent to the multilateral NATO was not pursued by the United States because of identity (Hemmer and Katzenstein, 2002). American policy-makers saw allies from Southeast Asia as from an “alien” and “inferior” community as opposed to the shared transatlantic community of NATO. Identity in part defines the normative and cognitive beliefs of policy-makers. Finnemore and Sikkink suggest this in their definition of norms as “a standard[s] of appropriate behaviour for actors with a given identity” (Finnemore and Sikkink, 1998: 891). Therefore, identity defines norms and is an important part of the underlying paradigm that frames policy-makers’ thinking about policy.

Finally, paradigms also define policy-makers’ understandings of appropriate behaviour and policy responses. At the initial level, paradigms provide guidance about the most strategic and efficient behaviours through which actors might achieve their interests

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11 An important exception to this is Yves Surel’s (October 2000) definition of policy paradigm. Surel argues that “[c]ognitive and normative frames … are intended to refer to coherent systems of normative and cognitive elements which define a given field, “world views,” mechanisms of identity formation, principles of actors, as well as methodological prescriptions and practices for actors subscribing to the same frame” (496). Later he states “one of the principal ‘functions’ of a cognitive and normative frame shared by a certain number of actors is effectively to develop a ‘collective consciousness’ in them; in other words, a subjective sense of belonging, producing a specific identity. Cognitive and normative frames allow actors to make sense of their worlds, and to locate themselves and develop in a given community by defining the field for exchange, by allowing meaning to be conferred on social dynamics, and by determining the possibilities for action” (500).
given their understanding of the way the world operates. However, behaviour is not constrained by efficiency alone. Actors’ paradigms also define what is understood as appropriate (March and Olson, 1998). According to Sandra Lavenex, paradigms provide “normative devices with prescriptive value as to the ‘goodness’ and ‘badness’ of political action” (Lavenex, 2001: 26). As has been suggested, appropriate behaviour is in part defined by an actor’s understanding of his/her identity (Finnemore and Sikkink, 1998: 891). However, how the goals an actor values are understood may also define which actions are seen as legitimate. Thus, policy paradigms define the normative structure within which actors operate, and the limits of possible and impossible behaviour (Adler, 1997. See also Finnemore and Sikkink, 1998; Katzenstein, 1996; Jepperson et al, 1996).

Paradigm Change

In this dissertation paradigm change occurs when policy-makers’ inter-subjective understandings of these four elements are altered. This definition reflects Hall’s category of third order change, where “radical changes in the overarching terms of policy discourse” occur (Hall, 1989: 279), and distinguishes it from policy change as found in first and second order changes.12 These categories reflect the distinction in the literature that has been made between “simple” learning or “adaptation” and a more “complex” or “deeper” learning (Nye, 1987; Haas, 1991). In the case of simple learning, policy-makers take account of new or fuller understandings of the cause and effect relationships in a policy area and seek more efficient solutions to existing problems. Much of the work in the public policy literature applies this understanding of learning. New information about the world, garnered either from personal experience or the experience of others, is added to actors’ knowledge, which allows them to adapt their thinking about particular issues. In contrast, complex learning occurs when more fundamental change in actors’ thinking takes place such as new interpretations of the existing policy environment or new perspectives on appropriate and possible responses.

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12 For Hall, third order change stands in contrast to first and second order changes that reflect alterations in policy instruments and the specific settings of those interests.
The actual nature of paradigm change may also vary depending on the specific policy context. Hall characterises paradigm change as being fairly sudden and absolute. In response to a period of uncertainty and often sparked by a critical event, a whole scale adoption of new ideas takes place. However, change may be more incremental, as appears to be the case in Canadian refugee policy. Short of broad societal or political selection of new paradigms, Coleman et al suggest that managed adjustments of policy can contribute incrementally to a shift in paradigm. In this manner, policy-makers are attentive to policy feedback, envision the potential for change and negotiate within the narrow confines of a particular policy community (Coleman et al, 1996, see also Skogstad and Schmidt, forthcoming: 7-8). Furthermore, all aspects of a paradigm may not change simultaneously. For instance, a redefinition of the problems may precede and indeed provoke a re-interpretation of what is deemed an appropriate policy response. Thus, the process of paradigm change can be expected to be relatively messy in practice, with competition between alternative paradigms and no clear transition point between them. As a result, it is difficult to apply such paradigms neatly onto specific periods.

Who Learns? Elected Officials and Senior Bureaucrats

The focus of this research is on change in the policy paradigms of a specific group of policy-makers at the centre of the policy process rather than broader societal learning (Bennett and Howlett, 1992). These policy-makers include politicians and senior bureaucrats who directly influence the making and implementation of policy. This focus has both practical and theoretical justifications. In the case of the former, the literature on Canadian refugee policy suggests that policy development has been directed by a fairly narrow group of policy-makers who are insulated from broader public and societal pressures (Hardcastle et al, 1994; Simmons and Keohane, 1992; Hawkins, 1991: 248-255; Dirks, 1995: 124, 143).13 Thus, this group is likely to be at the forefront of new thinking about policy, if not its source. At a minimum their central position in the policy-making process at least suggests that they adopted new paradigms as they took hold. This focus on policy-makers does not preclude the

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13 Consideration of institutional change also place considerable importance on these actors during periods of transition (Alink et al, 2001: 291)
possibility that paradigm shifts were first motivated by new ideas held by actors outside of this group, such as ideational entrepreneurs or societal actors. However, the focus of this research on central policy-makers allows for the consideration of how changes in these external influences may have altered policy-makers’ thinking.

There is an important distinction within this group between elected and un-elected officials. Although both are important carriers of paradigms, the literature has differentiated between these actors by their potential for learning as well as what, specifically, they might learn. Given the focus of this research on the importance of socialization of bureaucrats in the international realm, this distinction is quite important. In the policy transfer literature in particular, bureaucrats have been attributed a more limited capacity for learning and transferring ideas (Stone, 2004: 62-3. See also Weyland, 2004: 16, 20; Dolowitz, 2000: 17). They have been characterised as being resistant to learning and more likely to be motivated by their own interest, using international resources in a forum of bureaucratic politics (Weyland, 2004: 16). Furthermore, when they do learn, the literature suggests that they are more likely to be interested in the hard and fast instrumental aspects of policy, which makes them less susceptible to the broad learning of policy ideas that might be considered in paradigm change.14 Nonetheless, Dolowitz does suggest that bureaucracies “are often crucial in the process of conveying the detailed information to policy-makers in their own and other political systems” (Dolowitz, 2000: 17).15 Thus, the policy transfer literature limits the potential of state bureaucrats to learn new ideas and effect paradigm change directly.

Despite this, the possibility that bureaucrats may learn from international interaction nonetheless offers a fruitful area of inquiry. This research focuses on the increasingly common situation in which bureaucrats are active in international exchanges, often behind the scenes in private settings, willing to speak frankly and openly about their successes and the problems that they face. Increasingly, bureaucrats have adopted an international dimension to their portfolios and are active in foreign policy even if they represent departments other than those explicitly responsible for external affairs (Hocking, 1994). As a

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14 Stone argues that both bureaucrats and elected officials are more interested in the transfer of specific policies and instruments, while groups outside the state are more likely to transfer broader ideas (Stone, 1999: 55).

15 This is in contrast to elected officials, who have been characterised in the literature as being open to deeper learning from international sources, which seems more likely to contribute to paradigm change (Weyland, 2004: 19-20; Dolowitz, 2000: 17). However, the transfer of ideas is limited to specific details and “sanitized” information reflective of policy transfer and policy implementation rather than the transfer of broader policy ideas (Dolowitz 2000: 17).
result, they are more often found at the interface of domestic and international affairs, balancing pressures from both domestic officials and international partners. This position potentially makes them an important direct conduit of international ideas into domestic policy thinking. Therefore it seems likely that as they become more active and adopt more fluid roles in the international realm they may become a more likely source of new ideas that contribute to paradigm change.

The focus on policy-makers is further justified by theoretical considerations and the need for theories of international sources of domestic ideational change. In particular, social constructivist considerations of the spread and adaptation of international ideas to the domestic realm have been criticised for not identifying the specific micro process or providing middle-range theories through which these ideas are spread (Alderson, 2001; Johnston, 2001). Focusing on a specific group of policy-makers who interact at the juncture of the domestic and international realms is important for understanding why international ideas are adopted and why change in policy-makers’ thinking takes place. For instance, Finnemore and Sikkink suggest the importance of ideas at this juncture by proposing that there is a two level norm game taking place where domestic and international norms play against one another (Finnemore and Sikkink, 1998; 893). Furthermore, this emphasis on the role of policy-makers fits with the specific conditions that the literature has highlighted as important for this transfer of ideas. Specifically, it has been argued that socialization is more likely to take place amongst individuals and small groups in informal and private interactions (Johnston, 2000:507; Adler and Barnett, 1998: 44).

Finally, the focus on actors at the interface of domestic and international politics addresses the need for a clearer understanding of the relationship between agency and structure and the potential for paradigm change. Social structures such as those produced by international interaction have been recognized as being more likely to produce continuity rather than change.16 Furthermore, approaches that emphasize socialization have been criticised for failing to consider the role of agency, which might affect the nature of change (Flockhart, 2004).17 Thus, an explanation of paradigm change that addresses internationally

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16 Structural explanations within the policy transfer literature include consideration of international policy “diffusion” and “convergence” (Stone, 1999: 52).
active domestic policy-makers who modify international ideas to fit within the constraints of a particular domestic context points to an important role for agency. Similar to Adler and Haas’ position on the role of epistemic communities, this focus allows the researcher “to erase the artificial boundaries between international and domestic politics so that the dynamic between structure and choice can be illuminated” (Adler and Haas, 1992: 367. See also Stone, 2004: 547).

III. Explaining Paradigm Change: Motivation and Processes

Rational Learning and Paradigm Change

How actors learn is an important part of the policy change literature and provides some insight into potential motivations for paradigm change. Explanations of rational learning point to the process through which actors come to better understand a policy environment. In a process of Bayesian updating, policy-makers modify their thinking as new information is received (Haas 1991; see also Meseguer, 2005: 74 and Weyland, 2005). New understandings of the nature of the problems they face or the potential payoffs of certain strategies alter the ways in which they frame policy. In this approach, policy-makers are motivated by cost-benefit analysis and considerations of the most efficient or beneficial policy given a particular understanding of the way the world works and the problems that are faced. Thus, policy-makers adapt their thinking due to new understandings of the efficiency of policies used to meet their goals. Modification of this approach to learning suggests that policy-makers work within a bounded rational framework where their knowledge is limited. As a result, policy-makers defer to various cognitive heuristics that affect the information that is at the forefront of their thinking, their exposure to new ideas and their resistance to or potential for change (Weyland, 2004; 2005). In these approaches, learning is a purposeful act of policy-makers who, driven by their interests, seek a better understanding of policy and its

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18 Stone points to the focus on agency as a strength of the policy transfer literature (Stone, 2004: 547). See also Finnemore and Sikkink’s (1998) consideration of actors’ strategic social construction of the fit between international norms and the domestic environment.

19 Much of the policy learning literature looks at policy change rather than deeper paradigm change. However, considerations of motivations for policy change do point to potential sources of paradigm change. This literature focuses, in part, on justifications of change that contain implicit assumptions of and motivations for paradigm change.
operation (Levy, 1994: 283, Meseguer, 2005). Therefore evidence of rational policy learning would see problems arise first and then solutions being demanded and sought (Finnemore, 1993).

In these explanations, calculations of cost and benefits need not be limited to materially defined interests. Social constructivists in particular suggest that policy-makers also pursue socially defined incentives. The authoritative source of new ideas as well as their perceived legitimacy and success affects their acceptance by policy-makers. New policy paradigms may be adopted because they increase policy-makers’ acceptance, esteem and/or legitimacy (Ramerz et al, 1997; Keck and Sikkink, 1998). Alternatively, social disincentives, such as criticism and ostracism, may discourage certain thinking. The importance of social incentives has been highlighted in the policy transfer literature, which points to the symbolic transfer of policies through emulation or imitation (Weyland, 2004: 14-15; Rose, 1990; 1993). In these cases the transfer of policy and policy ideas occurs not because it is needed, nor because the solutions used in another jurisdiction have been particularly successful, but because they are perceived as enhancing policy-makers’ credibility (Meseguer 2005). For instance, Weyland argues that the likelihood of the successful transfer of new ideas or policies in these explanations is enhanced if they originate from states that are perceived to have a particularly high status in a particular community (Weyland, 2004: 11). Similar arguments about the role of social incentives are prominent in explanations of the spread of international norms (see for instance Finnemore, 1993).

Rationalist learning points first and foremost to the cognitive aspects of policy-makers’ knowledge; in short, simple learning. As a result, this approach is focused more on

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20 Explanations for state responses to international migration commonly employ such explanations of change. See for instance Cornelius and Rosenblum’s consideration of interest-group competition (2001: 106-108) or their discussion of rational actor explanations based on the changing costs of migration (100).

21 Social incentives can be included within this rational framework because of their effect on actors’ calculations of costs and benefits. However, social incentives take an important step away from traditional rationalist approaches. Most importantly, as discussed below, variables such as “legitimacy” can only be defined by a social group. Therefore, unlike material incentives, the values of which a rationalist would accept as given, social incentives require collective interpretation and intersubjective agreement amongst actors as to their value.

22 See also Weyland’s discussion of “symbolic and normative” motivations, “fuelled by the desire to gain international respect” (Weyland, 2005: 263).

23 Actors may alter policy to better achieve their goals given new power constraints, but this does not necessarily mean that they think differently about the fundamentals of the world. New pressures might result in rhetorical action on the part of policy-makers – paying lip service to new thinking or even acting it out while not believing in it.
acquiring better knowledge about how specific aspects of the policy environment and policy operate rather than deeper forms of complex learning. However, there is the possibility that overtime, and in culmination, simple learning will contribute to deeper, complex learning. For instance, new understandings provoked by simple learning may become taken for granted and ensuing practices may become matters of habit.\textsuperscript{24} Indeed, social constructivists have pointed to the adoption of new ideas as initially a cost-benefit calculation on the part of policy-makers that, over time, is taken for granted as appropriate practices (Risse, Ropp and Sikkink, 1998; Adler and Barnett, 1998) or talked into existence (Risse, 2000). As a result, there is merit in considering the culmination and regularisation of interest-based learning as a potential source of change in policy-makers’ thinking over time. However, the approach is limited when seeking to address the next step of broader paradigm change and the potential effects of social interaction.

Considerations of social learning attempt to provide an alternative to rationalist explanations of change in the public policy literature. Social learning, based on Kuhnian understandings of paradigm change (Hall, 1993; Coleman and Perl, 1999: 698-699), suggests that change occurs, in part, as a reaction to alterations in material motivations, but includes social factors that influence policy-makers’ collective interpretations of their environment. Presented with a rise in anomalies that challenge existing understandings, combined with growing uncertainty, policy-makers seek new understandings that better account for those anomalies. This process of learning combines changes in the environment - through the rise of anomalies - with a sociological/political process in which policy-makers collectively learn and come to accept the legitimacy of new interpretations. The process is sociological in that the interpretation is not necessarily dictated by a more accurate interpretation of the world. Rather it is dictated by a collective legitimization of a particular interpretation, in part based on choosing a particular set of knowledge or a knowledge producing community. Nor is this process devoid of political factors which may influence those decisions (Coleman and Perl, 1999; Lavenex, 2001: 26). Thus, there is a competition for new understanding, in which

\textsuperscript{24} This is the same on the individual level, where change is most likely to occur through repeated actions that provide deviation from regularised understandings. For instance, Larson argues that Gorbachev needed to make numerous conciliatory gestures before he was re-classified by American policy-makers as someone with whom they could work (Larson: 1994: 27).
different actors can be expected to vie for the legitimisation of a new interpretation that best suits their understandings and interests.

Despite the addition of social elements to this explanation of learning, the importance of social interaction remains limited (Checkel, 2001). Indeed, theories of social learning posit that policy-makers learn as a function of policy feedback and environmental change, not as a result of interaction with other actors in a process of socialization (see Flockhart, 2004: 366). For example, Hall defines social learning as “a deliberate attempt to adjust the goals or techniques of policy in response to past experiences and new information” (Hall, 1993: 278). This definition focuses on knowledge about policy goals and instruments that policymakers become aware of – not that these “experiences” or elements of “new information” may be open to interpretation. While Hall’s third order change is paradigmatic, his understanding of social learning is more limited. Third order change occurs in response to a critical juncture that provokes complete and sudden change in paradigm. Indeed, this change may be incompatible with the thinking of previous paradigms suggesting that such thinking has not fed into the development of new thinking. Critical junctures are followed by social and political processes through which new paradigms are selected. Thus there is an element of social learning in Hall’s approach, in that political interaction and shifts in authority reflect social processes. However, this understanding of social learning does not place significant emphasis on deeper social processes, such as a change in policy-makers’ understandings as a result of regular social interaction. An emphasis on social interaction would argue that aspects of paradigms, such as policy-makers’ experiences, new information and their interest are constantly under negotiation and are open to interpretation. Hall’s definition focuses on knowledge about policy goals and instruments that policy-makers

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25 Some have employed broader understandings of social learning that do focus on the importance of interaction and are not susceptible to these criticisms (Adler and Barnett, 1998: 44).

26 Social learning in first and second order change may provide factors that provoke paradigm change through habituation, as has been suggested for rationalist approaches. However, the content of the learning that takes place prior to third order change does not contribute to the selection of a new paradigm, short of outlining the problems that the new paradigm must address better than its predecessor, and the potential failure of past policies (ibid. 279-280).

27 Hall suggests that “the process whereby one policy paradigm comes to replace another is likely to be more sociological than scientific” in nature (Hall, 1993: 280). The selection of new paradigms might reflect “a set of judgments that is more political in tone” (ibid) and include choices about who is authoritative on an issue as well as the success and failures of past policies. In case of macro-economic paradigm change in Britain, Hall suggest that the main motivation or the successful selection of a monetarist paradigm was political, give that it was politically expedient for the Conservative Party that in turn won the 1979 General Election (ibid. 286-287).
become aware of – not that these “experiences” or elements of “new information” may be open to interpretation.

Despite their limitations, these approaches may provide insights into some of the factors that contribute to paradigm change. Broadly, these explanations point to three sources of motivation for policy change: 1. changes in powerful actors or the preferences of powerful actors; 2. changes in the policy context where policies become ineffective or where a shock in the environment requires new policies; 3. or changes in the institutional setting where the preferences of influential actors are aggregated.

An important source of new thinking about policy arises from shifts in power within a policy environment. This change may occur through changes in domestic political or bureaucratic leadership or international pressures for change. Such shifts may directly affect paradigmatic thinking by introducing new leaders who bring new thinking or, indirectly, by legitimizing new sources of knowledge that in turn alter existing understandings of the policy area. As a result, this new thinking may alter the incentive structures in a policy area and result in an adjustment of goals and the strategies that are pursue to meet them. Alternatively, existing leaders in a policy field may experience new pressures from broader society, including social movements, the public, the media or international actors, that alters their interest in a policy area (Stone, 1999: 54).

Policy-makers’ preferences may also change as a result of improved understandings of the policy environment in light of experience. Policy-makers learn as they interpret the varying effects of policy in particular environments (Levy, 1994; Stein, 1994) and as they “do” policy (Stein, 1994). Specifically, policy feedback and the discovery of new problems create motivations for change within policy areas (Pierson, 1993; Hall, 1993; Levy, 1994: 304-306; McNamara, 1998). This feedback helps to identify problems and can produce uncertainty for policy-makers, which in turn may force them to rethink their understandings and seek new solutions. Even in the absence of specific problems, actors’ reviews of policy may generate new understandings (Stone, 1999: 54). The policy transfer literature extends these sources of new thinking to include learning “in light of the experience of others” (Meseguer, 2005: 72), where policy feedback in overseas jurisdictions, both successful and negative, influences the thinking of policy-makers and domestic policy at various stages of policy development (Stone, 1999: 55-56; Dolowitz and March, 2000; McNamara, 1998).
Another motivation for change in policy-makers’ policy thinking may arise out of changes within the broader policy environment. Individual events or trends may challenge or undermine actors’ understandings of causal relationships and raise levels of uncertainty. Specific crises or events may be important, if not central, catalysts for change; they provoke policy-makers to respond by searching for new understandings of the policy environment (Dolowitz, 2000b, Weyland, 2004: 6). The media may also play an important role in highlighting and framing broader changes in the policy environment as well as presenting potential solutions to these problems. Even broader changes external to the specific policy environment, such as changed economic contexts, might affect policy-makers’ thinking.

Finally, policy change may occur as a result of an alteration in the institutional framework which governs how policy is made. According to Thelen and Steinmo, institutions organise the relationship between actors, how actors’ interests are aggregated and may ultimately affect what actors’ interests may be in the institutional setting (Thelen and Steinmo, 1992: 2-3, 8). Thus, the institutional context within which actors make choices is important for understanding policy and may also influence how certain thinking comes to be relevant (Barnett, 1999). For example, institutions may empower or legitimise certain thinking, actors or sources of information, which in turn may allow certain ideas to be accepted and not others. As a result, when these institutional arrangements change they may affect policy-makers’ thinking.

In summary, the public policy literature provides some important clues to explain the sources of paradigm change. Many of the motivations for change in policy may also provide the catalysts for shifts in policy-makers’ thinking. As a result, it is important to consider how these factors may have contributed to the emergence of new thinking in the Canadian case. However, what is missing from this approach is an understanding of how social interaction, especially in the international realm, might affect policy-makers’ interpretations of these motivations. Therefore it is important to consider how the elements of public policy learning

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28 The literature describes this crisis point in a number of ways, including critical junctures, identity crises, punctuated equilibrium and policy windows (See Marussen, Risse, Egelmann, Martin, Knopf and Roscher, 1999; Barnett, 1999; Legro, 2000; Checkel, 2001; Haas, 1992; Kingdon, 1995).
29 For further consideration of the role the media might play see Wilson, 2000.
30 Using a social constructivist approach, Michael Barnett emphasises the need to consider the political context of institutions when considering ideational change (Barnett, 1999: 16-18).
identified above might interrelate with the process of social interaction to cause paradigm change.

The literature on Canadian immigration and refugee policy points to several factors that fit within the policy learning explanations outlined above. These factors include changes in environmental conditions such as new economic pressures (especially labour demands), a new political landscape, changing demographic needs and a general concern to maintain social stability and security (Hawkins, 1988; Troper, 1993; Hardcastle et al: 1994; Wayland, 1997). By the end of the 1990s, pressure for change from powerful actors, including the US, provided a further source of policy change (Andreas, 2005). In the area of refugee policy, technological developments in communications and transportation have also been cited as having increased pressure on the Canadian system and motivated policy change (Whitaker, 1987: 239). While no single explanation seems sufficiently compelling to explain paradigm change in the Canadian system, it is possible that these factors played an important role in creating anomalies and stimulating incremental changes that over time resulted in paradigm change. What has not been considered in this literature is the possibility that policy-makers’ ideas and hence motivations for paradigm change have been affected by an international security-control norm.

Interaction, Community-Building, and Processes of International Socialization

Social constructivist approaches in international relations have considered the importance of international norms in affecting domestic policy-makers’ policy paradigms. Of particular significance has been the possibility that social interaction alters actors’ understanding of the international environment and the players in it (Ruggie, 1983; Wendt, 1994; 1999). In short, this interaction has the potential to socialize actors, resulting in their adoption of new paradigms. Thus, while a changing environment and new information might provide motivation for new thinking, there is the possibility that actors identify these circumstances or alter their existing interpretation of them as a result of international interaction. Explanations of socialization are premised on and furthered by the existence of a

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31 These are also consistent with explanations found in the broader literature on international migration (Cornelius and Rosenblum, 2005: 100, 106-108; Papademetriou, 2003; Lahav, 2006; Adamson, 2006).
sense of community amongst actors. In this research, how interaction builds community and contributes to the process of international socialization is an important factor in explaining paradigm change.

The process of socialization has been recognised as the “dominant mechanism” through which states adopt international norms (Finnemore and Sikkink, 1998: 902. See also, Wendt, 1999; Risse, 2000: 34; Johnston, 2001; Alderson, 2001). Alastair Johnston defines socialization as “creating membership in a society where the intersubjective understandings of the society become taken for granted” (2001: 494). This socialization occurs through actors’ interactions in which they might be persuaded or induced into thinking differently. In this process, actors alter understandings of their identity, interests and norms of appropriate behaviour as they come to accept and internalise the values of a given community. Therefore socialization fits within a complex learning framework indicative of paradigm change (Wendt, 1999: 170), providing a key mechanism through which states’ domestic paradigms might be altered.

Central to socialization is the ability of interaction to build a sense of community amongst participants. By definition, the process of socialization assumes the existence of community. As suggested, Johnston’s definition of socialization relies on “creating membership in a society” (2001: 494). Similarly, Finnemore and Sikkink argue that understandings of appropriateness - a component of norms - are only understood “by reference to the judgements of a community or a society” (1998: 891-2). Risse and Sikkink state it even more clearly: “…norms have an explicit intersubjective quality because they are collective expectations. The very idea of “proper” behaviour presupposes a community able to pass judgement on appropriateness” (1999: 7; emphasis in original). In this way, the process of socialization requires at its outset at least the desire to become a member of a community and in its completion that actors come to see themselves and be accepted as members in the community.

The importance of social interaction to community building has been highlighted in literatures on functionalism and neo-functionalism (Haas, 1964), security communities (Deutsch, 1957; Adler and Barnett, 1998) and national identity (Anderson, 1983; Hobsbawn

32 Johnston and Flockhart point to social incentives and persuasion as the two central mechanisms of socialization (Johnston, 2001; Flockhart 2004).
and Ranger, 1983; Marcussen et al, 1999). Through interaction, actors come to identify, sympathize and develop understandings of common interest with those with whom they are interacting (Adler and Barnett, 1998; see also Wendt, 1994; 1999). According to Barnett and Adler, “during their interaction political actors bargain not only over the issues on the table but over the concepts and norms that constitute their social reality,” and “[t]he process of community-building through transactions, then, encourages processes of joint learning where ‘doing things together’ becomes an important component of ‘knowing together’” (Barnett and Adler, 1998: 416-7). Greater regularity and improved quality of interaction increases this building of community. In this process, actors come to value membership and seek to obtain and maintain it, or even to become a recognised leader within the group.

Actors’ membership or aspiration for membership in a community whose opinions they respect also contributes to the effectiveness of persuasion and social incentives (Bernstein and Cashore, 1999: 81-82). Finnemore and Sikkink argue that actors are motivated by social incentives to seek membership in an international community. Actors want to join a community and have it bestow legitimacy on them. They want to be seen to be conforming to group norms and they want the esteem associated with being a member of the group in good standing, if not a recognised leader (Finnemore and Sikkink, 1998: 902-904). As a consequence, the desire for membership results in actors’ recognising community values and interpretations, attempting to talk and behave in a manner consistent with those values and demonstrating to other members their commitment to the community (Flockhart, 2004: 363-365). In contrast, actors seek to avoid social punishments that may take the form of counterparts’ criticism, or the process of shaming and various social stigma consistent with non-compliance with community standards. As a result, the existence of a community affects the influence of social incentives in two ways. First, membership is itself a social incentive. As suggested, actors come to desire membership in a particular community. Secondly, social incentives - such as legitimacy, prestige or shaming - are enhanced by membership in a community valued by the actor. (Flockhart, 2004: 364, 367).

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34 Finnemore and Sikkink point to three processes through which policy-makers construct an identity in relation to a broader international community: legitimating, conformity and esteem. Each of these relates to a desire to be more acceptable to the international community (Finnemore and Sikkink, 1998: 903).

35 Flockhart argues that:

[before either ‘social influence’ or ‘persuasion’ can take place, the socializee must as a minimum identify with the in-group and its socializing agent, and the socializing agent]
Shaming matters less, if at all, when there is not a sense that its source is legitimate or if there is not a shared set of understandings about appropriate behaviour that can be used to shame actors (Keck and Sikkink, 1998; Bernstein and Cashore, 1999: 81-81). 36

Membership in a community also influences the effectiveness of persuasion. Persuasion occurs as actors are convinced through reasoning and argumentation (Risse, 1997) that alternative understandings are superior to existing ones. The effectiveness of the process of persuasion is dependent on three factors. First, persuasion occurs when the quality of the content of arguments used to persuade and, in particular, the ability to link assessments of an actor’s reality with new interpretations is convincing. A second important aspect of this approach is the nature of the persuadee, the persuader and the relationship between the two (Johnston, 2001: 497). Persuadees are presented as being novices, inexperienced and in a position to accept new thinking from those actors that they view as more experienced, trustworthy and authoritative (Risse 1997; Johnston 2001, 497-8). Both of these factors - the quality of argument and the relationship between persuadee and persuader - are affected by the degree of community membership. For instance, sharing a common identity may be the primary criteria through which persuadees’ consider persuaders to be knowledgeable and trustworthy (Johnston, 2001: 498). This in turn is likely to effect persuaders’ assessment of the quality of argument. In short, persuadees can be expected to reason first that ‘they are one of us,’ leading them to assess ‘they know what they are talking about and we can trust their reasoning.’ 37 Furthermore, the possibility that actors want to be seen as part of a particular community should increase the incentives and lower the standards needed to be persuaded.

must accept the aspiring in-group member as an acceptable candidate. As evident in the case of ‘rogue states’, actors that completely reject the social norms of a socializing agent, who know that they have very little to gain from compliance with those norms, and who know they have no chance of gaining group membership anyway, have no incentive to follow an agreed code of conduct (Flockhart, 2004: 367. See also Johnston, 2001: 501-2) 36 It has been suggested in the literature that persuasion and social incentives can effect change in actors who are not members of the community. For instance, in initial stages of the adoption of human rights norms, Risse and Sikkink argue that those who are outside what might be considered a society of human rights “respecters” are likely to conform as a result of social incentives (Risse and Sikkink, 1999). In a similar way, Johnston suggests that persuasion can be used against those perceived to be one’s “enemies” (Johnston, 2001). However, the effects of these processes seem to be greater when participants share membership in a community. 37 This is an important modification of the standard approach to persuasion, which suggests that it is more likely to occur when there is an unequal relationship between persuader and persuadee (Risse, 1997; Johnston, 2001: 497-8). Amongst peers it may be possible to place less importance on unequal relationships where elements of social power based on legitimacy, authority and social standing assist in the process of persuasion. In this approach membership alone might be significant for making actors more susceptible to persuasion.
The third and final feature of successful persuasion relates to the environment in which persuasion takes place. The ideal environment provides a forum where interaction is private, between small groups of individuals and depoliticised, and where reasoned arguments may be used (Risse, 2000; Johnston, 2001:507; Adler and Barnett, 1998: 44).

Explanations of Canadian refugee policy have raised the importance of norms in the form of a distinct set of Canadian values as a guide to policy. However, one of the significant shortcomings of this literature is that for the most part it has reified the understanding of those values, not considering how their content might have changed. There has been some consideration of the role of the social construction of security in Canada’s refugee system, either through the courts (Aiken, 2000; 2001) or through broader societal discourse (Ibrahim, 2005). Indeed, this reflects a promising development in the literature on international migration that has focused on the securitization of the migration discourse (Huysmans, 2000; Muller, 2004; Piper, 2006). However, the focus of this work has largely been restricted to domestic processes. The literature on international migration has raised the possibility of domestically defined norms shaping policy (Meyers, 2000; Boswell, 2006: 666) but has also paid only limited attention to the potential effect of international socialization, especially amongst key policy-makers. In addressing the convergence of Western states’ migration policies, studies have pointed to the existence of common pressures such as globalisation (Sassen, 1996; Meyer, 2002; Papademetriou, 2003: 46; Hollifield, 2005), regional neo-liberal restructuring (Pellerin, 1999) or common constraints such as those placed on states by similar judicial and constitutional regimes (Soyal, 1994; Sassen, 1996; Joppke, 1998b; Jacobson, 1998; Gibney and Hanson, 2003; Crépeau and Nakache, 2006). Where international norms have been attributed significance, the focus has been on human rights norms (Lahav, 2006). However, these approaches do not explicitly explain how international norms are transferred into the domestic realm. Furthermore, a focus on human rights norms counters the direction of paradigm change in the Canadian case raised here and in much of the literature that focuses on the rise of security concerns in migration policy (Andreas, 2003; Devetak, 2004; Kerwin, 2005; Adamson, 2006).

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38 In contrast, Cornelius and Rosenblum (2005: 109) argue that human rights norms have had limited affect in mitigating state interests around international migration.
An important and promising exception in this literature does raise the role of transnational government or bureaucratic networks. Colleen Thouez and Frédérique Channac (2006) have considered the possibility that regional consultative processes (RCPs) result in the socialization of participants. However, their analysis is very brief and is focused on the effects of RCPs on policy-makers from developing states who they see as susceptible to socialization. In the literature on European integration there has been some consideration of the role of transnational police networks or migration control networks in spreading a securitized discourse that has framed migration policies (Huysmans, 2000; Guiraudon, 2003). Jef Huysmans argues that the prominence of the security discourse in Europe originated in part from “professional and political co-operation in the area of internal security in Europe… [i]n the quasi-informal and informal ‘clubs’ on terrorism and drugs…” This yielded “…a network of security professionals…” who “…produced and distributed internal security knowledge and articulated a continuum between borders, terrorism, crime and migration. Their knowledge has a capacity to define security questions…” (Huysmans, 2000: 761). Similarly, Virginie Guiraudon argues that the rise of a security and control emphasis in migration discussions at the European level was the result of migration control bureaucrats who had created transnational networks “… with varied membership [that] were flexible, informal and secretive. This built trust among officials who set the agenda of transgovernmental co-operation by emphasizing the kind of technical solutions that required their expertise.” (Guiraudon, 2003: 267). This dissertation seeks to build on the potential explanations of networks focused on control and security by considering their impact beyond the European case.

In summary, a focus on actors’ socialization through international interaction seems to be a potentially important source of domestic paradigm change. This section has demonstrated the importance of interaction for creating a sense of community amongst actors and highlighted the ways in which this is likely to advance paradigm change. However, the processes of socialization presented in this section are incomplete and require more specific attention to the context within which interaction takes place. Elaborating on such a context

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39 More formal international organisations with international bureaucracies, such as the European Union and the UNHCR, have been cited as furthering the diffusion of norms related to international migration (Barnett and Finnemore, 2004; Uçarer, 2006). However, the focus of this research is on more informal and direct state to state interaction of policy-makers rather than an international bureaucracy.
provides insights into the microprocesses through which abstract international norms could be shown to alter actors’ domestic paradigms.\textsuperscript{40}

\textit{Global Government Networks and Seminar Diplomacy: Explaining International Processes of Bureaucratic Socialization and Domestic Paradigm Change}

One such context can be found in the literature on development of networks of government policy-makers at the international level. Most fitting to this research is Anne-Marie Slaughter’s global government networks. Slaughter (2004) defines global government networks as interstate coordination of government officials in “quasi-autonomous” forums to address specific and often critical concerns. Similar to the processes of Slaughter’s networks is Emanuel Adler’s concept of seminar diplomacy, where policy-makers meet in “a plethora of face-to-face interactions on a large variety of technical, practical and normative subjects” (Adler, 1998: 121) in a form of “talk-shop” (Barnett and Adler, 1998: 420).\textsuperscript{41} These approaches capture the importance of direct state to state interaction and highlight the role of non-elected officials.\textsuperscript{42} This is in contrast to alternative approaches that have addressed the influences of broader transnational policy communities and the internationalisation of domestic public policy environments in which learning might take place (Stone, 2004: 548, 549: see also: Coleman and Perl, 1999; Reinicke, 1999).\textsuperscript{43} Transnational community approaches focus on the role of non-state actors such as epistemic communities, international organization and transnational advocacy networks in influencing and transferring policy and policy ideas. As a result, less attention is paid to the potential that learning takes place through direct state to state interaction of government officials in GGNs.\textsuperscript{44} The focus on state

\textsuperscript{40} This tighter focus addresses calls for increased attention to micro-processes (Alderson, 2001; Johnston, 2001).

\textsuperscript{41} This component of international diplomacy, although occurring within a formal institutional setting, denotes informality and a limit to official government oversight at lower levels of diplomatic exchange. Furthermore, seminar diplomacy ressembles GGNs even more where technical issues are discussed by expert bureaucrats from specific departments rather than career diplomats.

\textsuperscript{42} Slaughter’s outline of the actors who might form GGNs includes elected officials. However, most of the networks that she describes consist of non-elected officials (Slaughter, 2004: 159-161). This focus leads to one of her primary concerns, that being the accountability of participants in GGNs to domestic constituencies.

\textsuperscript{43} The potential for norm transfer in strictly state to state interaction has received less attention in the international relations literature. Limitations on state to state learning have also been raised in the policy transfer literature. For instance, Stone argues that state to state interaction is limited to the learning of hard policy lessons rather than broader policy ideas (Stone, 2004: 62-3).
to state interaction in GGNs is particularly appropriate in the policy field of international migration, which for the most part remains the preserve of the state and can less easily be defined as an “internationalised policy environment” where actors beyond the state have significant influence (Coleman and Perl, 1999: 700). In GGNs or through seminar diplomacy the activities of bureaucrats are no longer clearly defined by traditional diplomatic protocol nor tightly constrained by their respective states in formal exchanges defined by two-level games as described by Robert Putnam (1988). Instead, these actors assume a variety of roles as state officials, policy experts and, to varying degrees, members of an international community of policy-makers. Furthermore, they reflect the reality of the increased frequency and quasi-official nature of bureaucrats’ international activities (Hocking, 1994, 1999) beyond the traditional constraints of formal interstate diplomacy.

Both global government networks and seminar diplomacy also suggest that these interactions build community and produce socialization. Slaughter argues that these networks “build trust and establish relationships among their participants that then create incentives to establish a good reputation and avoid a bad one” and that they provide “professional socialization to members from less developed nations” (2004: 162). According to Adler, seminar diplomacy teaches “would-be members of the community the principles on which the community should be based” and “to socially construct shared values and mutual responsiveness in a given region and the transnational identity of a region” (1998: 138-39). Both approaches point to the formation of a sense of community among policy-makers as trust is built and common identities are formed. These interactions take place regularly and in environments where genuine relationships between participants can be expected to develop. The outcomes of these processes are not dissimilar to those found in the European integration literature, which suggests that the regular interaction of state bureaucrats in the EU context has contributed to their adoption and consolidation of supranational identities (Trondal 2000, 2001; Drulák et al, 2003).

Global government networks and seminar diplomacy are also important sites for socialization because of their role in producing knowledge, especially given the technical

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45 International cooperation or a pooling of sovereignty in the area of migration policy has to date proven to be very problematic (Meyers, 2002; Cornelius and Rosenblum, 2001). The potential exception here might be the EU, but even here there has been considerable difficulty due in large part to the prevalence of concerns over state sovereignty (Boswell, 2003).
nature of policy-making in some fields. The focus on technical matters privileges actors who hold expertise and makes them central to both understanding and finding solutions to problems. Bureaucrats working in these areas may see themselves - as opposed to outsiders - as the technical experts possessing unique knowledge and skills to produce new knowledge. In this way, as GGNs develop, they may come to resemble a form of international but state-based epistemic community. Like epistemic communities they are comprised of a group of international experts who share common normative and principled beliefs, causal understandings and notions of validity and a common policy enterprise (Haas, 1992: 3). As a community of experts, they produce knowledge and contribute to the spread of international norms as well as re-enforce state officials’ feeling that they are part of a community facing a set of common problems (Adler and Haas, 1992; Hansenclever, 1997). Thus, this production of expertise in GGNs serves to socialize individuals into a sense of international community of policy professionals.

The production of knowledge also points to an important avenue through which bureaucrats involved in GGNs are able to transfer ideas that they have adopted from these

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46 By producing knowledge, policy-makers interpret and provide meaning to ‘raw’ data. The policy transfer literature also suggests that bureaucrats involved in policy areas defined by high levels of complexity requiring technical expertise - such as migration policy - are more likely to adopt new policy ideas (Weyland, 2004: 14).

47 A strict epistemic community approach is limited by the definition of epistemic communities as independent of the state (Haas, 1992). Indeed, according to Hansenclever et al, the success of epistemic communities in influencing policy occurs when policy-makers are uncertain and turn to experts who have answers (Hansenclever et al, 1997: 150). However, modifications to the epistemic community approach have been successfully employed; see for instance Ikenberry, 1992.

48 As suggested, the process of problem definition in the public policy literature points to the means through which policy-makers construct problems or future problems and attribute them meaning (Rochefort and Cobb, 1993; Drey, 2000; Kay, 2003). Thus, in international forums it can be expected that officials seek not just to put issues on the agenda but to attribute them meanings that might include definitions of how those problems are common to all participants. The international relations literature takes the definition of the problem further by suggesting the construction of enemies and threats as a process through which identity is constructed. Wendt (1999: 349) points to the construction of a common fate as a master variable for the adoption of new collective identities at the international level (Wendt 1999, 1994). Community members seek to identify common problems with which they are faced and to provide evidence that those problems exist. They are inclined to empathize with compatriots and see others’ problems in their own situations. Even in the absence of comparable experiences, partners may define the potential for future problems based on the experience of other members of the community. Domestic reactions to the ‘outsider’ produce similar processes. Jef Huysmans (2000: 757) argues that in responses to pressures from migration, the “discourse of danger and security practices derive their political significances from their capacity to stimulate people to contract into a political community and to ground – or contest – political authority on the basis of reifying dangers.” It seems likely that similar responses amongst international partners might occur.

49 Bureaucrats as experts may make these actors susceptible to innovation and adoption of new ideas beyond the limitations traditionally placed on them. This refinement may also address counter-arguments that the complexity of a policy environment limits the ability to transfer new ideas (Dolowitz, 2004: 25-26). Instead, this complexity is likely to favour bureaucratic learning over the learning of elected officials.
networks into domestic paradigm change. In this way participants in GGNs reflect Finnemore and Barnett’s observation of bureaucrats in international organization whose “status as being both ‘an authority’ and ‘in authority’ … positions them well both to generate new ideas and to have those ideas heard and respected” (Finnemore and Barnett, 2004: 162).

When GGN members are authorities in the domestic realm they can also be expected to be important in transferring ideas into the broader domestic policy paradigm. Working in a policy area requiring technical expertise, these bureaucrats are relied on to produce and interpret data about a policy field. Thus, they have a privileged position in attributing meaning to policy relevant knowledge. GGNs are important in this process because they provide their members with information - and new interpretations of information - that can be expected to have significant effects on the domestic paradigm. For instance, effective GGNs may produce collections of data used by policy-makers to understand the broader international policy field. Broad surveys can be expected to frame issues in ways that do not reflect the experience or knowledge of any individual’s particular jurisdiction, especially if they are an outlier. As a result, the use of this information and framing of issues is likely to skew policy-makers’ understandings as knowledge reflects the experience of the whole rather than the individual. GGNs may also provide an important function in interpreting and attributing meaning to domestic events or trends in specific jurisdictions. Policy-makers can be expected to take their domestic experiences to GGNs, which act as an international ‘support-group’ of policy-makers who can empathise with the experiences of their colleagues in other jurisdictions. As policy-makers get issues ‘off their chests’ and ‘talk things out’, they are likely to be affected by the reasoning of others. Thus, domestic experiences could be expected to be interpreted and given meaning in these forums.

As has been suggested, bureaucrats are also ‘in authority’, in areas where they have a central position in the policy-making process and are therefore in an important position to move ideas into the domestic arena. In part, GGN participants are the very policy-makers who are expected to be prominent carriers of domestic policy paradigms. Therefore, part of the exercise of translating new thinking from the international level to the domestic level is already completed when these key actors are socialized within the community. Furthermore, their position of authority in the policy process – in part supported by their perceived status as experts in the field – makes them an important source from which new ideas might be
pushed. Indeed, they can act as well-placed domestic norm entrepreneurs (Finnemore and Sikkink, 1998: 896-99).\textsuperscript{50}

Thus, the role of members of GGNS to produce and interpret information authoritatively as it is transferred from the international to the domestic realm uncovers important insights about how international socialization affects paradigm change. The literature suggests that the selection of new ideas and policy paradigms depends upon their ability to address the needs of the policy environment or to fit with broader norms that are present there.\textsuperscript{51} However, understandings of these needs are not fixed. Instead, repeated interaction in the international realm allows bureaucrats to adjust incrementally their understandings of the domestic policy environment. Indeed, it seems likely that through this process the very needs of the policy environment that have been identified as being important to selecting new thinking are in fact being shaped. Thus, changes in the domestic realm - while important - do not simply cause uncertainty amongst policy-makers who then choose from a menu of available ideas, selecting the ones that are most appropriate. Instead, to some degree bureaucratic socialization may allow centrally positioned policy-makers - through the production of domestically relevant policy knowledge – to set the appetite of domestic actors.\textsuperscript{52} As a result, GGNS may contribute to the identification of new domestic problems and uncertainty, create new understandings of needs, expectation of efficient and appropriate policy and alters actors’ understandings of their identities.

**IV. Research Framework**

This research is guided by two sets of questions. The first seeks to identify how the paradigm for Canadian refugee policy changed over the course of the 1990s. The second asks why that change took place. This chapter has provided a framework for addressing both of these issues.

\textsuperscript{50} Similarly, epistemic communities have been attributed an activist role in pushing their understandings (Hansenclever, 1997: 149).

\textsuperscript{51} For instances, see Hall (1989) and Keck and Sikkink (1998). Furthermore, the need for these new ideas to resonate with those found in the domestic environment has been noted in the literature (Florini, 1996; Bernstein and Cashore, 2000: 81, 83).

\textsuperscript{52} For a discussion of how the control of expertise and policy knowledge is important for policy making see Stone, 2002: 2.
In addressing paradigm change, this chapter has developed a particular understanding of policy paradigm which combines the literatures on public policy and constructivist international relations. This framework outlines paradigms based on the collectively held cognitive and normative beliefs of policy-makers centred on four areas: actors’ understanding of the cause and effect relationships of the environment including definitions of problems; their definition of policy goals; their understanding of their identity; and, the parameters of appropriate policy responses. Paradigm change has been described as representing deeper change, akin to complex learning, rather than the more limited concept of policy change. Evidence for change in paradigms must demonstrate shifts in these characteristics in the popular discourse and practices of Canadian policy-makers as they deal with issues of refugees and international migration flows. Changes that reflected simple learning or were merely rhetoric would provide evidence that paradigm change had not occurred.

The remainder of this chapter provides a framework for understanding how paradigm change might occur. This includes the possibility that paradigms may change as a result of increased pressure on policy-makers, changes in the cost of “doing business” in the area of refugee policy (due in part to a new environment), or as policy-makers acquire new and more accurate understandings of how policy operates. These pressures may arise from a variety of sources, including new migration trends, shifts in political actors, new societal pressures, new institutional arrangements or in reaction to specific and critical events. Alternatively, changes may occur in reaction to the adoption of new ideas from the international realm.

Ultimately, this research seeks to weigh the significance of international bureaucratic socialization for change in the paradigm upon which Canadian refugee policy was based during the period in question. The framework employed suggests that socialization occurs as bureaucrats working within international networks adopt the dominant paradigm of that network. It highlights the state-to-state bureaucratic interaction in informal and often non-politicised meetings, where collective understandings and knowledge might be produced. It is hypothesised that there are two mutually re-enforcing effects of this interaction that are most significant: the processes of community-building and the production of collective knowledge, especially the framing of common problems. These processes in turn contribute
to the effectiveness of other processes of socialization such as persuasion and social incentives.

While international socialization is expected to matter it is also recognized that socialization occurs to bureaucrats who are very much affected by their domestic context. However, while responding to domestic motivations, paradigm change is still likely to be influenced by international social pressures. In particular it seems likely that domestic policy issues and events will be discussed at the international level and that the interpretation developed there will influence policy-makers’ paradigms. Through this socialization of bureaucrats it can be expected that international norms will be brought back into the domestic policy environment. In bringing ideas home, policy-makers can be expected to construct interpretations that allow international ideas to fit into domestic discussions. At times this may be fairly straightforward when there are specific trends or events that are easily shaped into support for international ideas. At other times this construction may require greater effort in shaping those interpretations. Thus, international socialization has the potential to complement rather than counter traditional explanations of domestic paradigm change.

Evidence of the importance of international socialization will be found in both a change of thinking by Canadian bureaucrats as a result of their activities in the international realm as well as the identification of the processes through which that new thinking was transferred into the domestic debate. In the first case this will require evidence that policy-makers did develop a sense of common community and that they accepted the new knowledge that was produced. It will also need to be shown that the broader domestic paradigm was altered by bureaucrats who brought new thinking home. This should be supported by evidence that elements of a new security-oriented paradigm originated in these international interactions rather than in other venues. For instance, it should be possible to demonstrate that policy-makers’ identification of new problems occurred as a result of new interpretations of existing trends rather than a change in those trends themselves. In contradistinction, evidence of purely domestic interpretations of events, new pressures and the generation of specific ideas identified as paradigm change will suggest that international socialization was not significant in motivating paradigm change.
V. Conclusions

This chapter has combined several literatures that provide initial insight into paradigm change. In doing so the chapter has pursued two goals: to provide a framework for understanding paradigm change and to outline possible explanations for that change, highlighting the potential effects of international bureaucratic socialization. The chapter has also sought to situate these insights about paradigm change in the current literature on Canadian refugee and immigration policy. In turn this dissertation seeks to make several contributions to these literatures.

For the literature on Canadian immigration and refugee policy this chapter provides a framework for unpacking the paradigm which underlies Canadian policies. The literature on Canadian immigration and refugee policy has taken this paradigm for granted, assuming that it has remained fairly consistent over time. A framework that problematizes and considers change makes an important contribution to understanding this important policy field. Furthermore, the possibility that change in the Canadian paradigm stems from international sources counters much of the popular thinking about Canadian refugee policy. In short, it draws into question common understandings of the domestic and particularly liberal sources of Canadian refugee policy. Therefore the framework provides a means to explore important questions that have not received significant attention in the existing literature.

The framework also has the potential to address important questions in the literature on international migration. Limited work has been undertaken on the role of states’ interaction and socialization in affecting states’ thinking about migration policy. Despite the fact that migration policy for many states remains the special preserve of the state (Lahav, 2006), this research suggests that international interaction in state-dominated exchanges has the potential to produce processes of socialization that shift states’ approaches to policies. For international migration - and potentially in other policy areas - this process of socialization may provide an important and understudied part of the explanation of policy convergence across states.53

This chapter also contributes to a number of the theoretical literatures. It expands consideration of the factors that account for paradigm change in the public policy literature

53 For a consideration of convergence that does not raise state socialization, see Meyers (2002).
by adding the potential of change as a result of social interaction at the international level. The prospect for international learning raised by the policy transfer literature has been an important development to the public policy literature. However, the framework proposed here increases the potential of this approach by considering social interaction and an expanded understanding of the activities of non-elected officials in the international realm. Finally, this framework provides important contributions to the international relations literature. The focus on bureaucratic socialization, through global government networks and seminar diplomacy, offers a useful forum for understanding the processes of international socialization. It provides an important focus on the microprocesses though which internationally active domestic bureaucrats serve as a conduit between abstract international norms and domestic paradigms. Furthermore it provides an important focus on socialization as a phenomenon of state-to-state interaction and highlights the importance of community building in this process, which has otherwise remained under-explored.
Chapter 3

The Protection Paradigm

I. Introduction

Officials at Citizenship and Immigration Canada (CIC) and elected Members of Parliament (MPs) interviewed in this research consistently suggested that the approach to Canadian refugee policy in the 1970s and 1980s was different from that found at the end of the 1990s. They referred to different cultures and general attitudes held by policy-makers as well as new understandings of important issues and goals. Indicative of this, one MP described this shift as being part of a “whole climate change” (Interview 10).

This chapter and the next provide a systematic description of the underlying thinking of policy-makers and its change over this period. Specifically, these chapters argue that Canadian refugee policy was framed by a protection paradigm from as early as the mid-1950s, and that this paradigm dominated policy-making from 1975 through 1990. In contrast, by the mid- to late-1990s, after a period of transition, this protection paradigm was replaced by one focused on control and security. This chapter substantiates the existence of the protection paradigm and establishes a benchmark for understanding the changes that had occurred by the end of the 1990s. It focuses on the thinking that established and guided the implementation of the 1978 Immigration Act and subsequent amendments such as those contained in Bills C-55 (1987) and C-84 (1987). The fact that these amendments were still framed by the thinking of the protection paradigm - especially in a political context that provided fertile ground for focusing debates on security and control - suggests the protection paradigm’s importance as late as the end of the 1980s.¹ Chapter 4 argues that in contrast to the existence of a protection paradigm, policy thinking by the end of the 1990s and before the events of September 11th, 2001 was framed by a security-control paradigm.

Chapter 3 proceeds in section 2 by outlining an ‘ideal-type’ of the protection and security-control paradigms. In section 3 it provides a brief overview of the development of Canadian refugee

¹ Evidence for this argument is drawn from policy documents, debates and proceedings of the Standing Committee responsible for refugee policy, interviews with key policy-makers involved in policy making over the course of the 1970s-1990s and editorial commentary on immigration and refugee issues from the Globe and Mail newspaper. For a full description of the data used see Appendix A.
policy from the mid-1950s to 1989, drawing on the secondary literature to provide an initial indication of the existence of a protection paradigm. It also demonstrates that the protection paradigm was not a historical anomaly of the 1970s and 1980s but that its strength had been building since the mid-1950s. In the final section, chapter 3 describes the protection paradigm in the 1975-1989 period using the primary data generated by this research.

II. Defining Paradigm Change

In this dissertation, paradigm change is defined as a shift along a continuum from a protection paradigm focused on affording refugees and refugee claimants a high standard of protection, to a security-control paradigm focused on national security, public safety and border control (see figure 3.1). The incremental shifts in thinking that took place over the course of the 1990s that culminated in this paradigm change were not absolute and as a result discerning real change in policy-makers’ thinking is difficult. For instance, during the period defined by a protection paradigm, issues of security and control were still present. Immigration policy is, by definition, a policy of control and security to varying degrees. Similarly, by the end of the 1990s the label of humanitarianism, consistent with the refugee protection paradigm, was still prominent in the debates of Canadian politicians and the language used by bureaucrats. Indeed, it is unlikely that policy-makers at the end of the 1990s perceived themselves to be any less motivated by humanitarian concerns than their predecessors. Identifying distinct paradigms is even more difficult in periods of paradigm transition where competing paradigms overlap, as was the case in the early 1990s. Nonetheless, it is possible to demonstrate that the meanings policy-makers attributed to these terms and others related to migration policy did change and that the dominant thinking that constituted policy-makers’ policy paradigms had, by the end of the 1990s, in fact shifted.

To accomplish this task, two ideal types of the protection and security-control paradigms are presented below. Although these may not correspond perfectly to any particular time period they can be used to identify the main components of the dominant paradigms that existed in the two periods addressed in this chapter and the next.
The Protection Paradigm

The protection paradigm fits within a larger understanding of Canada’s humanitarian tradition found in many aspects of its foreign policy (McLean, 2002; MacLeod et al., 2000; Nossal, 1997; Howard and Neufeldt, 2002). The protection focus is defined by those policies and practices that prioritize the protection of refugee claimants and refugees over non-specific needs of the state. The central tenet of the protection paradigm is that refugee-claimants’ and refugees’ rights trump those of the state. Thus, the 1951 United Nations Convention Relating to the Status of Refugees and its 1967 Protocol are understood as creating obligations on the state that override its sovereignty (Showler, 2005). Reflecting this principle, the central goal of this paradigm is to provide the highest level of fairness and opportunity to refugee claimants. Thus, refugee claimants should be afforded a broad set of rights and opportunities that - in the Canadian case - exceed international obligations and appeal to higher moral obligations for the protection of refugees.

Within the protection paradigm are particular interpretations of the world, including an understanding of the problems faced by policy-makers. Problems are defined as those policies that fail to provide a high level of protection for refugee claimants and refugees. Refugee claimants are understood as being probable victims of unfortunate circumstances while protection-offering states are viewed as being able and obligated to provide protection for those refugees. The extension of protection is viewed as providing rewards for the state, especially in terms of increased international legitimacy, rather than producing insecurity. In particular, there is an understanding that Canadian strategies in responding to the problem of refugees are distinct, particularly liberal and an appropriate model for other states to emulate.

Thus, these values, along with an understanding of the predominant problems present in the policy area, guide what are understood to be appropriate policies. They include those aspects of policy that are perceived to open up access for refugee claimants and that prioritize the needs of refugees over states’ interests in security and control. Policy options which these understandings of appropriateness influence includes: the degree to which access to the refugee determination process is limited; the criteria for determination of individuals as refugees or in ‘refugee-like’ situations; the processes in place to ensure that a fair determination of refugee status is undertaken including the opportunity for claimants to
appeal decisions; the processes to ensure that failed refugee claimants are not returned to
countries of risk; and, the degree to which the liberty and well-being of claimants are
protected during and after the determination process.

The Security-Control Paradigm

The security paradigm presents an alternative understanding of Canadian refugee
policy. In this dissertation the security aspects of policy are defined as those policies which
emphasize the protection of the Canadian state and its citizens. In practice it prioritizes those
policies which deny individuals or groups deemed to pose a risk to public safety or national
security access to Canada. These risks include issues of criminality, health, subversion and
national security. Security policies fit within and are linked to broader policies of control.2
Control of migration seeks to ensure state sovereignty over national borders and decisions
about who enters the national territory. Without control, the ability to protect security is
limited. In addition, the tools of control are similar to and often overlap with those of
security, tipping the balance away from policies and practices designed to provide refugee
protection. The control of irregular or “illegal” migration is also understood as being
inextricably linked to refugee policy in that those who are assumed or determined not to be
refugees are most often defined as illegal migrants to whom the strongest policies of control
apply.3

The security-control paradigm is based on the central tenet of limiting the rights and
opportunities of refugee claimants against those of the state in relation to issues defined as
affecting security and control. It prioritizes the protection of national borders and the safety
of citizens over those seeking to make a request for asylum. The goals of this paradigm are to
limit the flows of migrants and to identify and deny entry to those who are unauthorised or
who present threats to the Canadian state and public. Consistent with this approach the
paradigm seeks to define those in need of protection in a relatively narrow fashion. Similarly,

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2 For instance, the 1990 Auditor General’s report made this connection, stating that “[c]ontrol activities are
intended to prevent the admission of people who may be harmful to the health, safety, security, and social and
economic well-being of residents of Canada” (Auditor General, 1990, 12:16).

3 Even before a formal determination, the security and control paradigm defines migrant flows travelling to
Canada as being “mixed” between legitimate and illegitimate refugee claimants, and assumes that a significant
proportion of these migrants are in fact “illegals.”
the 1951 *Convention* and 1967 *Protocol* are interpreted as placing obligations on the state. However, these obligations are seen as being limited with an increasing number of new justifications provided to circumvent these obligations.

The principles, goals and strategies associated with this paradigm reflect an understanding of the world in which refugee claimants and migrants more generally are viewed as potential sources of insecurity and where the extension of protection or the facilitation of migration is viewed as being contrary to the state’s interests. In particular, a ‘weak’ determination system - one that is particularly liberal - represents a threat to control and security. The paradigm also links the problem of migration across Western states. Specifically, it interprets the threats posed by weak immigration and refugee control systems in one state as threatening all states, and sees the solutions to migration problems as only being available through international cooperation.

A security-control paradigm deems appropriate policies which emphasize effective strategies for meeting the goals of increased security and control of migration. Although this emphasis is likely to affect almost all areas that address refugees, certain policies and practices are particularly important. They include policies of interdiction which seek to intercept undocumented or improperly documented migrants and security risks from travelling to Canada. Interdiction policies include: the use of visa policies; carrier sanctions for transporting improperly documented migrants; Migration Control Officers (MIOs) that work overseas to prevent the movement of those who are improperly documented;\(^4\) Safe Third Country agreements;\(^5\) as well as high seas interdiction, where migrants are intercepted and prevented access to territorial waters. Other policies of security-control include: increasing use of detention, which acts both as a deterrent for those who would seek to come to Canada and as a security measure to control and monitor those in Canada; increasing use and scope of security checks for refugee claimants; increasing use of security certificates, whereby individuals may be prevented access to the refugee determination process or detained indefinitely on concerns of national and public security; narrowing of definitions of

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\(^4\) In earlier permutations MIOs were called Immigration Control Officers or Control and Enforcement Liaison Officers.

\(^5\) Safe Third Country agreements limit access to inland refugee determination systems if a claimant has travelled from a country that is deemed to be safe. These measures, as found in Europe, also have the effect of moving migrants further away from the physical edges of destination states. The possibility that the state which eventually receives these migrants may have a stricter refugee determination system may serve to further enhance the strategies of control and security for all states party to the agreement.
those in need of protection; limiting access to the determination system; limiting the options available to claimants in the system and in the appeals process; and, increasing the powers and resources available to enforcement agencies. These policies are viewed as appropriate given their effectiveness for increasing state control over migration and their presumed ability to provide security – despite their negative impact on the chances of legitimate refugees receiving protection.

Figure 3.1 Protection and Security-Control Paradigm

PROTECTION

- Poor refugee protection
- Fair and compassionate protection system
- Exceed international obligations
- Canada as distinctly protection oriented
- Critical of partner states
- Migrant as victim
- Generous protection policies, even if susceptible to abuse
- Benefit of the doubt to the claimant

SECURITY-CONTROL

- Illegal migration
- Security/public safety
- Refugee determination system open to abuse
- Prevent illegal migration
- Limit refugee determination system
- State is victim of migration
- Member of like-minded community of states
- Migrant as threat
- Efficient control policy even if refugees missed
  e.g. limited appeal, interdiction, single member IRB

These characterisations of the two paradigms reflect similar distinctions made in the secondary literature. For instance, Gerald E. Dirks has suggested that historically there has existed “a constant tension...between gatekeepers or controllers on the one hand and facilitators on the other” (Dirks, 1995: 18). François Crépeau and Delphine Nakache,
addressing changes in the culture of refugee protection at the end of the 1990s, have described this as a shift from a human rights model to a security or control model (Crépeau, 2006. See also Aiken, 2000, 2001). This dichotomy also fits with the literature on international migration, which makes a distinction between humanitarian responsibility and state sovereignty (Joppke 1999; Global Commission on International Migration, 2005: Chapter 3) or between realist and liberal approaches to migration (Lavenex, 2001).

III. The Historical Context of Paradigm Change

The literature on Canadian immigration and refugee policy has provided preliminary evidence that over the course of the 1990s a security and control paradigm replaced a protection paradigm that had remained fairly consistent since the mid-1950s. This literature is limited because it is largely focused on changes in policy and does not consider the underlying paradigm that framed policy. For instance, it has not effectively delineated the meaning of terms often used in this literature such as “securitisation” or “humanitarianism” nor has it effectively attached these labels to the thinking of policy-makers themselves. Therefore, it is difficult to draw clear conclusions about the existence of the protection paradigm. However, there are initial indications of the protection paradigm’s importance from the mid-1950s through to 1989. As a result, the secondary literature reinforces the more substantial claims about the existence of such a paradigm made in the next section and reinforces the idea that the refugee protection paradigm was not an anomaly of the 1975-1989 period.

Specifically, the Canadian government’s response to the Hungarian crisis of 1956 has been described as an “unprecedented” shift to practices in which priorities of refugee protection overrode concerns about state security (Dirk, 1993: 3). Prior to this Canada’s immigration policies – anchored by the 1906, 1910 and 1952 Immigration Acts – had been relatively restrictive and oriented towards state security and control. This pre-1956 approach to immigration was justified by policy-makers in terms of concerns over security and public safety. To this end immigration policy was

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6 There are partial exceptions to this. For instance, there has been limited reference to the importance of values held by policy-makers (Dirks, 1995: See also Lanpheir, 1999). Changes in policy and policy proposals have also been described as reflecting an evolving set of values (Aiken, 1999: 13) as well as the manner in which new policy, legislation and judicial practice affected those values (Whitaker, 2002: 32). However, even in these cases a clear delineation of these values and how they have changed has not been the focus of these authors.

7 Similarly, Robert H. Keyserlingk argues that Canada’s response “broke new ground” (Keyserlingk, 1993: vii, viii).
regularly employed to address the ‘national interest.’ This use of policy was exemplified by such cases as: the deportation of key agitators in the Winnipeg General Strike of 1919; the estimated deportation of 28,000 foreigners from 1930 to 1935 for a variety of reasons, including being public charges (Whitaker, 1991:13; on similar issues see Avery, 1979); efforts to expel and revoke the citizenship of Japanese Canadians after the Second World War; and, the refusal to assist Jewish refugees fleeing Nazi Germany, the most conspicuous case being the denial of the landing of the St. Louis in 1938 (Whitaker, 1987: 13-14; Hawkins, 1991:164-65). Policy-makers’ actions in this period suggest an early form of a security-control paradigm.

Similarly, after the Second World War Canadian immigration policies continued to be applied in a restrictive manner. As an indication, immigration officers were characterised as “gatekeepers rather than facilitators of immigration” (Dirks, 1984: 281; 1993; see also Hawkins 1972: 139-73). Security officials, who utilised their discretionary powers effectively and held the upper hand in immigration matters, sought to limit immigration to Canada. Doing so included limiting access to Canada for refugees from Europe, based on the fears that amongst these movements were Nazi sympathisers or Soviet agents who could not be detected because there were few means to undertake thorough security checks (Keyserlingk, 1993: ix; Whitaker, 1987: 38-44). According to Reg Whitaker, the post-WWII expansion of security controls in immigration policy represented a “growth of the ‘national security state’ under which the efforts of security officials to screen travellers in all categories were significantly expanded” (Whitaker, 1991: 17). The 1952 Immigration Act – which replaced the 1910 Act – was the first substantial post-WWII reform of policy but varied little from its predecessor’s emphasis on control (Whitaker, 1987: 38). Indeed, the 1952 Act was described in the 1974 Green Paper as adopting “a gatekeeper's stance … drafted in a way that emphasizes procedures for keeping people out” (DMI, 1974: 68; CICc. 2000).

For a detailed account of Canadian immigration policy towards Jews in the 1930s and 1940s, see Abella and Troper, 1991.

Canada was active in international efforts to assist refugees after the Second World War. Canadian policy-makers made strong commitments to assisting European refugees of allied countries, and were active in supporting the International Refugee Organisation and in the drafting of the UN 1951 Convention on Refugees.

Whitaker suggests that it was the threat of Soviet agents rather than Nazi sympathisers that policy-makers believed presented the greater risk to Canada (Whitaker, 1987: 102-147). One of the motivators of this focus on security was the Gouzenko Affair in 1945, involving the defection of a Soviet diplomat, Igor Gouzenko, who implicated a number of officials within the Canadian government as Soviet spies. The subsequent re-enforcement of security screening included, in addition to public servants, new immigrants to Canada (Whitaker, 1987: 17-24; 25-31).

The Green Paper suggested the need for legislative change arose in part because the current needs no longer reflected the circumstance or thinking that had shaped the 1952 Act stating that
As suggested, the quickly organised and politically supported movement of 37,000 Hungarian refugees in 1956 marked an important breaking point in Canadian refugee policy. At the time, the Minister of Immigration, Jack Pickersgill, successfully garnered Cabinet support for overriding security concerns and pressing ahead with protection-based action. In the years immediately preceding 1956, Pickersgill had made similar – albeit failed – efforts to downplay security concerns in order to pursue humanitarian goals related to refugees from North Africa, Greece and Central and Eastern Europe (Whitaker, 1987: 66-83). However, it was not until the Hungarian movement that he was successful in reducing security checks and overriding specific RCMP security concerns, in order to expedite the movement of those fleeing Hungary to find resettlement in Canada (Whitaker, 1987: 85-87).

Although there was no formal legislative standing for refugees in Canada until the new Immigration Act of 1978, Canadian policy-makers’ discourse and behaviour in refugee policy between 1956 and 1978 broadly reflected the criteria of the protection paradigm. Utilising largely an ad hoc approach, based on Ministerial and Cabinet leadership, Canada was active in the large scale overseas resettlement of refugees. Most significant was the acceptance of 11,000 Czechoslovakians in 1967; 6,175 Asian Ugandans in 1972; 6,000 Chileans in the mid-1970s; and 69,000 Indochinese between 1975 and 1980 (CICd, 2000). These actions were taken within a broader context in which there had been significant liberalisation of Canadian immigration policy (Triadafilopoulos, 2010).

Changes to immigration regulations in 1962 removed many forms of discrimination in Canada’s immigration policy based on race, religion and national origin. These changes were followed in 1967 by the introduction of the ‘points system’ for immigration, which expanded immigration from countries outside of Europe and based entrance increasingly on ‘objective’ criteria rather than race (Whitaker, 1991: 19). Further legislative changes under the Immigration Appeal Board Act of 1967 expanded the oversight of immigration decisions by increasing the means to appeal immigration decisions and responded to what Whitaker refers to as “a more liberal climate of opinion” within

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The Act is itself an outgrowth of legislation dating back to the turn of the century. Its structure and many of its provisions betray approaches rooted in the circumstances, conditions and attitudes of an earlier era. It is inevitable, therefore, that there should be much in the Act that can only be called old-fashioned, and that, more broadly, this piece of legislation should stand in need of comprehensive revision in immigration policy is to be furnished with a statutory basis that is fully suited to contemporary conditions and the requirements of the future (sic) (DMI, 1974: 60).

12 Whitaker refers to this as a “watershed” (Whitaker, 1987:86) The shift in approach by Canadian officials in 1956 extended beyond immigration policy to a broader internationalist Canadian foreign policy, which Dirks has described as developing a “Canadian image … of an active participant in world affairs and a leading middle power” (Dirks, 1977: 212).
Canadian immigration policy (Whitaker, 1991: 19). This more liberal climate included heightened concern about the influence of the security community over aspects of immigration policies and practices as well as a heightened concern for civil liberties. The result was a tightening of civilian and judicial oversight of the security community and security screening processes in the 1960-1980 period (Whitaker, 1987: 5, 207-241).13

Broadly, secondary sources and practitioners alike have labelled Canada’s reform of its immigration and refugee policies from the 1960s through to the late-1980s as being consistent with a humanitarian focus (Adelman, 1990a). W. Gunther Plaut has argued that throughout the 1970s and 1980s Canada demonstrated a “highly liberal attitude towards the admission of refugees, in contradistinction to our practice during the days of the Hitler regime in Germany” (Plaut, 1990: 79). Similarly, R.A Girard, former Director of Refugee Affairs, Canada Employment and Immigration Commission, has suggested that after the late 1960s Canada’s focus on humanitarian concerns in its resettlement program was “sharpened” and that Canada’s refugee policy evolved as a “humanitarian policy…with diminishing reference to Canada’s specific needs and interests” (Girard, 1990: 113).14

That these liberal ideas originated with the thinking of senior policy-makers –especially within the department – is also evident. Dirks argues that during the 1960s and 1970s the maintenance of a distinct identity of immigration officials, which included a focus on “humanitarian responses to the plight of refugees,” was the result of a generational turnover from those active in the immediate post-war period who “had perceived their role as one of gatekeeper, providing the last line of defence against an onslaught of aliens,” to a group of “more thoughtful and sympathetic”

13 Changes included: the limiting of discretionary powers; a clear definition of security risks; limitations of investigations (Whitaker, 1987: 280) and, the creation of the CSIS and an oversight body, the Security Intelligence Review Committee (SIRC) to which individuals could appeal decisions (ibid, 281-285). Despite these changes, Whitaker’s broader argument is that security played a more prominent role in Canadian immigration and refugee policy throughout this period than had been previously considered. He suggests that the more coordinated nature of the 1978 Act and the practices that developed after its implementation made security measures more universally applied than they had been under the 1952 Act. Furthermore, he argues that the Act placed greater emphasis on security measures related to national security than civil liberties (ibid: 272). Whitaker may be correct in suggesting that the actual content of the 1978 Act shifted the balance. However, this change seems to have occurred as a result of policy-makers’ attempts to legislate more thoroughly what had been exercised as discretionary practices. There is ample evidence to suggest that the practices and thinking of policy-makers had changed considerably between the framing of the 1952 Act and the 1978 Act and that on the whole the latter was more liberal. This is a point which Whitaker himself makes elsewhere (Whitaker, 1991: 20; See also comments by Kelley and Trebilcock, 1998: 380-381, 390-391).

14 An important distinction in this period is that much of the praise for Canada’s policy towards refugees was focused on its overseas resettlement programs rather than the system of inland determination. However, over the course of the 1980s Canada’s inland system was also recognised as a very protection-oriented system (Avery, 1983; Meissner et al, 1993: 23-24). The importance of this shift in focus for explaining paradigm change will be considered in more detail in chapter 5.
officials who performed their responsibilities “in a more internationalist context in that there now came to be an appreciation of the factors beyond Canada requiring recognition” (Dirks, 1984: 281-82). Likewise, Christopher L. Avery suggests that the fairness of the Canadian system in the early 1980s was in part due to these officials, who “have been praised for generally maintaining an attitude of ‘humanity’ towards refugees” (Avery, 1983: 273). These policy-makers were also seen as having led the liberalisation of refugee policy rather than having been pressured by broader societal actors. Despite varied public opinion about refugee policy over this period, Canadian policy-makers with liberal attitudes provided leadership in mitigating and shaping more recalcitrant public attitudes (Hawkins, 1991: 48, citing Adelman, 1982, Interview 16).

The development and implementation of the 1978 Immigration Act and the thinking that contributed to it further fit within a protection paradigm. The 1978 Act was viewed as being much more liberal than the 1952 Act, with less emphasis on control and removal (Whitaker, 1991: 20) and by some as the “most liberal piece of immigration legislation ever to become law in Canada” (Dirks, 1995: 14). The 1978 Act, which received cross-party support, gave refugees legislative standing for the first time and acknowledged “Canada’s international legal obligations with respect to refugees and to uphold its humanitarian tradition with respect to the displaced and persecuted” (Immigration Act, 1978. Part 1, Section 3). The Act created a directorate of refugees and the Refugee Status Advisory Committee (RSAC) to address inland claims. Under the Act the discretionary powers – viewed as potentially problematic by protection advocates – of the RSAC were restrained and the UNHCR representative in Canada was permitted to participate in the Committee’s proceedings (Dirks, 1984: 289-90, 299). Further indicative of the Act’s emphasis on refugee protection was the fact that it was broadly supported by the refugee advocacy community (Dirks, 1984: 306; Dirks, 1995: 14).

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15 Elsewhere Dirks argues that the refugee determination and appeal system set up in the 1970s, which has been described as an “unprecedented, generous mechanism,” was established because of the “philosophical outlook” of the minister and senior bureaucrats” (Dirks 1995: 26).
16 Howard Adelman attributes the Minister of Employment and Immigration, Flora MacDonald, with a similar attitude when she considered the amendment of the Immigration Act in 1985 (Adelman, 1985a.)
17 In this period policy-makers were confronted with negative public reactions to events such as the boat arrival of refugee claimants in the summer of 1987 (Interview 16). However, policy-makers also recognised that for the most part public support for a “humanitarian” policy was high and government officials were aware of this (Dirks, 1984: 301). The Canadian public’s quick and generous reaction to the Indocheinese movement supports arguments that there is a latent humanitarian potential within the Canadian public. In the Indocheinese movement, 34 000 refugees were privately sponsored directly by Canadian citizens, working in groups of at least 5 who committed to supporting the refugee for at least a year. The initial government target of 21 000 sponsored refugees was met by Canadian citizens in only four months (Hawkins, 1991:184: For further discussion see: EIC, 1982).
18 For criticisms of the discretionary powers which did remain, see Dirks, 1984: 299; and Howard, 1980.
Almost immediately after the 1978 Act took force additional efforts were made to increase its protection aspects. In the early to mid-1980s, several reviews of the legislation related to inland determinations of refugees were undertaken and reforms proposed which were described as further liberalising Canada’s approach to refugees (Hathaway, 1985). These revisions largely fit within the refugee protection paradigm. Indeed, they took as a basic premise that access to a determination process was a right, and not a privilege, of claimants (Refuge, January 1986) and called for the development of a more efficient, independent body that included an oral hearing for claimants rather than the existing administrative paper review of applicants. These hearings were to be expeditious, non-adversarial, held in front of a body independent of the state’s immigration apparatus, with ample opportunities for failed claimants to appeal decisions (Plaut, 1986). The most significant proposals for reform were contained in the 1984 Ratushny Report and the 1985 Plaut Report, which corresponded to many of the subsequent revisions considered by the Standing Committee on Employment and Immigration in the mid-1980s. Many of these proposals were realised in Bill C-55 (1987), which created a new inland refugee determination system centred on the Immigration and Refugee Board (IRB). This board has been recognised as one of the most liberal and protection-oriented systems available to refugees in the world.

Support for legislative changes implemented by the 1978 Immigration Act and the proposals for reform in the 1980s exemplified a convergence of opinion on the protection paradigm (Clark, 1986; Smith, 1985). Both the 1978 Act and the proposals for the creation of a separate and more liberal inland determination system, as well as practices such as the movement of Indochinese

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19 The Standing Committee outlined four principles of reform which clearly fit within the protection paradigm. First, reform was to be guided by the principle that refoulement (return to places where persecution might take place) was unacceptable and anyone physically present in Canada had a right to claim refugee status with no distinction between those who were present legally versus illegally. Second, it was unacceptable to use a category of ‘manifestly unfounded claims’ to prevent access to the determination process. Third, claimants should have their cases heard after a non-adversarial oral hearing. Finally policy-makers within the determination process should be able to recommend to the Minister those who are not Convention refugees but should be allowed to remain in Canada on humanitarian and compassionate grounds. The Plaut report argued for an independent decision-making body; a fair system based on well-informed and professional policy-makers; a rejection of manifestly unfounded claims; the necessity of an oral hearing with the benefit of the doubt being given to the claimant; an expeditious process, in the interest of fairness; and for immigration officials to have the ability to recommend non-Convention cases to the Minister as cases to be accepted on humanitarian and compassionate grounds (SCLEI, 1985; Plaut, 1985; Smith, October, 1985; Refuge, January 1986).

20 The passing of Bill C-84 – the Refugee Deterrents and Detention Bill – at the same time as Bill C-55 did introduce additional security-control oriented policies to the system. However, it is argued below that despite this legislation the period can be defined by a particularly liberal approach to refugees. Indeed, many of the most control-oriented features were either watered down in the final legislation or were never subsequently implemented.
refugees, had large cross-party support. They also had broad support from refugee advocacy groups (Dirks, 1984: 306; Dirks, 1995: 14; Adelman, 1985a). Thus, evidence of thinking that corresponded to a protection paradigm appears to have been broadly accepted across the policy community and likely constituted a significant factor in the framing of policy.

Although predominantly framed by the protection paradigm, there are aspects of this period that do not immediately fit within the paradigm. Indeed, government officials at the end of the period argued that despite Canada’s humanitarian action, humanitarianism as a driver of policy always took second place to national interest in motivating Canadian policy (Girard, 1990; Interview 1). Indeed, even protection-based action was criticised for being self-interested (Johnston, 1981; Whitaker, 1987: 8-9). Several examples could be used to challenge the argument that the protection paradigm framed policy-makers’ thinking in this period. For instance, overseas selection of refugees was based not solely on refugees’ needs but also on their ability to integrate into Canadian society without upsetting established values. Similarly, Canadian practices until the early 1980s also prioritised refugees’ physical fitness (Dirks, 1995: 25; Girard, 1990: 115-116) and as a result was criticised because those refugees most in need were often overlooked in Canada’s selection process (Matas, 1989). Furthermore, the Canadian system, even after the adoption of the points system, was criticised for being racist (Whitaker, 1987: 8-9; Matas, 1985, 1986). Other policies also fit problematically within the protection paradigm, including the use of visas to prevent arrival and an overseas system which did not provide refugees with the same systems of appeals and safeguards (Schelew, 1982).

A similar challenge to the existence of the protection paradigm could be raised by the presence of specific security concerns that resulted in the adoption of increased measures of security and control. Not the least of these concerns was the use of emergency measures to increase security at the 1976 Montreal Olympics, justified in part by the events of the 1972 Munich Olympics (Whitaker, 1987: 240-1). The fact that security concerns existed is reinforced by criticism that

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21 For instance, in 1980 all parties supported the increase in travel loans to be used by Indochinese refugees (HoC, April 23, 1980: 1540-1640). In 1985 the recommendations of the Plaut Report received cross-party support in the Standing Committee (Refuge, January. 1986) and from the Minister (Adelman, Refuge October 1985b).
22 For instance, Whitaker has suggested that in the case of the Indochinese movement, action was in part motivated by a foreign policy goal of embarrassing a communist government (Whitaker, 1987: 262). However, this goal could have been accomplished with a much less ambitious undertaking.
23 Early criticisms of this action in the immediate post-WWII period can be found in Corbett, 1957: 198-99.
24 However, the attempt to regularise these powers in the 1978 Act was met with resistance (see for instance SCLMI, June 7, 1977: 1135; SCLMI, July 7, 1977: 2055).
Canadian control measures and security checks were used to prevent undesirable migrants from entering Canada, including refugees and academics with left-leaning ideologies (Whitaker, 1987: 244-259). These practices were further linked to criticisms that security restrictions were used to meet Canada’s foreign policy and allies’ interests in the Cold War (Lanphier, 1990:81). For instance, there were accusations in the 1970s and 1980s that Canadian officials were slow to respond to refugee movements stemming from persecution by right-wing governments. More generally the link between migration policy and security-control was made in several key investigations on Canadian security, including the 1969 Mackenzie Royal Commission on Security, the McDonald Royal Commission concerning certain activities of the RCMP in 1981 and the 1987 Deschênes Commission of Inquiry on War Criminals in Canada.

The Canadian government’s response to the events of the summer of 1987 is especially likely to draw into question the existence of the protection paradigm. In August of that year the Conservative government recalled Parliament for an emergency session in response to the July arrival by boat of 329 Sikhs in Nova Scotia. This arrival took place a year after a similar arrival of 151 Tamils by boat in Newfoundland and against the backdrop of rising numbers of refugee claimants within Canada. The image of boatloads of refugee claimants arriving on Canadian shores allowed the government to present the events as a crisis of illegal migration against which strong action needed to be taken. The primary response came in the form of the hastily prepared – and politically driven and expedient – Bill C-84, the Refugee Deterrents and Detention Bill, which was focused on deterring further illegal migration (Halil, 1988, Interviews 8, 16).

Despite the presence of security and control concerns, the actions and underlying thinking of Canadian policy-makers still fit within a protection paradigm. While national interest, control and security were present, these concerns are to be expected as normal and regular components of any immigration and refugee policy. As suggested, immigration policy is at its core about exercising state control and sovereignty over borders. However, the protection paradigm that framed policy from 1975-1990 raised the priority of refugee protection, often placing it over general and non-specific concerns of security and control. Furthermore, in the context of the prevailing cultural

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25 An example of these accusations was the criticism that refugees from right-wing governments of Latin America did not receive the same efficient response as those from Communist states. Two examples cited to support this argument were the slow assistance to Chilean refugees in 1973 and to El Salvadoran refugees in 1982 (Hawkins, 1991: 169; SCLMI, June 7, 1977: 1050; May 21, 1981: 2055; Dirks, 1994: 29).

26 Whitaker’s 1987 book, Double Standard: The Secret History of Canadian Immigration, provides a detailed overview of the importance of security concerns in Canadian immigration and refugee policies over the course of the twentieth century.
norms, Canadian action was more protection-oriented than the periods that preceded and followed it. For instance, despite the rhetoric and immediate action around the events of 1987, it is argued below that it was the protection paradigm which tempered many of the potential responses that could have been markedly more enforcement oriented had they occurred under a security and control paradigm. Furthermore, security concerns raised by the 1987 boat arrivals did not receive the attention or produce the long-term effects that might have been expected given that several individuals in the movement were identified as posing specific security threats and the possibility that security concerns could have been heightened by the connection between the bombing of an Air India flight departing from Canada two years earlier and the refugee determination process.  

Indeed, the initial strong reaction by the government did not last long and was broadly opposed by opposition MPs and in the media. Furthermore, the legislation that was eventually enacted was significantly weakened in implementation, especially given that neither the Safe Third Country nor high seas interdiction provisions were pursued. In addition, the companion legislation to Bill C-84, Bill C-55, established the Immigration and Refugee Board, which institutionalized a very liberal refugee determination system that reflected the strength of the protection paradigm at the time.

In summary, the secondary literature suggests that Canadian migration policy from the mid-1950s to the late 1980s reflected the thinking found in the refugee protection paradigm. Increasingly, Canadian policy-makers prioritized humanitarian action and refugee protection over elements of Canadian national interests. This priority is evident both in specific pragmatic responses to refugee crises and legislative changes across the period. Furthermore, this literature suggests that the thinking of both elected officials and senior policy-makers within the department was an important motivation of this change. The following section uses the primary data to substantiate these initial findings and to clearly demonstrate the presence of the protection paradigm in the period from the mid-1970s to the late 1980s.

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27 Whitaker suggests that international terrorism was the “great frisson” of the 1980s (Whitaker, 1987: 299-300). However, there is little evidence that this dominated policy making in and around refugee policy, although there might have been justification at the time for such a focus. Others have also cited, amongst other things, the renewed Cold War tensions (Whitaker, 1987: 286-290).

28 One official pointed to the fact that the Conservative government was not required to create as protection-oriented of determination system as it had under Bill C-55 (Interview 20).
IV. The Protection Paradigm 1975-1989

This section substantiates the suggestion made in the secondary literature that a protection paradigm existed in this period. It accomplishes this by providing a description of the thinking that framed the development of refugee policy leading to the 1978 *Immigration Act* as well as through significant parts of the 1980s. Specifically, this analysis focuses on policy-makers’ cognitive and normative understandings centred on definitions of policy problems, policy goals, the specific identities of actors involved in the policy field and their beliefs about effective and appropriate policies. While these categories provide useful conceptual organisation for the analysis of this paradigm they are not mutually exclusive. Indeed, a paradigm is in part substantiated by demonstrating consistency of thought across these categories.\(^{29}\) It will be demonstrated that policy-makers’ thinking in this period closely corresponded to the protection paradigm described in chapter 2.

*Problem Definition*

As has been argued, paradigms are in part shaped by cognitive understandings of the environment within which policy operates. This includes understandings of cause and effect relationships and the definition of problems created by these relationships. In this study the understandings held by policy-makers - in particular their views of the dominant problems they faced - differed significantly between the two periods under study. Indeed, in comparison they reflected the perception by policy-makers that these were ‘different times’ (Interviews 1, 5, 11, 17). As will be demonstrated in chapter 4, problems of national security and the control of illegal migration were front and centre in the framing of Canadian refugee policy at the end of the 1990s. Of particular concern for policy-makers was the threat posed by large flows of difficult to classify migrants who were claiming to be refugees. In contrast, under the protection paradigm, policy-makers were more concerned that policy might not provide a fair process of refugee determination and adequate protection for refugees. In part this was due to their understanding of the serious implications of refugee determination and protection. The nature of policy-makers’ concern was

\(^{29}\)As a result, evidence that supports one of the analytical categories may overlap with other categories. For instance, policy-makers’ understanding of a problem may also suggest evidence of what they perceive to be the goals of policy and what might in turn be the appropriate response.
captured by Immigration Minister Lloyd Axworthy, who commented that determining refugee status is “extremely important, sensitive and difficult, requiring decisions that have life-and-death consequences” (SCLMI, April 1, 1982: 2010). Policy-makers’ focus on protection was also possible because they believed that those claiming refugee status - although presenting challenges - did not represent a significant problem for the state nor that a protection-oriented system would result in a level of abuse that would challenge the integrity of Canada’s borders or its security. Indeed, unlike discussions leading up to the 2001 *Immigration and Refugee Protection Act*, issues of security and control were not used to frame the 1978 *Act* nor were they a driving feature of reform. The following section provides evidence of the prevailing understanding of these problems.

Understandings of the problems that dominated refugee policy are found in policy discussions that directly addressed enforcement measures within the proposed 1978 *Act*. In these debates concerns about control and security were raised; however, they were limited. In particular they did not centre on refugees and were largely restricted to specific sections of the *Act* that addressed enforcement measures such as the introduction of security certificates, criminal and terrorist activities, the protection of security-related information, and security as it related to inadmissibility and broader international security.30

These discussions also suggested that the issues of migration control, security and criminality were not significant problems. In responding to arguments against the extension of enforcement powers, government officials did not present the policy environment as being particularly unsafe nor were illegal migrants and those claiming refugee status - for the most part - seen as a the source of insecurity.31 For instance, the Auditor General argued that the immigration department’s weak secondary screen process was accepted because the limited number of illegal migrants who managed to enter Canada “will eventually be caught through various filters in Canadian society, such as police forces” (Auditor General 1982: 7.81).32 The quick acceptance of 60 000 Indochinese after only

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30 See sections 19 and 39 through 44 of the *Act*, and discussions in the SCLMI in meetings on June 28, 1977; July 5, 1977; and, July 6, 1977.

31 On the latter point consider the comments by J. Hucker (Director General, Facilitation, Enforcement and Control, Department of Manpower and Labour). In clarifying clause 19 governing inadmissibility in the proposed *Act*, he did not connect issues of criminality to refugees. Instead he stated that the clause applied to both “immigrants and to visitors” (SCLMI, July 5, 1977: 1750). At the end of the 1990s, inadmissibility due to criminality was almost exclusively focused on refugee claimants / illegal migrants, with very little discussion of regular immigration and visitors. This is particularly interesting given the much more limited screening of visitors to Canada.

32 A similar position was taken by Liberal Peter A. Stollery who suggested it was better to have potential criminals enter the country and be convicted if they commit a crime rather than unfairly prevent them from entering (SCLMI, July 5, 1977: 2135-2210). A similar position was taken in Interview 17.
limited identification and security checks also suggests the lack of concern on the part of policy-makers.\(^33\) When asked why this was the case, one department official suggested that at the time policy-makers had a clear understanding of these flows of refugees and they were more inclined to trust that they were in fact legitimate refugees, an understanding which had changed by the end of the 1990s (Interview 17).\(^34\) Furthermore, rather than seeing Canada as the target, security risks were often framed as a threat to other states with Canada acting only as a staging ground (SCLMI, July 5, 1977: 1700-1715; SCLMI, December 1, 1981: 1550-1555).\(^35\)

These points are clearly illustrated in the discussion of security certificates which allowed the Minister of Immigration acting with the Solicitor General to limit the appeal of individuals within the system whom they deemed to be security risks. Despite the fact that security certificates addressed the most serious elements of security, policy-makers did not frame the issues that might motivate the need for such powers as being particularly pressing. While members of the department argued for these certificates they also presented those who were subjects of them as individuals who might merit protection rather than as part of a larger problem or as a threat that simply needed to be removed (SCLMI, July 12, 1977: 0955-1015).

That security was an issue but not one of considerable urgency can be seen in the tepid introduction to the issue of security certificates by Immigration and Employment Minister Bud Cullen. The Minister stated:

> the executive is in a position to have the over-all view of security, and when you take something like this before the court, you are dealing with a very small fraction, bits and pieces of a particular security picture. It strikes me that this is the area where the executive should, in fact have prime control because of our obligations at the executive

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\(^33\) For indication of the limited nature of these checks see CBC, 1979. In approving refugees, Canadian officials in part relied on the UNHCR to verify identity and ensure security. Within the security-control paradigm this practice was no longer acceptable (SCLMI, April 5, 2001: 0925).

\(^34\) The problem of establishing identity could also have been present when considering the granting of amnesties to migrants already in the country. While Minister Axworthy noted several problems flowing from the use of amnesties in 1983, neither he nor opposition members framed these problems as ones related to security or public safety due to the fact that these migrants were unscreened and self-selecting (SCLMI, May 21, 1981: 2035 and subsequent discussions. See also SCLMI, December 1, 1981: 1635-1650). The security-control paradigm frequently used this framing of the problem.

\(^35\) Alternatively arguments were that, in some instances, it might be appropriate for Canada to act as a staging ground from which refugees under its protection could act. Liberal MP Charles Caccia suggested such refugees were acting like Jacques de Gaulle during the Second World War who benefitted from the protection of the United Kingdom (SCLMI, July 5, 1977: 1700). Considerable discussion in the Standing Committee also focused on establishing the types of activities and the types of governments it would be acceptable for migrants to organise against while in Canada (July 5, 1977: 1700-1715, 2130-2155).
level. I would be concerned also that as part of the court functions there is not opportunity here of cross-examining the sources in matters of security. So there are a whole series of things that I can see as putting road blocks in an area in which we want to be extremely careful because we recognize we are dealing with a dangerous situation. In other words, we must consider the security of the country (SCLMI, July 12, 1977: 0955-1015).

These comments were the only ones made by the Minister on this exchange and are indicative of the infrequency and lack of conviction with which security and control problems were raised in the discussion of the 1978 Act. Such concerns did not resonate with the predominant discourse of the day.36

Policy-makers did not raise, with any regularity, the specific stories that supported or sensationalized the issues of security and control, something that would come to dominate the narrative in the Standing Committee at the end of the 1990s. Indeed, their illustration of the need for security certificates in the discussion above used the example of a young man with a large family in Canada who was discovered to be a contract killer. The case was stated matter-of-factly and not presented in a particularly ominous manner with MPs being reminded that despite the use of security certificates the “individual might still protect himself under other grounds” (SCLMI, July 12, 1977: 0955).37

Similarly, the issues of control presented by illegal migration were both framed differently and considered a lower priority under the protection paradigm. Policy-makers were aware that these issues existed. Estimates of illegal residency in Canada in the 1970s were as high as 200,000 and there were expectations amongst Ministers and bureaucrats that the number would continue to grow.38 Furthermore, there was discussion that illegal migration posed a problem for the Canadian

37 There is other evidence that security was not seen as a significant problem for policy-makers. For instance, MPs questioned whether Canada’s security environment required the extension of security powers that had been used for the Montreal Olympics in 1976 (SCLMI, July 7, 1977: 2055). See also comments by witnesses at the Standing Committee: SCLMI, June 7, 1977: 1135). The relatively low priority given to security issues during the 1970s and 1980s compared to the end of the 1990s was confirmed by one CIC official who stated that during the former period “we didn’t use the Immigration Act to remove Russians from the country” (Interview 5). By the end of the 1990s the Immigration Act was used to remove individuals - especially war criminals - rather than to pursue prosecution in Canada.
38 This number is large even when compared to estimates available at the end of the 1990s. In a report on illegal migration commissioned by Minister Axworthy in 1982, W. G. Robinson argued that 200,000 was the commonly used estimate of the number of non-status individuals living in Canada throughout the 1970s and early 1980s. This number was used by government officials, including the Minister for Immigration in 1973 and the Employment and Immigration Advisory Council in December 1982 (Robinson, 1983: 23-24. See also Robinson, xiii; comments by Ministers Cullen, SCLMI, March 22, 1977: 1545). Robinson suggested that this number was overstated and the real number was closer to
immigration system. In his appearance at the Standing Committee in 1975, Minister Andras stated that “one of the greater and more difficult challenges facing my department is the complex matter of illegal migration” (SCLMI, April 22, 1975: 1620).

Despite this awareness, for the most part, illegal migration was not seen as posing an unmanageable threat to Canada. Indeed a year after raising illegal migration as a “difficult challenge” Andras toned down his description of the problem and balanced it with concerns about fairness and justice, framing the problem in the following way:

A necessary but difficult, aspect of immigration management, of course, is enforcement and control. Indeed, there has to be a balance struck between the legitimate rights of sovereign states to control the admission and the stay of persons, in accordance with its own interest, and the assurance that, in pursuit of this policy, the elementary principles of fairness and justice are not overlooked. I think, on the whole Canada has achieved such a balance, although I am reconciled to the fact that, with the number of visitors who come to this country every year, inevitably, from time to time, there are going to be situations and incidents that cause concern. Certainly illegal immigration, which I talked about a bit, last year, before the committee, is an ongoing worry (SCLMI, April 28, 1976: 1545).

Andras’ comments also support the argument that policy-makers did not believe that policies to control illegal migration should override those that attempted to make the system fairer. Indeed, discussion around these comments was consistent with broader debates that placed emphasis on the concerns that migrants’ rights were being put in jeopardy by the system rather than highlighting illegal migration as a problem of state security or border control (SCLMI, April 28, 1976: 1545).

This understanding of the problem continued into the 1980s. For instance, in 1983, special advisor to Minister Axworthy, Gerry Robinson, acknowledged the problems of illegal migration but defined them primarily as lower level problems that were not easily discernible by the state rather than ones of national security. At its extreme, Robinson argued that illegal migration might result in the demise of Canadian sovereignty over national borders with the possibility that “our laws will

an upper limit of 50 000 (Robinson, 1983: 26), a position supported by Freda Hawkins (1991: 206). Nevertheless, 200 000 was a commonly used number.

40 For Robinson, the specific effects of illegal migration were not immediately tangible and were instead focused on the potential for lost tax revenues or effects on the economy. Furthermore, he was unclear about the degree to which these effects were positive or negative. For instance, Robinson argued that the failure to raise taxes might be offset by the limited draw on social services, such as education and employment benefits, by migrants who wanted to elude detection (Robinson, 1983: 16-17).
be in danger of losing general public acceptance and respect” (Robinson, 1983: 18). However, he also maintained that illegal migration should be expected to exist and was manageable, with problems only arising after a “tolerable limit” of illegal migration was exceeded (ibid). In 1983 that limit had not been reached, he suggested (ibid, 29-30). In short, illegal migration was recognized as an issue, but not an unmanageable one.

Furthermore, in discussions leading to the 1978 Act, concerns about illegal migration were not dominated by the anxiety that the liberal nature of the system was a draw for abusive claims. Instead, illegal migration was largely framed as being caused by visitors’ overstay. For instance, Minister Andras’ proposed changes in enforcement powers to address illegal migration focused on the immigration system and not on refugee claimants (SCLMI, April 22, 1975; April 28, 1976: 1545). Similarly, in 1983, Robinson did not cite Canada’s generosity, the fairness of its system or its approach to refugees as likely causes of increased illegal migration.42

That illegal migration was seen as a relatively low policy priority for policy-makers was in part facilitated by the comparatively positive image that was held in official circles of migrants themselves. Where migrants were viewed as problems it was largely because they were impatient, “queue-jumpers,” or “cheaters” whose actions compromised the fairness of the system (SCLMI, May 21, 1981: 2035). Although the prefix “illegal” was used in the 1970s and through the early 1980s, it was not the norm. For instance, in 1976 Minister Andras demonstrated the tentativeness of the term at a meeting of the Standing Committee when he referred to it as “[t]his so-called ‘illegal immigration’” (SCLMI, April 28, 1976: 1545). Editorial writing between 1977 and 1983 further supports this argument. In a survey of Globe and Mail editorials, no prefix to either refugee or migrants used “bogus,” “illegal,” “fraudulent,” “illegitimate,” “counterfeit,” or “false.” The term “illegal immigrant” or “illegal immigration” was only used twice, once in reference to Canada, and

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41 For a similar framing of the issue, see comments by the Auditor General in 1982 (Auditor General, 1982: 7.63-7.83).
42 Instead, he suggested that “[a]ll indicators are that the entry of illegal migrants into Canada through shortcomings in border control is relatively low. Most illegal migrants entered as visitors…” (Robinson, 1983: xxii). The most significant incentives to migrate to Canada were listed as: the draw of economic prosperity and family relations; the tightening of the family class; misinformation about the immigration process from both well-meaning family members in Canada and suspect immigration consultants; unstable political situations in home countries; and poor overseas processing (ibid,11-16).
43 For instance, on December 1, 1981, Minister Axworthy, defending an unpopular decision that placed visas on migrants from India, pointed to abuse as a serious problem for the system. However, he couched this concern within the larger problem of fairness, stating that allowing abuse to occur “would be unfair to all the people around the world who are planning to come to Canada, using legitimate procedures” (SCLMI, December 1, 1981: 1640). At Axworthy’s next appearance at the Standing Committee, he further clarified his use of visas by arguing that the policy did not target migrants but rather the “unscrupulous” immigration consultants who preyed upon them (SCLMI, April 1, 1982: 2020).
once in reference to Chileans in the United States. Furthermore, the word “abuse” was not used to characterise refugee claimants’ behaviour.

Instead, policy-makers understood migrants as potential citizens who might have been accepted through regular immigration processes. For instance, discussing illegal migrants residing in Canada, one Liberal MP addressed the problem in the following way:

Does the minister have any plans to reduce the number of illegal immigrants in Canada – the number of immigrants who are living underground and of whom we know nothing of their whereabouts? Many of these individuals are afraid to send their children to school because of the fear that they will be recognized. However, many of them have remained in Canada for many years and have settled well (HoC, December 8, 1980: 2040).

Similar sentiments were evident in the Minister’s response:

This matter should really be looked at on a case-by-case basis. We obviously do not want to encourage large-scale illegal entry to Canada because it is unfair for those who apply legally and go through proper procedures. That is why we put some effort into enforcement. At the same time, if an individual or family has been here for a long period of time, has settled into the community and demonstrated worth, I give the hon. Member and other members the assurance that we would be prepared to consider such cases on their merits and to apply the standards of compassion and recognition to contribution to this country (HoC, December 8, 1980: 2040).

This understanding was furthered by Canada’s immigration/refugee culture and the personal histories of policy-makers that allowed them to empathise with migrants and see them as ‘like us’; seeking a better life and a new start for their families (Interview 4).

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44 Indicative of these characteristics of refugees was a 1981 Globe and Mail editorial titled “They are not refugees” (December 4, 1981). The editorial depicted a contemporary movement of Sikhs claiming refugee status in Canada as not being real refugees. However, there was no labelling of these individuals as “illegal or “bogus” migrants. The editors suggested that these individuals were using refugee status as an “excuse to jump the queue,” which was unfair. This, however, was the toughest charge against these individuals. Indeed, the editorial warned that - although it was doubtful that India persecuted Sikhs - there might be reason to explore the merits of their claims. By contrast, in Globe and Mail editorials on refugees in the 1998-2001 period, the term illegal as it related to the arrival of migrants was used 25 times. This number included the term being used twice in editorial titles: “Boat people who need a return ride. Sad as their economic lives may be, illegal Chinese don’t belong here.” (July 23, 1999); and “Immigration fairness not immigration folly. The government must turn illegal migrants into a lesson for their countrymen” (September 16, 1999).

45 As late as 1987, an editorial referred to illegal migrants as “would-be immigrants” (Globe and Mail, August 6, 1987).

46 One symbolic connection was made by Progressive Conservative MP Bob Wenman. In October 1980, Wenman received the unanimous backing of the House of Commons to place, in a prominent public place on Parliament Hill, a replica, hand-crafted in a refugee camp, of the type of boat used by many Indochinese boat people in their escape from
The framing of policy problems remained fairly consistent into the late-1980s. This consistency is most clearly evidenced by the debates during the emergency recall of Parliament in August 1987 that responded to the specific event of the boat arrival of migrants weeks earlier. These debates are particularly important because they represent a period when the problems of security and control were most likely to be raised.

Such concerns were indeed raised in response to these events. Members of the government and opposition highlighted the fact that Canadian generosity was being abused, citing the boat arrivals in 1986 and 1987 (see, for instance, comments by Richard Grisé and Mary Collins, HoC, August 12, 1987: 1220-1240; August 14, 1987: 1030-1100). Furthermore, concerns about security were also raised (HoC, August 12, 1987: 1220-1240). Similarly, editorial opinion during this period suggested that a significant number of refugee claims were made by illegal migrants and that too many resources were being spent on the determination process that might result in the loss of public support (see, for example, Globe and Mail, January 5, 1987; July 15, 1987; July 18, 1987).47

However, despite initially appearing to be oriented towards security and control, the framing of refugee issues in this period continued to fit within the protection paradigm.48 For instance, in his introduction of new legislation, Minister of Employment and Immigration Benôit Bouchard made no reference to bogus claimants, or illegal migrants in relation to either the specific arrival of migrants off the east coast, or more regular cases of illegal entries.49 The Minister referred to individuals simply as “migrants” or “undocumented persons,” leaving the strongest language of abuse to less prominent government leaders and backbenchers (HoC, August 11, 1987: 1120-1130; 1220-1250; persecution. Wenman noted that the fact that such a gesture was taking place at Thanksgiving was particularly symbolic because it paralleled the celebration of the first settlers’ harvest and the fact that many of these settlers and those who would later immigrate to Canada were also fleeing persecution and tough lives (HoC, October 10, 1980: 1100). Another example of the impact of personal refugee experiences can be seen in Rabbi Plaut’s introduction to the second part of his report on refugee determination:

I was a refugee once, having fled from Hitler under whose rule I had lived for more than two years. I came to the New World exactly 50 years ago, after finishing law school in Germany and having been deprived of pursuing my chosen profession because I was a Jew. In a miniscule fashion my own life rehearses the story of my people who have been refugees all too often. I know the heart of the refugee, a person who desperately seeks for a place to stand, for the opportunity to be accepted as an equal amongst fellow humans (cited in Refuge, October, 1985: 3).

47 Importantly, many of these editorials raised such concerns in a context that still emphasised the need for refugee protection over too harsh a response to illegal migration. For instance, the Globe and Mail editorial on January 5, 1987 raised the concern that resources used in refugee determination systems detracted from the needs of refugees overseas.

48 These conclusions were drawn from the opening speeches of the Minister for Employment and Immigration and the opposition critics of the Liberals and NDP on the occasion of the emergency recall of Parliament and debates related to Bills C-55, (HoC, August 11, 1987) and C-84 (HoC, August 12, 1987).

49 Earlier the Prime Minister had been criticised for using such language (Globe and Mail, August 1, 1987: D6).
In contrast, opposition Liberals did use the terms “illegal aliens” and “cheaters” (HoC, August 12, 1987: 1630), but as rhetorical tools, chastising the government for labelling the most recent arrivals in this way. Opposition rhetoric indicated that the use of such terms by the government was still viewed as pejorative and inappropriate. Bouchard also did not frame the event as one that raised security concerns, despite the fact that seven Sikh migrants were being held in a military jail for potential security reasons. In fact, a *Globe and Mail* editorial warned that the government needed to be more attentive to the security threats associated with such arrivals (*Globe and Mail*, July 28, 1987). Instead, consistent with the protection paradigm, Bouchard framed the problem as one of migrant smugglers from whom migrants needed to be protected, rather than one of the migrants themselves. This framing was evident in the Minister’s repeated reference to smugglers as the target of the Government’s reforms, stating in his opening speech to the recalled Parliament:

> those who wish to profit from the misery of others have adopted increasingly dangerous methods of flouting our existing laws. And that is why we have recalled Parliament. Our first priority today is to send the clearest possible signal immediately to the unscrupulous smugglers who callously exploit the hopes of migrants around the world (HoC, August 12, 1987: 1550).

Similarly, while raising issues of abuse, editorial opinion continued to praise humanitarian action, and to emphasize the need to ensure the protection of refugees and provide a fair system of determination and enforcement (*Globe and Mail*, February 12, 1987; July 15, 1987; August 13, 1987; August 19, 1987).

The positions expressed by opposition parties in 1987 also suggested that the framing of the debate was consistent with the protection paradigm. While acknowledging the existence of abuse,

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50 Although Bouchard did raise the issue of abuse in his opening remarks he suggested the target of reforms was “the unscrupulous smugglers who callously exploited the hopes of migrants around the world.” He also praised Canada’s long tradition of humanitarian responses and raised the importance of the Charter (HoC, August 11, 1987: 1120).

51 This is in spite of the fact that the security issue received considerable attention in the media (Donovan, July 24, 1987; Jones, August 7, 1987).

52 See also comments by Richard Grisé (Con) August 11, 1987: 1220-1230. One department official active at the time of these boat responses suggested that legislative changes in Bill C-84 were about people smuggling and not abuse by illegitimate claimants (Interview 9). The framing of illegal migrants as victims and traffickers as the appropriate focus of authorities was shared in editorial opinion. One *Globe and Mail* editorial argued that “…such reckless traffic has to be deterred, both because it violates Canada's immigration laws and because it exposes the presumed beneficiaries to possible death on the open sea. The real villains of the venture were not the hapless boat people but the despicable bloodsuckers who preyed upon them” (*Globe and Mail*, February 12, 1987: A6. See also *Globe and Mail* August 13, 1987).
the opposition stressed that presenting the arrival of migrants as a crisis was a stark overreaction on the part of the government (Sergio Marchi, Lib. August 11, 1987: 1140-1200; Michael Cassidy, NDP August 11, 1987:1250-1310). On the proposed reforms contained in Bill C-55, the opposition argued that the more restrictive measures risked harming refugee claimants. They did not argue that these reforms did not go far enough to stop abuse.

Thus, the emergency recall of Parliament represented a spike in focus by political actors on control and security in response to specific events. This reaction could have been harsher and was mitigated by the protection paradigm. Indeed, the debates around policies that flowed from the legislation discussed in these meetings suggest that the protection paradigm remained intact after 1987.

In summary, issues of security and control, although present in the protection paradigm, were framed differently. In particular, they were defined narrowly and in relation to specific events that required policy-makers’ attention. They did not, however, force or define policy reform during this period. Indeed, the protection paradigm mitigated their impact on policy. Instead, under the protection paradigm, policy-makers saw the main problem as the need to create and implement policy that was fair and that protected refugees and claimants. This need for fairness was dependent upon an understanding of refugees as a unique class not to be confused with other policy issues of illegal migration and general migration flows. This framing translated into a specific understanding of policy which did not connect the problem of illegal migration to Canada’s liberal refugee policies. Furthermore, policy-makers did not see migrants in general as security problems but were instead

53 A Globe and Mail editorial also questioned the “stampede to the barricades” and argued that comments that had been made by the Prime Minister undermined the fairness of the migrants’ refugee determination and “exacerbate public anxieties” (Globe and Mail, August 1, 1987: D6).

54 Editorial opinion made similar assessments of this legislation. For instance, one editorial claimed “the bill may err on the side of exclusion rather than of sanctuary” (Globe and Mail, July 15, 1987). Similarly, it was argued that the specific practices around the arrival and initial detaining of the Sikhs in 1987 might be overly harsh. The authors warned that these cases were not being dealt with in an open manner and migrants had not been informed of their rights nor had they been given access to counsel when it had been requested. As a result these practices kept “them from the principles of fundamental justice on which Canada prides itself” (Globe and Mail, July 18, 1987).

55 The immediate use of these events by the government was noted by Michael Cassidy, who suggests that many members of the Standing Committee, including those from the government side, were opposed to Bill C-55. Likewise, Cassidy stated that the NDP supported earlier changes proposed by the Standing Committee to address problems such as those that had arisen in the summer of 1987 (HoC, August 11, 1987:1250-1310). Thus, while earlier reform was agreed upon, the enforcement-oriented proposals which were hastily put together by the government at the time of the emergency recall of Parliament addressed short-term political ends but did not reflect a broader consensus amongst parliamentarians (Interview 8).

56 See discussion below.
focused on the adversity that migrants faced as a problem which the Canadian system needed to address.

Goals

Policy-makers’ understandings of the policy goals under the protection paradigm complemented their beliefs about the problems that they faced. The goal of policy-makers in the preparation of the 1978 Act was to produce the “best refugee system possible” (Interview 5. Similar comment made in Interview 3). The following section argues that actors understood the best system to be one that was fair, fulfilled humanitarian goals by offering a high degree of protection for refugees and was superior to those found in international agreements and in other countries.57 Specific to the refugee determination system, the goal of policy was to ensure that those making claims in Canada received protection, even if it placed limitations on state sovereignty and resulted in fewer options for enforcement.58 According to Liberal MP Aideen Nicholson, Chair of the Standing Committee preparing the 1978 Act, the goal of legislators was to “giv[e] Canada an immigration act which would be fair and leave room for discretion and compassion in certain circumstances” (HoC, December 5, 1980: 1640).59

These goals fit within the underlying objectives driving the reform of the Immigration Act in 1978. Minister Cullen, in presenting the legislation to the House of Commons at second reading, made it clear that the goal was to create a fairer system: “for the first time,” he said, “immigration law will enshrine such fundamental principles as non-discrimination, respect for the family, humanitarian concern for refugees, and the promotion of national economic, demographic, social

57 According to Dirks, the two central goals of Canada’s overseas refugee policy were to alleviate the plight of some of the millions of distressed people and to encourage other countries to do more to assist UNHCR and international agencies coping with global refugee emergencies (Dirks 1995: 76).
58 This point is made by Rabbi Plaut, reflecting upon the changes in Canada’s approach to refugees from the late-1960s through to the establishment of the 1978 Act. Plaut (1986) states that: [i]n the international and particularly in the Canadian case, the very existence of a refugee determination system is a recent and revolutionary development …Because asylum was a jealously guarded prerogative of the sovereign state, the creation of a judicial entity known as a refugee and the enunciation of certain obligations of nation-states towards such a person, constituted a radical departure from aspects of traditional sovereignty (13). …It is proper to say that Canada, by adhering to the Convention and having made its principles part of Canadian law, has voluntarily limited its sovereignty in this one respect (16).
59 Minister Axworthy concurred with the understanding of the goals of legislation, stating: “I agree with the Hon. Member that perhaps there is nothing more important in the immigration area than to make it as simple and as fair as possible” (HoC, December 5, 1980: 1650).
and cultural goals” (HoC, March 10, 1977: 2010). Cullen proceeded by highlighting what he saw as six central reforms of the proposed legislation. These reforms included the removal of “totally archaic and unjust” restrictions such as those that prevented entry based on mental illness that were “incompatible with contemporary Canadian values” (HoC, March 10, 1977: 2010). Reform also sought to limit ministerial discretion in the administration of policy and increase the protection of individuals’ civil liberties – especially those facing exclusion or deportation. More broadly, the contemporary discourse valued Canadian traditions of civil liberties and individual rights – furthered after 1982 by the Canadian Charter of Rights and Freedoms - as they applied to the protection of refugee claimants in Canada (see comments by Serge Joyal, HoC, February 19, 1981: 1610; Marchi, HoC, August 12, 1987: 1610).

The prioritization of protection goals over other aspects of state interests was evidenced in policy-makers’ proposals for specific policy changes. For instance, under the 1952 Act officials were forced to select refugees under the same criteria as immigrants – favouring those who met the needs of the Canadian state. In proposing changes to this policy, Assistant Deputy Minister Richard Tait argued:

…what we are proposing under this bill is to promulgate regulations which would relieve them [immigration officers] of that obligation and establish flexible regulations which will, as you said, look first at that person as a refugee and then at the person’s over-all ability to successfully establish himself in Canada either because they have it already [sic] or with a degree of governmental or voluntary organization support, could do so. (SCLMI, June 16, 1977: 1650. See also 1550).

The prioritization of a liberal and fair system was consistent with policy-makers’ ranking of the department’s objectives throughout the period. When presenting his annual performance review in 1977, Cullen outlined the three central goals of Canada’s immigration program: meeting Canada’s labour needs; meeting its humanitarian objectives to both refugees and humanitarian cases; and, maintaining control over its borders (SCLMI, March 3, 1977: 1540). In 1980, Minister Axworthy’s presentation of the department’s policy priorities for 1980-1981 focused on the need to balance Canada’s labour needs and traditional objectives of family reunification and humanitarian obligations. He did not mention issues of control (SCLMI, July 22, 1980: 1107-1130). A 1982 report of the Auditor General made a similar assessment of Canada’s immigration policy, stating that “[t]he purpose of Canada’s immigration policy is to respond to our social, economic and demographic needs and to achieve humanitarian objectives through the resettlement of refugees” (Auditor General, 1982: 7.19). For a clear discussion of the goals of legislative reform that support these arguments, see the 1974 Green Paper, Department of Manpower and Immigration: 65-69.

Cullen did highlight, in his sixth and final point, the need to protect Canada from new “dangers” which were “unfortunately a feature of the contemporary world” (HoC, March 10, 1977: 2010). However, his central emphasis was on goals and principles that were consistent with a protection paradigm. Cullen’s focus on the need for new security did not dominate discussion. It was raised last after addressing refugee matters and was followed by highlighting the need to protect civil liberties in areas which might be affected by increased enforcement: exclusion and deportation. Furthermore, the reaction of other leaders in the House was to support the measures on refugees and to raise concerns that the new law would meet Canada’s demographic and economic needs. The issue of security drew no reaction from the other parties (HoC, March 10, 1977: 2040-2150).
Thus, the government would prioritize the needs of the refugee over the potential cost that the state might incur in helping that refugee. This trade-off was delineated even more clearly by Minister Cullen when he accepted the need to extend the right of appeal to the Immigration Appeal Board for failed refugee claimants. Addressing the matter, he stated: “I recognize that this opens up opportunity for frivolous requests for a rehearing to be made, perhaps as a stalling tactic on the verge of the execution of a removal order. But I am also aware that some protection should be given to individuals who obtain new and relevant information” (SCLMI, June 16, 1977: 1545). Similarly, Axworthy was prepared to accept greater costs by establishing an oral hearing in order to ensure fairness (SCLMI, April 1, 1982: 2010-15).

The goals of policy-makers were also reflected in their understanding of Canada’s international obligations. Policy-makers often advocated for Canada’s commitments to go beyond established international obligations, both in terms of numbers resettled and in the generous nature of the Canadian refugee determination system. For instance, the Report of the Special Joint Committee of Parliament on Immigration in 1975 called for new legislation to expand on the definition of a refugee outlined by the 1951 Convention and 1967 Protocol, stating that “[t]he Committee regards the United Nations definition of ‘refugee’ as too narrow and not adequate to accommodate the present-day variety of circumstances and emergencies confronting citizens of many countries” (Special Joint Committee of the Senate and of the House of Commons on

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62 There were limitations on the costs department officials were prepared to accept. For instance, it was suggested that the automatic right of appeal would place too great a burden on the system (See comments by Assistant Deputy Minister Tait, SCLMI, July 8, 1977: 1015). In administering policy Cullen also demonstrated a willingness to expend additional effort to ensure that refugees received the protection they required. On one occasion he took extraordinary measures to review the decisions of the IAB in the cases of 15 Latin Americans scheduled for deportation. The fact that the Globe and Mail editorial praised the re-evaluation of these claims suggests that there was broader support for such protections in the system (Globe and Mail, March 22, 1979). A similar case arose in July 1979 in which Immigration Minister Ron Atkey committed to reviewing the case of a refugee claimant fleeing Chile. The Globe and Mail again praised the government’s caution which it suggested was consistent with the “Immigration Act’s objective to uphold (Canada’s) humanitarian tradition” by providing a fair hearing (Globe and Mail, July 31, 1979).

63 Axworthy argued: “some changes, such as the right to an oral hearing before the RSAC, require legislation amendments and will have significant cost and administrative implications. Nevertheless, such changes should not be dismissed on these grounds alone if they are deemed necessary to ensure fairness in the process” (SCLMI, April 1, 1982: 2010). At an earlier committee meeting he stated that “although there is a problem when you receive a number of frivolous claims for refugee status, we want to make sure absolute fairness applies” (SCLMI, December 1, 1981: 1645). The question of cost was highlighted by the 1981 Robinson taskforce. In its conclusion, the taskforce stated “[i]n the end, the question is one of resources. Would the additional expenditures be warranted? How does one do a cost-benefit analysis where ‘benefit’ is found in vague concepts, such as ‘fairness’ and ‘justice’?” (Robinson, 1981: 103). The recommendation of the taskforce was to pursue fairness and justice stating: “Canada has been generous, and more than generous in its resettlement of refugees. It is one of the leading refugee resettlement countries in the world. We should strive for the same reputation in the real and apparent fairness of our refugee claims procedure” (ibid, 104).
These concerns were raised again in the Standing Committee in 1977 when Louis Duclos, a government MP, commenting on the choice to adhere to the *Geneva Convention*’s definition of a refugee in the new *Immigration Act*, stated: “… those obligations are a minimum. I do not think that this *Convention* in any way prevents any country from going beyond this definition. We cannot hide behind this *Geneva Convention* to give a very restrictive definition to the word ‘refugee’” (SCLMI, June 21, 1977: 1010). In responding to such criticism government leaders argued that Canada’s standards would be maintained and expanded. Minister Cullen, commenting on the proposed 1978 *Act*, made this clear to the Standing Committee, stating: “I want to assure members that the same generous refugee-selection policies and refugee claimant procedures that have made Canada a world leader in this area are not only preserved but also enhanced in Bill C-24” (SCLMI, June 16, 1977: 1550). Similarly, Minister Axworthy told the Standing Committee in 1982 that he was “determined that Canada guide itself in this matter [determining refugee status] not by the minimal requirements of our international obligations but by the higher traditional Canadian standards of fairness and justice” (SCLMI, April 1, 1982: 2010).

These goals were clearly reflected in the parameters of debate on refugee policy during the 1970s and 1980s. Political competition around refugee policy was driven by the desire to appear to be the political party that provided the greatest assistance to refugees. Under the protection paradigm opposition MPs’ criticisms of new policies and their implementation – regardless of which party was in government – largely centred on calls to do more to assist refugees. For instance, in 1977 Minister Cullen felt it was necessary to reassure the Standing Committee that reforms would substantively increase the protection of refugees and went on to detail seven specific reforms that accomplished this goal (SCLMI, June 16, 1977: 1550). In this exchange Cullen recognised the legitimacy of the concerns of MPs and suggested that they were motivated by a collective desire to improve the treatment of refugees in legislation, a motivation which he shared. The desire to be seen to be doing more for refugees continued into the 1980s. For instance, Minister Axworthy, after

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64 The report goes on to suggest that the definition should include those who remain in their homeland but face persecution. It also suggests that unlike the situation in other countries, Canadian legislation should not place a cap on the annual resettlement of refugees abroad and advises that Ministers should respond flexibly to refugee producing situations that were not easily documented (*ibid*, 32-33).

65 Cullen responded by arguing that in practice Canada maintained a record of exceeding those international standards (SCLMI, June 21, 1977: 1010-1015). Also, see Duclos’ comments (SCLMI, June 20, 1977: 2130-2135).

66 At one point in the hearings, Cullen stated: “I recognise that the proposal that refugee claimants have a right to a full hearing is motivated by a genuine concern, a concern which I personally share, and which is supported by common sense and fair play” (SCLMI, June 16, 1977: 1550).
heralding the success of the Indochinese movement, was reminded by Progressive Conservative MP John Bosley that it was the previous Progressive Conservative government that had initiated the response and that not all credit should go to the Liberals (SCLMI, July 22, 1980: 1220). At another meeting of the Standing Committee in 1981, NDP MP Sidney Parker argued that Canada had a responsibility to do more for refugee claimants from El Salvador while at the same meeting Conservative MP and future Immigration Minister Flora MacDonald called for more money to be spent on refugees in Canada (SCLMI, May 21, 1981: 2055-2100, 2115-2125). Again, the Minister did not deny the legitimacy of these concerns, but rather suggested that the government continued to exceed its humanitarian responsibilities towards refugees. Thus, the terms of debate suggest that policy-makers acknowledged the legitimacy of efforts to do more. Indeed, it is interesting to note that in other exchanges the desire to help refugees superseded the politicization of the issue, suggesting a collective enterprise found within the protection paradigm. Such cross-party cooperation was demonstrated at the Standing Committee in 1977 - as acknowledged by Minister Cullen - and by Minister Axworthy’s willingness to share credit for the humanitarian efforts around the Indochinese.

The desire to provide protection to refugees and refugee claimants is also evidenced by the fact that the media rewarded such behaviour. In the summer of 1979, editorial opinion in the *Globe and Mail* both admonished the initially slow government responses to the Indochinese crisis and

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67 Axworthy recognized this fact, stating: “I think it is proper to acknowledge the important contribution made by my predecessor in the previous government initiating this program ... I think it has been used and well adapted and I give full credit to my predecessor for initiating that” (SCLMI, July 22, 1980: 1220; See also HoC, April 23, 1980: 1550).

68 In 1980, a similar call for increased funding garnered support from all parties in the House of Commons (HoC April 23, 1980: 1540-1640).

69 For instance, Minister Axworthy responded strongly to Parker’s criticism, not denying the need to do more but suggesting that Canada’s lack of response was due to the fact that it was following the recommendations of the UNHCR (SCLMI May 21, 1981: 2055-2105). Similarly, in response to Flora McDonald, Axworthy did not deny the need for the level of funding MacDonald was proposing but argued instead that the decrease in spending merely reflected an overall decrease in the number of refugees needing assistance (*ibid*; 2125-2130).

70 At the beginning of the clause-by-clause discussion of the Bill in the summer of 1977, Minister Cullen depicted the first eight months of consultation as being very constructive. Submitted briefs contained “[o]n the whole … thoughtful, sincere and frequently valid criticism of the bill.” (SCLMI June 16, 1977: 1542. See also SCLMI, June 21, 1977: 1010-1015). For comments by Minister Axworthy, see his exchange with the Progressive Conservative spokesperson on immigration, John McDermid (SCLMI. December 1, 1981: 1550). Comments by Liberal MP Aideen Nicholson in the House confirms the non-partisan nature of debates on refugee policy and suggests that this was possible because of a collective commitment to achieve common goals. Nicholson stated “[t]hat the committee worked with real commitment and an unusual lack of partisanship in an attempt to give Canada an immigration act that was fair and humane. … Working on that committee, which operated with a very rare absence of partisanship, was one of the finest experiences of my life. Members from all sides of the House tried very hard to put aside party differences and to work as Canadians for the common good” (HoC, December 5, 1980: 1640). See also Jake Epp’s (PC) comments on the non-partisan nature of cooperation throughout the consultation on the 1978 *Immigration Act* (SCLMI June 2, 1977: 1715). See also comments by MPs Lincoln Alexander (PC) and Peter Stollery (Lib) (SCLMI July, 6 1977: 1830-1840).
then praised its increasingly generous actions (Globe and Mail, June 21, 1979; June 29, 1979; July 10, 1979; July 20, 1979). In 1981, Lloyd Axworthy was criticised for choosing to “slam the door” on Polish refugees (Globe and Mail, October 30, 1981). Even by the mid- to late 1980s, when editorial opinion did increasingly raise the need for greater control, it also expressed the need for fairness and the protection of refugees and migrants. For instance, commenting on the government’s response to the arrival of Tamils off the east coast of Canada in 1986, the Globe and Mail stated that “[d]espite a public outcry with worrisome racist overtones, the Mulroney government responded humanely to the boat people. Ottawa was loath to send back to Germany people who had risked their lives to reach our shores. We applauded that display of compassion” (Globe and Mail, February 12, 1987).

Indeed, while considering the extension of enforcement policies during the emergency recall of Parliament, the goal of protecting migrants and assisting refugees remained prominent. Both Minister Bouchard and opposition critics raised concerns about the effects that attempts to curb abuse might have on migrants. As a result, Bouchard was cautious in proposing new legislation, suggesting that changes would be attentive to the need to protect migrants and refugees. For instance, in introducing new powers to deny ships suspected of carrying migrants entry to Canada, Bouchard laid out a series of safeguards (HoC, August 12, 1987: 1540-1550) and felt it necessary to reassure Parliament that “[a]bove all, Mr. Speaker, whatever actions may be deemed appropriate, given the specific circumstances involved, we will not do anything to risk the health or personal security of any person” (ibid). Similar reservations were expressed by the Minister in proposing increased powers of detention (ibid). Furthermore, the parameters of debate fit within the protection paradigm. For instance, rather than demanding increased enforcement powers, both opposition parties sought to limit changes that moved away from the goals of refugee protection (HoC, August 12, 1987: 1610-1630). Thus, even in responding to a specific event that heightened the attention paid to issues of control, the goals of protection remained central.

In summary, it is evident that during this period the goal of refugee protection was ranked very highly and often prioritized over state interests. At times this ranking was perceived as a direct trade-off, with policy-makers willing to sacrifice some elements of state interests – especially in the abstract – in order to achieve goals of refugee protection. In other ways refugee protection was itself defined as being in the interest of the state. Indeed, policy-makers sought the payoff that came with having the reputation of providing a high level of refugee protection.
Identity

The Canadian state has often presented its policies as being shaped by a distinct set of values and identity. Linked to this framing, Canada has been seen as possessing a unique role in the international community, labelled as a good international citizen, an unpartisan broker of peace, a principal provider of foreign aid, and a leader in liberal international policies such as the banning of landmines and the promotion of human security. These images are an established part of Canadian identity in international politics and are both promoted and taken as a source of pride by the Canadian state. This identity is supported by a well-established narrative that interprets Canadian experiences and actions in international relations as demonstrating Canadian commitment to these values.

Under the protection paradigm this understanding of Canadian identity extended to immigration and refugee policies, creating what Reg Whitaker has referred to as a distinct “imagined Canadian community - more liberal, tolerant, progressive.” Canadian leaders saw Canada as a saviour or protector of those in need (Interview 2). This identity is illustrated by Minister Axworthy’s address to the National Symposium on Refugee Determination in February 1982. At this meeting, Axworthy stated of refugee determination:

It’s an issue touching on some of our [Canadians’] most basic and, in some cases, our most sacred beliefs: Beliefs about mankind’s fundamental rights and liberties and beliefs about our responsibilities for our fellow beings. … There is no other policy area which reveals so much about the humanitarian instincts of our people and our moral stance as a nation. It has been said that one of the highest tests of a nation is how it treats its least well-off citizens: The poor, the disabled, and the disadvantaged. But I would propose to you that an equal test for a nation is how it treats those who are not its own citizens – those who find themselves in desperate circumstances and in need of compassion and help (Axworthy, 1982).

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71 A clear statement by either policy-makers or academics of what specific values drive policy is difficult to find despite their regular reference in the literature. For a discussion of these values, see McLean, 2002; MacLeod et al., 2000; Nossal, 1997; Howard and Neufeldt, 2002.
72 For instance, Whitaker suggests that in the mid-1980s Canada liked to be seen as the “international good-guys” (1987: 287). Collectively, Canada’s foreign policy has been referred to as “idealist-humanitarianism” and “middle power internationalism” (Howard and Neufeldt, 2002).
74 A similar argument was made by Sergio Marchi, Liberal opposition critic on immigration in the House, at the introduction of Bill C-84 (HoC, August 12, 1987: 1640). See also HoC, December 8, 1980: 2030-2050.
Elsewhere, Axworthy likened Canada’s protection of refugees to a direct Christian calling. Quoting Luke 9: 57-59, he stated:

that as they were going along a road a man said to Jesus: ‘I will follow you wherever you go’. Jesus said to him: - Foxes have holes, and birds of the air have nests; but the Son of Man hath no where to lay His head. It is clear Mr. Speaker, that the issue of a displaced person goes back many generations, many centuries, but in terms of our recent memory we have had a particularly interesting history as a country (HoC, June 16, 1981: 1650-1710). 75

Consistent with this identity, Canadian officials lauded Canada’s record of assistance that resulted from its particularly liberal refugee policy that quickly provided asylum seekers with full integration into Canadian society (Interview 15). 76 In 1977, Minister Cullen stated:

it must be remembered that Canada, I think has probably got a record unparalleled as far as dealing with refugees is concerned, and where special situations do arise, we have expanded on the formal definition of Convention refugees … There has to be some kind of selection process and it strikes me that ours is probably as fair as any. Certainly the way we have operated I think has been a credit to the country and I take no credit for that because this was long before I became Minister of Immigration. I think we have a record of which we can be proud, where we have, in fact, proved our flexibility” (SCLMI, June 21, 1977: 1010-1015).

Policy-makers’ understanding of Canadian leadership in this policy area was furthered by commendations from international actors. 77 According to one UNHCR official interviewed in the early 1980s, Canada was recognized as having “the world’s most advanced and most human system of [refugee status] determination” (cited in Avery, 1983: ft. 282). Further recognition of Canadian international leadership is evidenced by the fact that Canada received the 1986 UN Nansen award.

75 It is significant that in the scripture quoted by Axworthy, Jesus was offered a place of sanctuary. Other well known parts of Christian scripture suggest that helping those in need was akin to helping Jesus himself and that nations would be rewarded for such actions (Matthew 25: 31-46).
77 In 1982, Axworthy stated that Canada’s approach to refugees was “second to none and I believe it has gained us a great deal of international respect. There are both a need and an opportunity for Canada to provide leadership in finding an international solution to this global problem” (SCLMI, April 1, 1982: 2015). Gordon Fairweather (Chair, Immigration and Refugee Board) provided even stronger praise of the Canadian determination system in 1990, stating: “I would tell you that this is the fairest system, with the highest acceptance rates in the world. … It is not Fairweather boasting, Mr. Chadwick. That is what the UN tells us, it is what western Europe tells us, and it is why we are training people all over the world as to how it should and can be done” (SCLEI, December 13, 1990: 27).
for service to refugees. This was the first time the population of a country was given the award.

Similarly, the Trilateral Commission stated in 1993 that:

Canada’s efforts to respond to the central migration development of the last decade – the political asylum crisis – has been both the most ambitious and the most successful in the world. …Overall, Canada has achieved what no other nation has been able to in the political asylum arena: it has a system that is timely and perceived to be fair. These are the twin characteristics that are required if nations are to both uphold international refugee standards and discourage unfounded claims (Meissner et al., 1993: 23-24).  

This leadership was supported by a firmly established narrative that regularly employed historical examples to emphasise Canada’s traditions. These were often framed in terms of how Canada exceeded its international obligations and the actions of other states. Most prominent was Canada’s response to the Hungarian (1956) and Czechoslovak (1968) refugee movements, reinforced by contemporary efforts in providing more assistance – in either absolute or per capita terms – than any other state, to refugees from Indo-China, El Salvador, Uganda, Chile and Haiti.

In contrast, negative historical events that countered established understandings of Canadian values were held up as warnings. Common examples included Canada’s treatment of the passengers of the Komagata Maru in 1914 and the St. Louis in 1939 as well as the treatment of Japanese-Canadians at the time of the Second World War. In 1987, as an opposition MP, Axworthy labelled Canada’s responses to these events as producing “a serious scar on the question of immigration in

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78 This sentiment was also expressed by non-government witnesses at Standing Committee. See, for instance, comments by Richard Gathercole (SCLMI, June 7, 1977: 0937-1000).

79 See, for instance, the comments by MPs and department officials across the period (SCLMI, November 25, 1976: 2145; SCLMI, June 16, 1977: 1655; HoC, April 23, 1980: 1600). For contemporary efforts, see comments by various Ministers and departmental officials at the Standing Committee (SCLMI, March, 22 1977: 1540; SCLMI, June 16, 1977: 1700; SCLMI, May 21, 1981: 2020-2035, 2105; SCLMI April 1, 1982: 2010; HoC August 11, 1987: 1310). This narrative was shared and reinforced by all the significant political parties. For instance, while in opposition, Progressive Conservative MP Richie Johnston’s comments on the recalcitrant response of other states stated: “I can recall the Uganda situation where there seemed to be enormous difficulties in getting those people settled, and had it not been for the generosity of this country I imagine the problem would still exist” (SCLMI, June 22, 1977: 1700). NDP MP David Orlikow stated that Canada’s reputation “cannot be matched by any of the other industrialized counties of the world” (HoC, April 23, 1980: 1600). See also Ed Broadbent’s (leader of the NDP) comments in the House of Commons, August 12, 1987: 1640-1650.

80 Three hundred and seventy-six Punjab passengers were detained for two months on the Komagata Maru in Vancouver harbour before it was escorted out of Canadian waters (Kelley and Trebilcock, 1998: 150-152). The St. Louis carried 937 Jews fleeing Nazi Germany. After being refused landing in both Canada and the United States, these passengers were returned to Europe where 254 died in Nazi concentration camps (Ogilvie and Miller, 2006: 174).
Canada” and as offering a “very important historical lesson” (HoC, August 13, 1987: 1110). This use of historical material in constructing this narrative could also be found in contemporary editorial writing. For instance, an editorial in March 1978 criticised Canada’s late ratification of the 1951 United Nations Convention on the Status of Refugees and its “official foot-dragging” on Chilean refugees in 1974 while it praised Canada’s practice of resettlement in Hungary, Czechoslovakia and Uganda (Globe and Mail, March 27, 1978. See also the Globe and Mail, December 4, 1981). Similarly, a 1987 Globe and Mail editorial used the case of the Komagata Maru, to warn against legislation that ran the risk of being too enforcement-oriented and inflexible (Globe and Mail, July 15, 1987).

Policy-makers directly tied Canada’s humanitarian response to the nature of Canadians and their instinctive reaction to assist others in need. For instance, in 1980, Minister Axworthy, suggested that the rise in humanitarian activities related to refugees was “to the credit of individual Canadians” (SCLMI, May 21, 1981: 2020). Similarly, in 1987, Sergio Marchi described the response of Canadians to the boat arrival in Nova Scotia as including the offer of “tea and coffee and cookies,” which he suggested “symbolized the first reactionary Canadian-style attitude towards those who seek our help” (HoC, August 12, 1987: 1640). This praise extended to the efforts of Canadian bureaucrats as well. Both Liberal and Conservative MPs commended frontline bureaucrats working overseas for the personal cost that they were willing to make in order to assist refugees (SCLMI, May 21, 1981: 2100-2105, 2115-2125). This praise, and its link to the national narrative, was captured by Liberal MP David Berger, who commented: “when I was in South East Asia I was very impressed with the staff and the sacrifices – including in their health – that they were prepared

81 For similar comments, see those made by David Orlikow (HoC, April 23, 1980: 1600); Serge Joyal, the Parliamentary Secretary for the President of the Treasury Board (HoC, February 19, 1981: 1610), David Berger (HoC, June 18, 1987:1930) and Svend Robinson (HoC, August 13, 1987: 1630).
82 In the case of the Indochinese movement it was suggested that Canadians should be “proud” of their efforts (SCLMI, July 22, 1980: 1120). Editorials in the Globe and Mail also placed the responsibility for Canada’s generosity squarely on the shoulders of the Canadian public. In March 1978, a Globe and Mail editorial column discussing the criteria for refugee status stated: “[ultimately … the responsibility for opening Canada’s doors in cases of need falls upon Canadians at large” and that the new Immigration Act “has perhaps set up a mechanism that will let the generosity and judgement, or lack of them, of the Canadian people as a whole rule this country’s response to the pleas of the persecuted and the homeless of the earth” (Globe and Mail, March 27, 1978). By 1979 the Globe and Mail had drawn its conclusion, praising the efforts by the Canadian public in relation to its response to the Indochinese (Globe and Mail, July 20, 1979; Globe and Mail, December 7, 1979).
83 It is not clear that the broader public reaction was indeed as favourable as stated by Marchi (see, for instance, the Globe and Mail, February 12, 1987). However, what is important is that he chose to present the response in a manner consistent with this narrative.
to make. I think this says a lot about your officials, and I think it says a lot about Canadians” (SCLMI, May 21, 1981: 2100).

Even at the height of the 1987 ‘crisis,’ politicians on both sides of the House framed events in terms of Canadian identity. In his opening comments, Minister Bouchard presented the arrival of boats as threatening that identity, stating: “we all have a stake in these issues. Immigration and refugees built, and everyday renew this country. This is an integral part of our national identity. When the integrity of our immigration and refugee program is cast in doubt, our sense of identity is weakened” (HoC, August 11, 1987: 1120). Opposition MPs also appealed to Canadian identity. MP Sergio Marchi characterised the proposed legislation as being “un-Canadian,” “offend[ing] our sense of fairness” and changing “the character and temperament which defines Canadian society” and “which quite proudly distinguishes us from other countries and other societies in the world” (HoC, August 12, 1987: 1610, 1630). Thus, throughout a particularly tumultuous period policymakers still felt compelled to protect Canada’s humanitarian identity and to frame the debate in this way.

The image of a distinctive Canadian approach was defined in opposition to a negative image of other Western states who did not meet these same humanitarian standards (Interview 15). As has been suggested, Canada’s narrative centred on an image of Canadian leadership as a model for more recalcitrant states. Criticisms of other states included their poor levels of resettlement, the overshadowing of refugee protection by foreign policy biases and the inability of those states to afford proper protection for refugee claimants. Even the UNHCR was seen as not providing

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84 Bouchard went on to imply that this identity was defined by Canadian generosity and humanitarian action (August 11, 1987: 1120).
85 A more complete quotation of Marchi’s response vividly demonstrates this use of narrative:

We all agree that the abuses should be cleaned up and that the system should be tightened-up. But does that mean that the legislation that is drafted – and the Department probably raced through it as fast as parliamentarians had to race through it – should offend and trample our Charter of Rights and our international obligations, the traditions of nation building which exist in Canada as well as the traditions of past immigration policy that are the centre-piece of our history and which, hopefully, will be the centre-piece of our future? This legislation offends our sense of fairness. It offends the civil rights and liberties that all Canadians and all individuals on its soil enjoy through our Charter. … when one looks at the cumulative effects of this legislation one will see that it changes the character and the temperament which defines Canadian society. It is our character which proudly distinguishes us from other countries and other societies in the world (HoC, August 12, 1987: 1610).
86 The distinction between Canada and its partners was observed by academics at the time. In 1990, Adelman claimed that the Canadian system was particularly devoid of foreign policy considerations, more relaxed and more generous compared to the Americans, especially in light of the development of the IRB. At that time, Adelman suggested that the policies of the US and Canada were in fact moving further apart rather than closer (Adelman, 1990a; 1990b.)
87 For instance, on determinations, Minister Axworthy, who suggested that in response to concerns about El Salvadoran refugees in the United States, Canadian officials in the US were to be directed to assist and bring to Canada those who
protection at the same level that the Canadian state did. Similarly, at the end of the 1980s, Marchi even drew into question the ability of the United States and the United Kingdom to protect refugees adequately if designated as a Safe Third Country. In the Standing Committee, he questioned the Minister responsible for immigration:


While these comments were made by an opposition MP, the government did not counter that these questions were unfounded, suggesting that these points were entertained as being at least reasonable.

The perception of Canada as a protector and rescuer also created a particular image of refugees and migrants. As has been suggested, refugees, refugee claimants and even migrants were not understood as security threats but as victims who required the protection of the Canadian state. Although there were occasions when specific migrants did raise security and control concerns, this framing did not dominate policy-makers’ thinking about migrants as a whole. For the most part they could be trusted as future citizens. Indeed, their own efforts to get to Canada were seen as being similar to those experienced by earlier generations of Canadians.

In short, policy-makers’ understanding of the identities of various actors in the policy paradigm reflected a protection paradigm. Policy-makers were guided by the belief that Canada had a unique and particularly liberal approach to refugee policies which drew on a perception of a distinct set of Canadian values. These values were seen as exceeding established international standards. Indeed, Canada was understood to be a leader in these matters, one from whom other states could learn important lessons. These perceptions were often connected directly to the values

were refused refugee status in the US and at risk of being “returned to their strife-torn land” (SCLMI, April 1, 1982: 2015. See also SCLMI December 1, 1981: 1610-1620). This was an indirect, but strong, criticism of the American determination process. Editorial opinion also recognised that Latin American refugees in the US may need Canadian protection (Globe and Mail, February 12, 1987). Concerns were also raised in the late 1980s and early 1990s that information used by the US to determine refugees was biased by its foreign policy (Interviews 12, 15).

88 Questioning the potential bias of the UNHCR, as exemplified by its decision not to classify Vietnamese migrants as refugees in need of protection, Progressive Conservative MP Jake Epp stated: “while we are signatories let us also be independent and look at it as Canadians in Canadians’ interest, and in the refugee interest …” (SCLMI, November 25, 1976: 2140-2155). Similar concerns were raised about UNHCR decisions in Chile. The department’s response was not to deny the UNHCR’s bias but to assure MPs that Canada granted refugee status independently and would not be constrained by these international pressures (ibid).
held by the Canadian public and the personal histories of Canadians and policy-makers themselves. Finally, refugee claimants and even illegal migrants were viewed as vulnerable and in need of protection.

**Parameters of Appropriateness**

The perception of the problems, goals and identity under the protection paradigm corresponded to understandings of appropriate policy responses. Evidence of the parameters of appropriateness can be found in discussions of policies considered for adoption. These parameters can also be seen in the absence of discussion of policies either because their appropriateness was taken for granted as the policies clearly fell within the protection paradigm or the policies were so far beyond consideration because they fell outside the paradigm. The following section provides a description of which policy options policy-makers saw as possible given their understanding of appropriateness.

As has been shown, a central goal of policy under the protection paradigm was to ensure protection for refugee claimants and refugees. Policies that met this were seen as desirable. Corresponding to this was the common understanding that it was appropriate for policy to err on the side of protecting refugees rather than on protecting the state. Indeed, over the course of the 1970s and early 1980s there was a sense that policy needed to be generous enough to ensure that anyone who arrived at the Canadian border in need of protection would receive it, even if it meant that some undeserving migrants might also be admitted. Several examples of this belief have been identified, including the extension of the definition of a refugee and those needing protection, the extension of appeals for refugee claimants, and the introduction of oral hearings.89 This belief is also evidenced in the use of ministerial permits, which allowed the Minister of Immigration to override factors that might prevent individuals from entering Canada. Under the protection paradigm these permits were

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89 The 1985 *Singh* decision was important for forcing policy-makers to implement the use of oral hearings for all refugee claimants. However, prior to this, policy-makers had developed an increasingly clear understanding that the only appropriate administration of justice and fairness in the refugee determination process was to provide claimants with an oral hearing (see footnote no.63). As has been suggested, from the late-1970s onwards, this option had been discussed. Indeed, oral hearings trials had already been undertaken before the 1985 ruling. Even the supposedly prohibitive cost, which had been the justification for not establishing oral hearings in the late-1970s, was not viewed as being serious enough to prevent the implementation of oral hearings (SCLMI, April 1, 1982: 2010).
used frequently and at times resulted in considerable extra effort on the part of the department.\(^{90}\) Another key example was seen in the principle of giving refugee claimants the ‘benefit of the doubt’ in the refugee determination process (SCLMI, April 1, 1982: 2010-2015; Interview, 15). In the early 1980s, the benefit of the doubt was a commitment to trust the claims of individuals about persecution unless there was overwhelming evidence that they were false. The result was that the system erred in favour of refugee claimants.\(^{91}\) Under the IRB, the benefit of the doubt was applied to the specific process of delivering decisions, as split decisions between the two judges would always be decided in the claimant’s favour – a feature praised as ensuring that all refugees would receive protection (Interviews 4, 15).

In contrast, policy options that limited refugee protection were not considered as being appropriate. For many Standing Committee members there was a feeling that the system already placed too much emphasis on enforcement policies and that this might jeopardise the liberalness of the system.\(^{92}\) Specific policies targeted as inappropriate included mandatory/arbitrary detention, fingerprinting and the use of identity cards.\(^{93}\) Indeed, in complete contrast, there was a push to

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\(^{90}\) The case of Giuseppe Calamusa illustrates the degree to which illegal migration was accommodated and the willingness of the Minister of Immigration to use these permits (See Moon, 1980). From 1968 to 1979, Mr. Calamusa was deported from Canada four times and ordered deported a fifth time. Calamusa possessed an Italian criminal record and had been convicted of the possession of counterfeit money in Canada in 1976. In 1979, after making a personal appeal to Minister Axworthy at his constituency office and after Axworthy had reviewed his file, he was granted a Ministers’ permit to enter Canada and the opportunity to gain permanent residency after two years. Commenting on the case, Axworthy stated that “[h]e just arrived at my constituency office, he, his wife and his kids. He spoke to me for an hour or two, and I asked to see the file and examined it, and I decided on compassionate grounds that we give him a chance. Perhaps I should say not so much that we decided to give him a chance, but to give his family a chance” (ibid, 8). Immigration officers in Winnipeg assisted Calamusa by driving him to and from the US border to activate the permit. For a similar decision on another case, see Moon, 1982.

\(^{91}\) In part, this principle contributed to the Canadian system’s characterisation as a non-adversarial process, unlike many other systems used by OECD countries. The appropriateness of policies that trusted migrants was seen in other areas as well. For instance, when justifying the increase of resettlement loans to assist refugees in 1980, the Minister stated that 95% of the loans which had already been given had been repaid. He pointed to the case of one refugee who had repaid his loan in four months, stating that this case was “only illustrative of the general pattern of responsibility and obligation that those who receive loans from this fund have shown” (HoC, April 23, 1980).

\(^{92}\) These concerns were shared by witnesses giving evidence to the Standing Committee. See, for instance, the statements of Richard Gathercole, University of Toronto Faculty of Law and Counsel to the Students’ Legal Aid Society, Paul Copeland of Copeland, King / Law Union and L. Kearley, Parkdale Community Legal Services (June 7, 1977: 0937-1045).

\(^{93}\) Commenting on inland controls of admitted migrants, the 1974 Green Paper states that “Canada, unlike many other countries, has avoided practices that would circumscribe the freedom of movement of people we admit to this country, and has steered clear of policies that could be interpreted discriminating unjustifiably between our resident population and those temporarily within our borders.” (Department of Manpower and Immigration, 1974: 69-70). Pressure groups made similar arguments. For instance, Donald M. Greenbaum, Q.C. Chairman of the Special Committee on Immigration of the Canadian Bar Association, made the following comment in a 1976 article on selection and control:

> It is clear that steps must be taken to introduce modern methods of control and enforcement to deal with the problems of today and those of tomorrow. But the underlying question is whether our free and open society
pursue policies that allowed those without status protection by providing access to education and healthcare (HoC, December 8, 1980: 2040; Fluxgold, September 6, 1979; Furness, September 22, 1979). In the clause-by-clause review of the 1978 Act there was strong cross-party opposition to proposals to extend enforcement powers or to expand the criteria by which individuals would be inadmissible to Canada. Indeed, some of the strongest criticism came from members of the governing Liberal Party. An essential part of these concerns was the potential abuse of enforcement powers by the state at the expense of migrants and immigrants, not the fear that migrants threatened the state. As a result, there were calls for changes in the proposed legislation to limit discretionary power over enforcement measures and to establish strict conditions on how these powers could be used (Interview 8). Indicative of this position was the NDP immigration critic’s comment: “I find myself most unsympathetic with this constant harping on the question of security. We have in this bill ample provisions for dealing with security cases – in fact, more than ample I would say” (Brewin, SCLMI, July 12, 1977: 1000). Both the Minister and members of the

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94 For instance, on criminal inadmissibility, Epp (PC) argued that the criteria should be expanded from what he perceived to be the overly broad definition that an individual “is likely to engage in” a criminal act to the narrower and more definite statement that a person only be excluded if there was knowledge that an individual “will engage in” (SCLMI, July 5, 1977: 2050. For other criticism from Epp, see SCLMI, June 27, 1977: 2015). Similarly, Andrew Brewin (NDP) raised concerns about the arbitrary powers of the Minister through the use of security certificates (SCLMI June 2, 1977: 1645-1700) and the belief that the standard of inadmissibility based on the “reasonable grounds” that an individual might commit a crime was too restrictive and in violation of individual rights (SCLMI, June 6, 1977: 2035).

95 For instance, Charles Caccia (Lib) argued in a heated exchange with the Assistant Deputy Minister that the criteria for deportation based on a conviction under any Act of Parliament were too broad and open to misuse (SCLMI, June 28, 1977; 1100-1110). Similar concerns about the overly restrictive rules of inadmissibility were raised by Arthur Lee (Lib) (SCLMI, July 5, 1977: 2100-2105) and Raymond Dupont (Lib) (SCLMI April 5, 1977: 2135). Elsewhere, Louis Duclos (Lib) criticised Minister Cullen for the narrowness of the definition of “refugee” used in the proposed Act (SCLMI, June 21, 1977: 1010-1020). These questions were not posed by members of the Minister’s party to provide the opportunity to re-enforce the government’s position on an issue but rather genuinely challenged this position.

96 In the preparation of the 1978 Act, concerns were raised that illegal migrants were at risk from exploitative employers, questionable immigration consultants and even poor decisions by frontline immigration officials (see the comments by Minister Andras, in SCLMI, April 28, 1976: 1545). These concerns were raised again in 1981, when Minister Axworthy justified the use of travel visas to protect potential victims’ against such abuses (SCLMI, May 21, 1981: 2035). Indeed, Axworthy commissioned a discussion paper on the abuse of migrants in April 1982, entitled The Exploitation of Potential Immigrants by Unscrupulous Consultants. Similar concerns were raised in the media. For instance, a December 1981 editorial suggested that despite the questionable legitimacy of their refugee claims they were victims of both “unscrupulous” travel agents and the law enforcement process once they had arrived in Canada (Globe and Mail, December 4, 1981). For other examples of such concerns, see comments by David MacDonald (PC), Andrew Brewin (NDP) and Louis Duclos (Lib) in SCLMI, July 12, 1977: 0950-1015; Andrew Brewin (NDP) in SCLMI, June 2, 1977: 1645; Lincoln Alexander (PC) in SCLMI, June 6, 1977: 2100; July 5, 1977: 2105-2110).

97 Earlier, Brewin stated: “I am afraid we are becoming worshipers of this so-called security. I know some people think security is more important than anything else. I think it is important, but I do not think it should override the basic principles [of a right to a fair hearing]” (July 7, 1977: 2045). Brewin’s comments suggest that despite the limited and
department were sympathetic to these concerns and the underlying principles upon which they were based. Indeed, in 1977, Minister Cullen acknowledged this explicitly to the committee and was willing to accept several key amendments which addressed these matters.98

The case of security certificates also raised concerns about the appropriateness of enforcement-oriented policies. In particular, committee members argued that the certificates placed too much power in the hands of the Minister and without oversight. Furthermore, the use of such power was linked to the illiberal practices of the internment of Japanese in WWII (see also Brewin’s comments, SCLMI, June 2, 1977: 1645). In response, Progressive Conservative MP Jake Epp proposed an amendment requiring the Solicitor General and the Minister of Immigration to apply to the Federal Court for a security certificate (SCLMI, July 12, 1977: 0940). This proposal was supported by a number of MPs representing all parties (see comments by MacDonald (PC) and Brewin (NDP) (ibid: 0950-1000). In the words of Louis Duclos, a Liberal: “it seems to me that in a democratic society, the type of amendment moved by Mr. Epp is entirely reasonable, and in fact very elementary… I believe to govern is to foresee: we can only hope that Canada will always have governments that are as concerned with democratic rights … I feel that it is totally irresponsible to exclude the courts from this kind of step, from this process. In my opinion Mr. Epp’s amendment is quite justified” (SCLMI, July 7, 1977: 1010).99 Although included in the final Act, the introduction of these certificates raised concerns about their appropriateness and opposition from representatives of all parties.

The Robinson report of 1983 continued to caution against a more activist enforcement policy because members of the public were uncomfortable with the actual implementation of such practices narrowly focused emphasis on security, there was still a concern that no additional resources would be put into enforcement powers. Furthermore, it reflected the position of many members of the Standing Committee that policymakers did not ‘worship’ at this altar. Brewin’s ability to make this point indicates that it was a legitimate part of the debate. Under the security-control paradigm, similar concerns gained little traction in the Standing Committee. For similar perspectives, see also Adelman, 1990 and comments of members of the refugee advocacy community at SCLMI, June 7, 1977.

98 For instance, on June 16, 1977, Minister Cullen presented six amendments to Bill C-24. These amendments narrowed the criteria for inadmissibility and removals as well as allowed for greater appeal at the IAB (SCLMI, June 16, 1977:1542-1550. See also June 27, 1977: 2009-2020). In the clause-by-clause review of enforcement provisions in the Bill, department officials were very receptive to committee members’ suggestions for improvements. For instance, see the committee’s exchange with DM J. L. Manion and ADM Immigration, R. M. Tait in Standing Committee on June 26, 1977: 1055-1110. See also Minister Cullen’s acceptance of Epp’s (PC) proposal to narrow a part of Clause 19. Epp approved of this move, arguing that “the amendment made by the Parliamentary Secretary is very close to the one we had given notice of. The intent is the same. First of all, I am pleased that the Minister has gone about redrafting it and has come up pretty well with what we had moved” (SCLMI, July 5, 1977: 2045-2050).

99 The amendment was defeated 6 to 8. However, the debate suggested that it was legitimate to question such discretionary powers. Furthermore, prior to 1992, no security certificates were used (CSIS, 2002: 13).
(Robinson, 1983: 91). Indeed, Robinson suggested that the tools necessary to “almost completely” eliminate the problem would require “[h]arsh laws and drastic policies” (Robinson, 1983: 18), something that was not likely to be acceptable in Canadian society. The recommendation of the report was that alternative measures, such as employment sanctions and tightening the system of social insurance, be employed rather than measures that targeted migrants directly. Furthermore, it suggested that these measures be undertaken by the immigration department – presumably because of its greater sensitivity to the situation of migrants – rather than by traditional enforcement agencies who were viewed more negatively (ibid: 102).

Another potential policy response that was viewed as inappropriate under the protection paradigm related to international cooperation. Beliefs about Canada’s distinct approach and the perception of the weakness of other countries, even close allies, drew into question the possibility of international cooperation in determining refugee status or broader immigration matters. For instance, policy-makers agreed that foreign workers employed in overseas missions should not be involved in the processing of visa and security checks on those travelling to Canada (see exchange between Nicholson and Axworthy, HoC, December 5, 1980: 1640-1650). In other situations, policy-makers expressed concern over the use of information from foreign intelligence networks and that governments might bias Canadian decisions. This was also seen in Canadian policy-makers’ pride in the perceived lack of bias in the information originating from the IRB’s document centre (Interview 4). Particular concern was raised about the effect of the United States’ policy towards Latin America on information about refugees and refugee movements used by Canada policy-makers to determine the credibility of claims. The willingness of Canada to determine refugee status independently of other states was demonstrated most vividly by its willingness to counter the United States in specific cases. John Hagan has argued that the granting of permanent residence to American conscientious objectors from the Vietnam War in the 1970s demonstrated Canada’s willingness to exercise its sovereignty over the determination process, despite pressure from the United States (Hagan, 2000). Similarly, the Minister and a senior department official took the position in 1981 that Canadian officials would consider refugee claims made in the US by El Salvadorians rather than automatically deny them protection because they had failed to be granted

100 Similar measures had been pursued as policies of choice in the lead up to 1978 Act (SCLMI, April 28, 1976: 1545; March 22, 1977: 1545).

101 See, for instance, comments by Gordon Fairweather, Refuge, May 1990: 9. As has been demonstrated above, similar concerns extended to the UNHCR.
refugee status under the American system (SCLMI, May 21, 1981: 2055; April 1, 1982: 2015; see also HoC, August 11, 1987: 1310). The failure to see international cooperation as appropriate seems to have contributed to a lack of broader discussion about more comprehensive cooperative efforts to control or limit migration, something which would take place under the security-control paradigm.

In 1987, the introduction of Bill C-84 gave some indication that more security and control oriented policies might be considered. However, the subsequent debates about policy and its actual implementation support the argument that the protection paradigm’s definition of appropriateness remained in place. Opposition MPs were critical of key enforcement-oriented policy responses, such as Safe Third Country (STC), because of the possibility that they would hurt refugee claimants. Mike Cassidy, a NDP MP, argued that the use of STC challenged the principles that anyone in need could have access to Canada. Instead, he suggested that the requirement that all claimants make their way directly to Canada - not stopping in a Safe Third Country - was similar to discriminatory policies in the early 20th century and would result in Canadian policy reverting to what would effectively be a racist policy (HoC, August 11, 1987: 1250-1300. See also comments by Marchi, SCLEI, May 7, 1987: 0950 and Warren Allmand, ibid: 1030). Others argued that the policy was inconsistent with Canada’s principled position that no other state could meet Canadian standards (HoC, August 12, 1987: 1610, 1630; See also Refuge, May 1990: 3). Furthermore, the strongest elements of the policy proposals of C-84 were greatly curtailed or not used in practice, including the Safe Third Country provision.

One of the clearest examples that the understanding of appropriateness found in the protection paradigm remained in place was the establishment of the Immigration and Refugee Board in 1989. At this point a tougher, more limited refugee determination could have been established, similar to those found in other states. For instance, the system could have been based on one board member rather than two, making the system more efficient as well as removing the principle of the benefit of the doubt in decision making. Similarly, more limited access to an appeal after a negative decision could have been employed. Instead, a very generous system was put in place, often favouring leadership from human rights specialists rather than immigration officials, and heralded by policy-makers as establishing best practices that other states should model (Interview 20).

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102 This point was clearly made when the Standing Committee advocated for a determination system that incorporated the recommendations of Rabbi Plaut (SCLEI, November 5, 1985: 46). They were further confirmed when Gordon Fairweather was chosen to set up and act as first chair of the IRB. From 1977 to 1987, Fairweather had been Canada’s first chief commissioner of the Canadian Human Rights Commission (Interview 15).
fact that such a liberal system was put in place suggests that policy choices were constrained by policy-makers’ understandings of what, at the time, were viewed as appropriate measures.

In short, from the 1970s through until the mid 1980s there was a strong commitment by policy-makers to create and implement policy which reflected the goals of the protection paradigm. While by the end of the 1980s there were some challenges to this position, understandings of appropriateness that reflected the protection paradigm continued to be central in policy-makers’ thinking.

V. Conclusion

This chapter has traced the historical dominance of the refugee protection paradigm in framing refugee policy from the mid-1950s to the end of the 1980s. While the focus of the secondary literature has been on the development of refugee practices and policies, the research presented above suggests that during the period policy-makers’ thinking reflected the protection paradigm. To substantiate this claim the chapter used a variety of primary material to describe in detail policy-makers’ collectively held ideas that framed policy in the period from 1975 through to 1989. Taken together, the evidence suggests that policy-makers’ thinking was consistent with the ideal-type of the protection paradigm. In turn, this conclusion provides a benchmark for understanding the nature of change in the framing of refugee and immigration policy by the late-1990s, as discussed in chapter 4. In comparison to this latter period it is evident that there has been a significant change in the thinking that has framed refugee policy: one that has shifted the focus from refugee protection to security and control.
Chapter 4

The Security-Control Paradigm

I. Introduction

By the end of the 1990s the protection paradigm that had framed Canadian refugee policy since the mid-1950s had been replaced by a security and control paradigm. Although humanitarian concerns remained, there was a significant change in the overall thinking of policy-makers. This chapter documents this shift in thinking. First, using both the secondary literature and primary data it provides a detailed description of the security-control paradigm that framed policy-makers’ thinking at the end of the 1990s and into early 2001. This was a period when a substantial policy review led to the creation of a new Immigration and Refugee Protection Act (IRPA) in 2001. Second, using the 1970s and 1980s as a benchmark, the chapter demonstrates that this new paradigm was substantively different from the protection paradigm outlined in chapter 3. Finally, this chapter locates the paradigm change in the pre-9/11 period. This temporal demarcation is particularly important because much of the literature and conventional wisdom suggests that securitization was, for the most part, a process that occurred after, and as a result of, the events of 9/11.¹ Although 9/11 may have acted as catalyst for policy change, the ideational change in the framing of this policy appears to have been in place by the summer of 2001, before the final version of the IRPA came into force.²

II. The 1990s: Transition and Paradigm Change

The paradigm change in Canadian refugee policy was incremental and cumulative. As a result there is no clear break between the protection and security-control paradigms. The early to

¹ Consider, for instance, the growing body of work that has focused on security concerns in the post-9/11 period, such as: Andreas, 2005; Rudolph, 2005; Noble, 2004. See also contributions to the Fraser Forum’s March 2003 publication, entitled Business and Border Security.

² Several CIC officials appropriately placed to comment on changes in CIC at the end of the 1990s confirmed that there had been important shifts in the emphasis on security and control prior to 9/11 (Interviews 1, 4, 5, 7, 12, 13). One official began an interview by expressing frustration about the common perception that change happened after and as a result of 9/11 (Interview, 5). The motivation for CIC officials here may have been to defend themselves against charges of inactivity and a lack of preparedness. However, the remainder of this chapter provides strong evidence that security was at the top of pre-9/11 agenda.
mid-1990s can be seen as a transition period, when policy-makers’ thinking contained elements of both paradigms. Elements of the protection paradigm were reflected in the relatively liberal attitude of Immigration Minister Barbara McDougall (1988-91), the decision to support the IRB rather than replace or significantly alter it, and in specific changes in policy such as the expansion of the definition of refugees to include gender-based persecution. However, this thinking was mixed with the rising prominence of issues of security and control. Hardening attitudes towards refugee control were evidenced in the replacement of Barbara McDougall with the more enforcement-oriented Bernard Valcourt (1991-1993) and further substantiated when, for a short period from 1992 to 1993, the Progressive Conservative government placed ministerial responsibility for refugees in a new Department of Public Security. Other enforcement-oriented policies can be seen in the initial testing of Canada’s network of overseas immigration officers, responsible for interdicting improperly documented migrants and in the introduction of Bill C-44 in 1994, which increased enforcement measures designed to prevent criminals from accessing Canada or remaining as landed immigrants after they had been convicted of committing a serious crime.

While the early to mid-1990s represented a period of transition, in the mid-1990s policy-makers directed their thinking to the full-scale reform of Canada’s immigration and refugee policy. This reform reflected an underlining shift towards a security-control paradigm. From 1996 onwards, Canadian policy-makers undertook a series of legislative reviews with the aim of replacing the 1978 Immigration Act. To this end, Lucienne Robillard, Minister for Citizenship and Immigration, established the Legislative Review Advisory Group (LRAG), which reported in December 1997. The LRAG’s report, *Not Just Numbers: A Canadian Framework for Future Immigration*, provided much of the basis for subsequent legislative reforms. This was followed by a series of reports and responses exchanged between the Standing Committee and Citizenship and Immigration Canada (CIC), including: the Standing Committee’s reports *Immigration Detention and Removal* (June, 1998) and *Refugee Protection and Border Security: Striking a Balance* (2000), and CIC’s report of January 1999, *Building on a Strong Foundation for the 21st Century: New Directions for Immigration and Refugee Policy and Legislation*. The titles of these reports alone reflect the desire

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3 This reorganization was met with considerable opposition and was short-lived. The new Liberal government placed responsibilities for refugees and immigrants in a stand-alone department, Citizenship and Immigration Canada, which suggested the importance of the policy area to the new government.

4 The significance of the work of the LRAG to the new legislation was highlighted by Elinor Caplan, the Minister of Citizenship and Immigration, when it was first tabled in Parliament in April 2000 (CIC, 2000e. See also SCCI, 2000: Introduction; CIC, 2001h). Some of the most controversial proposals of the LRAG were not accepted – such as the proposal for provisional status for claimants who had not had their cases heard.
for a ‘new direction’ in policy that centred on the issues of control and security as a motivation for reform. These reviews were followed by Bill C-31, which was to result in a new immigration act by the spring of 2000. The federal election call in October 2000 left Bill C-31 on the order paper. However, in early 2001 new legislation was proposed under Bill C-11, which received its third reading in Parliament that summer, just a couple of months before the events of 9/11.5

The secondary literature suggests that evolving practices and proposed legislative changes in this period reflected a shift towards a focus on greater security and control. There was an increased willingness to rely on interdiction and visas to prevent claimants from coming to Canada. There were also policy proposals that included enhanced security measures and technology, increased criteria of inadmissibility, and increased powers of detention (Lanphier 1999b; Aiken, 1999, 2000, 2001a, 2001b; Macklin, 2001; Dench, 2001; Bossin, 2001).6 Michael Lanphier’s comments on the LRAG report are indicative of this security and control position. Lanphier stated of the report:

Missing is a thorough going sensitivity to the humanitarian qualities which should infuse all of refugee policy and which is mandated both in domestic and international instruments to which Canada is signatory. Yet the report is replete with concerns over security and abuses of the system…The government’s enhanced attention to interdiction and more elaborate screening prior to and immediately upon arrival suggest that Canada may attempt to reduce its role as safe haven for those at risk seeking state protection (Lanphier, 1999a: 2).

The secondary literature also argues that these changes reflected a shift in the underlying thinking that framed these proposals. For instance, Sharryn Aiken argues that reforms proposed in the LRAG reflected “evolving values” (Aiken 1999: 13) while Lanphier suggests that the proposals were guided by the principle of exclusion, administrative efficiency and a new emphasis on the need for refugee claimants to prove their need for protection (Lanphier, 1999b: 10).

By contrast, others have argued that significant changes did not occur in this period. This conclusion has been developed from two different positions. Some, such as Reg Whitaker, argue that issues of security and control have always been a concern in Canadian refugee policy and as a result there has been no change (Whitaker, 2002). Alternatively, critics who point to the Canadian system

5 For an overview of the changes between C-31 and C-11, see: CIC, 2001b.

6 See also Lanphier, 1999b. Sharryn Aiken argues that in legislative proposals at the end of the 1990s “enforcement and the need to buttress Canadian borders appear to be the paramount objectives…” (Aiken 1999: 13).
as being weak on enforcement claim that prior to 9/11 no significant steps towards increasing 
enforcement measures occurred (Gallagher, 2001).

The findings presented in this chapter counter both of these positions. They show that the 
emphasis and nature of policy-makers’ thinking about security and control changed substantially 
between the two periods. Following on from chapter 3, this chapter recognizes that security and 
control have always been a consideration of policy-makers in thinking about refugee policy. 
However, this chapter argues that the emphasis placed on these issues and their central role in 
framing policy-makers’ thinking about refugee policy differed from the period of the protection 
paradigm. Furthermore, although these changes did not manifest themselves in substantive policy 
changes until after 9/11, shifts in thinking did take place over the course of the 1990s.

III. Mapping Paradigm Change, 1995-2001

This section provides a more focused consideration of the paradigm that shaped policy-
makers’ thinking about refugee policy over the late 1990s and leading up to 2001. Using the 
primary data generated in this research and comparing these data to the findings of chapter 3, it 
substantiates the argument that paradigm change occurred. The focus of this section is on the 
cognitive and normative beliefs – organised around the four components of paradigm change 
outlined in chapter 2: problem definition; policy goals; understandings of identity and 
understandings of the parameters of appropriateness of policy.

New Problem Definition

By the end of the 1990s policy-makers understood the most significant problem facing 
Canadian immigration and refugee policy to be the control of illegal migration (Interviews 7, 11).7

7 The central importance of this problem to policy-makers and a number of its specific aspects was clearly articulated by 
a CIC official in 1999. The official stated that:
The first question is how we deal with persons who make refugee claims but are really applying for 
reasons other than a need for protection. A second one of great concern to all of us is how we become 
more efficient or how we make the system go faster. And the final one is somewhat linked to the first, 
and that's what we do about economic migrants, who are people who are applying for economic reasons 
even though they say they need protection. I'll run through the issues we are looking at very quickly. 
They include issues like people who are undocumented; people who might or should be excluded from 
the entire process; people who abandon their claims; and those people who make repeat claims—and you 
may have seen the story on that in the Globe and Mail a week ago. With respect to efficiency, we're
In contrast to the protection paradigm, no one interviewed for this research suggested that greater protection for refugees, in a world where states were limiting protection options, was a prominent problem facing policy-makers. Thus, at the very broadest level, the definition of problems had shifted from one focused on the need to offer protection to one of state control and security. Policy-makers saw a large number of migrants making claims in Canada as a problem that the current system could no longer address in a timely and efficient manner. Furthermore, policy-makers believed that these pressures would grow exponentially, evidenced by the problems of much larger numbers of migrants in other states – especially in Europe (see SCCI, November 3, 1999: 1630-1640; SCCI, 1999: Introduction). The inability to prevent migration would undermine Canada’s sovereignty over its own border, erode the integrity of the system, and expose Canadians to threats from criminals and security threats within these flows. Policy-makers also believed that Canada’s refugee determination system was a significant contributing factor to these problems.

In conjunction with rising numbers of migrants, policy-makers pointed to a perceived shift in who was making refugee claims in Canada. Rather than being predominantly comprised of refugees in need of Canadian protection, policy-makers described these movements as “mixed flows” because they contained both refugees and economic or illegal migrants who used the refugee system to gain access to Canada. By the end of the 1990s policy-makers believed that these flows were dominated by illegal migrants rather than refugees, with estimates that the number of “economic migrants” in these flows was at about 80 percent (Interviews 1, 5, 7, 8, 12). One outcome of this understanding was a confusion and problematic blending of the issues of refugee protection and illegal migration. Indeed, in much of the discourse of policy-makers in the security-control paradigm there was an imprecise and problematic blending of the terms “refugee,” “claimant” and “illegal migrant.” Often MPs – including members of the Liberal government – used the term “refugee” to describe those who were by definition illegal migrants (for instance, see comments by Sophia Leung, SCCI, November 4, 1999: 1050). At other times the term refugee was qualified by prefaces such as “real,”

looking at things that we're doing within the system itself and at the kind of information we provide to policy-makers. Finally, and very importantly, there is the whole issue of removing unsuccessful refugee claimants. The final issue on economic migration is people-smuggling of the kind we saw this summer (SCCI, November 17, 1999: 1535).

8 Similar evidence of these concerns was raised by witnesses before the Standing Committee. See for instance comments by William Bauer, a former Canadian Ambassador (SCCI, December 1, 1999: 1550, 1725).
“genuine” or “legitimate.” Thus, the idea of “refugee” was no longer enough to require protection but instead there was a need to be a “genuine refugee.”

Furthermore, the image of a genuine refugee that merited protection was often quite stylized in discourse at the end of the 1990s. The formal definition of a refugee did not alter but there was a change in the understandings of the indicators of who a genuine refugee might be – such as how real refugees would behave in making their claims for refugee status (Interviews 2, 3, 15). For instance, one CIC official, giving evidence at the Standing Committee, articulated a commonly held view that a problem of the system was that it was too slow, leaving it open to abuse, and proceeded to suggest that those who attempted to slow down the system were most likely abusers while those who were refugees would seek to move quickly through the process. In short, those who used the features of the system available to them - such as appeals - were probably not refugees.

How refugees behaved en route to Canada also effected whether or not they were viewed as having legitimate claims. How immigration officials’ beliefs were effected is clearly seen in the problem of “asylum-shopping” - or the choosing of a favourable final destination by refugees. Under the protection paradigm asylum-shopping was not seen as a significant problem. Individuals were generally understood to have a legitimate claim in requesting refugee status regardless of whether or not they had travelled through other countries to get to Canada. Indeed, these refugees were often seen as seeking out the best option and proactively attempting to protect their families. Under the security-control paradigm, the proactive behaviour of refugees was often seen as being choosy or ‘pushing their luck’ and abusing the generosity of protection-granting states. Thus, for some policymakers, even ‘genuine’ refugees who travelled beyond initial protection opportunities were seen as undeserving of Canadian protection and a problem. One Liberal MP argued that it was “ridiculous” that claims were being made by those who arrived through the United States. He went on to state

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9 For instance, Minister Lucienne Robillard pointed to the need to maintain “Canada’s humanitarian tradition by strengthening the protection of genuine refugees” (Lucienne Robillard, CICa, 1999. Emphasis added). In another press release, Robillard makes reference to “genuine protection needs” (CICb, 1999).
10 The use of the preface “genuine” can be found under the protection paradigm although not as common practice (see, for example, Department of Manpower and Immigration, 1974: 50).
11 For example, one CIC official introducing this problem to a new Committee in 1999 stated: “Part of the challenge we face with all of this is to try to make quick decisions. The people who need protection want quick decisions. For the people who have applied for reasons other than protection [abuse], what they are really doing is trying to find reasons to stay here as long as possible. They do that so that at the end of their stay they can argue that they’ve been here so long that we should let them stay in any event” (SCCI, November 17, 1999: 1540). In reality refugees might not have the resources to speed up the process, such as documents to verify their identity. Furthermore, this interpretation of genuine refugee fails to acknowledge that those aspects of the processes that cause delays, such as appeals, were originally set up to protect refugees from errors in the determination process.
“that somebody, you know, was coming across from the US and claiming refugee status here, I’m sorry but you’re not coming out of, out of, a third world country. You fight your battles there, if that is the county you went into as a refugee, you’re using it as a stepping stone for Canada, well you’re not a real refugee. A real refugee is going to get anywhere they can to get safe haven” (Interview 2). The expectations of what constituted the actions of a “real” refugee were noted by one expert who worked with CIC. He challenged those who held such views by stating that “the only refugees that you [carriers of this image] believe in would be dead before they got here” (Interview 3). In short, the use of an idealised image of a “genuine” refugee significantly narrowed policy-makers’ understanding of who needed protection and increased the size of the problem of illegal migration within mixed flows.

Similar to the shift in attitudes towards those who need protection, under the security-control paradigm there was a worsening of the image of illegal migrants and of the problems they posed to the state. This can particularly be seen to be the case when these understandings are compared to the framing of this problem under the protection paradigm. One department official pointed to the fact that there was a tendency for officials to think increasingly of all individuals in these flows as “bad”, “cheats” and “liars” (Interview 7. Similar comments were made in interview 5). Illegal migrants were often not presented as victims or individuals who sought to better their situations, but as those perpetrating illegal acts against the Canadian state and representing a significant problem.

12 Later in the interview the MP argued that exceptions should be made for family reunification and that the serious problem was that of mass movements of organised asylum seekers coming through the United States to Canada. Again, by being organised and proactive these asylum seekers were perceived as abusers and not “legitimate” asylum seekers. At a later point the MP further substantiated this belief about how real refugees would “behave.” He suggested that real refugees would not pose a flight risk and therefore full detention facilities would not be necessary because these refugees would be willing to accept controls on their movements. In short, real refugees would be – and indeed should be – accepting of some form of restriction on their mobility.

13 Similar arguments have been made about the social construction of a stylized image of a “trafficked woman” who is helpless, snatched from her family, incarcerated and forced into slavery. In contrast, many of the actual experiences of those who have been trafficked vary from this. The fact that trafficked women often do not conform to the standardized image of “victim” has led to unsympathetic and often harsh response from states (Demleitner, 2001).

14 The image of migrants as victims is clearly drawn into question by Reform’s immigration critic, Leon Benoit. In response to the depiction of migrants as victims presented by the UNHCR’s representative in Canada, Benoit made the following comment:

Certainly many people who come with the help of smugglers can be considered victims, in a way. I wouldn’t say they’re completely innocent victims, and certainly they’re not victims in a lot of cases, because in most cases I would suggest they certainly know they’re entering a country illegally with the help of a smuggling ring. They know well what they’re doing, although in many cases they may not know what they’re getting into. So I think your comments on the victim could use some discussion (SCCI, February 19, 2000: 0920)

The image of the state as a victim of abuse can be seen in the *Globe and Mail* editorial entitled “There is a difference between everyone and anyone: The boomerang refugee appeals policy is unfair to Canadians” (November 6, 1999). The
Standing Committee debates, the negative image of illegal migrants was regularly presented by both government and opposition MPs (see for instance comments by Sophia Leung, SCCI, November 4, 1999:1050). One of the starkest examples was provided by Reform Party critic Leon Benoit, who asked Immigration Minister Elinor Caplan whom she would rather admit to Canada: an upstanding and needed immigrant from Switzerland or a refugee claimant, assumed to be an illegal immigrant, currently in Canada. The claimant was described by Benoit in the following manner:

Occupation: former prostitute. Criminal background: he was convicted of at least three offences, making him ineligible for entry into Canada, and which gained him deportation from the United States; furthermore, he was convicted of assault with a weapon in Canada and ordered deported. Health status: he's HIV positive. Employment status: he's on welfare. And in terms of his overall disposition, I think you can safely say he's not someone you'd like to meet in a back alley (SCCI, November 24, 1999: 1635-1640).16

The increasingly common practice of presenting refugee claimants in a negative light, and the use of specific illustration to support this was significantly different than had been the case under the protection paradigm.17

The negative images of illegal migrants in these flows developed beyond a problem of simply abusing the system to one that increasingly presented migrants as criminal and security threats. This progression is demonstrated in the statement of a Liberal MP who was lamenting the frustration of the restrictions placed on enforcement officers in their attempts to identify illegal migrants. The MP described these migrants as “feeding off of our system, because they weren’t really refugees, you know they were using the refugee system, and then escaping in and then and

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15 Editorial writing also turned to stories that highlighted abuse (Globe and Mail, November 6, 1999; January 2, 2001).
16 In response, Caplan did caution against Benoit’s use of the term ‘illegal’ to describe refugee claimants who had not yet been through the refugee determination process (SCCI, November 24, 1999: 1640).
17 As suggested in Chapter 3, illegal migrants under the protection paradigm were at times presented in a negative manner. However, these depictions were extraordinary, and often during periods of particular crises rather than the norm. Furthermore, negative images were often balanced against more positive images of illegal migrants.
most - not most - many of the times these people were, were criminal, were criminals we didn’t really want in Canada, period” (Interview 2). Similarly, a Reform MP, commenting on the arrival of migrants off the BC coast, stated that “[i]f people get away with it, there’s no ending to it. These people are criminals. They pay money to be knowingly smuggled in somewhere. And we shouldn’t let criminals into this country” (Vancouver Sun, July 26, 1999, quoted in Ibrahim, 2005). Thus, the negative framing of illegal migrants suggested that mixed flows presented a very real public safety and security problem for the state.

A further problem that became a central focus under the security-control paradigm was the inability to identify migrants properly. The lack of identity papers was seen to hinder the ability to verify the existence of persecution upon which a refugee claim was made – and was therefore an issue of control – as well as to undermine the ability of officials to ensure that individuals did not threaten the Canadian public or national security. Departmental estimates suggested that by 1999 over half of all refugee claimants did not have a passport or travel documents, and the majority of these claimants had no other identity papers (SCCI, November 3, 1999: 1540. See also Trempé et al, 1997: 81). Officials recognized that refugees might not have proper documentation or might have used false documentation to travel (Interviews 5, 7). However, they also argued that the failure to produce identification or disclose what type of documentation was used to travel – especially having at some stage travelled by air – suggested to officials a level of dishonesty and probable association

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18 One Liberal MP argued that anyone entering illegally was breaking the law and should be detained (SCCI, November 3, 1999: 1645).
19 In the Standing Committee, a member of the opposition made a similar point when arguing that arrivals from the 1999 boats in British Columbia should be automatically detained. He connected the need for detention directly to security by rhetorically asking the question of whether “having these people walk away and not being adequately tracked pose[d] a threat to national security and a danger to the Canadian public?” He argued that by using traffickers to get into Canada, migrants were linked to organized crime and therefore posed a threat to public safety and national security (SCCI, November 3, 1999: 1600). In responding, a CIC official did not deny the potential risk and instead argued that the department recognised the need to detain and had done so automatically after the arrival of the first boat. This response was surprising given the interest of CIC to present those who had been released into the community as posing little threat to the Canadian public. Similarly, the Victoria Times suggested denying access to the refugee determination process to those who had used smugglers (Matas, July 30, 1999).
20 Paul Thibault, Executive Director of the IRB, acknowledged that identity verification was a problem in the 1990s that differed from the 1980s. He stated that “[w]e’ve always taken refugees, but 10 to 15 years ago, perhaps the identity of the person was less in question than what the treatment accorded to that individual was, whether it was discrimination versus persecution. But now a lot of time is spent on determining if the person is who he says he is” (SCCI, October 23, 1997: 1555).
21 On the direct connection between identity and security, see CIC, 1999b and CIC, 1999c.
22 The department also suggested that eight percent of all arrivals of refugee claimants were outright uncooperative: “they may refuse to identify the airline that transported them and the routing and to help us with identifying them personally” (SCCI, November 3, 1999: 1540-45).
with smugglers or traffickers (Interviews 5, 11; Trempé et al, 1997: 81). One official made this point at the Standing Committee, stating:

It is conceivable that persons in need of protection may need false documents in order to be able to leave a country that has exit controls and travel to a safe destination; however, the lack of identification at the time a claim is made in Canada raises questions of credibility, since the claimant needed travel documents to board an aircraft or to enter a country neighbouring Canada. The inability to establish identity adds to the already difficult task of determining whether such people represent a threat to Canada's security or are inadmissible for other reasons, such as criminality (SCCI, November 3, 1999: 1540).

Furthermore, policy-makers believed that the inability to produce identity-verifying documents was a useful tactic to further the claims of migrants who sought to abuse the system. In response, there was a belief that those claimants who were uncooperative in establishing identity merited detention (Trempé et al, 1997; CIC Press Release b., January 6, 1999). The problem of confirming identity and the willingness to cooperate with government officials contrasted with the protection paradigm, wherein policy-makers understood uncooperativeness to be expected and excused given the experience of persecution – often at the hands of the state.24

Central to many of the concerns about illegal migration under the security-control paradigm was the understanding that Canada’s refugee determination system was a significant part of that problem.25 Policy-makers believed that the overly liberal nature of the system attracted abuse and that the system was not effective in weeding out illegal migrants. Specific criticisms of the system included: its broad interpretation of the definition of refugee; acceptance of refugees from states not perceived to be refugee producing; its multiple avenues for appeal; its disproportionate weighting of

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23 Alternatively, one official recognized that in some cases having no documentation was to be expected. Indeed, at times the ability to obtain identification papers and documentation from a country the person was fleeing from made their claim suspect. The official illustrated his point with an example of a claimant who had produced a Somali passport issued in the early 1990s (Interview 5. Similar comments made in interview 12).

24 Indeed, the policy response to this problem was to offer claimants additional time to make their claims in a non-threatening environment.

25 Attention was largely focused on the weakness of the refugee determination system and not other immigration programs that might also have been sources of control and security concerns. In the opening statement of the government’s first Public Report of Canada’s War Crime Program, only the refugee category of immigration is singled out as problematic, despite the fact that identifying and preventing the immigration of war criminals applies to all streams of immigration. The Report states that “the government of Canada is determined to ensure that protection is denied to those who do not deserve it, specifically, refugee applicants who were involved in war crimes or crimes against humanity. The government has demonstrated a resolve to deal firmly with such individuals” (Department of Justice and Citizenship and Immigration Canada, July 1998: Introduction. Emphasis added). This argument is further substantiated by the testimony of Janet Dench, Executive Director of Canadian Council for Refugees, before the Standing Committee in February 2000 (SCCI, February 9, 2000: 1605).
claimants’ rights versus the state in areas related to cooperation for the determination of identity; its
tolerance of “unsavoury” individuals (Interview 1); its weakness in preventing serious criminals and
security threats from entering Canada and the ability to enter another refugee claim days after a prior
claim had been denied (Interviews 1, 2, 5, 9, 11, 12, 14).  

One official concluded that if the IRB was being established at the end of the 1990s he could not imagine it looking anything like the
system that had been created in the 1980s (Interview 12). The broad problems of control caused by
the existing system can be seen in the justification for reform addressed in the 1999 White Paper.
The White Paper’s discussion of “Fairness, effectiveness and integrity” states:

Fairness in decision making must and will remain a key principle of reform of the
immigration and refugee system. A transparent system that can be easily understood by
those most directly affected is a key element in such an approach. However, in an
environment of limited resources and continuing expectations of rapid and sound
decision-making, it is equally important that procedures not mandated by constitutional
or international obligations, or which do not advance important values, be reconsidered.
Reforms should ensure that the fundamental objectives of the immigration and refugee
protection programs are not distorted by frivolous litigation and delays. Concern for
system integrity and determination to stem abuse are important elements of effective
management of government programs and legitimate principles for reform (CIC,
1999c: 11).

Some Members of Parliament, including some Liberals, believed that the system was too fair.
In the words of one MP, the system was - “exceptionally fair” compared to others established in
other western liberal democracies (Interview, 2). The concern that reform might make the system
too fair was also evidenced by the fact that the Minister felt compelled to assure MPs, in introducing
the new Immigration and Refugee Protection Act, that the changes to the system would not make it
more lenient:

As with the previous Bill [Bill C-31], Bill C-11 will allow the IRB to consider, in
addition to the Geneva Convention grounds, the convention against torture, risk to life,

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26 One official argued that the IRB could not determine refugee status effectively because adjudicators could be swayed
by the ability of claimants to tell a good story. Likewise, real refugees were missed for failing to be as convincing
( Interview 1 ). Another official spoke of being uncomfortable with the Canadian refugee system that was in reality
“supporting organised crime” ( Interview 5 ). Similar criticisms of the system can be seen in editorial writing ( see for

27 Even the combination of fairness with efficiency and integrity of the system in the title of this section demonstrates an
interesting shift in the framing of these questions. No longer was fairness a principle on its own that did not need to be
qualified.

28 A similar position was held by department officials giving evidence at the Standing Committee ( SCCI, February 18,
and cruel and unusual treatment, as grounds for refugee status. Colleagues, let me reiterate that this does not expand the current existing grounds for protection. It merely consolidates the grounds we currently assess at several different stages of the process into a single step at the IRB (SCCI, March 1, 2001: 0920).

Thus, the qualities of the system that were highlighted as a source of pride under the protection paradigm were perceived as a source of the system’s “weakness” by the end of the 1990s.

Underlying many of these “problems” with the system were the perceived constraints placed on policy responses by the 1982 Canadian Charter of Rights and Freedom. The Charter protects all persons physically present on Canadian soil – as opposed to applying more narrowly to citizens. As a result, policy dealing with refugee claimants who arrived in Canada needed to meet the standards set out in the Charter. Numerous processes within the refugee and immigration systems were affected by the Charter, including the use of manifestly unfound claims, the nature of expedited claims and the appeal process amongst others. However, the most significant impact came as a result of the 1985 Singh decision of the Supreme Court, which argued that under the Charter refugee claimants required an oral hearing to determine their status rather than a paper review of cases as had been employed by the department.

The constraints of the post-1982 judicial regime were recognised by policy-makers and regularly referenced in discussions, both of the limitations on policy established under the refugee protection paradigm and in proposals for new policy (Interviews 1, 2, 4. See also Auditor General, 1997: 25.15, 25.16). Officials interviewed by the author expressed considerable frustration in their attempts to address enforcement problems, arguing that they faced greater judicial constraints than found in other states, a factor that explained Canada’s weaker control policies (Interviews 1, 4).

The frustration of officials could be seen in the response of one who, after listing the limitations

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29 For an overview of the legislative and regulatory changes as a result of court challenges, see Crépeau and Nakache (2006). These changes have also been tracked in Marrocco and Goslett, 2002. Regular reference was made to what one official referred to as “Charter proofed” policies and practices (Interview 4; SCCI November 17, 1999: 1610).

30 As suggested in Chapter 3, contrary to conventional wisdom, the Singh decision was not the initial motivator of change related to oral hearings.

31 CIC Officials highlighted the restraints of the Charter on Canadian policy in the Standing Committee (see for instance, comments by officials on November 3, 1999; November 4, 1999; November 17, 1999; March 1, 2001). Editorial opinion also raised concerns about these constraints (Globe and Mail, November 6, 1999) and suggested that the “not-withstanding clause be used to override claimants rights in Canada” (Globe and Mail, July 23, 1999).

32 One government MP drew attention to the way the system favoured the refugee claimant over the state in what he saw as quite remarkable ways. Two examples were given. In one case he pointed to the fact that refugee claimants could not be searched at airports for documents that could confirm their identity and route to Canada. In another case he noted that he, as a government MP, required the permission of the refugee claimant if he sought to observe his/her refugee hearing (Interview 2. Similar comments made in interview 6).
placed on immigration officers in terms of identifying and searching claimants, asked “What would you do?” (Interview 1. Similar comments were made in Interview 3). This official, commenting on the inability to use more restrictive policies stated: “we are unable to, not because we are stupid, we are unable to because the legal framework dose not allow you to” (Interview 1).33 Thus, the terms of the debate had shifted from one centred on the problems posed by a system that was too enforcement-oriented and not fair enough to claimants to one that was overly liberal and needed to be kept in check.

The emphasis on the problem of control paralleled an increased emphasis on problems of public safety and security. Within the debates of the Standing Committee, both witnesses and Members of Parliament regularly raised issues of security and public safety as central concerns driving legislative changes. For instance, Stockwell Day, leader of the Alliance party, in an extraordinary appearance at the meeting of the Standing Committee in which Caplan discussed the introduction of Bill C-11, made security the primary focus of his questioning. In this he suggested that there was a credible view amongst experts that the Canadian system was an “international joke” and a “welcome wagon for organised crime” (SCCI, March 1, 2001: 0935).34 Other discussions in Committee focused on the link between Canada’s immigration legislation and the widespread understanding that Canada had become a “safe haven for terrorists.” (SCCI, March 2, 2000: 0925).35 Furthermore, proposals for legislative changes were justified by the need to provide safe communities for Canadians and to protect national security, both threatened by the increasing number of problems raised by illegal migration.

Although the protection of refugees continued to be a concern of policy-makers in the late 1990s, the framing of the problems faced by the Canadian state represented an important part of the shift to a security-control paradigm. In this period, perceptions of the level of protection needed and who deserved protection were more limited. As a result, there was not a feeling that the system suffered from a lack of protection. Instead, the dominant problem under the security-control paradigm saw too much protection for those who ultimately did not deserve it. For the most part, this problem was provoked by illegal migrants who abused the system. However, the problem even

33 One official questioned these constraints by asking “more fundamentally at what cost, at what expense and at what point can you say this is fairness gone amuck?” (Interview 7).
34 The problem of international crime was also highlighted by Paul Kennedy, Senior Assistance Deputy Solicitor General, who argued that the domestic policing community and international organizations, including the G8, NATO and the UN all placed organized crime as one of the most serious contemporary threats (SCCI, November 25, 1999: 0920-0930).
35 For further discussion of this debate, see Chapter 5.
extended to refugees whose claims were increasingly drawn into question because they exercised agency in travelling to Canada. Ultimately, the problem of mixed flows, increasingly dominated by undeserving claimants, were seen as placing too much strain on a system that was open to abuse. In the most serious circumstances these problems were intensified by the possibility that those who were abusing the system posed significant public safety and security concerns for the Canadian state.

**New Goals**

Changes in policy-makers’ framing of the problems of refugee policy corresponded with a shift in their understandings of policy goals. Over the course of the 1990s, policy-makers increasingly emphasised the goals of state security, public safety and border control. While the goal of refugee protection remained present, policy-makers redefined the state’s interest in a manner that prioritized tackling the issues of illegal migration and security threats. Consistent with this shift were other changes in policy goals. For instance, what was meant by the goal of ‘humanitarian action’ changed as did policy-makers’ understanding of what types of goals could be met and were therefore worth pursuing. Specifically, under the security-control paradigm the criteria used to define a security and control risk were lowered and as a result the expectations of enforcement were increased. In culmination, these changes represented not only a reprioritization of goals but in significant ways a more fundamental re-thinking of goals that were imbied with new meanings.

The fact that security and control became the top priority of policy-makers in this period is evidenced by the focus of discussions in the Standing Committee on Citizenship and Immigration. The initial meetings of each new Parliamentary session allowed members of the department to brief committee members on the dominant issues in the policy field and lay out the objectives that were currently being pursued. In October 1997, at the first meeting there was lengthy consideration of the issues of security and control. At the beginning of the following session in 1999, the first five meetings of the Committee were again taken up by discussions of security and control. Between

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36 At this meeting the first set of questions to CIC officials raised the problems of improperly documented claimants and the ability to remove those inadmissible due to criminality concerns once they are in Canada. Much of the rest of the discussion highlighted problems with control, particularly the removal of criminals. According to Steve Maloney, the Chair of the Standing Committee, meetings reviewing the LRAG document in the spring of 1998 also spent a considerable amount of time looking at issues of security and public safety (SCCI, October 28, 1998: 1545). This view is consistent with the fact that these meetings were all held in camera.
1999 and the summer of 2001, members of the Canadian security community were regular witnesses with significant amounts of time being given to their evidence.

The broad policy goals of security and control were also reflected in the statement by Immigration Minister Elinor Caplan when she made her annual report to the Standing Committee in November 1999. Caplan stated that “[t]he department has a dual mandate. One is facilitation and bringing of both immigrants and refugees, and the other side is the very important role we play in making sure those who are inadmissible are not permitted to enter Canada, or those who managed to come to Canada who are not admissible are removed as quickly as possible” (SCCI, November 24, 1999: 1555). Although the Minister pointed to the need for facilitation – suggesting a congruency with the protection paradigm – it was not presented with the same conviction found in the 1970s and 1980s. Furthermore, control and security were acknowledged as central concerns by the Minister who emphasised a commitment to these priorities in framing policy reform. The importance of these goals was also emphasised by the department, which placed security and control and the need to be able to say “no’ more quickly to those who would take advantage of our generosity and openness” as a key justification for Bill C-11 (CICb, 2001: 2).

Editorial writing also confirmed the importance of security and control in the government’s approach to refugee policy. According to the assessment of legislative reform by one editorial column of the *Globe and Mail*: “[i]f openness and flexibility are the themes of the immigration side of the new Act, tightness and increased efficiency are the drivers for the refugee - protection system” (*Globe and Mail*, 8 January, 1999: A18).

The prevalence of the goals of security and control was demonstrated in other ways as well. For instance, the authors of the *Not Just Numbers* report stated in the introduction to the proposed

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37 A similar argument was made by Liberal MP John McCallum: “I think we are attempting to strike a balance in this Bill. On the one hand, we want more immigrants, we also want these immigrants to feel welcome and we intend to take our duties to refugees very seriously. On the other hand, we must protect the integrity of the system, because if Canadians think that we have become a safe haven for the criminal class, than overall public support for immigration will decline” (SCCI, May 4, 2001: 1010).

38 A background document that accompanied the introduction of the IRPA included a list of the “general agreement on fundamentals” that would guide policy development. The first area of agreement stated that “[t]here is general agreement that Canada needs a new Act that is simpler, more effective, and more easily understood. Canadians want to stop abuse of our immigration and refugee system and protect Canada’s borders” (CIC, 2001h). This view of immigration policy was shared by key members of the enforcement community. René Charbonneau, Assistant Commissioner RCMP, directly addressing the obligations of states to protect citizens versus their ability to assist refugees’ entry, stating that Canada’s first priority was the protection of Canadian citizens (SCCI, November 25, 1999: 1007-1020).

39 The NDP made a similar assessment of reform in its criticism of Bill C-11. One NDP MP stated: “It's been suggested by many groups involved in the immigration and refugee field that Bill C-11, although it makes some important changes from the past, is still very much about protecting Canadians from the world and keeping out possible negative individuals and forces, as opposed to carrying on Canada's tradition for humanitarian, open-door immigration and refugee policies” (SCCI, March 20, 2001: 1000).
new refugee protection model that “[t]o date, our efforts towards cooperative international solutions and responsibility sharing have been ad hoc and mainly unsuccessful. International cooperation is surely a higher goal than the building of ever more elaborate domestic determination systems to deal with those who manage to jump sophisticated hurdles and arrive in our country” (Trempé, 1997: 82). Thus, the emphasis was on preventing migrant arrivals through international cooperation, rather than on the expansion of the domestic refugee system, which was again presented as problematic.\(^{40}\)

Similarly, in assessing proposals for new policies, department officials argued that reforms were consistently assessed on their potential to hurt aspects of control (Interviews 1, 7). One observer suggested that the first question from official concerning any new legislative proposals was “is that a draw factor?” (Interview 20).\(^{41}\) Thus, the goal was not new strategies to protect refugees, but to avoid policies that might provide additional incentive for migrants to travel illegally to Canada. In response to these goals, policy-makers considered policies that were believed to make the system quicker and more efficient (SCCI, November 4, 1999: 1035), including those that would keep migrants out of the system by pre-screening their claims (SCCI, November 3, 1999: 1605) and undertaking front-end security checks (CIC, 2001g; 2001i). The department also made a priority of policies of detention and removal. It said they were of “critical importance” to the immigration system and the department had recently made renewed efforts to address them in order to ensure “safer communities” (CIC, October 28, 1998: 2).

The prioritisation of security and control as the driving motivation of policy under the new paradigm was reinforced by a shift in understandings of the humanitarian goals of policy. Both policy-makers’ discussions and policy documents stated the importance of this tradition. It is important to note that there is evidence in proposals for policy change that was consistent with protection goals. For instance, reforms included the adoption of the *Convention against Torture*, the incorporation of the ‘best interest of the child,’ and the expansion of those who qualified for pre-removal risk assessments (CIC, April 5, 2001. SCCI, March 1, 2001: 0920). However, despite this, the emphasis on the humanitarian tradition and what it meant for Canada to act in a humanitarian manner had changed.

\(^{40}\) A similar point was made by a department official who suggested that the motivation for further cooperation with the US on the Border Vision process was to prevent illegal migrants entering Canada from the US (Interview, 7).

\(^{41}\) That the new legislation was attempting to ensure that Canada did not become a “desirable location” was also highlighted by one Bloc MP (SCCI, March 27, 2001: 0940).
This shift in emphasis can be seen in the positioning of the goal of humanitarian protection as dependent on the goals of control and security. In a news release introducing the Immigration and Refugee Protection Act, Minister Caplan stated that “[c]losing the back door to those who would abuse the system allows us to ensure that the front door will remain open… both to genuine refugees and to the immigrants our country will need” (CIC, News Release, April 6, 2000. See also CIC February 5, 1998). Increasingly, she argued, the uncontrollable flow of migrants and the potential security threat they might pose challenged the integrity of the system, public support and, by extension, the ability to help “genuine” refugees.

Given this interpretation, policy-makers justified new state-based security and control priorities by using protection arguments. One example of this can be seen in the use of detention, which was justified, in part, as helping to protect refugees and migrants from traffickers (Interview 14). For instance, one Liberal MP called for the automatic detainment of trafficked claimants, stating that “[m]y problem with not detaining them is that we know if they go free, then they go into a type of slavery. So this is a case where detention is the merciful thing to do, surely” (SCCI, November 3, 1999).

This argument was reiterated by CIC officials (Interviews 4, 5, 7, 11). This position was also expressed by in editorials (Globe and Mail, January 14, 1998; July 23, 1999. September 16, 1999; January 2, 2001). Scott Watson makes the argument that Canada and Australia have increasingly employed a “humanitarian” argument to justify policies not aimed at traditional understandings of humanitarian action and the protection of refugees but rather at the protection of the state (Watson, 2006. See also Ibrahim, 2005). This use of “humanitarianism” has also been raised in the literature on international migration. According to B. S. Chimni, these new definitions of humanitarianism “manipulate the language of human rights to legitimize a range of dubious practices” (Chimni, 2000: 244). For similar arguments see Barnett and Finnemore, 2004: chapter 4.

Elsewhere this MP made the argument that “[a]ll the testimony we've heard before points to the issue that these bogus refugee claimants are usually en route; they don't necessarily even stay in Canada. They go out into a form of slavery in the United States or elsewhere. So I cannot resist observing that the issue here isn't simply whether somebody is a bogus refugee but gets to stay anyway and contributes to society. The issue here is that there's a weakness in the system that appears to be contributing to a form of slavery in the 21st century that we should be doing everything we can to block” (SCCI, December 2, 1999: 1040. See also February 10, 2000). Similarly, security measures, such as eligibility factors under the Convention, were justified as being necessary to offer better protection (SCCI, April 26, 1999: 0940).
making a dangerous voyage across the Pacific was also an act of protection (Interviews 7, 9). One official argued that preventing migrants from leaving China went some way to securing their basic right to remain in their country of citizenship – the right to remain (Interview 9. Similar comments were made in Interview 1, 11). At a broader level, officials increasingly supported efforts at international cooperation that prevented the further movement of migrants. These efforts included cooperation to stop trafficking and smuggling as well as broader commitments to ensure better protection for refugees closer to their home states (Interview, 11. See also SCCI November 3, 1999: 1545). While these actions were framed as being in the interests of migrants, they also supported state interests in preventing unsanctioned migration. These changes went beyond simply a reprioritization of protection as a goal. Instead they represented a shift in the actual meaning of humanitarian action, where more enforcement powers were understood as protecting migrants and refugees better. In short, the definition of humanitarian action had changed under the security-control paradigm with calls for humanitarian policy meaning something different at the end of the 1990s.

The shift in policy-makers’ prioritization of goals was also found in their portrayal of thinking under the protection paradigm as naïve. It was suggested that the focus on protection in the 1970s and 1980s reflected simpler times, when these priorities could be afforded. One official made the contrast quite starkly, stating that “[t]he eighties debate was how to be fair, the nineties debate was, if I can say it, how to be fair but not stupid” (Interview 1). Editorial opinions confirmed the desire that the Canadian refugee system not be seen as too generous. Arguing for quicker detention and removal by the system, one editorial stated “[t]he alternative is to declare to the world that we are professional refugee patsies. The alternative is to destroy Canadians' sense that we can be

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46 In the 1990s, the ‘right to remain’ become an increasingly popular response to the problems posed by increased international migration. The principle argued that individuals had the right to stay in their country of citizenship and they should be supported in doing so (UNHCR, 1993). This humanitarian principle also supported the interest of migrant receiving states who sought to increase their control over migration. The right to remain was also pointed to by the *Globe and Mail*. In addressing the Kosovar refugee movement in 1999, an editorial argued that, unlike past efforts to permanently integrate new refugees, it was hoped that the protection provided would only be temporary. The justification for this was so that Canada did not give “Yugoslav President Slobodan Milosevic a reason to believe we will be complicit in the horrors” (*Globe and Mail*, April 8, 1999).

47 Such criticism of the protection paradigm is also an important indicator of paradigm change. As suggested by Ian Greener, paradigm change is seen when experts, academics, the media and policy-makers themselves undertake to draw into question and discredit previous paradigms (Greener, 163).
generous to refugees without also being wilfully stupid” (*Globe and Mail*, August 27, 1999. See also *Globe and Mail* September 16, 1999).48

By the end of the 1990s, the goals of security and control came to dominate policy-makers’ thinking about refugee policy. Unlike the protection paradigm, the goals were given greater priority than humanitarian objectives and were invoked more widely across policies. Indeed, humanitarian goals were in part redefined to match the priorities of security and control. In short, policy-makers prioritized efficient policies that minimised abusive claims and promoted public safety and national security. Furthermore, the understandings of humanitarian goals were altered under the security-control paradigm.

*A New Identity*

By the end of the 1990s, there had been an important shift in policy-makers’ understanding of Canadian identity as it related to refugee policy. This change manifested itself in a number of ways. Most fundamentally, there was a shift in policy-makers’ understanding of Canadian identity from one which was particularly liberal and distinct to one based on a membership in a community of ‘likeminded’ western states faced with similar problems and willing to undertake similar enforcement responses to the pressures of migration (Interviews 1, 3, 7, 11, 12, 19).

As has been suggested in chapter 3, Canadian policies were driven in the 1970s and 1980s by a firm commitment to a distinct set of liberal values that pursued a high level of protection for refugees. At the end of the 1990s, policy-makers placed much less emphasis on these liberal values and instead drew on a set of values that better reflected control and security. For instance, in her opening comments to the Standing Committee on November 24, 1999, Minister Caplan outlined the values she thought should shape her future work in the department:

> Citizenship and immigration issues speak to some deeply held values for all of us: values of welcoming and belonging; values of fairness and justice. These are values that have made Canada one of the most respected of nations, and these are values that will guide my approach to the many issues before me and before us. They set a standard that I’m proud to assume on behalf of this government (SCCI, November 24, 1999: 1540).

48 This editorial also acknowledged the concern that the system not be naïve. Commenting on illegal migration, it stated that “[w]hat they are taking advantage of is a Canadian refugee system that seems to have had naiveté forcibly imprinted on its generous face” (*Globe and Mail*, August 27, 1999).
While identifying the values of fairness and justice, she did not present these with the same enthusiasm as policy-makers under the protection paradigm. Nor did she link these values clearly either to a broader humanitarian commitment or to specific efforts to protect refugees. Indeed, in other places, statements of Canadian values and identity were interpreted differently and used as a motivation for greater enforcement powers. For instance, the 1999 White Paper addressed the reform of the inland determination system under two principles entitled “Balancing privileges and responsibilities” and “Fairness, effectiveness and integrity.” These sections emphasised the responsibilities and obligations of claimants in the system and the abuse of these principles by illegal migrants. While the White Paper suggested that the system needed to be fair, it emphasised the need to ensure that abuse did not override effectiveness (CIC. 1999: 10-11). Similarly, the Legislative Review Advisory Group (LRAG) report drew the following conclusions about Canada’s identity and the values that should shape policy:

> Essentially, we are a law-abiding society, conscious of both individual and collective rights and responsibilities. We value personal honesty and integrity as well as respect for formal and informal institutions and other forms of authority. As an outward-looking country, we project our national values onto our international actions, applying a universal standard to our international memberships, treaties and other obligations. We also expect these same values from those who come to our country. (Trempé et al., 1997: 7)

The emphases on being law-abiding, responsible and honest, as well as having respect for authority and formal institutions, all project an image of an orderly Canada that would be undermined by illegal migrants. Absent from this statement was the discussion of humanitarian values that obligated the state to pursue refugee protection.

While policy-makers continued to acknowledge the importance of Canada’s humanitarian traditions and distinct values, they placed less emphasis on these features of Canadian identity. Indicative of this change in emphasis was the shift in policy-makers’ use of historical evidence and analogies. Under the security-control paradigm, past Canadian actions that supported refugee protection were used less frequently and rarely in significant detail. 49 Those working within the

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49 For instance, in November 1999, Caplan presented her first annual performance report as Minister of Citizenship and Immigration. In her opening speech she referenced Canada’s humanitarian tradition but made no specific use of historical events (SCCI, November 24, 1999: 1540-1550).
security-control paradigm understood Canadian policy as too liberal, not too restrictive, and therefore evidence of a liberal policy was not useful to policy-makers or those promoting reform.\(^{50}\)

The use of evidence to support a security-control paradigm extended to interpretations of current events. For instance, one policy-maker noted that in their public discussion there was limited praise of contemporary refugee movements, such as the Kosovo resettlement in 1999. Although he suggested that this movement was similar to the 1979-1980 Indochinese program, politicians and officials made limited reference to it (Interview 6). Indeed, the opposition provided a negative interpretation of the movement, suggesting that the large numbers of refugees who returned to Kosovo was an indication that they were not really in need. One Reform MP used the specific case of a Kosovo refugee who was believed to be working while collecting welfare as being indicative of the problem with this movement and the system more broadly (SCCI, November 24, 1999: 1620).\(^{51}\)

In culmination, this use of historical and contemporary evidence contributed to the construction of a new narrative that undermined the positive image of refugees, solidified the negative image of refugee claimants and presented Canada as a victim of migration flows. As a result, the celebration of the Canada’s humanitarian efforts – clearly present under the protection paradigm – was much less evident under the security and control paradigm.

Change also came in terms of policy-makers’ understandings of Canadian distinctiveness. By the end of the 1990s, policy-makers increasingly saw Canada as no longer distinct but rather as part of the industrialised western community of states. Policy-makers made reference to Canada’s membership in a community of “likeminded states” who faced similar problems of large flows of predominantly illegal migrants (Interviews 1, 2, 3, 7, 11, 12). They either claimed that this was a problem “faced by all Western communities” or referred to the problem of illegal migration as a “North American” one rather than one particular to Canada. This framing of the issue was made by one senior official in his opening statement to the Standing Committee: “Looking at access to Canada, the abandonment of 21% [of refugee claims] that is cited suggests that a certain proportion of the people who come to North America are using the refugee determination system to access

\(^{50}\) In one editorial, the lessons of the *Komagata Maru* were employed to argue that Canada had become too generous, a complete reversal of the use of this event under the protection paradigm, concluding that “[t]he irony is that today’s boat people threaten to teach us a reverse Komagata Maru lesson. It seems our desire to be fair threatens to turn us into the world’s patsies...” (*Globe and Mail*, September, 16, 1999).

\(^{51}\) In response to the MP’s comments, the Minister for Citizenship and Immigration warned against the possibility that these individual cases result in a blanket description of the Kosovar refugees (SCCI, November 24, 1999: 1620). However, the fact that she recognised this as a concern supports the argument that these refugees were being viewed more negatively.
North America” (SCCI, November 3, 1999: 1540).52 Another argued that “[t]he question is probably more about how do we work in terms of the North American continent, as we’ve been trying to do. We’ve begun discussions with the U.S.A to look at the perimeter of North America, in a sense, as one we deal with together” (SCCI, November 3, 1999: 1635). Indeed, officials’ discussion of the Canadian refugee system and the need for Canada’s participation in international responses to illegal migration created a sense that a responsible member of this community would address weaknesses in their systems.

Security officials even spoke of Canada’s obligation to other states in terms of not being a source of insecurity by failing to deal properly with migration. The 1999 Report of the Special Senate Committee on Security and Intelligence recognized a Canadian “obligation” to “neighbours not to expose them to undue security risks through a porous refugee determination system” (Special Senate Committee on Security and Intelligence, January 1999: chapter 2).53 A similar point was made in the LRAG report, which suggested that a central principle in Canada’s approach to refugees should be its commitment to “uphold our obligations by ensuring that we extend protection only to those who require and deserve it” (Trempé, 1998 et al: Recommendation 5). In contrast, international humanitarian obligations which Canada had sought to exceed and which had contributed to its image as distinct under the protection paradigm were no longer flagged as important. Indeed, in contrast, policy-makers explored ways to meet international obligations but not to be constrained by them.54 Thus, policy-makers did not view Canada as distinct but as part of a group to which it had obligations.

52 In this official’s opening statement to the Standing Committee, issues were consistently presented as North American ones (SCCI, November 3, 1999: 1540-5. See also 1650). See also comments by Martha Nixon, Assistant Deputy Minister, Operations, CIC (SCCI, November 17, 1999: 1655) and those of René Charbonneau. Charbonneau stated that “[t]oday, some international organisations are suggesting there are as many of 125 million migrants throughout the world. For many of these migrants, our political stability, wealth and generosity make North America the destination of choice. …we face increasingly diverse and more serious challenges posed by expanding global migration and illegal entry into North America” (SCCI, November 25, 1999: 1007). The fact that these problems were shared is also evidenced by officials concerns that global flows were seen as interconnected and that policy changes in one jurisdiction were understood to have effects on others (Interviews 1, 7, 11).

53 For similar comments about this obligation, see the testimony of Ward Elcock, Director of the Canadian Security and Intelligence Service to the Standing Committee (SCCI, March 2, 2000).

54 For instance, see the discussion in the Standing Committee on the practice of interdiction in other countries as being acceptable in international law (SCCI, November 4, 1999). See also evidence of William Bauer (SCCI, December 1, 1999). René Charbonneau made a similar point by highlighting that “[t]he United Nations High Commissioner for Human Rights holds the view that respect for the basic rights of migrants does not prejudice or otherwise restrict the sovereign right of all states to decide who should or should not enter their territories” (SCCI November 25, 1999: 1007). Thus, state sovereignty was understood to take precedence.
The distinctiveness of Canada’s approach to refugees also diminished as policy-makers sought to demonstrate that the country was no less effective in responding to the problems of illegal migration. Members of government and the bureaucracy were keen to demonstrate that the Canadian and the American system were in fact comparable and that the former did not deserve the criticism that it received (Interviews 1, 2, 5, 6, 12). For instance, one official made the argument that despite Canada’s high acceptance rates, which critics used to suggest that Canada was more generous, if you compared the number of actual removals of non-successful claims in the US and Canada then the effectiveness of the systems was the same (Interview, 5). Similarly, an official who sought to explain Canada’s more generous acceptance rates used the example of Columbian refugees. He argued that Canada’s rates could be explained by the fact that Columbians making claims in Canada were from the middle class and more likely to be the targeted for persecution. In contrast, the US received a greater proportion of lower class migrants crossing its southern border who were less likely to be the targets of persecution and therefore more likely to be denied status (Interview, 5). The point of these arguments was to claim that the Canadian system was not distinct or more generous but was indeed very much like the American system.

Beyond comparability, policy-makers also sought to demonstrate Canada’s international leadership in policies of security and control. In particular, they pointed to Canada’s lead in establishing a network of overseas interdiction officers, its tough approach to war criminals and the use of 1N(f) of the UN Convention for denying access to the refugee determination system, and policies on anti-trafficking (Interviews 1, 5, 7, 8, 9, 11). Whether Canada did lead in these areas is less important than the fact that policy-makers sought to present them as areas of Canadian international leadership. This framing of Canadian leadership suggested that policy-makers valued

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55 Another policy-maker argued that the effectiveness of the Canadian system was comparable to systems used in Europe (Interview 20).
56 This article allows states to exclude from the Convention’s protection, claimants who have committed serious non-political crimes, crimes against humanity or “acts contrary to the purposes and principles of the UN.”
57 A central strategy of preventing international migration has been the use of overseas immigration officers specifically mandated to identify and prevent the flow of improperly documented migrants (CIC, 2001a: Sec 1.0. See also Sec. 3.2). To accomplish their goals these officers assist transportation companies in identifying improperly documented travellers through training and specific technical support as well as by liaising with local authorities to further control efforts. Migration Integrity Officers (MIO) also conduct specific “short-stop” operations that target particular sources of unsanctioned migration (Crépeau, 1998: 28-29) as well as joint operations with partner states such as the UK, Australia and the United States (CICa, August 2001: Sec 1.2.0, 3.0). Canada first introduced the use of MIOs in 1989 but greatly expanded the system and the powers these officers held over the course of the 1990s. On Canada’s leadership in these areas, consider the comments by René Charbonneau, who, after outlining his agency’s efforts to control undocumented migrants and deal with threats to security and criminality, stated: “[w]e fully believe our efforts and achievements, as well as a clear demonstration of our resolve and determination to meet the challenge, will prove to be a model and an inspiration to others” (SCCI, November 25, 1999: 1020).
and sought to confirm an image of Canada that was oriented towards enforcement and control in contrast to efforts under the protection paradigm to emphasise international humanitarian leadership.58

The understanding of Canada as part of a particular community of states can also be seen in the replacement of criticism of other states, as found in the 1980s, with new positive depictions. Policy-makers increasingly presented other states as being successful in deterring or processing unsolicited migrants. Regular references were made to other states’ systems as models and a source of solutions to the problems that Canada faced.59 Similarly, under the security-control paradigm there was little concern expressed in Standing Committee discussions or amongst officials about the ability of partner states and in particular the United States to determine refugee status on Canada’s behalf (Interviews 2, 11, 12).60

Under the security-control paradigm policy-makers even went as far as seeing China not as a potential violator of human rights or refugee-producing state but as a legitimate partner with whom Canada could work to solve the problem of illegal migration (see meeting of SCCI, November 3, 1999: 1545, 1630. See also the Minister’s detailing of cooperation with China on trafficking on November 24, 1999: 1600; Interviews 7, 11).61 Sophia Leung, a Liberal backbencher who had travelled to China to address the problem, demonstrated this thinking in her comments at the Standing Committee. She stated:

… it's very interesting that you say here “working with the government of China.” As you know, three of us went to China and did the negotiating on behalf of Foreign Affairs. I understand that two boats on their way to B.C. were intercepted by the Chinese government. That was really a sign that they listened to us, that we worked together (November 3, 1999: 1630).

58 Indeed, in contrast, one MP even questioned Canada’s contemporary leadership in traditional areas of humanitarian policy (SCCI, February 10, 2000: 0955).
59 Officials and MPs pointed to the need to explore the “best practices” of other states, such as Australia and the United States, on policies of high seas interdiction and detention to see if they might provide potential solutions to Canadian problems. Reflecting a strong commitment to increased enforcement, Rob Anders, a Reform MP, asked rhetorically: “[a]re there any considerations at all to live up to the standards of other nations that actually meet migrants at sea and process these things at sea rather than wait for the problem to come to us” (SCCI, November 3, 1999: 1555)? See also comments of a CIC official related to lessons on detention from Australian practices (SCCI, November 3, 1999: 1615. Interviewees also suggested that Australia offered positive lessons for Canada. (Interviews 1, 11, 12).
60 See discussion below.
61 Bauer, a strong advocate of increased enforcement mechanisms, argued: “I find it ironic, having spent half my career arguing internationally for people to have the right to leave their country, that we are now going to authoritarian governments saying ‘Please keep your people in.’ It's one of these absolute dilemmas that is excruciating in its irony” (SCCI, December 1, 1999: 1720).
Members of the security community presented the relationship with the Chinese as being even closer. RCMP Assistant Commissioner René Charbonneau commented on his relationship with Chinese officials by stating that “…they were very kind to us. As the deputy of the minister in charge of security in China told me, there is one language and it's the police language. We were amongst police officers, and that was very nice and very kind of them” (SCCI, November 25, 1999: 1020). Thus, the focus on illegal migration rather than concern for refugees allowed policy-makers to see even the Chinese state as a viable partner.

In sum, by the end of the 1990s, policy-makers were much more comfortable seeing Canada not as a distinct (humanitarian) outlier but as member of a group of likeminded states facing a common problem. Broader discussion around illegal migration also suggests that policy-makers’ thinking about the country’s identity and role in dealing with refugees had changed.

*New Parameters of Appropriateness*

Policy-makers’ altered understanding of the appropriateness of policies has also been a significant component of the paradigm change. Broadly, appropriate policies were understood as those that prioritize security and control while limiting the loss of state sovereignty. At the end of the 1990s several policies that had been considered inappropriate under the protection paradigm had become accepted, while those that in the past had been seen as acceptable were no longer considered as such. These changes included attitudes towards the policies that required deeper international cooperation in determining refugee status and the degree to which the rights of refugee claimants were protected. The latter change included increasing the levels of risk in the refugee determination process that might lead to bad decisions and the *re-foulment* of refugees who required protection.

By the end of the 1990s, cooperation with other states was viewed as a necessary and appropriate policy option (Interviews 1, 2, 4, 7, 12). As has been suggested, policy-makers believed that it was acceptable for those who were making their way to Canada to have their claims heard by other states rather than Canadian officials. This thinking formed the basis for a number of

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62 These comments were made in the context of describing a trip to China in the summer of 1999. Charbonneau goes on to argue that legislators were faced with a particular challenge to harmonise legislation across states – something that is required to deal effectively with this international problem. The need for international efforts is captured by his ideal response to the problem: “My vision is that we’re going to have a big global police force. That’s how we have to think now. We cannot think city, province, and country. We need to think globally on the enforcement side” (SCCI, November 25, 1999: 1025).

63 See, for instance, the comments by CIC officials (SCCI, November 3, 1999: 1635).
policies. For instance, the way Migration Integrity Officers (MIO) networks operated at the end of the 1990s required that Canadian policy-makers accept the standards and practices of refugee determination utilized by partner states. Policy-makers argued that these overseas officers provided adequate protection for refugees because they directed refugee claimants to local authorities who could consider their claims (Interviews 9, 11). In effect, Canadian officials were acknowledging that the authorities in other countries were capable of assessing refugees at an acceptable standard. The concern, present under the protection paradigm, that American foreign policy might affect refugee determination had also diminished. One IRB official who was asked about such biases responded that while Canadian officials might be more wary of US government biases in the post-9/11 period he did not feel that these concerns were present before then (Interview, 12. Similar comment made in Interview 2).

As has been shown in the case of cooperation with China, policy-makers’ understanding of appropriate international cooperation in addressing the control of migrants went beyond cooperation with ‘likeminded’ liberal states. The possibility that those leaving China might be refugees did not result in members of the Standing Committee or officials deeming cooperation inappropriate. Nor were the potential consequences of returning those that had fled claiming to be refugees seen as unacceptable. Officials acknowledged that individuals who were returned might receive some punishment but believed that this punishment would be limited: often simply registration and, in the most severe cases, imprisonment for a couple of years (Interview 12). Officials justified in part the return of migrants to China and Chinese efforts to prevent their departure in the first place as a

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64 There was a shift in attention from refugees to the control of migrants. Officials framed MIOs’ role as the control of illegal migrants who did not have the appropriate documentation to travel to Canada. MIO policy was not about refugee determination, even though officials acknowledged it had effects on protection (Interviews 5, 7).

65 Concern was not completely absent. After evidence of Canada’s increased cooperation, Andrew Telegdi Parliamentary Secretary for the Minister of Citizenship and Immigration, responded in the following way: “There's one little nagging thing that I have. On the one hand, China, given their political system, is one of the nations that produces refugees. So when somebody from China makes a refugee claim, it's a claim we have to listen to” (SCCI, November, 25, 1999:1020). While the issue was raised in this context it was not raised forcefully, nor did the concerns become a significant issue in opposition to this form of cooperation. Indeed, Mr. Telegdi moved on to another question and the concern was not picked up by either his colleagues on the Standing Committee or the Commissioner of the RCMP to whom he was responding. After a lengthy discussion of enforcement, Jean Augustine, a Liberal MP, did request that greater efforts be made to help refugees and noted that there was a need to focus on the “positive” aspects of refugees and their desire to come to Canada. However, her focus was on finding a solution that would stop the flow of migrants to Canada (SCCI, November 25, 1999: 1050). Furthermore, in the context of broader discussion of the Standing Committee, this type of concern was limited. Telegdi’s comments were raised in the sixth meeting of this session, which had been focused on these issues, and this was the first time such concerns had been raised.
necessary tool of deterrence (Interviews 6, 7). As further evidence that cooperation was appropriate, Canadian officials were assisted by Chinese officials when making some decisions about refugee status in Canada. In one specific case, Canadian immigration officials used Chinese government representatives to contribute to decisions about whether Chinese migrants were refugees based on the credibility of their claims to have Falun Gong membership (Cernetig, 2000).

In culmination, these examples point to a shift in what policy-makers understood to be the acceptable risks of new enforcement policies for refugees who needed protection. Under the security-control paradigm, policy-makers were more willing to accept this risk if changes resulted in greater control over the border (Interview 7). Further evidence of this shift can be seen in proposed changes for the refugee determination system. One such proposal was front-end screening of refugee claimants, which was believed to speed up the claims process by identifying inadmissible claimants and lessening pressure on the determination system. In contrast to the protection paradigm – where such policies were seen as limiting protection – in the late 1990s there was little to no opposition to this proposal in the Standing Committee. Indeed, one department official admitted that he was surprised that, other than a limited amount of protest about the negative manner in which the policy depicted refugee claimants to the public on the part of advocacy groups, front-end screening was not opposed (Interview 5, similar comments made in Interview 3). Another similar proposal to change from a two-member panel at the IRB into a one-member panel was seen as appropriate because it would increase the “efficiency” of the process by increasing the number of cases that could be heard. Indeed, by the time legislation was being considered, the IRB already heard fifty percent of its cases with one judge. However, an important implication of this proposed legislation was to remove the principle of the benefit of the doubt as a core aspect of the Canadian policy (see discussions on SCCI, March 20, 2001: 0940-50).

Similarly, officials from CIC recognised that tighter control measures, especially around interdiction, had forced legitimate refugees to resort to more dangerous measures to gain protection,

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66 On July 23, 1999, the *Globe and Mail* editorial drew similar conclusions, advocating detention and a quick return of migrants to China to serve as a lesson that such efforts would be unsuccessful (*Globe and Mail*, July 23, 1999). This thinking differs from under the protection paradigm. For instance, under the East European Self-Exiled Class used between 1979 and 1990, the simple act of leaving a refugee producing state and the making of a refugee claim, resulted in almost immediate acknowledgement that a claimant could not return.

67 In this discussion, the Chair of the IRB suggested that under current practices the two board members were in agreement in ninety-nine percent of cases. However, he suggested that this high level of agreement was probably achieved as a result of consultation between the two board members before each made his/her decision (SCCI, March 20, 2001: 0940-50). Thus, the benefit of the doubt, even at only one percent, added extra protection that would be removed under the new policy.
including the use of people smugglers (Interviews 7, 9, 11). Officials emphasised the department’s desire to identify and provide protection for refugees and were clear that the challenge remained to distinguish between refugees and illegal migrants (Interviews 11, 12). However, the fact that there was an awareness that refugees might be caught out by policies such as interdiction suggests that they saw this trade off as tolerable. The Standing Committee took a similar position on interdiction policies. Its report on detention and removals framed interdiction as “the most cost-effective, efficient manner of reducing the need for costly, lengthy removal processes once inadmissible people arrive” (SCCI, 1998: 14; Similar comments made in Interviews 1, 7, 11, 12). The fact that interdiction might prevent legitimate refugees from claiming refugee status received limited attention, and, when raised, it was qualified. In a brief consideration of this issue the report states

… we are aware of the dilemma faced by genuine refugees who may be trying to find protection in Canada, but who may be prevented from coming here as part of these measures. We note, however, that they may still seek out our embassies and consulates abroad, and present their case for refugee protection (SCCI, 1998: 15).

In short, rather than policies that might let too many undeserving migrants into Canada in order to ensure that no refugees were missed, officials at the end of the 1990s seemed prepared to accept that some refugees might be stopped as a result of attempts to control effectively Canadian borders.68

Policy-makers’ consideration of high seas interdiction further illustrates changes in understandings of appropriateness in preventing access to the Canadian determination process. As has been argued, at the end of the 1980s the policy of high seas interdiction was met with considerable opposition, in large part because of protection concerns. At the end of the 1990s, in response to the arrival of four boatloads of Chinese migrants off the coast of British Columbia, there was again discussion of the potential use of high seas interdiction.69 The proposal received a lengthy discussion in the Standing Committee with little opposition to the policy – in particular from opposition MPs. One Member of Parliament, when asked about this lack of opposition, suggested

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68 This thinking was further expressed by an official’s response to NGO criticism that MIO officers were stopping all undocumented migrants, including potential refugees. The official suggested that this concern was understandable if you took as the basic assumption that the majority of these flows contained “legitimate” refugees (Interview, 7. Similar comments were made in Interviews 9 and 12). As has been shown, officials did not share this assumption. In short, under these circumstances it was acceptable to err on the side of control because of the good the program was doing. A similar argument has been made by Gerald Kernerman about the application of visa requirements on the Czech Republic. In the Standing Committee debate, Kernerman notes that the fact that a high percentage of claimants from the Czech Republic were recognized as Roma refugees by the IRB drew little concern from Standing Committee members (Kernerman, 2006).

69 A Globe and Mail editorial also supported the use of high seas interdiction (Globe and Mail, July 23, 1999).
that there had been a significant change in thinking about high seas interdiction. The MP suggested that if such concerns had been raised in this period they would have been ignored and that those who raised them would have been interpreted as on the “fringe” and “raising little issues over here” (Interview 10). Likewise, an official who had been active in the department in the 1990s suggested that boarding boats on the high seas, which might have been considered “heretical” at the beginning of the 1990s, had become “something that was not outside the realm of possible, even for a country like Canada … that had never contemplated going to such extremes” (Interview 11). Furthermore, the potential harm such a policy might have on the fairness of the Canadian determination system and the risks to the safety of the migrants involved received only limited attention. Indeed, when the concerns were raised in the Standing Committee, it was only at the end of a lengthy discussion in which government and opposition MPs recognised the benefit of, and possibility of, using high seas interdiction.70

In the end, the use of high seas interdiction was not ruled out because of principled arguments in which policy-makers understood the practice to be inappropriate. Rather, logistical concerns, such as the lack of a Canadian protectorate in the Pacific as employed by the US and Australia, and legal constraints were presented as the significant barriers to implementing the policy (Interview 2, 5. A similar argument was made in interview 12).71 Indeed, MPs presented those states which did practice such policies as both legitimate and within the boundaries of international law. This case is clearly evident in the discussions between MPs and representatives of CIC (see discussion SCCI November 3, 1999). Furthermore, Canada supported, often in very material ways, other states’ use of high seas interdiction of ships on their way to Canada.72 Sharryn Aiken has highlighted one case, praised by at least one CIC official as a success, where Canada chartered an aircraft to return 192 Tamils intercepted off the coast of Senegal on their way to Canada (Aiken, 2001a: 124-125; Interview, 8). Although this return was voluntary according to CIC, Aikin raised a

70 Some later discussion did raise, to a limited extent, concern about the well-being of these migrants along with images of these migrants as potential victims. However, the initial in-depth discussion of the topic at the Standing Committee (SCCI, November 3, 1999) did not do so. The limited consideration of migrants as victims came despite the fact that members of the advocacy community framed the issue in this way (see comments by David Matas, SCCI, December 2, 1999).

71 In response to one question about interception, a department official argued: “[t]here are issues on the interception of boats and whether they’re flagged or unflagged. There are other issues I can’t get into because I’m not an expert in maritime law. The information we got was that this was not a practical thing for us to pursue, but we will certainly come back to you with more details on that” (SCCI, November 3, 1999: 1640). Another member of the department argued that CIC was currently working with the Departments of Foreign Affairs and Defence to see what more could be done (ibid: 1650).

72 See comments by Liberal MP Sophia Leung (SCCI, November 3, 1999: 1630; and December 1, 1999: 1715).
number of concerns about the basic principle of refugee protection, including *non-refoulment*, especially in light of these individuals’ alleged treatment upon return to Sri Lanka (Aiken, 2001a: 124-125).

Policy-maker’s understanding of the *Charter* and international human rights standards as an impediment to pursuing effective enforcement policies also demonstrated their understanding of the appropriateness of efforts to increase control even at the expense of traditional protections granted to refugee claimants. For instance, Minister Caplan, when considering the potential of an increase in the use of detention, pointed to the fact that the policies that Canadian might need would meet acceptable international standards. She argued that Australia’s use of detention – which was automatic for all inland claimants – was consistent with its provision of fair hearings, its genuine concern for refugees and the fact that it was a signatory to the *Geneva Convention* (SCCI, November 24, 1999: 1605). Policy-makers also considered how to work around legal constraints, especially those posed by the *Charter*. In outlining a possible form of interdiction, CIC legal counsel made a distinction between interception in the 0-12 mile limit of Canadian territorial waters, where claimants would have to be processed as if they had arrived on Canadian soil, and interception in the contiguous zone, from 12-25 miles. Officials argued that while Canada would still be bound by the *Charter*, a different system of determination might be applied that need “not necessarily [be] an IRB-like determination; it could be a simpler process” (SCCI, November 17, 1999: 1550). Within the context of the broader discourse, “simpler” suggested a less constrained and less protection-oriented process. Indeed, this interpretation fits policy-makers’ understandings of the practices of other states that use much less rigorous determination practices at sea. Thus, Canadian policymakers, by the end of the 1990s, sought to work within the constraints of domestic and international law rather than attempt to exceed domestic and international obligations.

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73 Australia’s response to asylum seekers, including its use of detention, has been widely criticised as undermining refugee protection (see for instance, Edwards, 2003; Devetak, 2004).

74 For instance, policy-makers pointed to US practices in the Pacific as being effective in controlling migration (SCCI, November 3, 1999: 1555, 1635, 1645). Similarly, Steve Mahoney, a Liberal MP and vice-chair of the SCCI, highlighted concerns about the *Charter* when he questioned what prevented Canada from pursuing the same practices as the US and Australia. Mahoney asked CIC officials: “If it's not legislation, is it our Charter of Rights, which they're not encumbered with and we are blessed with, or is it some other reason?” (SCCI, November 3, 1999: 1615). The desire to work around the *Charter* was also noted in editorial writing (*Globe and Mail*, January 14, 1998). A July 23, 1999 *Globe and Mail* editorial argued that there were three solutions to the problem of boat arrivals: interception of boats in the mid-Atlantic using satellite warning systems; the use of the “not-withstanding” clause to limit Charter rights to refugee claimants; and mandatory detention (*Globe and Mail*, July 23, 1999).

75 This also suggests that traditional protection characteristic of the Canadian system were being downplayed as areas of Canadian international leadership.
In short, the boundaries marking policy-makers’ understanding of what was appropriate in policy shifted. Policy-makers believed that greater risks to migrants could be taken in the effort to produce more efficient control and security policies. These policies included greater cooperation with international partners and proposed changes in refugee policy that lessened protection measures that were understood to slow the system down and make it susceptible to abuse. These shifts manifested themselves in changes in practices and policies of refugee policy outlined below.

*Changing Practices and Policies*

Changes in the practices of delivering refugee and immigration policy over the course of the 1990s corresponded to, and provided important evidence of, a shift in policy paradigm. Facilitated by amendments to legislation and shifts in practices, policy-makers acted on their understandings that more control and security were necessary. As a result, these new activities demonstrate that the changes in discourse outlined above were not simply rhetorical.

At the broadest level, evidence of the change in practices can be seen in the increased funding for enforcement measures directed at control and security. In a period of budgetary austerity in the late 1990s funding for enforcement was protected while cut backs took place in the facilitation side of CIC activities. Minister Caplan made this point clearly, stating that

> for very good public policy reasons, during the program review process, which affected and impacted every department across the government, the enforcement mandate of this department was protected to a greater extent than what we refer to as the facilitation or the client service side (SCCI, November, 24, 1999: 1550).

By the end of this period support for activities related to “[m]anaging access to Canada,” which included spending on control and security aspects of the immigration program, grew substantially from $81.1 million in 1998-1999 to $123.5 million in 1999-2000 and $150.8 million in 2000-2001 (CIC, 2001e: 51). Thus, it is evident that financial support for the security-control paradigm began to increase well before 9/11.

Specific practices which focused directly on control and security also changed to reflect the increased importance of these priorities. For instance, because interdiction was now seen as a favourable practice, there was an increase in the use and success of the network of overseas
interdiction officers. Since their introduction, the scope of MIOs and the Canadian government’s commitment to the program increased substantially. Over their first decade of operation, the number of officers quadrupled from ten to forty-three (CIC, 2001a: Sec 3.0). In 2000-2001 alone, additional funding for twelve new MIO officers was authorised (CIC, 2001e: 27). Moreover, the mandate of these officers was expanded over the course of the 1990s (CICa, 2001: Sec. 3.2; Bossin, 2001: 55-56, Dench, 2001: 35). The number of migrants interdicted also shows the effective change in these practices. In 2001, a CIC review of the MIO network claimed that it had produced a fifty percent drop in the arrival of improperly documented individuals and an increase in overseas interception by eight percent, resulting in a twenty-five percent decrease in overall traffic and an eighteen percent increase in the rate of interception over the course of the 1990s (CIC, 2001a: Sec 3).

Practices within Canada also demonstrated a greater emphasis on security and control. For instance, between 1996 and 2001, the number of individuals detained in Canada increased by thirty-seven percent. Likewise, security certificates – which prior to 1992 had not been used to deport individuals – were used eighteen times between 1992 and 2001 (CSIS, 2002: 13). The number of deportations also rose significantly over this period. In 2000-2001, 8,636 removals were carried out, forty-eight per cent higher than the 5,849 removals undertaken in 1995 (CIC, 2001e: 28, 30). In 1990, the total number of deportations was only 2,400 (Auditor General, 1990: 12.12). The fact that officials drew attention to these trends provides further evidence of the security-control paradigm.

Finally, there was a significant increase in the level of security screening. CSIS stated that in 2001 a total of 233,206 applications (69,448 immigration cases; 163,858 citizenship applications) from CIC had been reviewed, a number that was over three times as many as five years previously (CSIS, 2002: 12).

These increased enforcement practices were paralleled by changes on the protection side of migration. Corresponding to cuts in funding, practices that privileged protection over enforcement were also curtailed. For instance, the number of Minister’s Permits, the mechanism through which the Minister could override inadmissibility criteria to allow entry in exceptional circumstances, dropped significantly from 1992, when 16,000 permits were granted, to 4,509 in 1997 (Crépeau, 76  During 1996-1997, 6,400 individuals were detained and during 1997-1998, 7,080 were detained; by 2000-2001, the number of people detained had increased to 8,786 (CIC 2001e.: 29, 75).

77 From 1995 there had been a steady rise in the levels of deportation. In 1997, 7,986 deportations had been executed, an increase of thirty-six percent over 1996 (Crépeau, 1998). The 8,636 individuals removed in 2000-2001 was a 3.7 percent increase over 1999 (CIC, 2001e: 30).

78 See, for instance, Minister Caplan’s comments (SCCI, November 24, 1999). See also Crépeau, 1998 and CIC 2001e: 30.
In 2000, the number of permits granted was only 3,989 (CIC, 2001d.), a seventy-five percent drop. This shift is indicative of an increased emphasis on restricting access to Canada, a point that was made by both members of the NGO community (Crépeau, 1998) and the department itself (CIC Press Release, April 2, 1998).\(^{80}\)

While these and other practices changed under existing policy, the mid- to late 1990s also saw shifts in legislation that demonstrate greater emphasis on security-control. In Bill C-44 (1995), a new “danger to the public” was introduced to the 1978 *Immigration Act*. It established an administrative process without appeal, whereby those deemed by the Minister to be a danger could be arrested and held indefinitely until deported (Aiken 19:3 ft. 129; CCR, 1998: 85). In May 1997, the government further limited the rights of refugee claimants to a pre-removal risk review if they had received a negative decision in the determination process. This review had been automatic since 1989 and formalized under the Post-Determination Refugee Claimant in Canada Class in 1993. Other changes cut in half the time frame individuals had to appeal a negative decision, tightened eligibility restrictions (including an expanded definition of criminality) and lengthened the period before a new claim could be made after an initial claim had been denied (CCR-98: 68). The government also dropped the Deferred Removal Order Class. Originally introduced in 1994, it allowed those who had been waiting more than three years for removal to be granted landing.

Policy changes culminated in proposals for new legislation, which finally appeared as Bill C-11 in 2001. Although elements of protection remained in this Bill, there were also several proposed changes that would increase enforcement powers and help achieve the goals of greater control and security in the system. Major changes included: the introduction of admissibility hearings and front-end security screening of all claimants; the use of single-member IRB panels; greater use of Ministerial interventions on security grounds as well as the extension of security certificates to permanent residents; increased penalties for trafficking and smuggling; eliminating access to the refugee determinations system and the appeals process for serious criminals; adding new inadmissibility classes; and doubling the time in which a failed refugee claimant can make a new refugee claim (CIC 2001g; 2001i; 2001b).

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79 According to the 1982 Auditor General’s Report, in 1981, 14,500 permits were granted and 11,800 permits were renewed (Auditor General, 1982: 7.59-7.60).

80 The Department argued that the decrease in use of Ministerial Permits was justified by the need for effective migration management and increased security for Canadians (CIC, 1998a).
In summary, the activities of Canadian policy-makers over the course of the late 1990s in particular paralleled the increased emphasis on security and control in policy-makers’ thinking. This thinking also dominated legislative changes that took place in the same period.

**IV. Conclusion**

From the mid-1990s through to the summer of 2001, policy-makers’ thinking reflected a security-control paradigm. Policy-makers viewed the loss of control and potential security threat posed by flows of illegal migrants as the most significant problem facing Canadian refugee policy. Furthermore, the determination system was no longer seen as being able to distinguish effectively between illegal migrants and those individuals requiring protection. Consistent with this view, the primary goals of policy shifted to increasing security and control. Protection goals remained but they were conditional on their ability to meet enforcement goals and at times were re-interpreted to reflect understandings of humanitarian action that were contrary to the understandings that had been present under the protection paradigm. Policy-makers also adopted new understandings of Canada’s identity and role in refugee policy to view Canada not as distinct, but as part of a group of likeminded states that were being victimized by illegal migration. Policy-makers sought to cooperate with these states and to learn from their experiences. Finally, the parameters of what policy-makers saw as appropriate actions had also changed. In this period, efficient control policies were understood as appropriate even if they were more likely to err in not protecting migrants and refugees as they had in the past.

These understandings were different than those found under the protection paradigm. Policy-makers did not define the most significant problem of refugee policy to be the need for greater protection for refugees, both overseas and domestically. As a result, the goal of policy was no longer to provide an exceptionally fair system with multiple appeal processes. In terms of identity, policy-makers no longer saw Canada as unique or as a model of protection for other states. Finally, the parameters of protection were no longer defined by policies that ensured the protection of illegal migrants and refugees over enforcement goals. There were exceptions to this thinking in both periods; however, on the whole the comparison demonstrates that the basic paradigmatic thinking of policy-makers had shifted. The question that then arises is: why did this shift take place? In the following chapter, rationalist explanations of change based on the public policy literature are
applied to the Canadian case. Chapter 6 then turns to the importance of the international socialization of bureaucrats in explaining this change.
Chapter 5
Sources of Canadian Paradigm Change: New Pressures, Environmental Change and Policy Learning

Since the introduction of the Immigration Act in 1978, the world has changed immensely ... While the principles on which the 1978 Act was founded remain sound, the number of amendments that have been made since then has resulted in legislation that lacks coherence and transparency.

- Lucienne Robillard, Minister of Citizenship and Immigration, 1999

I. Introduction

An objective of this research is to identify why Canadian paradigmatic thinking about refugee policy changed over the course of the 1990s. Explanations for paradigm change have largely remained unaddressed in the Canadian refugee policy literature. However, justifications for policy change – which may provide indicators of changed paradigms – usually point to factors in the domestic policy environment. Central to these explanations are shifts in the intensity and make-up of migration flows beginning in the late 1980s, the occurrence of specific events that were interpreted as raising control and security-oriented concerns and the failure of policy to adequately address these flows. Lucienne Robillard, in the quote above, clearly justified new legislation in these terms (CIC, 1999a).¹ In addition to these motivations for change, shifts in the political landscape, public opinion and changes in international pressures are also cited as having contributed to paradigmatic change.

These justifications for policy change are consistent with rational learning explanations of new thinking that were raised in chapter 2. In particular, a shift in the political landscape – especially the rise of the Reform party - may have contributed to the strategic/political learning on the part of the Liberal government which resulted in new thinking about refugee policy. Second, consistent with Bayesian updating, it is also possible that policy-makers acquired new or

¹ In 2001, Minister Elinor Caplan made a similar point, arguing that “reforms will be vital to ensure that our immigration and refugee protection program will be effective in meeting the challenges and opportunities of a global environment that is very different from what it was 25 years ago, when the current Act was introduced” (SCCI, May 8, 2001: 0845).
better understandings of the policy environment, the cost that it imposed and new and more efficient means to achieve their goals. Rationalist learning considered in this chapter differs from learning as a result of socialization through GGNs. Rationalist learning suggests that problems arose from the policy environment and forced actors to adjust their thinking in response to these demands. In contrast, processes of socialization highlighted in this research suggest that policymakers’ thinking was affected by social interaction. Thus socialization provided and legitimized alternative interpretation of policymakers’ experiences in the policy environment helping to define problems, goals, appropriate solutions and the role that policymakers should play.

The argument of this chapter is that pressures originating from the policy environment provided policymakers with important experiences and pressures that contributed to paradigm change. However, it is not clear that they were significant enough by themselves to account for such change. Instead, many of the motivations for new policy were dependent upon a particular interpretation of the policy context and pressures that policymakers faced. Thus, policymakers’ conclusion that it was new pressures that forced them to adopt new thinking can be questioned. Indeed, they could have drawn alternative interpretations. Therefore, why policymakers interpreted trends and events in a manner that emphasised security and control requires explanation. It is possible that these interpretations were affected by social interaction in the international realm, an explanation considered in detail in chapter 6. In short, the findings of this chapter produce evidence that supports the argument of this dissertation. These findings suggest that pressures from the policy environment enabled the acceptance of new ideas and interpretations that were brought forward by bureaucrats whose thinking had been affected by their interaction in a GGN for migration. These environmental pressures provided a focus for bureaucrats’ attention and encouraged them to find solutions that addressed these pressures, which overtime they began to define as problematic. However, the chapter also argues that on their own, environmental pressures provide only a partial explanation that is incomplete without consideration of international socialization.

II. Changing Contexts: Migration Trends and Specific Events

Chapter 4 has demonstrated that there were important shifts in the policy paradigm upon which refugee policy rested. The question raised is: why did ideas change and can new
environmental pressures explain the change? Consistently, policy-makers pointed to new pressures and a significantly altered environment to explain the motivation for new policies (Interviews 1, 2, 5, 7, 9, 12). In particular, they cited changes in migration trends and specific migration-related events that challenged existing understandings. The argument here is that shifts likely contributed to uncertainty amongst policy-makers and new understandings of the problems of existing policy drawing into question existing goals and appropriate responses. They also altered policy-makers’ understanding of Canada’s role and approach in responding to migration pressures. Thus, a case can be made for explaining changes in terms of new pressures as a result of environmental change and policy learning through policy-makers’ experience. This section concludes that trends and events play an important role in explaining paradigmatic change. However, of central importance was not environmental change itself, but rather the interpretation of such change.

Migration Trends and Shifting Migration Pressures

Policy-makers pointed to new migration trends as providing the most significant explanation for new thinking about refugee policy (Interviews 1, 2, 5, 7, 9, 12, 20). For policy-makers, these concerns started with the asylum crisis that began in the mid-1980s and peaked by the end of the decade. In this crisis, western industrialised countries, including Canada, experienced a significant increase in the numbers of asylum seekers (Figure 5.1). Prior to the asylum crisis, most refugees in Canada were selected overseas and brought to Canada to settle. The asylum crisis saw an increase in the number of refugee claimants moving themselves to destination states and claiming refugee status upon arrival.

Underlying the asylum crisis were deeper changes in technology and patterns of interaction in world politics. They included greater accessibility to international transportation and telecommunications, resulting in the increased flows of migrants. Policy-makers referred to the ability of migrants to learn about Canada, use technology to avoid traditional controls and travel more easily to Canada to make refugee claims (Interviews 7, 14, 20). For an overview of Canada’s initial experience of the asylum crisis see Zolberg, 1992: 91-92.
These migration flows included both legitimate refugees and those who sought to use the system to gain access to western industrialised states. As has been shown in chapter 3, the asylum crisis did not immediately challenge the protection paradigm at the end of the 1980s. However, it may have influenced paradigmatic thinking. The asylum crises sparked a debate about Canada’s traditional role in responding to the needs of refugees, from one of resettlement to offering a place of permanent refuge. It also raised pragmatic concerns about managing increased volumes and questions about the intentions and legitimacy of individuals within these flows. Furthermore, the crisis was used to highlight the perceived inability to find effective solutions to these pragmatic concerns.

In the mid-1980s, the asylum crisis paralleled an important debate about Canada’s international role in addressing the problem of refugees. In particular, it raised the question of whether Canada should maintain its traditional role as a country of resettlement or whether it should become a country of first asylum (see, for instance, Girard, 1990; Adelman, 1990d). Within this debate there is evidence of the seeds of new thinking about refugee policy. Prior to the asylum crisis, Canada’s inland refugee system dealt with small numbers of claimants, often those fleeing identifiable cases of political persecution. Over the course of the mid- to late-

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3 For instance, in 1977 only 500 inland claimants were made in Canada (Hawkins, 1987: 388).
1980s some senior policy-makers were resistant to change in this role. In taking this position, they laid the groundwork for a change in the policy paradigm. This groundwork included initial efforts to define the standards of refugee status based on the behaviour of refugee claimants in flight. For instance, the argument was made that Canada was not a country of first asylum because it did not border refugee-producing states. Thus, it was argued that those who arrived in Canada to claim refugee status were not likely to be refugees in-flight but more correctly classified as immigrants (Interviews 2, 7; See also Shenstone, 1997: 63). This argument preceded the shift in thinking that increasingly saw these flows as consisting more of asylum shoppers and illegal migrants rather than refugees. This change in the understanding contributed to other shifts as well. For instance, it allowed decision-makers to frame the issue as an immigration and control problem rather than a refugee problem. This framing in turn provided space for more control and security-oriented goals and practices to be considered (Interview 5). Thus, the debate about the change in Canada’s policy sparked by increased numbers of inland refugee claimants over the course of the 1990s laid the foundations for new thinking.

Officials identified the changing context caused by the asylum crisis as a significant source of paradigm change (Interviews 1, 2, 5, 7). They argued that policy introduced in the 1978 Immigration Act and the liberal refugee perspective maintained throughout the 1980s were successful because they operated in a period before Canada was faced with large pressures on its inland system. Canada’s ability to be generous was based on the ability to select refugees from overseas and bring them to Canada, with the need to apply only limited resources to the inland process. One official described the 1970s as a period in which the absolute pursuit of human rights and the right of the refugee could direct policy because such principled stands were easier in practice (Interview 3. Similar comments made in interviews 5 and 17). Another suggested that the pre-asylum era represented a certain naiveté whereby a human rights focus emerged out of a period that lacked experience with human rights in the real world (Interviews 1).7 Policy-makers

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4 For the position of officials at the time, see Girard, 1990. See also contributions to Adelman and Lanphier, 1990 and Dirks 1995: 51.
5 As has been shown in chapter 4, the argument was that even if migrants were legitimate refugees they were not fleeing persecution directly. Instead, they had found – or could have found – protection in another jurisdiction and were making an immigration-type decision to move to Canada. This thinking contributed to the idea that these refugees were ‘asylum-shopping’ (Interviews 8, 11).
6 On the success of the Canadian system in the period before the arrival of significant numbers, see comments by a CIC official in SCCI, February 19, 1998: 1205.
7 The desire not to be seen as naïve was expressed by one official who stated: “I’m very pro-refugee, but I’m no fool about the abuse” (Interview 1).
argued that in order to be effective in the 1990s, policy needed to address the realities of large migration flows and the implications of liberal policies in practice (Interviews 1, 5). New thinking and policies were forced on policy-makers by the experience of the asylum crisis. Given this reality it was felt that there were only a limited number of possible solutions that policy-makers could pursue and they were largely oriented towards control and security.

Even after the asylum crisis peaked, policy-makers continued to see the high numbers of refugee claimants in Canada as a justification for new thinking about refugee policy. As has been suggested, dealing with illegal migrants in mixed flows was understood by decision-makers to be a central problem facing refugee policy at the end of the 1990s. Policy-makers’ understanding that these flows were made-up of mainly abusive claims was based on numbers compiled for the department. For instance, in an information session for Parliamentarians the department pointed to 1998 statistics, which showed that 44 per cent of claims were accepted by the IRB while 35 per cent were refused and 21 percent abandoned (SCCI, November 3, 1999: 1535-40).

Abandoned claims were used by the department to indicate the levels of abuse of the system. The belief was that after gaining access to the country illegal migrants would go underground and abandon their claims (SCCI, November 3, 1999: 1535-40). By these estimates at least 66 per cent of claims were illegitimate. Some officials in the department and politicians were even sceptical of these numbers, suggesting that the acceptance rates of the IRB were too high and that many more of those accepted were in fact not legitimate refugees (Interviews 5, 12). Policy-makers also suggested that these numbers would increase as policy changes in other states made access to other jurisdictions comparatively more difficult. As a result, the Canadian system would become relatively more vulnerable to increased migration flows (Interview 7, 11). Thus, as other states tightened their refugee systems, it was argued that there was greater pressure to alter the Canadian policies.

Policy-makers suggested that the conclusions they drew about the post-asylum crisis migration flows were supported by their experiences on the ground. While specific events were used to highlight these trends (as discussed in the following section), policy-makers were also influenced by the unpublicized ‘routine’ events in which specific security, criminality and control issues were raised. For them, these problems occurred frequently, serving to provide a regular catalyst for rethinking policy. In the areas of control, policy-makers often made reference

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to not widely publicized daily arrivals of significant numbers of refugee claimants at Canadian airports and land borders (Interviews 3, 5, 8, 11; SCCI, November 3: 1615, 1655).

In terms of security and public safety, policy-makers suggested that over the course of the 1990s they were increasingly aware of the presence of criminal elements within migration flows. There were regular and routine concerns about criminals, war criminals, human traffickers and others using the Canadian refugee system to gain access to North America (Interviews 5, 11). Although there was a likely increase in the absolute level of criminal elements in these flows simply due to increased numbers, it is also clear that there was a new attention to and awareness of criminality. Beginning in the early 1990s, officials could identify specific criminal organisations involved in the immigration system, including those originating from South East Asia, such as the “Triads” and the “Big Circle Boys.” Caribbean gangs and Russian organized crime (Interviews 5, 12). Several officials suggested that the increased awareness of the criminal elements in these flows can be attributed to the changed security context after the end of the Cold War (Interviews 5, 15. Similar comments were made in Interview 16). In this environment, security officials altered their focus to look at different sources of threats, which made them increasingly aware of the activities of organized crime in migration movements. For instance, in 1994 CIC formed a special immigration task force to deal with organised crime (Oziewicz, 1995). Policy-makers’ concerns were further highlighted by the public and political attention that was drawn to the activities of these gangs and linked to the inability of Canadian migration and border policy to address these concerns (Debro, 1991; Matas, 1997a). In turn, the perception of the increasingly criminalised nature of these flows was used as justification for new legislation. Minister Sergio Marchi suggested that the activities of these gangs, in part, motivated Bill C-44 (1995), which amended the 1978 Immigration Act (SCCI, September 19 1994: 1225). Thus, new information gained from policy-makers’ experiences contributed to new perceptions of the problems inherent in the policy environment and contributed to paradigm change.

The difficulties of dealing with these experiences were compounded by policy-makers’ feeling that their policy options were increasingly constrained by a new judicial-constitutional environment established by the Charter. As has been shown in chapter 4, policy-makers saw the department and the IRB as constrained in their ability to respond effectively to problems of illegal migration. The IRB, it was suggested, was not designed to process the high number of claimants in the system. The failure to establish safe third country agreements at the end of
1980s resulted in more claimants in the system than the IRB had been designed to deal with (Interviews 1, 4, 12). By the mid to late-1990s, policy-makers felt they had little choice but to consider how the operation of the IRB could be curtailed and to explore alternative approaches to refugee policy (Interviews 1, 12). One alternative was overseas policies of interdiction, which were increasingly understood to be efficient and, more importantly, appropriate, responses to migratory pressures (Interviews 1, 7; Crepeau and Nakache, 2006). As one official stated, “if you have a problem it is much better to deal with it before they get here than afterwards because before they get here the burden of proof is on them. After they get here the burden of proof is on the state” (Interview 1).

The establishment of the IRB contributed to the perception of problems within the system in other ways as well. In particular, its creation represented a significant institutional change that altered the policy environment by moving refugee determination outside the Department of Immigration. As a result, an institutional rivalry between these two organisations developed that furthered the perception that there were problems with the inland system as each organisation sought to attribute blame to the other. For instance, one CIC official expressed considerable frustration at what he said was a regular experience for officials to be walking down the street and bumping into individuals who had been accepted by the IRB but who they knew did not deserve Canada’s protection (Interview 12. Similar comments were made in Interview 2). The IRB system also significantly expanded the system of refugee lawyers and consultants, which led to criticisms from policy-makers that a proportion of these consultants were wed to the system and were acting in their own interest rather than those of the client or the broader system (see, for instance, Shenstone, 1997: 62; Delacourt, 1995). Difficulties in addressing the problems of increased migration flows also resulted in criticism of the department. These included charges that the department was inadequate to limit migrants’ access to the determination system, identify security and criminal risks, track individuals through the system and remove migrants from Canada when appropriate (See for instance, Auditor General, 1997; Shenstone, 1993). In

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9 This argument can also be seen in the conclusion of the Auditor General in 1997 (Auditor General, 1997: 25.53 – 35.56).
10 As has been suggested, department officials regularly criticised the operation of the IRB (Interviews 1, 5, 12, 13, 20). Similarly, upon leaving office, former IRB chairs have been critical of government policy (Showler, 2006: Afterword).
11 Another suggestion was that the large number of appointments of IRB judges – the largest source of political appointments in the federal system – limited the likelihood of effective reform of important aspects of the system (Interview 15).
response, officials sought new, more efficient policies that would allow them to address contemporary needs (Interviews 5, 11). A CIC Backgrounder document issued when the IRPA was introduced in February 2001 highlighted that the new legislation would address needs of increased security and create a system that was “fair but fast” and “effective” (CICg, 2001). Fairness in this document was equated with a quick and efficient process and was used to justify reduced avenues of appeal on humanitarian and compassionate grounds and to limit backlogs. The Backgrounder also justified front-end screening because it would “catch criminals and people who present security risks at the start of the process and [would] speed genuine refugees through the system” (CICg, 2001). According to one official, the IRPA was about

providing us with better tools to be able to deal more effectively and in the most streamlined way with the most serious of cases …that was the motivation behind them … We’ve written ourselves such a cumbersome set of rules and procedures under the old Act that we are really shooting ourselves in the foot in terms of being able to really effectively protect Canadians and Canadian interests from “the bad guys” (Interview 7).  

In short, policy-makers, and department officials in particular, re-thought policy in response to their experiences of a new environment and the failings of policies developed under the protection paradigm to address that environment.  

Although the onset of the asylum crisis began in the early to mid-1980s, the argument can be made that it continued to have effects on Canadian thinking about migration policy throughout the 1990s. Officials suggested that the problems of the asylum crisis were not solved and continued to put pressure on policy-makers over the course of the 1990s (Interviews 11, 12). Counter arguments have suggested that policy-makers had the tools necessary but had simply not used them effectively. For instance, at the end of the 1990s, a “renewed approach” to dealing with war criminals occurred as a response to delays and limited convictions in previous periods. In spite of the fact that policies and tools were in place to deal with war criminals from 1987-1992, only 4 charges were laid and there were no convictions (CIC, 2001); War Crimes Program, Annual Report, 2000-2001). For other criticisms, see the report of the Auditor General on processing refugee claims (Auditor General, 1997).

13 For a similar argument, see CICg, 2001.

14 The need for adjustments in the tools available to the department under the Act can be seen in the regular amendments to legislation across the 1990s. Policy-makers recognition that the 1978 Act had been amended and reworked so often that there was a need to start fresh and organise the legislation in a logical fashion (Interviews 5, 18; See also department officials at SCCI, March 13, 2001 as well as Lucienne Robillard’s comments highlighted in the introduction to this chapter).
These flows continued to be difficult to manage under the existing legislation, which was not seen to provide viable solutions to these problems. Thus, the initial crisis of new flows may not have provoked an immediate change in thinking but the perception of a new policy environment, post-asylum crisis, combined with the perceived constraints, if not failure, of a new refugee determinations, system provoked policy-makers to question the system and the thinking of the protection paradigm that supported it.

Migration Events

In addition to migration trends, policy-makers also pointed to specific, often well publicized, events as motivating new thinking and paradigm change. These events were important because they highlighted general trends and often provided public and political attention to issues, potentially adjusting the pressure on policy-makers to alter their understanding of the policy environment. It is not clear that any particular event or set of events provoked a crisis in which paradigm change occurred. However, the accumulation of these events may support policy-makers’ arguments that in the 1990s there had been a marked change in the reality they were facing that, in turn, required new thinking about policy. Five events were identified by policy-makers: the rise of concerns about war criminals in Canada; the case of the family of the Somali general, Mohammad Farrah Aidid; the Just Desserts and Toronto police officer murders in 1994; the Chinese boat arrivals in 1999; and the Ahmed Ressam affair of December 1999.

In the late 1980s and early 1990s a series of events which garnered public attention raised concerns about the possibility that war criminals and those who had committed crimes against humanity had used the Canadian immigration and refuge system to enter Canada. As with criminal gangs, these concerns were not new to policy-makers. Indeed, they had been an important component of the screening of refugees and immigrants to Canada after the Second World War (Whitaker, 1987). At the end of the 1980s, there was renewed attention given to the criminality problem and officials pointed to it as a motivation for new thinking about Canada’s migration policy. The renewed interest originated from the 1986 report of the Deschênes

15 The 1997 Auditor General’s report suggested that many of the problems continued to exist (Auditor General, 1997 Chapter 25).
16 No single event was consistently pointed to across interviews.
Commission of Inquiry on War Criminals, which produced a list of 883 suspected Second World War criminals living in Canada. In the mid-1990s, this issue arose again as debates about the success of efforts to deal with these suspects were raised (see, for instance: Canadian Press, December 12, 1995; Platiel, July 18, 1996; Globe and Mail, August 20, 1997; Fine, October 4, 1997). The focus on war criminals provided policy-makers with the motivation to raise new concerns about the possibility that modern-day war criminals and violators of human rights might gain access to Canada through its refugee and immigration system. These concerns were reinforced by changes in contemporary international politics. They included high rates of post-Cold War regime change across the developing world and concern that flows of refugee claimants from these countries might contain individuals who were leaders of overthrown regimes who had committed war crimes or crimes against humanity.

Several specific and public cases highlighted policy-makers’ apprehension. They included Canada’s acceptance of the former Iraqi ambassador to Washington, Mohammed al-Mashat (Interviews 1, 5; Toronto Star, April 30, 1994), the case of the family of Somali General Mohammad Farrah Aidid (discussed below), as well as alleged war criminals from Afghanistan, (Oziewicz, April 25, 1991), Rwanda (Valpy, July 13, 1994) and Honduras (Sarick, July 7, 1995). In short, the rise of new sources of war criminals and increased attention to the issue presented officials with the need to rethink practices and policy.17

The controversy around the refugee status of Khadiga Gurhan, the wife of Somali General Mohammad Farrah Aidid, provided another key event which officials pointed to as contributing to new thinking about refugees (Interviews 1, 6). Gurhan and her family were granted refugee status in 1989 but in 1993 this decision was strongly criticised in the Canadian and international media as well as by provincial and federal politicians. Critics raised several issues of potential abuse by Gurhan and her family. They included questions about the legitimacy of her need for protection after allegations of a five month return to Somalia and several international trips with her husband. She was accused of abusing the welfare system by receiving payments while being supported by her husband. The strongest accusation suggested

17 According to the CIC’s Annual Report for the War Crimes Program for 2000-2001, practices and policies did change over the course of the 1990s. In 1989 amendments to the Immigration Act excluded from the process of refugee determination those who had committed war crimes or crimes against humanity. In 1993 the Act was amended further to prohibit admission of senior officials in governments which the Immigration Minister deemed to be responsible for gross human rights violations. In 1995 CIC established a specific War Crimes Division for addressing war criminals. In 1997 the Act was further amended to block claimants who had been denied access to the refugee determination process, access to a pre-removal risk review on humanitarian grounds (CIC, 2001j).
that both she and her extended family were using the Canadian welfare system along with narcotics trafficking to support the conflict in Somalia (Hamilton Spectator, October 8, 1993; Reuters News, October 28, 1993; Farrow, March 4, 1994). There were other criticisms about the appropriateness of granting refugee status to the wife and family of General Aidid, who was fighting against the UN in Somalia (Hamilton Spectator, October 8, 1993). MP Joe Fontana, who later became Chair of the Standing Committee on Citizenship and Immigration, called for Gurhan to be deported “to think she’s using London [Ontario] as a safe haven while her husband butchers and massacres UN troops is absolutely despicable” (Hamilton Spectator, October 8, 1993). The public debate and criticisms provoked a review of Gurhan’s case that found that there was no reason to revoke Gurhan’s status which had been acquired legitimately (Hess, October 9, 1993). However, a review had taken place and the significant amount of public and political interest involved suggests that the event may have provoked a rethinking on the part of department officials. The stark contrast between the findings of the review and the public judgement of the case also furthered public questions about the operation of the system and the judgment of officials.

Two further events in the spring/summer of 1994 focused the attention of decision-makers on criminality and the immigration system (Interviews 6, 16).18 The first event was the murder of Georgina Leimonis, a patron of the Just Desserts café in Toronto, in April 1994. Accused of the murder were three men of Jamaican descent who had immigrated to Canada as children. Particular media attention was paid to one of the accused, O’Neil Rohan Grant, whose previous criminal activities had brought his status in Canada under review.19 Grant, although arriving in Canada at the age of 12, never acquired Canadian citizenship. In 1992, he had been ordered deported to Jamaica as a result of a number of criminal convictions for assault and weapons offences. However, in November 1993, his deportation order was stayed after a successful appeal on humanitarian grounds to the Immigration and Refugee Appeal Board of the IRB. The Board member hearing Grant’s case justified this decision on the grounds that Grant appeared to have mended his ways. The leniency of the actions of the IRB resulted in considerable media and political criticism of what was depicted as an overly generous

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18 Witnesses at the Standing Committee also pointed to these events as important (see SCCI, May 3, 2001: 0955).
19 On December 13, 1999, Grant was found not guilty on this charge (Abbate, December 13, 1999).
immigration system that ultimately had contributed to the death of Leimonis (Sarick, April 28, 1994).

Concerns about the immigration system were further heightened less than four months later when Toronto police constable Todd Baylis was murdered by Clinton Junior Gayle. Similar to Grant, Gayle had arrived from Jamaica as a young child and had not become a Canadian citizen. Due to several criminal convictions he was given a final deportation order in 1992 but was not removed. While awaiting deportation Gayle had been released on a two thousand dollar bond, and when he did not turn up to be removed, CIC did not pursue him (Claridge, January 26, 1996).

These two events provoked an intense public debate about the Canadian immigration system. Concerns were raised about the ability of the department to deport and make inadmissible individuals with criminal records and thereby provide public security. Questions were also raised about the nature of the trade off between security concerns and the compassionate and humanitarian appeals in the system, especially related to the decision-making of the IRB. In addition to the heightened public attention, the events resulted in criticism from opposition leaders and a government admission that mistakes had been made (Sarick, April 28, 1994). The government responded with changes both in immigration practices and policies. In 1995, Bill C-44, commonly known as the “Just Desserts Act,” tightened procedures around the detention and deportation of those classified as dangers to the public. At its second reading in September 1994, MPs pointed to the importance of recent events and growing public scepticism in sparking the need for reform. Furthermore, Reform party members made a direct connection between the failure of the system and the deaths in 1994 (HoC, February 6, 1995, 1255-1300; Canadian Press, February 8, 1995). Other changes connected to these events included the establishment of the Immigration Removal Task Force to execute removal orders more effectively (Picard, August 25, 1994), the ending of the 1997 Deferred Removal Class, and the

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20 Gayle was convicted of Baylis’ murder in January 1996 (Claridge, January 26, 1996).
21 Most direct was the Toronto Sun’s headline on August 26, 1995 “IRB’s greatest failures: Six They Let Stay.” See also: Valpy, 1994; Globe and Mail, July 21, 1994; Jourard, May 9, 1994)
22 For instance, Art Hanger, the Reform party’s immigration critic, described the IRB as “the board the minister so often defends which has developed a reputation for sending into the streets serious violent criminals and non-residents who have gone on to kill innocent Canadians” (HoC, February 6, 1995: 1255-1305). The media also suggested that the killings of 1994 were a key motivation for these policies (Globe and Mail, July 21, 1994; Canadian Press, February 8, 1995).
introduction of “danger opinions” (SCCI, May 3, 2001: 0955). Finally, it is likely that the focus of the 1998 Report of the Standing Committee on Citizenship and Immigration on Detention and Removal was in part provoked by these events.

Two events in 1999 were also highlighted by policy-makers as important for drawing attention to the issues of security and control (Interviews 1, 5, 7, 11; Ibrahim, 2005). The first was the July-August arrivals of four boats carrying 599 Chinese migrants off the coast of British Columbia. These arrivals provoked a large amount of media attention and a flurry of concerns about control and security. The arrivals were used to project a particular image of a country under siege from international migratory pressures and provided the opportunity to consider stronger mechanisms of control than had previously been the case (Interview 11). Editorial opinions in western Canada were particularly pointed in their focus on the tightening of immigration and refugee policy in response to these events (Matas, July 30, 1999; Ibrahim, 2005). This event also supported an underlying image of the flows of migrants as being abusive. For instance, an official argued that the fact that only thirteen of these migrants were recognised as refugees demonstrated that the flow was primarily about illegal migration (Interview, 7).

These boat arrivals also produced a specific focus for policy-makers and motivated them to re-assess Canadian policies. In particular, the arrivals provide an important part of the background to the Standing Committee’s discussions of its report, Striking a Balance (Parliamentary Committee, 2000). The fact that the Standing Committee began hearing evidence for this report less than three months after these arrivals could be expected to have influenced policy-makers’ thinking and highlighted problems within the system. Indeed, MPs made regular reference to the events and asked officials to address specific questions about them. The department also undertook a specific review of a number of aspects of the system implicated by these arrivals (CIC, 2002).

The event most often raised by officials as an explanation for the rise of security in the thinking of policy-makers was the arrest of Ahmed Ressam as he attempted to cross into the

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23 The Deferred Removal Class was a regularization program which allowed individuals to apply for permanent residences, if they had been refused refugee status but had not been removed from Canada within three years of that decision. A Danger opinion is used by the Minister of Citizenship and Immigration if he/she believe that a refugee or refugee claimant is a threat to public safety or national security. Danger opinions allow officials to remove refugees from Canada and prevent refugee claimants from accessing the Refugee Protection Division of the IRB.

24 For a discussion of these arrivals as part of a securitization of Canada’s refugee policy, see Ibrahim, 2005.
United States from British Columbia in December 1999 (Interviews 1, 5, 7, 11, 19). When apprehended, Ressam was carrying explosives and detonators to be used in an attack on the Los Angeles International Airport during the millennium celebrations. Ressam’s interaction with the Canadian refugee system highlighted a number of its flaws. In February 1994, Ressam entered Canada on a false French Passport and made a refugee claim. In June of the following year he failed to attend his refugee hearing and was ordered deported in his absence. Initially Ressam remained in Canada, but then travelled to Afghanistan and returned again to Canada using a false identity (CBC, July 27, 2005). Policy-makers suggested that the Ressam affair motivated them to place more emphasis on security in discussions of IRPA (Interviews 7, 11). One official suggested that for some it was as “if someone turned the lights on” (Interview 5). The proximity of the event to the changes in IRPA and the fact that it occurred during the Standing Committee’s preparation of Striking a Balance makes it likely to have heightened policy-makers’ awareness of security concerns. Indeed, it was the focus of a lengthy discussion between committee members and the director of the Canadian Security and Intelligence Service, Ward Elcock, in March 2000 and again in March 2001 (SCCI, March 2, 2000; March 1, 2001).

The Ressam affair highlighted earlier concerns over the use of the Canadian immigration system for terrorist activities. In 1998, this concern was given prominence by Ward Elcock in his evidence to the Special Senate Committee on Security and Intelligence (SSCSI, June 24, 1998). At that time the portion of Elcock’s statements related to refugee policy received widespread media attention in Canada and the United States. They were raised again in the Standing Committee on Citizenship and Immigration by Leon Benoit, the Reform critic, almost two years later (SCCI, March 2, 2000; SCCI, February 18, 2000: 1020). In his original statement to the Special Senate Committee Elcock stated that:

We remain, proudly, a primary recipient of refugees. While the vast majority of those immigrants and refugees have no greater priority than to be productive participants in a peaceful and prosperous society, there are those very few who slip

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25 The fact that this event was referred to most often may in part be due to the fact that it was also the most recent.
26 Peter Andreas makes a similar point, suggesting that the “political ripple effects” of the Ressam incident were the beginning of the issue in US-Canada relations, resulting in a series of congressional hearings and a strong US media reaction to the Canadian border (Andreas, 2005).
27 At this later meeting, Stockwell Day, the Alliance Leader, stated: “We've seen stories just in the last year regarding criminals and terrorists who are operating in Canada, and those stories support Mr. Nicaso's view. Certainly there was the unfortunate incident with Mr. Ressam, who was arrested entering the United States, allegedly with the makings of a bomb. It turns out he had actually declared when he entered Canada that he had served time in Algeria after confessing to being a terrorist, but the department accepted his explanation at face value (SCCI, March 1, 2001: 0935).
through, bent on using Canada as a safe haven from which to support terrorist activities. And there are others already here—some naive—who become the focus of exploitation in support of those activities. Mr. Chairman, you will understand my need to be circumspect here, but let me go on the record with the following: With perhaps the singular exception of the United States, there are more international terrorist groups active here than any other country in the world. The Counter-Terrorism Branch of CSIS is currently investigating over 50 organizational targets and about 350 individual terrorist targets (CSIS, June 24, 1998: 3).

The message taken from this statement by the media, and indeed policy-makers such as Benoit, was that Canada was a safe haven for international terrorists as a result of its weak refugee system (Elcock, SCIC, March 2, 2000; Sallot, October 15, 1998; Canadian Press, October 15, 1998). In 2000, Elcock argued that his comments had been misinterpreted by both domestic and American audiences (SCCI, March 2, 2000: 0920-0930). Indeed, he suggested that the number of potential threats was very small and that cooperation between Canada and the US on these matters had been very successful – appearing to reference the Ressam case (ibid). Despite efforts to moderate the interpretation of his comments, the perceived criticism of the Canadian system by such a high profile actor in conjunction with the Ressam affair had the potential to shift broader perceptions of security concerns caused by the Canadian system.

The evidence outlined above supports the argument that changes in migration trends and specific events motivated policy learning and paradigm change. On a daily and routine basis policy-makers experienced a number of challenges that frustrated their efforts to work within a refugee protection paradigm. The rise in the numbers of inland claims in Canada provided the primary motivation for change. This influx of refugee claimants and the change in the perception of individuals within these flows produced a new context for thinking about migration. Specific events contributed to policy-makers’ experiences and reinforced their beliefs about changes in migration trends. The accumulation of these experiences seems to have been significant, providing incremental changes in thinking. Furthermore, these events heightened public and political attention, which placed immediate pressure on both the government and the department. The lessons drawn from these trends and events also supported the perception that existing

28 Elcock’s testimony received international attention (see for instance: Kaneira, October 16, 1998; Agence France-Presse, October 14, 1998).
29 Elcock had attempted to clarify these statements for American policy-makers in a letter to Congressman Lamar Smith, the Chair of US Congress’ sub-committee on security, which had discussed American security issues in relation to Elcock’s comments. For portions of this letter and Elcock’s explanation, see his evidence at Standing Committee (SCIC, March 2, 2000).
policy was failing. Policy-makers argued that it was the inability of current legislation to effectively deal with the problems faced by a changing environment that necessitated the consideration of new policies. In response, policy-makers sought new ideas for addressing these changes. One official summarized the context of policy as requiring a shift in policy thinking from a focus on ‘idealism’ to ‘pragmatism’ in ensuring human rights and refugee protection in light of concerns about security and control (Interview 1). Thus, through a process of policy feedback, policy-makers were required to re-frame the problem of international migration and the range of viable responses to these problems.

A distinction can be made between the effects of both migration trends and events on policy-makers directly involved in the policy process as well as the broader public. Highly publicised events and the cursory and public tracking of changes in migration flows can be expected to have contributed to public and elected officials’ reactions to changes, especially at certain points over the 1990. In contrast, for senior bureaucrats, changes in the policy context were likely to be experienced more regularly in the routine operation of policy. For these officials – and to some extent the political leadership that addressed migration policy directly – the frustration of everyday policy operations provoked a search for new ideas. Therefore, it was the more mundane but routine claims made in airports and at borders across the country that provoked them to explore alternative approaches (Interviews 3, 5, 8, 11, 12). In turn, officials’ practical experiences, combined with the rising importance of these issues on the public and political agenda, sparked by high profile cases, reinforced the need to rethink policy.

In summary, the arguments of policy-makers that a new context and their experience of it provoked a change in paradigm seem to be important. Indeed, any explanation of paradigm change without consideration of these would be incomplete. It is clear that policy-makers believed that it was the unique pressures of the late 1980s and 1990s that motivated new thinking about refugee policy. The reality of these pressures for policy-makers in the field should not be underestimated.

**Trends, Events and Paradigm Change**

The evidence above demonstrates that the experience of “doing” refugee policy in the Canadian context over the course of the 1990s provided important incentives for rethinking
refugee policy. Despite this, it is not clear that collective interpretation of Canadian refugee policy or the paradigm that underpinned it flowed naturally from policy-makers’ experiences of these trends or migration events. Policy-makers’ beliefs about the environment as a motivator of paradigm change reflected a particular interpretation. However, there is evidence that this interpretation did not obviously flow from these experiences. Indeed, policy-makers attested in interviews to the fact that there was considerable uncertainty about the accuracy of the evidence used to support their interpretations of these migration trends and specific events.

At the most basic level, it is not clear that the policy environment had in fact altered significantly or that the changes in migration trends were significant enough to provoke a change in paradigm. Although the number of asylum claimants remained high across the 1990s, in the six years following 1992 – when inland claims peaked – the number of claimants levelled off at a considerably lower number (See Figure 5.1).30 The fact that this trend was improving was acknowledged by CIC officials (SCCI, November 27, 1997: 1550). Moreover, the argument that the asylum crisis represented a completely new pressure to the Canadian system can be questioned. Even as early as the 1970s decision-makers were aware that asylum seeking would only increase over subsequent decades and that there were already significant numbers of unsanctioned migrants living in Canada.31 As a result, the importance of large numbers of illegal migrants could have been expected to provoke concerns about control as early as the 1970s and could have been expected to have had their fullest impact in the mid-1980s.

Furthermore, it is also not clear that the numbers involved in these migration flows across the 1990s were untenable – although this was often the claim of policy-makers. Indeed there is evidence that Canadian refugee policy was increasingly effective in dealing with higher numbers. In particular, the level of backlogged cases and the problems associated with the IRB were improving over the latter half of the 1990s. In the period between 1994 and 1996, the IRB continued to experience problems, including slower processing times, a decrease in the number of finalized claims and an increase in backlogged cases (IRB, 1996; Auditor General, 1997: Chapter 25). However, between 1996 and 2000 there was strong indication that the system was working more efficiently, in contradiction to the perception that the IRB was failing (IRB, 1996; 30 The number of refugee claimants in 1992 was 35 145. The average from 1993-1998 was 23 422 claimants. The numbers began to rise again in 1999 and 2000, with 30 543 and 36 933 making claims, respectively (CIC, 2005: 62-63).

31 As shown in chapter 3, throughout much of the 1970s it was common to use the figure of 200 000 for the number of non-status individuals living in Canada (Robinson, 1983: 23-24).
Indeed, in this period, processing times were reduced and the number of finalized cases grew significantly.\textsuperscript{32} As a result, it is not clear why an expansion of the existing system to deal with the fairly consistent levels of claimants was not seen as an acceptable solution. Indeed, the Auditor General’s concerns raised in a review of the refugee system in 1997 suggests that adjustments to existing policy instruments rather than a fundamental change in policy was all that was required (Auditor General, 1997). This position was accepted by the department (CIC, 1998).\textsuperscript{33} James Hathaway, a prominent academic on refugee issues, made a similar assessment of the Canadian system in 1996, stating at the Standing Committee “we don't have a problem in Canada at the present time. The number of asylum seekers that we take in no way exceeds the capacity of our board” (SCCI, March 19, 1996: 1100).\textsuperscript{34}

Beyond the actual numbers, the perception of the nature of these flows was also open to interpretation. As has been shown in chapter 4, by the end of the 1990s there was a clouding of the distinction between refugees and illegal migrants within mixed flows, one that led to a particular belief that the problem of illegal migration was a significant one. However, the basis upon which these conclusions were drawn was problematic and the ability to determine the level of abuse or the degree to which individuals within these flows represented criminal or security risks was not clear. Despite widely accepted claims of abuse, policy-makers admitted to a

\textsuperscript{32} Average processing times of claims were reduced each year: 1997-1998 – 13.2 months, 1998-1999 – 11.8 months, 1999-2000 – 9.8 months, 2000-2001 – 9.6 months. The percentage of cases that were over a year old also decreased in this period (IRB, 1999: 15; IRB, 2000: 8; IRB, 2001: 5). The number of finalised cases from 1997-2001 increased. In 1996-1997, the finalised number of claims grew thirty percent over the 1995-1996 reporting period (IRB: 1997:11). Similarly, the number in 1998-1999 grew 20 percent over 1996-1997 (IRB, 1999: 13. See also, IRB 2001: 6). The improvement was also noted in a follow-up by the Auditor General (2001: Chapter 12).

\textsuperscript{33} For instance, the Auditor General suggested such improvements as: more policy-makers (suggesting an expansion of the system), better training, better information and a change in organisational culture (Auditor General, 1997: Chapter 25).

\textsuperscript{34} See the discussion between Bloc Québécois MP Osvaldo Nunez and James Hathaway on the negotiation of a Safe Third Country agreement in 1996. Nunez asked: “Why have we come back to this agreement today? Is it because of some specific problems? Do you have some statistics on the number of duplicate claims? Is Canada threatened by a wave of refugees?” Hathaway responded: “As Mr. Goodes indicated, even the department has not compiled figures to show that there is a problem in so far as duplicate claims in the United States and Canada are concerned. I do not have these statistics. You are going to hear from NGOs working at the Canadian-U.S. border that the problem does not exist. You are going to hear that. I would prefer to leave this matter in the hands of the experts. When we look at the protection of refugees around the world, we see that Europe, the United States, Canada, Australia and New Zealand combined received only 500,000 refugee claims during the past year, even though there are over 20 million refugees in the world. For example, a small country like the Ivory Coast takes in more refugees than the United States. Therefore, we don't have a problem in Canada at the present time. The number of asylum seekers that we take in no way exceeds the capacity of our board. In my opinion, there is no justification for this draft agreement” (SCCI, March 19, 1996: 1100).
considerable degree of uncertainty about these levels. In attempting to judge how much abuse of
the system was taking place, one official stated: “I don’t want to understate the importance of
this. There is no objective measure. We had no idea of whether the right number was five
percent, twenty percent or sixty percent. There was just no way of knowing” (Interview 12).
Similarly, another official questioned common understandings that individuals within these
flows were often welfare abusers. He stated that “welfare abuse is more of a myth than a reality.
People who want to live off the dole usually don’t migrate, they usually stay where they [are]
and eek out an existence on what is available to them. Migrants, generally speaking, are a
premium group of people and refugees, the real refugees among the migrants, are really a
premium on the premium” (Interview 8).

For officials, variation in the “belief” about these flows had important implications for
understandings of the appropriateness of policies responses (Interviews 7, 12). For instance, one
official’s assessment of efforts to prevent migrants from China raised this point. He stated that:

which option you think is the better one is going to be coloured by your perception
of the people affected. If you see them as genuine refugees you may be more
inclined to say they have to take these risks. If you see them as economic migrants
you might be of the view they ought not to be taking these kinds of risks. I guess the
reality is these people are somewhere in between. I don’t necessarily see economic
migrants as the other end of the scale from genuine refugees. There are peoples’
economic conditions [that] compel them to do things that you and I couldn’t
imagine (Interview 9).

Thus, there is evidence that the nature of the problem facing policy-makers was unclear and was
open to considerable interpretation.

Similar concerns about the ability to identify security risks within these flows were
raised. Despite the prominence given to the issues of security, department officials, the Minister
and opposition leaders admitted on different occasions that the actual numbers of individuals
who posed a risk to Canada were very small (SCCI, February 11, 1999: 0930; March 1, 2001:
0930, 0935). Indeed, the LRAG report noted that “[t]he publicity given to crimes committed by
visitors, refugee claimants, refugees and immigrants continues to be disproportionate to the
reality” (Trempé et al, 1997: 102-103). Similarly, there was uncertainty about the effectiveness
of new policies to address security concerns. For instance, Ward Elcock was asked whether there
was more risk associated with screening refugees after they had been through the determination
system than if a system of pre-screening was put in place. He argued that he could not tell given that there was no history of pre-screening which could be used for comparison. He speculated that “it may well be six of one, a half dozen of another to some extent, because with the people who arrive with no papers or false documents, you still don't know who they are. You still have to go through a long process of identifying them, and you may not be able to identify them.” (SCIC, March 2, 2000: 0930).

Not only were the problems of refugee flows open to interpretation but so were policy-makers’ expectations of appropriate and effective policy responses and the benchmarks for success in policy. As suggested in chapter 2, paradigms generate images of what is desirable and the criteria against which responses can be framed and success measured (Coleman and Perl, 1999: 698). By the end of the 1990s, the standards by which Canadian policy could be measured – for instance, in terms of protecting the integrity of the system – were altered. As has been shown, policy-makers’ goals increasingly sought the prevention of all abuse and all potential security risks posed by illegal migration. The system could not afford to err on the side of protection. As a result, changes in the expectations of what was needed to meet policy goals, rather than actual changes on the ground, may have been the source of new thinking. An official no longer active at the end of the 1990s confirmed that these standards were open to interpretation and that contemporary standards raised policy-makers’ expectations too high:

This is an issue you can only manage. You can’t settle it. You have to go with the flows. The pressures and the resources available to people who organize the movements are immeasurably more than you’ve got and again, at the end of the day if you have come out of it having filtered out the most malignant parts, the criminal element, the security risks, the welfare abusers, that’s about the best you can do. …there are no permanent answers to these issues. You manage them as best you can, based on the circumstances of the time … and what types of flows you’re coping with. And I think this is the error of this kind of “fortress” concept – it’ll never happen. The Russians with the power available to them during the communist period couldn’t contain their internal migration in the Union. We’ve got no hope (Interview 8).36

These limitations were recognized by another official, who stated:

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35 Officials believed that pre-screening would make the system quicker, more effective and safer by limiting access for serious criminals and security risks (CIC, 2001b).
36 The ability to manage rather than stop these flows has been recognised by migration experts (see, for instance, Papademetriou, 2003. A similar comment was made in Interview 20).
Other goals were similarly open to interpretation. For instance, the acceptable level of cost associated with the inland determination system was unclear. Policy-makers regularly made reference to these decisions being about “drawing a line,” with the position of that line being open to interpretation (Interviews 4, 8, 12, 17). Thus, the often-cited claims about the need to protect the “integrity” of the system raised questions about how that integrity might be measured and at what point it might be lost. Policy-makers did not have a consistent understanding about how specific success might be measured or if, in fact, it was possible to achieve.

The extent to which specific events or the accumulation of events contributed to paradigm change is also unclear. The 1999 boat arrivals and the arrest of Ahmed Ressam, although significant because of their immediate proximity to the development of the *Immigration and Refugee Protection Act*, occurred too late to provoke a shift in paradigm. Issues of security and control were already well-established in policy-makers’ thinking before these events. These events might have raised public and political attention but they were not likely to have been key motivators of paradigm change. In the case of Ressam, a number of policy-makers believed, in the words of one official, that Ressam was “the icing on the cake” of an existing view that the Canadian refugee determination process was the weak link in the security threat which migrants posed to Canada (Interview 7. Also Interview 1, 5, 10).37 The importance of the Ressam affair is also drawn into question by the fact that some policy-makers did not immediately point to it as a source of new thinking (Interviews 2, 10). In the case of the 1999 boat arrivals, officials made reference to the intense public attention that arose. However, they also expressed annoyance at the fact that the public reaction missed the reality of hundreds of arrivals of migrants at airports across the country on a monthly basis (Interviews 5, 8). Thus, the boat arrivals did not appear to have altered immigration officials’ understanding of the problems they faced or their broader

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37 According to another official, Ressam did challenge the integrity of the system but this was something that had been talked about for many years before this event (Interview 5).
thinking, but rather served to heighten public reaction.\textsuperscript{38} In short, the Ressam case and the boat arrivals did not teach officials anything new that might have altered their thinking but rather served to confirm those ideas they had already adopted.

Furthermore, the similarity of these types of events to ones which took place in the 1970s and 1980s draws into question their role in motivating change. For instance, the arrival of two boatloads off Canada’s east coast in the summers of 1986 and 1987, respectively, and the subsequent “emergency” recall of Parliament in August, 1987 were significant events that resulted in a strong public response and government reaction. Despite this response, the humanitarian paradigm remained in place amongst policy-makers and as evidenced by the nature of policy change in the late 1980s.\textsuperscript{39} Thus, the humanitarian paradigm persisted outside of these spikes in attention to control. Similar events that had the potential to raise issues of security were also present across the course of the 1970s and 1980s (Whitaker, 1987).\textsuperscript{40} Again, in the case of the boat arrivals in 1987, six migrants who arrived were detained for security and criminal concerns (Donovan, July 24, 1987; Jones, August 7, 1987).\textsuperscript{41} Concerns about security and control could also have been raised about the resettlement of the 60 000 Indochinese in 1979-1980. Although these refugees had been processed by the UNHCR, the limited resources available to Canadian officials impeded their ability to carefully identify refugees and do adequate security clearances.\textsuperscript{42} Potential problems of this screening process included: the use of false names by individuals who were resettled; the planting of agents from the communist Vietnamese government in refugee flows; the presence of criminal elements; as well as a long watch list of suspected war criminals (Interview 17). Furthermore, well-publicised breeches of

\textsuperscript{38} In the words of one official, the insight gained from the arrival of the boat people was of the “method not measure [of the problem]” (Interview 12).

\textsuperscript{39} Indeed, it was the existence of a humanitarian paradigm that mitigated the effects of these pressures. Aristide R. Zolberg’s (1992: 96-99) preliminary assessment of the operation of the new refugee determination system in 1989 suggests that the system was consistent with the protection paradigm.

\textsuperscript{40} Amongst others, these events included: security at the 1976 Montreal Olympics, following the terrorist attacks at the 1972 Munich Olympics; anti-communist concerns; and concerns of terrorism (SCLMI, July 5, 1977: 1700-1715; SCLMI, December 1, 1981: 1550-1555).

\textsuperscript{41} It was suggested in the media that RCMP suspicions about Sikh migrants were a result of the growing perception that Canada was a haven for Sikh terrorists, especially after the Air India bombing in 1985 (Associated Press, July 28, 1987).

\textsuperscript{42} Several officials did not accept this comparison. They suggested that the situation of those leaving Indo-China and the processing by the UNHCR assured them that these problems were not likely to arise. One department official did suggest that similar problems might have been there but that they were not seen as significant at the time (Interview 17). For an indication of the limited processes of screening Indochinese refugees in this movement, see CBC, July 9, 1979.
security in the 1970s had provoked concern.\textsuperscript{43} Despite the presence of comparable events in the 1970s and 1980s, the persistence of the protection paradigm raises the question of why similar trends and events in the 1990s were not accommodated within the protection paradigm, but instead provoked change.

In summary, the number of asylum seekers in the late 1980s and throughout the 1990s was a source of concerns for policy-makers. These concerns were reinforced at specific points in time by particular events that highlighted issues of security and control. Furthermore, when exploring new policy options policy-makers were motivated by the need to find answers that addressed these concerns. However, it is not clear that on their own, or cumulatively, these trends and events forced a broader and more comprehensive change in the paradigm that framed policy.

\textbf{III. Changing Context: A New Political Landscape and Increased Public Pressure}

Linked to the interpretation of migration trends and the use of specific events were changes in the political landscape and the rise of public pressure that motivated a shift in paradigm change (Interviews 5, 6, 8, 10, 16, 18). In particular, policy-makers pointed to the rise of the Reform party and its use of problems within the system to support arguments for changes consistent with the security and control paradigm. Policy-makers also pointed to the rise of public pressure – often as a result of the Reform party’s efforts – for an increased emphasis on security and control. While these factors appear to be important in facilitating a shift in paradigm, it is not clear that they were the source of new thinking. Amongst other factors, the power of the Liberal party, which traditionally supported the protection paradigm, was not challenged significantly by this shift in the political landscape. Furthermore, it is not clear how significant actual changes in public opinion were or whether they necessarily forced policy-makers to alter their approach to refuge and immigration policy. As was the case for migration trends and events, a particular interpretation of public opinion used to justify new approaches to

\textsuperscript{43} Of particular concern was the discovery that General Quang, the chief of staff of the South Vietnamese army, had arrived in Canada as part of a 1976 movement of Indochinese refugees to Canada (Interview 17; \textit{Globe and Mail}, July 11, 1979).
migration policy draws into questions these pressures’ importance in motivating paradigm change.


The timing of paradigm change in this research corresponds to three significant changes in the Canadian political landscape: the formation of a Liberal government in 1993; the rise of the Reform party and the decline in influence of the NDP on refugee issues. There is evidence that the newly established Reform party and the decline of the NDP may have contributed to the setting of a new policy agenda focused on security and control. However, the continued strength of the majority Liberal government and the limited political attention that the refugee system received suggests that shifts in the Canadian political environment provided only a partial explanation for new thinking about policy.

The 1993 federal election resulted in the only major transition in government in the period from 1984-2001. At that time, the Liberal party lead by Jean Chrétien replaced the Conservatives to form a new government. The arrival of new political leadership in 1993 was not, however, an important source of paradigm change in Canadian migration policy. Indeed the political record and ideological leanings of the Liberal party at the time suggested that they would reinforce and champion the refugee protection paradigm. For instance, the Liberals traditionally garnered significant support from immigrant communities who did not welcome restrictive measures. Furthermore, preceding Liberal governments – over the 1970s and early 1980s – had taken an approach to refugee policy that reflected the protection paradigm. In opposition, Liberal MPs advocated for more humanitarian and liberal approaches to migration. Significant Liberals who were spokespersons on these issues in the 1980s became leaders in the newly formed Liberal government in 1993. Not the least of these was Sergio Marchi as Minister of Citizenship and Immigration and Lloyd Axworthy as Minister of Foreign Affairs. Finally, changes that did take place in other policy areas under the new Liberal Government were interpreted as supporting a broader humanitarian approach that complemented the protection

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44 Restrictive policies, such as the requirement of visitor visas, made family reunification or access of family members more difficult. André Blais attempts to unpack in more detail why the Liberal party was historically so successful amongst immigrant communities (Blais, 2005).
paradigm. The most significant examples of this can be seen in the development of Canadian foreign policy and in particular the emphasis on the principle of human security (De Larrinaga and Sjolander, 1998; Howard and Neufeldt, 2002; Sallot, 1997). Thus, it is unlikely that the shift in government produced leaders who were motivated to alter the thinking about refugee policy.45

Despite the position of the Liberal leadership, the Liberal caucus was not uniform in its thinking about refugee policy (Interviews 2, 6, 14). One Liberal MP suggested that by the mid-1990s, a distinction could be made between facility-minded and enforcement-minded factions within the party (Interview 6). Furthermore, rumours existed that this division caused problems for the party’s leadership and in one case provoked a Chair of the Standing Committee to step down because of conflicting views (Interview 6). By the end of the 1990s there were rank and file Liberal MPs who were less confident in Canada’s approach to refugee and immigration policy (Interviews 6, 14).46 Despite this, the strong electoral position of the Liberal government across the 1990s lessened the influence of backbenchers on government policy.

A more significant shift in the Canadian political landscape came as a result of the presence of the right-of-centre Reform party after the election of 1993.47 Members of Parliament credited the Reform party with having placed increased pressure on policy-makers to think about a more control and security-oriented approach to refugee policy (Interviews 6, 10, 14).48 Although the party did not wield a threatening amount of electoral clout, especially in the early 1990s, the ability of the Reform party to put issues of security and control on the political agenda may have been significant.49 However, the extent to which the government’s and immigration officials’ thinking was affected by this pressure is unclear.

45 Indeed, the new Liberal government’s initial decisions on refugee and immigration policy re-enforced the party’s commitment to protection goals. See Anderson and Black, 1998: 194-5.
46 One Liberal MP suggested that the inability of the Liberal party to keep some of its members in line on these issues was due to the unexpected success of the Liberal party in the 1993 election. This success had resulted in the election of several “maverick” Liberal MPs who had run in supposedly unwinnable seats. Because of their unlikely success these Liberal candidates’ loyalty to the party had been less rigorously vetted (Interview 14).
48 Indeed, even before 1993, the Liberal opposition critic suggested that the Conservative party’s perceived shift towards increased control was due to the specter of the newly established Reform party (Editorial, Globe and Mail, June 18, 1992).
49 The rise of Reform may have posed more problems for the Progressive Conservative (PC) party when in office prior to 1993 than it did for the Liberal Party after 1993. A brief increase in emphasis on enforcement by the Progressive Conservative party has been attributed to the PCs attempt to attract Reform voters (Abu-Laban, 1998: 193). Others have suggested that this competition on the right of the political spectrum opened up space for the Liberal party in 1993 to pursue more protection oriented immigration policies (Anderson and Black, 1998: 194).
The timing of the arrival of the Reform party on the political scene was consistent with the beginning of changes in the thinking of Canadian officials. Furthermore, the Reform party’s broad ideological position – including its strong conservative roots and attested populism – was unique in the Canadian political system and represented an important new source of pressure for tighter immigration controls and refugee policies (Wayland, 1997: 51). In terms of general policies, it sought lower immigration levels, was critical of the IRB and in the early 1990s pushed for it to be dismantled. Furthermore, Reformers advocated for the use of the ‘notwithstanding’ clause to override the legal options available to “bogus refugees,” and sought a strict interpretation of the definition of a refugee (Reform Party, 1991). Several politicians pointed to the fact that the Reform party placed problems of the refugee system on the political agenda and this, in turn, required the government to respond (Interviews 6, 10). As has been shown in chapter 4, Reform MPs often employed specific stories to paint refugee claimants and the refugee determinations process in a very negative light rather than offering alternative images. These stories of “bad apples” dominated much of the Standing Committee debates and affected policy-makers’ thinking (Interviews 6, 10). One elected official suggested that “they [the Reform party] would take these stories and they would all of a sudden blow them out of proportion to insinuate they’re the norm. They’re not the norm” (Interview 6). Government officials also suggested that defending against these stories – especially when they were true – was difficult to do. According to one Liberal MP, such defences discredited you as “a left wing bleeding heart dummy…who doesn’t care about the safety of your own constituents back home” (Interview 6).

However, the degree to which the Reform party contributed to paradigm change should not be overstated. While the Reform party was committed to tightening the system, it is not

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50 While there is a pervasive image of the conservative position of the Reform party on immigration and refugee policy, there has been very little written on the subject.

51 The role of the Reform party in setting this agenda was recognised by the other federal parties (Interviews 10, 18).

52 This position seemed to be consistent with arguments made at the height of the reaction to the Just Desserts and Todd Baylis killings by Canadian permanent residents in Toronto in the spring and summer of 1994. Citing findings of recent studies that indicated lower levels of criminality amongst the foreign born, Sergio Marchi, Minister of Citizenship and Immigration, cautioned people from accepting the argument that “we are in the icy grip of an immigration crime wave” that included serious criminals and welfare abusers (HoC, September 19, 1994: 5797). He suggested that the media is skewed in its presentation of the reality of immigration and “that for every criminal named in the press with an immigrant tag we can give 10,000 cases of immigrants and recent Canadians who are anything but a problem for, or a drain on, the country and who despise the antics of troublemakers and the lawlessness of hooligans as much as anyone in this Chamber” (ibid. For a similar conclusion about disproportionate media coverage see Trempé et al., 1997: 102-103).
evident that this was a central focus of the party. The party was not particularly committed to pursuing change – outside of addressing those publicized problems or in the context of routine debates on these matters. Reform of the immigration and refugee systems was not central to the political agenda of the party throughout the 1990s; it did not make these issues major election issues at that time. Furthermore, the position of the Reform party, especially amongst the leadership, should not be equated to anti-immigration parties found in other countries.

The level of influence of the Reform party on paradigm change was also lessened by its limited electoral success and its relatively isolated position on refugee policy vis-à-vis the other four parties in the political system. At the beginning of the 1990s, the presence of the Reform party in Parliament did not pose an electoral threat to the Liberals. Furthermore, the overall ideological leaning of Parliament on immigration and refugee policy was very liberal. The Liberals, along with the official opposition of the Bloc Québécois and the NDP, constituted a majority of MPs who could have been expected to maintain and push for a paradigm of refugee protection. In short, amongst the four most popular parties with seats in Parliament the Reform party stood alone on these issues. Commenting on the response to Reform party members’ efforts to set the tone of the debate, one senior Liberal MP argued that “the best way is to ignore it and let them have their venom and spout and get it over with knowing particularly in the days where we had a majority government that we were in control anyway. So let them say what the hell they want” (Interview 6). Thus, it seems that the Reform party had little ability to

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53 One example of the impact of the Reform party on the position of the Liberals can be seen in the events that followed the Leimonis and Baylis murders in the summer of 1994. Anderson and Black (1998) argue that the Reform party, building on public discontent, was a factor in influencing a more control oriented policy. However, in this case, the influence of the Reform party was limited to a specific period where heightened concerns about security and control were expected given the events of the summer of 1994.

54 In contrast to some popular images, the Reform party was not specifically anti-immigration, anti-immigrant or anti-refugee. Reform leaders employed arguments consistent with Canadian political culture about the positive contribution of immigration to the Canadian state and Canada’s tradition of assisting refugees. Indeed, despite its populism, the party leadership in the early 1990s suppressed elements of anti-immigration from the grassroots of the party (Dobbin, 1991). Indicative of the moderate-conservative position of the Reform party on immigration was one editorial which referred to the Reform’s position on immigration as reflecting “coolness” towards immigration rather than an clear anti-immigration stance (Globe and Mail Editorial, 23 February, 2000).

55 In 1993, the Reform party finished third in the Federal election with 52 seats, all but one of which were in western Canada. The Reform party did not substantially increase its seats in 1997 over 1993, nor was it successful west of Manitoba. Its 60 seats did give it official opposition status after 1997 and the leverage on the political agenda that came with this position. The Liberal party enjoyed a majority government from 1993 through 2001.

56 For instance, on reforms introduced in Bill C-44 in 1994, the official opposition party, the Bloc Québécois, argued that the Liberal government’s response had jumped too much to the right. The Bloc raised similar concerns about the quality of refugee protection in 1996 when addressing the issue of the STC memorandum of understanding under negotiation with the United States (SCCI, March 19, 1996).
significantly sway either the Government or senior officials in the department. The Reform party may have raised issues of security and control at various junctures. Furthermore, it may have been receptive to, and laid some of the ground work for, accepting new thinking as it developed. However, it is not clear that it applied enough pressure to force the Liberal government – which maintained a strong grasp on power over this period – to alter its thinking about refugee policy.

A similar assessment can be made in relation to the declining influence of the New Democratic Party on immigration and refugee policy. While not the source of new ideas of security and control, the decline in the party’s influence eased the transition in paradigm. By the end of the 1990s the NDP was less visible in its advocacy for a humanitarian approach to refugee policies than had been the case in previous decades. In the 1970s and 1980s, the NDP, through the efforts of MPs such as Dan Heap, aggressively pursued key concerns that focused on the humanitarian dimensions of refugee policy (Interview 8, 16). By the end of the 1990s, many of these same concerns were no longer being raised by the party. In Standing Committee debates from 1999 to 2001, the absence of a critical NDP voice on several issues was very noticeable.57 This absence was recognised by at least one NDP MP as well as officials at CIC, who confirmed that the impact of the NDP on the broader debate had diminished (Interviews 5, 10). In explaining this decline, the NDP MP suggested that this change was the result of smaller NDP caucuses that were stretched too thinly across too many important issues (Interview 10).

The ability of the NDP to address refugee protection was also linked, in part, to the ability of its MPs to provide an effective voice for the refugee advocacy community in Canada. Department officials suggested that by the end of the 1990s there had been a decline in pressure from the advocacy community, which did not protest against new enforcement measures as much as had been expected (Interviews 1, 3, 5, 11).58 This weakness is in contrast to the 1970s and 1980s, when considerable weight was given to the power of the refugee advocacy community, especially to draw officials’ attention to the issues of refugees and to influence their thinking (Interviews 8, 17; Whitaker, 1991: 23).59

It is not clear, however, what role the more limited approach of the NDP played in altering the paradigm beyond making the transition easier. Indeed according to one NDP MP, the

57 These issues included the safe third country agreement, the use of high seas interdiction and front-end screening.
58 This was also noted by a Member of Parliament (Interview 10).
59 Opinions differ on when this change happened. Although some have suggested the advocacy community continued to be effective into the late 1980s, one interviewee suggested that sections of this community found themselves at logger-heads with the government in the mid-1980s over discussion of the creation of the IRB.
party was the victim of paradigm change rather than a contributing factor (Interview 10). As the terms of debate shifted, it became increasingly difficult, if not impossible, for the NDP to raise more traditional criticism of proposals for restrictive refugee policies (Interview 10). As suggested in chapter 4, it was perceived that raising such concerns would discredit MPs, portraying them as being on the fringe with little ability to deal with the reality that policymakers were facing in term of migration pressures. It is, however, likely that the NDP did facilitate paradigm change. The significance of the decline of the NDP and the more limited effectiveness of the advocacy community resulted in less “humanitarian” criticism of increased control and security provisions (Interviews 5, 10). However, the shift in influence of the NDP alone was not significant enough to alter the political landscape. The fact that the majority of seats in Parliament were held by members of parties whose ideas were traditionally consistent with the principles of the protection paradigm should have been sufficient to maintain that thinking even with the declining influence of the NDP.

In short, changes in the political landscape played some role in facilitating paradigm change. The Reform party was successful in influencing the agenda and political discourse of federal politics, despite its limited electoral success. Furthermore, the NDP’s propensity to make, and effectiveness in placing, protection arguments diminished over the course of the 1990s. However, in both cases, the shift facilitated the adoption of new ideas rather than provided a source of new thinking. It is not evident that these changes provided significant pressures to alter the basic Canadian approach to refugee policy. Indeed, it is not clear why the Liberal government and department officials could not have stayed the protection course in spite of these pressures. One further explanation may point to the role of increased public pressures for change.

Changing Public Opinion.

Several of the issues raised by this chapter also point to the potential for a shift in public opinion to have contributed to paradigm change. Publicised migration events, as well as the use of these events by the Reform party, may have been particularly important in shifting public opinion that, in turn, could have influenced what was politically viable for policy-makers and

60 A similar argument has been made by Tom Flanagan (1995: 194).
therefore, their framing of policy. Changes in public opinion identified in the secondary literature suggest that there has been an increasingly negative image of refugees since the mid-1980s (Crépeau, 1998: 8) and a rise in anti-immigration sentiment in the early 1990s (Wayland, 1997: 51-54). Of potentially equal importance were broader domestic trends of tax fatigue and the public’s desire for smaller and more efficient government (Trempé et al, 1997: 8).

These assessments are consistent with evidence from policy-makers, who pointed to public pressure as a motivation for new thinking (Interviews 1, 4, 5, 6). They recognized that there was a growing societal wariness of abuse in general, as well as specific awareness of immigration abuse and criminality; the latter was increasingly linked to concerns about the Canadian refugee system (Interview 4; see also Trempé et al, 1997: 102). Paraphrasing one official, there was an increased sensitivity to the fact that there were “unsavoury” individuals in our midst and that while the public supported generous policies they would not tolerate abuse (Interview 1). Thus, policy-makers suggested that the integrity of the system was in part tied to the public’s confidence in Canada’s ability to control who entered the country. As was shown in chapter 4, it was thought that if a humanitarian and compassionate refugee system continued to be abused, then Canadians’ support for such a system was likely to decrease.

Furthermore, both MPs and department officials argued that they were not immune from these changes and that public opinion had a significant bearing on their approach to refugee policy. This position was a prominent justification for new thinking about policy and ultimately the IRPA, which responded to the demands of the Canadian people, including demands that abuse be stopped (CICh, 2001). In short, the tightening of the system was needed to restore the system’s integrity and ensure public confidence. Thus, it could be expected that, as public attitudes changed over the course of the 1990s, new pressures felt by policy-makers altered their thinking about refugee policy.

While policy-makers pointed to the role of public opinion in forcing greater restrictions on immigration and refugee policy, the impact of public opinion shifts on policy thinking is not clear. In part, this lack of impact is because Canada had no significant organized interest against

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61 Policy-makers also suggested that the media were highly influential in effecting a change in public opinion (Interviews 6, 15).
62 By contrast, the Indochinese movement provoked a greater sympathy for the movements of refugees (Interview 4).
63 For instance, one official suggested that broader changes in the UNHCR’s approach to refugees were the result of the political pressures placed on western governments by their publics (Interview 5). Another suggested that Minister of CIC in the 1990s had been led by public opinion to pursue more restrictive policies (Interview 3).
immigration and refugees similar to those found in other countries and which might have been expected to mobilise public opinion. In Canada there was no equivalent to organisations such as the Federation for American Immigration Reform (FAIR) in the United States.\textsuperscript{64} Furthermore, as a country built on immigration and for which immigration and humanitarian action are parts of the popular mythology, societal support for immigration is likely to have been higher than in other countries.\textsuperscript{65} As has been suggested, Canadians with personal immigration histories could be expected to empathize with migrants’ experiences and to have an interest in an open immigration system that allowed for family reunification, both in terms of permanent resettlement and family visitation.\textsuperscript{66}

The inconsistency of public pressure also draws into question its importance in contributing to paradigm change. Policy-makers have suggested that the considerable variation in the position of the public on refugee matters made it difficult to address (Interviews 5, 10). One official illustrated this point by referring to his experience in the Minister’s office on a day when officials were faced with two headlines from prominent papers in Montreal and Vancouver. The headline in Vancouver blamed abusive refugee claimants for taking spaces in queues for MRIs while the headline in Montreal complained that refugee claimants waiting to have their cases heard by the IRB could not find adequate health care (Interview 5). The official suggested that there was a realisation that the divergent interest of the public played out in the media could not be satisfied by political leaders. This inconsistency was simply the reality of the policy environment.\textsuperscript{67}

Even in instances where there was an identifiably strong and uniform public interest – such as in reaction to key events – public pressure was unlikely to have altered policy-makers’ thinking. As has been argued, this policy area was relatively isolated from concerted public pressure. As a result, policy-makers could have ridden out periods of negative public opinion or

\textsuperscript{64} See www.fairus.org.

\textsuperscript{65} Canada’s public support for immigration preceding the 1990s was substantially higher than that found in other states. For instance, from 1946-1993 the average percentage of Canadians who favoured a decrease in immigration numbers was 42 percent compared to 49.7 percent in the United States, 55.2 percent in the United Kingdom and 65.9 percent in Australia (Simon and Lynch, 1999).

\textsuperscript{66} As shown in chapter 3, this empathy existed under the protection paradigm. MPs and officials, active during the 1990s, made reference to personal histories in an effort to sympathise with the plight of migrants.

\textsuperscript{67} This reality has been noted by Dirks, who has stated that “[i]nformed observers of the Canadian immigration scene generally agree that no matter which political party has formed the government, the framing and administration of policy has not resulted in much partisan benefit. Instead, this process has often brought administrative headaches or even the occasional catastrophe” (Dirks, 1995: 141).
strong public reaction to specific events, as had been the case in the late 1980s when policy-makers’ commitment to refugee protection mitigated fluctuations in public opinion. Indeed, the fact that immigration and refugee policy were not central issues in any election over this period suggests that public opinion was unlikely to have been strongly felt by elected officials or the department. In contrast to arguments in other countries such as the United Kingdom, it is unclear that concerns over immigration “mobilize the electorate” (Layton-Henry, 2004: 332; cited in Cornelius and Rosenblum, 2005: 105). Specific events and public attention to migration policies were not decisive election issues as was the case of the *Tampa* incident in Australia in 1999. Nor were there ongoing concerns about immigration, as seen in other states, that were prompted by problems such as the US-Mexican border or similar European concerns, which maintain public interest or placed immigration high on the political agenda. As a result, despite peaks in interest around specific events, reform of the refugee system was not a significant public issue.

Furthermore, the strength of the Liberal government in the 1990s should have allowed it to manage public pressure. Indeed, it did so when it established five-year immigration plans shortly after taking office in 1993. Prior to 1993, immigration levels were set annually so that they could be adjusted to respond to demographic, political and economic pressures. However, in 1994, in the midst of an economic recession, the Liberal government introduced its first five-year immigration plan. It set immigration levels at historically high numbers. The Liberal government did not feel significant pressure, either from the Reform party, which had campaigned on reducing levels, or the potential of a public backlash, to limit these changes either in terms of absolute increases in numbers or in setting a shorter time period before such levels could be adjusted.

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68 The unlikelihood of immigration policy as an election issue in the 1990s – even for the Reform party – was noted in the popular media (Jiménez, 2005. This was also noted by a Liberal MP, Interview 6).

69 In August 1999, in the middle of the Australian federal election, the Norwegian vessel the *Tampa* rescued a group of migrants from their distressed ship just outside Australian territorial waters. John Howard, the Australian Prime Minister, refused entry to the *Tampa* and forced it to disembark the migrants on the island state of Nauru, which had not ratified the UN *Convention on the Protection of Refugees*. Howard’s position on this issue was stark – likening the incident to an invasion that had to be stopped. His subsequent election victory has been attributed to his use of the incident (Devetak, 2004).

70 The fortunate geographic location of Canada is elaborated on by Will Kymlicka (2004: 846-52).

71 Significant increases in immigration levels and the setting of historic targets started at the end of the period of Conservative government in the early 1990s. Interestingly, these did not raise public concerns (Shenstone, 1993; Adelman, 1991). After taking office, the Liberal government maintained these high numbers.
In contrast to governments being led by public opinion, evidence suggests that officials used aspects of public opinion that appealed to security and control issues which, in turn were likely to have heightened those concerns. Members of both the government and opposition used the “dark side of immigration,” as a political tool to score political points (Interview 1. Similar comments were made in Interview 6). In the words of one CIC official, “[t]he way to capture the imagination…the way to capture public support on this was by making this a security issue” (Interview 1. Similar comments were made in Interview 5). Indeed, he suggested that the use of security as a tool to motivate public support was similar to the use of homeland security post 9/11 in the United States (Interview 1). While the ability to use negative aspects of migration to garner support suggests a receptive public opinion, it does not suggest that public opinion forced policy-makers to emphasise control and security. In contrast, it implies that elements of public opinion were manipulated to meet certain ends. As an alternative, leaders could have used existing humanitarian norms to support the protection paradigm as they had done in the 1980s.

In short, it is not clear that public opinion forced policy-makers to alter their approach to policy. Similar to the rise of the Reform party, strains of public opinion – especially around specific events – may have enabled change and provided an anchor for new thinking about migration policy in Canada. However, like beliefs about immigration flows, claims about public pressures were open to interpretation. Policy-makers argued that the weaknesses of the refugee determination system needed to be addressed for fear of a loss of public support for refugee protection and immigration more generally. However, there were no clear indications that public confidence had been lost nor was it evident at what point it might be lost. Indeed, public opinion was mixed, with no strong public sentiment against the system that might have forced change. Given this lack of consistent public pressure, it seems likely that policy-makers could have managed spikes in public reaction that supported calls for more enforcement oriented policy.

72 Statham argues that in the UK, where, unlike Canada, there is a relatively successful anti-immigration movement with some electoral success, governments remain largely in control of setting the public discourse on immigration (Statham, 2003).
73 One example was the ‘messaging’ of the reforms proposed under Bill C-31 and C-11 to address public concerns over security (Interview 5). The conscious decision to package the IRPA within a security framework may indicate that this decision had not been the original thinking of the Minister or her officials. However, the change was only in the packaging. Indeed, the Act itself already contained the key elements focused on security and control. This focus came before policy-makers recognized that there was public support for these elements. As a result, it is not clear that public pressure for increased control and security motivated a change in paradigm. Indeed, it is likely that policy-makers were already there.
IV. International Pressures: The United States

The perception of pressure from the United States on many Canadian policy areas has been a perennial source of concern for policy-makers. There is evidence of such pressure on Canadian immigration and refugee policy. The development of the Canada-US Free Trade Agreement (CUSFTA) in October 1987 and the North American Free Trade Agreement (NAFTA) in January 1994 increased the level of cross-border trade and the importance of relatively unimpeded Canadian access to the United States. As has been shown in chapter 4, decision-makers understood that a weak Canadian refugee and immigration system allowed migrants access to the United States, something that Canadian policy-makers suggested worried Americans. These concerns were highlighted by events such as the boat arrivals in 1999 and the arrest of Ressam. Thus, shifts in American attitudes towards the Canada-US border had the potential to significantly affect Canada’s economic prosperity, tourism and the freedom of movement for large numbers of Canadians.

Despite these concerns, specific and tangible pressure on Canadian policy-makers to alter their approach to immigrants and refugees was not evident. Although officials recognized that the US had the potential to apply significant pressure, they did not feel that this pressure was unmanageable (Interviews 5, 7). This position was confirmed by Minister Caplan in 2001:

So we have to approach all these enforcement measures thinking not just about what the impact on our economy will be. As I said, we can't shrink-wrap our borders. People are on the move. Migration is a huge international issue. We're protected by geography to a large degree, but we have the largest, longest, undefended border with our neighbour to the south, and they'll tell you that the challenges they face on their northern border with Canada pale in comparison to the challenges they face on their southern border with Mexico (SCCI, March 1, 2001: 1040).

Canadian officials suggested that on many issues American officials did not have a firm commitment or desire to push Canada to be tougher (Interviews 1, 5, 7). According to one

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74 The economic implications of the border were pointed to by officials when relaying their experiences on the morning of 9/11. One of the prominent concerns of these officials was that the attackers had come from Canada, with negative implications of this for the Canada-US border (Similar comments were made in Interviews 1, 11). The closure of the US-Canada border in the immediate aftermath of the events of 9/11 clearly demonstrated the negative impact of American security concerns on the Canada-US border.

75 Peter Andreas argues that neither Canada’s immigration policy nor the Canada-US border were significant concerns for American officials prior to September 2001 (Andreas, 2005).
official, “[w]hen Americans want something, they are not shy … I guess then [pre-9/11] they weren’t feeling a ton of pressure to make certain things happen” (Interview, 7). This is in contrast to the level of pressure and forthrightness on the part of the Americans in the post-9/11 period.\(^{76}\)

This lack of specific pressure to force Canadian policy-makers to change their policies or thinking was borne out in American decisions about the Canada-US border.\(^{77}\) One of the clearest examples of this can be seen in the case of the Canadian response to the 1996 American *Illegal Immigration Reform and Immigrant Responsibility Act* (Andreas, 2005: 435). Under Section 110 of the Act an exit and entry system was to be established that would register individuals travelling to and from the United States and would allow American authorities to identify and prevent the entry of terrorists, criminals and illegal migrants. In response, Canadian officials, fearing the adverse effects on movement across the border, lobbied for and received an exemption to the section. This exemption suggests that American officials were not overly concerned about the threat posed by Canada nor were they prepared to apply significant pressure on Canadian officials to toughen their stance on the border. Furthermore, this case signalled to Canadian officials that exceptions would be made for Canada and that the increased cost associated with the Canada-US border could be avoided.

Thus, it is not clear that there was real or effective pressure applied to Canadian policy-makers by the United States in the pre-9/11 period that forced Canadian policy-makers to alter their thinking about border policy. Indeed, Americans seemed indifferent to the Canadian border, a positions consistent with the broader pre-9/11 perception of the Canada-US border as the longest undefended border in the world. This suggests that Canadian policy-makers’ concerns about American retaliation to a weak Canadian refugee system was a part of the changing definition of the potential problems that was being constructed by Canadian decision-makers consistent with the development of the security-control paradigm.

\(^{76}\)This is consistent with Stephen Clarkson’s characterisation of American concerns for the border before and after September 11th. Indeed, Clarkson argues that American policy-makers did not have a plan to secure the Canadian-US border and that post-September 11th it was Canadian policy-makers who were better prepared and led the process of enforcing the border (Clarkson, 2003. Similar comments were made in Interview 13).

\(^{77}\) For a detailed discussion of American policy-makers inattention to the Canada-US border see Andreas, 2005.
V. Conclusion

Policy-makers’ experiences over the course of the 1990s raised real concerns about issues of security and control. These experiences contributed to new understandings which served as the basis for a security-control paradigm. In particular, the continuing negative effects of the asylum crisis and the limitations of existing policy to address these effects set the stage for policy-makers’ new understanding of their environment. These understandings were reinforced by both routine events in the implementation of policy and by specific publicised concerns. Pressures were compounded by shifts in the political spectrum; most notably the rise of the Reform party and the declining influence of the New Democratic Party. The importance of the perceived need to address public anxieties about the system also increased pressures on policy-makers. Policy-makers made a case that it was the combination of these experiences and pressures over the course of the decade that altered aspects of their thinking, and eventually culminated in paradigm change. Thus there is some evidence that policy-makers were affected by the factors highlighted by the rational learning approach outlined in chapter 2. At the very least, these pressures were important in that they made paradigm change possible and provided the substance upon which a case could be built for new thinking about refugee policy. As a result, the paradigm change that took place fit with the perceived needs of the domestic environment, consistent with Peter Hall’s understanding that new paradigms must be politically, administratively and economically viable.\(^\text{78}\)

However, while these experiences contributed to a shift in paradigm, this chapter argues that they do not provide a complete explanation of how change in thinking took place. The use of these experiences and pressures to justify new thinking was subject to their interpretation. This chapter has shown that it is not clear that policy-makers’ experiences necessitated a move in the direction of increased control and security. These experiences and pressures could have been interpreted and managed in a manner consistent with the protection paradigm that had shaped policy responses in the 1980s. What then encouraged policy-makers to understand their experiences of the 1990s in terms consistent with a security and control paradigm rather than a refugee protection paradigm? In chapter 6 it is argued that an important contribution to the explanation of paradigm change comes from considerations of socialization as a result of the

\(^{78}\) For further discussion see chapter 6, “International into the Domestic: Constructing Fit and Changing Paradigms”
increased engagement of Canadian policy-makers with their international colleagues. Socialization differs from the rationalist explanation outlined above because rather than simply responding to the policy environment, socialization shaped policy-makers’ thinking, allowing them to alter their interpretation of their experience in that environment. This explanation is explored in the following chapter.
Chapter 6

Global Government Networks, International Socialization and Canadian Paradigm Change

I. Introduction

Chapter 5 has demonstrated that while changes in the policy environment contributed to new thinking, they were not significant enough to account for paradigm change on their own. In addition to factors in the policy environment it is important to consider international norms as a source of new interpretations of the domestic environment. This chapter considers the existence of a developing migration norm that placed increased emphasis on concerns of security and control. The chapter then addresses the process through which this norm influenced the domestic paradigm. It argues that global government networks for migration facilitated a process of bureaucratic socialization. It demonstrates that the timing of discussions, as well as their content, makes these GGNs a source of new ideas. Furthermore, it provides evidence that the forum for these meetings provided an environment in which international ideas were likely to influence the thinking of Canadian officials.

The chapter also demonstrates that the mechanisms of socialization were furthered by interaction in a global government network for migration. Through this GGN a sense of community of migration officials was built where trust and respect amongst participants grew. As this took place, officials became more susceptible to social pressures and persuasion. This community produced and legitimised knowledge that interpreted the domestic context in a manner that favoured responses based on control and security. As a result, officials not only came to seek new policy ideas within the network, but in addition, adopted a frame of thought that allowed for the adoption of new policies back home. Thus, the effect of this GGN was not simply to exchange ideas or to transfer policy, but to change participants’ mindsets.

Finally, the chapter provides evidence of the mechanisms through which these ideas were transferred from these international forums into a change in domestic paradigm. The fact that department officials who participated in the GGN had direct input into the policy process meant that change in their thinking directly injected new ideas into the domestic paradigm. Furthermore, these officials were ideally positioned to influence both the Minister in the department and Members of
Parliament in the Standing Committee. These officials were seen as experts and in that capacity they framed debates, produced and interpreted information and made international comparisons that shaped broader policy thinking. Through this influence it is likely that changes in these officials’ thinking directly influenced the evolution of the Canadian refugee and migration paradigm.

In short, Canadian officials active in this global government network were socialized through their interaction with others within the network. In this process the paradigm through which they understood Canadian refugee policy altered. Moreover, they were in a prime position to shape broader paradigmatic thinking amongst domestic policy-makers, making international socialization an important source of change in the Canadian paradigm.

II. International Norms and Global Government Networks: Canadian Participation and Paradigm Change

An International Norm

The literature on international migration has raised the importance of the effect of international and domestic norms on policy-making. However, this literature has focused on the role of liberal and human rights norms in narrowing the options available to states (Lahav, 2006; Soyal, 2004 and Jacobson 1996).\(^1\) The argument of this chapter is that a competing norm centred on migration control and security was dominant in the international realm before the end of the 1980s and was an important source of change in the Canadian policy paradigm.\(^2\)

This norm was evident in the practice and policies of OECD states, particularly the United States, Australia and members of the European Union. These states increasingly interpreted migrants as threats to state sovereignty, the integrity of state borders and national security. In response, they sought to deter access to the state and its refugee determination process through enhanced inadmissibility policies, interdiction, visa controls, intelligence gathering and screening and international cooperation. This norm could be seen in international (Gibney and Hansen, 2005; Roberts, 1998; Uçarer, 2006) and European policy trends (Brochmann and Hammar, 1999;)

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\(^1\) In contrast, Cornelius and Rosenblum make the argument that there is little evidence to support a constructivist argument that international humanitarian norms have mitigated states’ interests (Cornelius and Rosenblum 2005:109).

\(^2\) The importance of a security and control norm in Canada has been alluded to in the secondary literature (Abell, 1997; Dench, 2001). However, this limited literature has not addressed how, specifically, these ideas have affected either domestic paradigms or policies.
Huysmans, 2000: 759, 760; Alink and Guiraudon, 2001) as well as the policies of individual states such as Britain (Schuster, 2003: 142-145; Hansen, 2000), Australia (Cox and Glenn, 1994; Edwards, 2003), and the United States (Cornelius, 2001). Collectively, these policies have been described as a “Wall around the West” (Andreas and Snyder, 2000; Macklin, 2001) or a “fortress” approach to migration and refugee policy (Geddes, 2000; Gallagher, 2002; Martin, 1994; Richmond, 1993; Bloch et al 2000). Changes in UNHCR practices, which also provide evidence of this normative shift, include the rise of temporary protection (Roberts, 1998), ‘voluntary’ return (Roberts 1998; Barnett and Finnemore, 2004) and a move from a culture of resettlement to one of repatriation (Barnett and Finnemore, 2004. Similar arguments made in Interview 5). The shift in norms at the UNHCR was particularly important given its capacity to legitimize states’ response to refugee flows.

The timing of the development of this international norm anchored in control and security is such as to have likely influenced Canadian thinking. As chapter 4 argued, changes in the thinking of Canadian policy-makers occurred in the mid-1990s, after this norm had taken hold in other jurisdictions. The possibility that Canada followed the lead of other states can be seen in comparisons between the Canadian system in the early 1990s and the systems of other states.3 One example is provided by Cox and Glenn’s comparison of the Canadian and Australian refugee determination systems in the early 1990s (Cox and Glenn, 1994). In contrast to Canada, Australia employed an administrative system that had dispensed with humanitarian and compassionate categories, and included mandatory deportation of failed claims with less access to appeal than in the Canadian system. In addition, claimants had less opportunity to draw on welfare and social assistance during their claim periods, were more likely to face detention than in Canada and were only granted temporary protection status if found to be refugees (ibid).4 Thus, Canada’s policies seemed to lag behind the trends towards securitisation found in other states.5 Given this lag, and the fact that the direction of change is consistent with the international norm, it is plausible that this norm was a likely source of Canadian paradigm change.

3 See also Zolberg, 1992: 92
4 Cox and Glenn describe the Canadian system as employing an adjudication model that allowed claims on humanitarian-compassionate grounds, multiple avenues of appeal of the initial decision, the provision of welfare and social security; and limited recourse to detention. If accepted, claimants were provided a permanent solution through the granting of permanent residency and citizenship. This argument is limited by the fact that the comparison is between state policy and not the actual thinking of policy-makers. However, it can be assumed that the policies of each country were in fact framed by a particular type of thinking.
5 Ongley and Pearson make a similar argument, noting that in the period from the 1960 through to the early 1990s Canada led Australia on moves towards a more open immigration and refugee system (Ongley and Pearson, 1995).
In short, an international norm did exist from which Canadian policy-makers could draw new thinking. How was this norm translated from the international to the domestic Canadian level over the course of the 1990s? Unlike other policy areas, international migration in the 1980s and 1990s was not governed by a specific regime or formal organisation that might have pushed a security/control norm. Nor was there evidence of a single actor who acted as a significant norm entrepreneur. Instead, the informal international connections of domestic policy-makers in a global government network provide a likely alternative mechanism through which an international norm affected the Canadian paradigm.

Global Government Networks and New Ideas

The argument that an international norm was an important source of alternative thinking about migration policy is supported by the existence of a forum through which socialization into that norm could occur. While Canadian policy-makers were involved internationally in the 1970s and 1980s, their involvement was far less intense and interconnected than was the case in the mid to late 1990s. Thus, the increased intensity of these interactions and the web of contacts they created over the course of the 1990s connected policy-makers to a GGN which provided an ideal forum for Canadian policy-makers to be socialized. This GGN was a group of likeminded public servants drawn from a core group of liberal-democratic states in Western Europe, North America, Australia and New Zealand. Members interacted in a number of venues, including regional consultative processes (RCPs), bilateral meetings and even on the fringes of formal international meetings such as the Executive Committee of the UNHCR and the G8 (Interviews 1, 7, 8; SCCI, November 25, 1999: 0940). This network of decision-makers also functioned outside of international meetings through personal communication between meetings, individual meetings and extended networking. Policy-makers, as members of a network, were plugged in to one another at a variety of informal and semi-structured points.

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6 As demonstrated in chapter 3, Canadian elected officials in the 1970s and 1980s were critical of other states, which limited the opportunity for cooperation. The lack of desire to cooperate also arose from other states. For example, in one case MPs noted that the restrictions placed on Canadian officials’ access to criminal and security information from international partners. MPs were particularly unhappy with the fact that these partners did not trust them (SCLMI, July 7, 1977).

7 This communication included telephone calls and e-mails (Interviews 1, 19). One interviewee suggested that he used Canadian colleagues posted in other countries to drop in on that states’ policy-makers and maintain good lines of communication (Interview 19).
One of the most significant forums in which these networks operated was a set of regional consultative processes. RCPs consisted of regular meetings of policy-makers in established forums structured around issues, geographic regions or common interests (IOM 2005, 2007a). According to the International Organisation for Migration (IOM), RCPs provided states with a process of networking for the “informal exchange of views about their respective positions and priorities on migration” (IOM, 2007a). These networks operated through regular meetings of ministers and senior bureaucrats with technical expertise in a variety of formats that included “seminars, capacity building training and workshops and information campaigns” (IOM, 2007a).

The possibility that policy-makers’ thinking was affected by these processes has been recognized by the IOM. The authors of an IOM expert’s paper on regional consultative processes states that “[s]ince 1994, profound changes have taken place in the understanding of and international collaboration on migration, largely relating to the establishment of informal, State-owned consultations mechanisms.” As a result, “some shared understandings have emerged on the nature and role of migration in today’s mobile world… States now appreciate their common challenges and shared as well as complementary objectives in migration” (Solomon, July 2005: 3. Emphasis added). The IOM’s webpage states that RCPs allowed “states to better understand others’ perspectives” and “build confidence in inter-state dialogue, information sharing, cooperation and exploration of collaborative approaches to migration issues” (IOM, 2007a.) Colleen Thouez and Frédérique Channac address the issue of socialization in RCPs, arguing that policy-makers’ participation in these groups shapes their paradigmatic thinking. Thouez and Channac state that:

[t]o a certain extent, this community of interests and perceptions is organised – it derives from the RCP model, and does not necessarily precede the RCP. Actors’ preferences are largely built on interaction amongst themselves and their environment. In the case of the regional consultative processes, the intergovernmental cooperation structures and modalities influence the construction of the actors’ reality, that is their perceptions and their understanding of migration issues and of their interest in cooperating. These include: information exchange; the promotion of a common language; increasing the frequency of the meetings and gatherings. The processes gradually build confidence among the actors, along with a notion of shared understanding and a sense of common purpose (Thouez and Channac, 2006: 384).

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8 For a list and description of the primary RCPs see Solomon, July 2005: Annex A.
In short, these processes contribute to a convergence in participants’ understandings and the altering of officials’ paradigmatic thinking that would not have occurred in their absence.

In the Canadian case there is evidence that involvement in a GGN for migration, often operating through RCPs, affected Canadian officials’ thinking. Beginning in late 1980s, Canadian officials actively participated in a number of regional consultative processes, several of which were oriented towards migration management and state control and security. One of the most significant RCPs was the Intergovernmental Consultations on Asylum, Refugees and Migration Policies in Europe, North America and Australia (IGC). Considering the issues of timing, context and format, the IGC was uniquely positioned to alter Canadian policy-makers’ thinking. Over the course of the 1990s it was organized around a small membership of industrialized states and focused on migration management. Originally formed in 1985 with 45 members, the group was narrowed to a much more select group of 12 western liberal democracies in the early 1990s, reflecting a more closely knit group of states. Canada’s participation in these groups closely precedes shifts in the Canadian paradigm, suggesting that these processes might have contributed to that change.

The format and operations of the IGC also provided an ideal venue in which bureaucrats could be socialized. Meetings were small and restricted to government experts and senior officials, with no involvement from elected policy-makers or political representatives. The distance between these meetings and elected officials is revealed by the lack of discussion of the activities of the IGC in Standing Committee or in public documents. MPs appeared to know little – and in some cases

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9 Canada was a member or interested party of at least six RCPs: the Inter-Governmental Consultations on Asylum, Refugee and Migration Policies; the Budapest Group/Process; the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighboring States and Follow-up Process; the Regional Conference on Migration (Puebla Process); Migration Dialogue for Southern Africa; and the Bali Process / Conference (IOM, 2007). A seventh RCP in which Canada participated (and not mentioned by the IOM) was the Four Country Conference of Canada, the United States, the United Kingdom and Australia. Minister Caplan pointed to the Four Country Conference as a venue in which policy-makers had considered tough issues related to the problems of international migration (SCCI, March 1, 2001).

10 Currently, 15 states participate. The Budapest Group has a similar normative focus as the IGC and was established in the same period. However, it has a large membership with many members from outside of the group of “likeminded states” which formed the IGC.

11 Timing is particularly relevant when considering the smaller and more narrowly focused IGC that developed in the early 1990s. One official also suggested that these GGNs became increasingly important over the course of the 1990s (Interview 11).

12 Public access to the organization web-page is also restricted.

13 On one rare occasion a CIC witness before the Standing Committee indicated that international consultations were extensive. In response to an MP’s question about Canadian officials’ participation in a European conference on migration control held in Finland, an official outlined the types of activities they were active in. The official “had the occasion to talk a couple of weeks ago to the Italians” about the meeting and stated “I think it’s important that we be
nothing – about the role or activities of CIC officials at the IGC (Interviews 6, 10). Indeed, public information about the operation of the IGC was greatly restricted, with only “scrubbed” minutes of meetings being produced and even these not being available to the public. The IGC was supported by a small secretariat of no more than 10 people that coordinated between 20-25 meetings a year. The meetings were organised around specific topics, with Canadian officials participating in those meetings that related to their domestic responsibilities. Several times a year, the most senior officials would meet to discuss the operation of the IGC itself as well as current issues (Interview 1).

These meetings were held in camera. Meetings behind closed doors were seen as being fundamental for making progress on the complicated issues related to international migration. Officials argued that they needed the opportunity to have frank discussions in which they could explore potentially unpopular solutions to the problems which states faced (Interviews 1, 7, 17, 19). In camera meetings were necessary for officials to feel they could talk honestly, and so that what was said would not become part of the domestic policy debate. Officials suggested that the meetings provided a “frank talk-shop” where they could shut the doors and “clear their heads” (Interviews 1, 7, 8). One official stated that “[i]t was a meeting of likeminded people; basically, you just wanted the experience of relating your problems and airing them and finding out what other people thought of them and were there any other approaches out there that were working” (Interview 8). The fact that meetings took place with a small number of participants, occurred regularly, were held behind closed door and in a non-threatening environment made them an ideal format for socialization.

The importance of the IGC for changes in the officials’ thinking was also evident in what is known of the content of the discussions in that forum. Both the topic and likely tone of these discussions suggest that the IGC was a probable source of paradigm change. First, the discussions in this GGN corresponded to those that were taking place in the Canadian domestic environment, which lent itself to more security and control oriented responses. Figure 6.1 shows the IGC’s list of engaged in those discussions.” Demonstrating the level of engagement she went on to state: “we have many discussions with many European countries now … some of our colleagues in the department attend many European forums and multilateral forums, where we have the chance to look at joint exercises, to have joint discussions, in terms of interdiction and those kinds of things” (SCCI, November 3, 1999: 1635).

Furthermore, the actual origin of the IGC reflected this desire for private discussion amongst policy-makers. Some policy-makers felt that meetings of the UNHCR Executive Committee had become a political event with little effective discussion taking place. In response, officials sought to create a forum where pragmatic work could take place outside the public and political forum and where the complicated issues of international migration could be dealt with (Interviews 1, 17).

The term “frank” has also been used by Peter J. Stoett to describe the discussion of the IGC, citing this as a positive feature of the meetings (Stoett, 1996).
topics that were the focus of discussion at its meetings, and it suggests that problems of asylum and abuse were discussed in the early 1990s.\footnote{This was confirmed by interviews (Interviews 1, 11. See also IOM 2007b).}

**Figure 6.1. IOM graph of topics of discussion at the IGC from 1985-2005\footnote{Reproduced from IOM 2007b}**

**Areas of interest**

Major subjects dealt with between 1985 and 2005 have included: asylum, data, temporary protection, return, smuggling and trafficking, unaccompanied minors, family reunification, reception in the region, country of origin information, specific outflows, illegal migration, burden sharing, and the use of technology in the management of migration and immigration policies. Recent activities have been initiated on immigration policies, national security, integration, interception and processing in the region.

In addition to those topics on the list, one official suggested that security problems such as war criminals and terrorism were also addressed at these early meetings (Interview 1).\footnote{This corresponded to the timing of domestic discussions of war criminals in Canada.} By the end of the 1990s, topics included interdiction, illegal migration and human trafficking, all pointing to the importance of security and control.\footnote{Although the IGC was not mentioned specifically, officials indicated before the Standing Committee that international consultation dealt with these issues (SCCI, November 3, 1999: 1635; November 25, 1999: 0940)} Michael Shenstone, a consultant to CIC, suggests that by 1997 issues of control and enforcement had become the focus of this group (Shenstone, 1997: 44). Thus,
Canadian bureaucrats attending these meetings were exposed to a variety of issues that could affect their interpretation of their own experiences in Canada.

It is also likely that many of these discussions, and those that did not specifically address issues of security and control, were still framed by a security-control paradigm (Interview 3). Many European delegates who participated in these meetings came from departments – such as Home Affairs or Ministries of the Interior – that placed greater organisational emphasis on policing, security and public order. In contrast, immigration and refugee matters in Canada were contained in a separate department largely focused on the facilitation of immigration (Interview 4. Similar suggestion was made in Interviews 1 and 8).20 As a result, European officials were more attuned to security and control issues than their counterparts in Canada, who placed a significant focus on the positive aspects of immigration and refugee resettlement (Interview, 4). Given the large number of European participants, their perspectives were likely infused into the discussion of the IGC and had the potential to influence Canadian officials’ thinking.21 Therefore, socialization in this forum likely pushed Canadian policy-makers towards norms of control and state security and to pursue policies that demonstrated commitment and leadership in these areas.

Canadian officials’ participation in a global government network went beyond their involvement in the IGC. In the mid-1990s, Canadian policy-makers became involved in extensive bilateral negotiations with the United States, which strengthened links within this GGN. These negotiations were centered on the Border Vision initiative which sought to enhance cooperation at the Canada-US border and overseas. Similar to the IGC, the timing, format and content of these talks made them a likely source of socialization for Canadian bureaucrats. The majority of the Border Vision negotiations were undertaken by senior officials with limited political direction or public attention who met twice a year and were in contact between these meetings.22 Meetings were also held two or three times a year between specific working groups, involving fewer senior officials who

20 The emphasis on facilitation extends to a period prior to 1993 when immigration was contained within larger government departments focused on employment and or natural resources. Immigration matters were often framed in terms of the benefits to Canadian employment and economic development.

21 The possibility that participants’ culture could influence discussion was confirmed by Shenstone in relation to Japanese participation in the IGC. He states that “[a]n argument advanced by some officials against Japanese membership is that Japan is so exclusionary about foreigners that its membership would reinforce undesirable tendencies amongst other members” (Shenstone, 1997:45). That Shenstone believes that these tendencies already existed supports the argument that they were present and had the potential to influence Canadian participants. One policy-maker suggested that there was a common perception of the IGC as “a policy tool that work primarily in the European interest” and as being driven by “interdiction, and of finding ways to maintain fortress Europe” (Interview 20).

22 Officials’ participation in the Border Vision process was more formal than in the IGC. For instance, the department had a director-level official specifically mandated to manage this relationship.
were working on specific files. Similar to the IGC, the content of the discussions in these meetings reflected issues of control as well as specific discussions on public safety and national security as they related to migration. Working groups were established on specific issues, including visa policies, intelligence, case management and overseas interdiction. Furthermore, the framing of these discussions corresponded to the direction of change in Canadian policy-makers’ thinking. For instance, the problems of migration were often understood as North American ones (Interviews 7, 12).23

Immigration officials also participated in bilateral consultations, such as the Canada-US Cross Border Crime Forum, which were directed at improving enforcement. A senior official from the Solicitor General’s office described these consultations and their effects on Canadian policy responses:

What we try to do is take a more coordinated approach to this whole thing [human trafficking] by bringing all the players to the table together in order to address problems and to try to give them avenues where they can look at other models. I talked about the cross-border crime forum. Immigration participates in that, and we have our American colleagues up for it. We can then compare regimes and opportunities to succeed or not succeed. Each of these regimes that we craft has to be uniquely Canadian, because we do have our own history of laws and, of course, we do have our own Constitution and Charter of Rights and Freedoms. Those require us to tailor regimes that are unique to Canada (SCCI, November 25, 1999: 0945).

According to the official, the forum drew together policy-makers from a variety of departments and levels of government across the Canada-US border, including immigration officials, and was organized around three sub-groups that addressed intelligence-sharing, targeted enforcement and prosecution of criminals (SCCI, November 25, 1999: 0945).

Canadian policy-makers acknowledged that interaction in global government networks was useful for the exchange of ideas, although some argued that specific policy prescriptions were rarely, if ever developed (Interviews 1, 5).24 Scepticism was expressed about how important regional consultative groups, and the IGC in particular, were as a source of new polices or policy coordination. Officials were keen to argue that policy harmonisation was neither a goal nor an outcome of these meetings. One official warned that these types of organisations sought to overstate

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23 See discussion below.
24 One official suggested that “not a lot” of policy was set in at the IGC (Interview 5). Another suggested that the forum did provide the opportunity to explore best practices and the possibilities for cooperation (Interview 8)
their influence and importance in forming policy (Interview 3). The resistance on the part of officials to admit that new policies may have originated from other jurisdictions, especially given the emphasis on international leadership, is to be expected.

Even so, there is evidence that officials did adopt new policy ideas as a result of international interaction in these groups. Indeed, the Australian government points to the IGC as a forum to “develop innovative policy approaches” (Australian Department of Immigration and Multicultural Affairs, 2003). Canadian officials also admitted that policy learning could take place in these forums, although in keeping with their image of international leadership officials focused on what policy-makers from other jurisdictions learned from them (Interviews 1, 7, 8, 11, 19). For instance, Canada’s success in addressing the problem of modern war criminals in the early 1990s was cited as the source of learning for European states that were grappling with this problem at the end of the 1990s (Interview 1). Likewise, in the case of Border Vision, an official suggested that Canadians drove the process, which might have fallen apart had it not been for them (Interview 7). Thus, despite questions of who learned from whom, Canadian policy-makers were aware of the potential to learn through participation in the GGN.

Furthermore, officials looked to other states for new ideas and information about refugee issues. They regularly compared the Canadian system with other jurisdictions in the process of policy development, providing comparison reports, often at the request of the Standing Committee. The sources of the data for these comparisons were comparative national statistics found in the department’s “blue book” and information provided through the IGC. Broader consultations on reform were also framed in a comparative context. For instance, the LRAG was specifically tasked with reviewing proposals for Canadian legislative reform in a comparative context (Trempé, 1997: 140). Indeed, the comparative nature of the findings of this report was the source of substantial criticism from the Canadian Council for Refugees (CCR), who argued that it relied too heavily on models from other countries (Canadian Council for Refugees, 1998: 15).

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25 On the contrary, efforts to maintain a low public profile and comments by participants suggest that the IGC has sought to downplay its importance to domestic policy formation.
26 A similar comment was made by a Member of Parliament (Interview 2). The potential to learn was highlighted by Shenstone, who suggested that the inclusion of Japan in IGC discussion might “be an effective way of exposing Japanese official to broader, more tolerant approaches” (Shenstone, 1997:45).
27 The CCR argued that using other states as a model for Canadian legislative reform would result in a “race to the bottom.” Canada would follow other countries in “closing their doors to refugees,” including through the use of STC agreements to “keep refugees away.” For the CCR this ran counter to Canadian international leadership in its humanitarian approach (CCR, 1998: 15).
Beyond formal comparisons, CIC officials also looked to other jurisdictions for new practices in managing migration pressures and argued that they had learned new approaches from international partners with whom they consulted (Interview 8, 11). A CIC official from the Enforcement Branch, when accepting the LRAG report commented as follows:

Just to echo the idea that we do look forward to new ideas, we have grappled with this for a number of years and shared our experience with a number of other countries. Sometimes you think that you've seen everything and there's nothing new, but I heard about two weeks ago of a new approach that Sweden had introduced. It related to the problem of people coming without documents and claiming to be a certain nationality. We've all grappled with this. The Swedes are now using linguistic experts who can identify a region within a country the person comes from by the dialect they use. That's an example, but there are always new ways of doing things that we can look at (SCCI, February 18, 1998: 1535).

In another example, officials said that they had learned from the Australian response to the arrival of migrant boats from China. The Australians had a much more immediate and larger problem in this area and found an effective solution in engaging the Chinese government directly to deal with the smugglers/traffickers that organised boats of illegal migrants. Seeing the success of direct engagement, Canadian policy-makers followed suit, even before the 1999 boat arrivals in British Columbia (Interview 7). In the words of one official, “we tore a page out of Australia’s ‘how-to’ manual” (Interview 7). In another case, officials also recognized that the Schengen model of migration control had influenced their thinking about a Safe Third Country agreement and the means through which a North American partnership might be furthered (Interviews 1, 11; Nixon, 2004; see also SCCI, November 3, 1999: 1635).

Even when international activities did not result in new policy or in international cooperation, Canadian officials argued that their international activities had been important in facilitated new thinking about refugee policy. One official active in the Border Vision initiative stated that although officials felt that a lot had been accomplished in these discussions, they were also confronted by the fact that there was “little to show for it in terms of policy when you went to

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28 Similar comments about learning from Australia were found in Interviews 1, 11, 12, 17, 20.
29 The ‘Schengen model’ refers to the European Union’s cooperation on asylum processing and border control after the Schengen agreement of 1985. The Schengen agreement removed the barriers of national borders for the citizens of EU member states moving within the EU. In response, states were required to cooperate and harmonize policies to protect the EU’s external borders from illegal migrants and to control the activities of refugee claimants and illegal migrants once they had entered those external borders. For further details see Geddes, 2000 and Clochard and Dupeyron, 2007.
respond to the media criticisms” (Interview 7). Likewise, participants in the IGC described these meetings as opportunities for officials to learn collectively and to alter their thinking and – most importantly- to prepare them to deal with issues in the domestic realm (Interviews 1, 7). Thus, officials acknowledged the importance of these forums in influencing domestic thinking.

In short, there is evidence that new policy ideas were adopted as a result of Canadian participation in a GGN on migration. These international exchanges provided a venue for a process of policy transfer and international learning that was likely to have influenced policy development in Canada. However, this GGN went beyond facilitating the process of policy transfer alone – where policy-makers simply picked from a range of policy options whose effectiveness was demonstrated in other jurisdiction. Participation in a GGN provided a location in for developing new thinking that would facilitate the adoption of new ideas from the international realm. In these forums, participants defined problems, gathered information about them and framed desirable responses. They percolated this information, gave it meaning and constructed collective knowledge amongst key officials across jurisdictions that was a precursor to policy adoption. Indeed, prior to officials looking to other jurisdictions as a source of new ideas, they needed to accept that these sources were legitimate and that proposed policies were appropriate. Similarly, before policies previously considered inappropriate could be understood as acceptable, problems required being framed as significant enough to merit such changes. It has already been shown that these forums provided Canadian participants with an ideal location to experience such socialization. The following section seeks to support the argument that Canadian officials’ participation in a global government network for migration provided a venue for socialization and set the stage for policy transfer.

**III. Community Building and the Processes of Socialization**

The global government network for migration provided an important venue for the socialization of Canadian officials who participated in it. Within this network, Canadian officials became part of a developing international community of policy experts which provided the venue for and enhanced the mechanisms of socialization. Through their membership Canadian officials were affected by social incentives, persuasion and the production of collective knowledge which altered their paradigmatic thinking over time.
Community-building

Canadian officials increased their sense of membership in an international community of migration policy-makers as a result of their participation in the global government network for migration. On a personal level, regular meetings built strong relationships and personal friendships with international colleagues. Officials suggested there were good collegial relationships with counter-parts, with whom they remained in contact beyond specific meetings (Interviews 1, 7). As a result of these relationships officials looked forward to taking part in these working groups (Interviews 1, 7). Beyond building a sense of community, these close personal contacts extended the venues in which officials interacted and the locations in which socialization could take place. Friendships provided the opportunity for business to continue in even more private forums – over drinks or dinner – where frank discussions and honest criticism could take place (Interview 1, 7, 19).

Within these communities, Canadian official came to hold their international partners in high esteem. They described their counter-parts from other jurisdictions as “good,” “clever,” “intelligent” and “honest” (Interviews 1, 7, 8). Furthermore, they felt they could trust these counterparts (Interviews 1, 7, 19). The importance of a strong relationship with international colleagues was illustrated through the Border Vision process. One official compared the successful cooperation in these discussions on immigration and refugee policy to Canadian and US customs officials discussing a parallel customs initiative called the Border Accord. For him, Border Vision’s success was attributed to the positive relationship between Canadian and US Immigration officials that was lacking between the respective customs officials who were regularly “butting heads” (Interview 7). Although not wanting to speak specifically about the relationship between national customs officials, he summed up the importance of the relationship between immigration officials in this way: “I just think we (CIC) spoke more to our counter-parts [than they had] because through Border Vision we had developed a working collaborative relationship where there was a fair bit of trust, where things moved forward, where we had identified mutual interest, where things progressed …” (Interview 7). This sense of common interest in managing migration issues at the border was significant. Although officials would sometimes reach a point at which they would agree to disagree, especially where there were national interests at state, there was also evidence that collective interests were being developed through these exchanges. One official, who sought to clarify where he and his American counter-parts had mutual interests that facilitated cooperation, stated: “I would
say on virtually everything we had a mutual interest … I think where it kind of fell apart might be politically sometimes” (Interview 7). Thus, cooperation was made easier by a positive relationship and the sense of mutual interests which developed as a result of building a sense of common community.

The development of a well defined community also grew amongst these officials as they developed a sense that within their own jurisdictions they faced similar complexities in the management of international migration. These complexities included not just dealing with the problems posed by increased migration but by the constraints that these officials felt in the domestic realm. In particular, bureaucrats spoke about empathizing with international colleagues over the political obstacles which had slowed cooperation, in spite of their collective best efforts (Interview 7. Similar arguments were made in interview 19). These feelings of community were further revealed in the justification for closed door meetings at the IGC. This reasoning suggested a division between those inside the meetings and those on the outside. Inside were members of this community: migration experts who could be trusted to maintain confidence and who would responsibly weigh all policy options in a balanced manner. These individuals understood the complexities of managing migration and could be trusted to produce the most pragmatic yet reasonable solutions to the problems that industrialized states faced. One official, justifying the need for private discussions, argued that

the people on the outside assume that this business isn’t complex …and what you discover the more you get into [it] the more you realise that it takes a long time in this business to start … to intuit the business… it takes a long time to start getting that sense of what the issues are about… (Interview 1).

On the outside, at best, were those who did not understand the complexity of the business. At worst, there were those who could not be trusted and would impede progress by politicizing and shutting down unpopular avenues of debate. To varying degrees, outsiders included elected officials, journalists, advocacy groups and members of the broader public. This division of “self” and “other” contributed to a growing sense of collective identity amongst these bureaucrats.

The distinction between those inside this group and those on the outside was expressed in other ways as well. At its inception, the IGC was established partially out of a frustration with the public and the often symbolic forum of the UNHCR and its executive committee (Interview 1).
Policy-makers recognized the need for pragmatic discussions in a private forum. The operation of the IGC, including *in camera* meetings and the lack of public access to documents, further attests to participants’ concerns that these discussions would remain private. In the words of one official: “I don’t need to come to Geneva to have another argument with an NGO … or a public argument. I have enough of that at home” (Interview 1. A similar argument was made in Interview 19). The fact that elected officials were not involved in these discussions further emphasized this point. One bureaucrat suggested that in bi-lateral cooperation between Canada and the United States, officials on both sides understood that domestic politics and domestic intra-bureaucracy constraints might impede the progress that they had been able to make in the international forum.30 Even during the periods of political uncertainly and international tensions that limited agreements, bureaucratic relations progressed successfully, according to those working on the ground. For instance, in addressing the Ressam affair, a CIC official said of bilateral cooperation: “Throughout this difficult time, meetings and sharing of information were helpful and cooperation never flagged. On a one-to-one level, [you] never felt Americans were anything but intent on progress” (Nixon, 2004). In short, officials saw those inside this community as being able to make progress in spite of those on the outside who might impede it.

In short, Canadian bureaucrats saw themselves as part of an international community of officials working on the issues of immigration control and security. They trusted their international colleagues and viewed them as legitimate sources of new ideas who could speak authoritatively on the issues of migration control. From this, Canadian officials came to value the importance of their membership in this community and sought to maintain their position in it.

*Social Incentives*

This construction of a sense of community furthered the operation of specific mechanisms of socialization. In particular, membership in an international community of policy experts enhanced the influence of social incentives and persuasion (Johnston, 2001).31 These processes of

30 One official suggested that immigration officials on both side of the Canada-US border felt that the progress they were making in negotiations was impeded by officials from their respective national departments responsible for customs (Interview 7).

31 Membership in this community produced social incentives where material incentives where lacking. Alternative explanations of international socializations suggest that policy-makers make a rational calculation of the material benefits which come from membership in formal organizations (Schimmelfennig, 2005). The lack of a formal
socialization had two important effects. First, they contributed to changes in officials’ understandings of the basic components of their thinking about migration policy, furthering paradigm change. Second, these changes fed back into the building of a sense of community, thereby re-enforcing these processes. For instance, increased understandings of common problems re-enforced a sense of collective enterprise amongst officials, which further enhanced the process of socialization.

Officials, although often claiming not to respond directly to international criticism, did acknowledge its existence and the importance of seeking to counter it (Interviews 1, 5, 7, 8). In part, the need to respond was justified in terms of the ramifications of a poor reputation, such as the potential of a US response to Canada’s perceived immigration “weakness” that would slow traffic at the border (Interview 5, 11, 12). The fact that this poor reputation might have direct impact on material interest, such as trade flows, does not counter the importance of criticism as a social variable. Rather social classification – one reputation over another – resulted in what were perceived as very real consequences for actors. Furthermore, the importance of reputation was not limited to material consequences. Evidence suggests that Canadian officials wanted to address the county’s poor reputation for the sake of that reputation itself.

Canada’s international reputation as being weak on issues of security and control was widely disseminated in domestic debates. Canadian officials and elected MPs pointed to the very public and popular perception of Canada as “soft” on issues of security and control, as the “northern sieve” or as having the reputation as being the “biggest suckers on the block” (Interviews 1, 5, 7, 12). Concerns about Canada’s international reputation were regularly raised in the domestic arena by members of the Reform/Alliance party. Indicative of this was opposition leader Stockwell Day’s comments at the Standing Committee in 2001. Day stated:

Far from having a comprehensive program, as we know, Canada's system—at least according to some experts—is seen by some as an international joke. Antonio Nicaso—

32 A similar argument could be made about the political consequences of a poor reputation for the Government.
33 Having said that, what these material consequences were was not clear. As argued in chapter 5, policy-makers used concerns about access to the US as a potential problem. However, in practice the Canada-US border remained open with Canada having been exempted from serious American efforts in the mid-1990s to tighten the movement of foreigners across its border.
34 Day was not a regular member of the Standing Committee. His attendance at this meeting was a political maneuver to heighten the Alliance Party’s position on these issues.
I'm sure you're familiar with this internationally recognized consultant on organized crime, who is a consultant for the FBI, the RCMP, and other police—is the author of at least nine extensive studies on criminal activity internationally. This is his quote—and he said this just recently: “Law enforcement officials everywhere agree that Canada is... the hub of international drug trafficking, organized fraud and corresponding money-laundering operations by many crime syndicates. Canada has always been a welcome wagon for organized crime, a revolving door that lets everyone in regardless of their criminal past.” That's from an international expert and consultant (SCCI March 1, 2001: 0935).35

Other MPs spoke of being embarrassed about the state of the Canadian system when in conversation with counter-parts from other states (SCCI, November 3, 1999: 1600).

Given their concern for their international reputation and images of Canadian leadership, members of the Government were likely to have been susceptible to international criticism in a public forum (Interview 7). Indeed, policy-makers’ responses to these criticisms demonstrated that the concept of a community of likeminded states was firmly established. Canadian policy-makers publicly countered claims of the system’s softness. However, they did not dispute the community’s standards or the criteria on which they were being assessed, such as the need for tighter control. Instead they simply asked for a fairer assessment, which would show that Canada in fact matched the standards set by other states.36 Similarly, to counter these criticisms, bureaucrats spoke of their international leadership in areas of security and control.37 Their response can be interpreted as an effort to establish both Canadian esteem and legitimacy in a group of states that valued security and control. In accepting this criticism, policy-makers acknowledged the legitimacy of the norm and responded with efforts to right this negative reputation and to solidify their image of compliance with the expectations of the community, if not outright leadership in that community.

While public criticism was important, private criticism of Canadian officials in global government networks was even more significant. There was an understanding amongst international

35 Similar issues had been raised in earlier comments by Reform critic Leon Benoit: “It has been recognized by various parties, including CSIS, the RCMP and American officials who recognize and talk about the problem, that Canada is a haven for terrorists and criminals and is a favourite destination for people smugglers. Is that something that makes us proud to be Canadian? I do not think so. It is something that points out the need for changes to the Immigration Act, changes which should have come before this bill” (SCCI, February 18, 2000: 1020).
36 For instance, Canadian bureaucrats argued that despite the high acceptance rates of the IRB, when you compared Canada and other states on the number of migrants removed throughout the entire determination process the results were fairly similar (Interview 5. Similar comment were made in interviews 1, 7).
37 Policy-makers pointed to Canada as the first to introduce the idea of overseas interdiction officers in 1992; as leading in the use of 1(F) provisions of the 1951 Convention on inadmissibility; and in dealing with war criminals (Interviews 1, 3, 5, 7, 8, 11).
colleagues, despite public rebuttals by Canadian officials, that Canada was weak in its response to international migration. Indeed bureaucrats pointed to a distinction between Canada’s official and unofficial reputation. In the former, other states’ and international organisations’ official position – in contrast to more popular opinions as outlined above – was to present the Canadian system as successful in managing migration and protecting refugees. In contrast, Canadian bureaucrats pointed to an unofficial perception of the Canadian system as weak (Interviews 5, 7, 8). This unofficial reputation was held by international colleagues who expressed it outside of formal diplomatic discourse. What is important is that this reputation existed behind the official discourse and amongst colleagues who, as shown above, could be expected to make a more accurate assessment of these criticisms. It is likely that this reputation mattered to Canadian bureaucrats and given the private forum, was not easily explained away as public posturing on the part of political leaders. That Canadian officials genuinely felt the effects of this reputation was confirmed by one bureaucrat, who suggested that because of it some Canadian officials, especially those responsible for enforcement, felt “embarrassed” and “inferior” when they met with American counterparts (Interview 5).

International colleagues’ criticism and praise of Canadian officials, which could be expected to move Canada towards a security-control paradigm, were also present in other areas. For instance, Canadian officials were privately criticised by European partners for adding gender-based persecution to the definition of refugees (Shenstone, 1997: 48). Alternatively, Canadian officials acknowledged being applauded by their colleagues from other states for their leadership on overseas immigration control officers (Interview 1, 7, 11). The latter positively re-enforced Canada’s participation in an international norm of security and control.

The acceptance of the international community’s criticisms translated into efforts to counter Canada’s poor reputation. Canadian officials felt that they needed to show “good face” at international meetings in order to alter international colleagues’ perceptions (Interview 5. Similar comments were made in Interview 1). According to officials, criticism did not directly result in specific policy change but it did affect their thinking and behaviour. Indicating the feeling of several officials from the department, one stated:

38 Some Canadian policy-makers still disputed this private assessment. The importance here is not the veracity of the claim but the fact that its effect was likely to be greater given the context of the criticism.
39 In part this was expressed in terms of living up to obligations to other states. Policy-makers saw the migration system as interconnected and believed that the weakness of one jurisdiction had effects on others. In response, the weakness of the Canadian system included an acceptance that there was an obligation for Canada to provide better control and security measures (Interview 1: See also Trempé, 1998 et al: Recommendation 5; Special Senate Committee on Security and Intelligence, January 1999: chapter 2)
we were aware of the criticism – but it wasn’t like we drafted policy to stop the criticisms. It was more that we knew that it was a problem and wanted to address it. We knew we were the soft underbelly and needed to address this. It was always there – Canada’s negative aspects of reputation of being generous – [in the] US and beyond (Interview 7. Similar comments were made in Interview 5).

This criticism contributed to building a stronger sense of community by requiring officials to take action. It drew into question whether Canada was in fact a good and legitimate leader in an international community that valued control and security. In response, Canadian policy-makers demonstrated that they cared about this criticism, that they valued the community and wanted to react by addressing the issue. Secondly, in the process of responding to these criticisms and attempting to improve Canada’s reputation, paradigmatic thinking changed. Efforts to show good face and project images of control and security in Canada’s migration system raised the importance of these issues to a prominent position in officials’ thinking.

In short, membership in communities established within GGNs increased the significance of social incentives. As a result, officials actively sought to increase positive assessments from their international colleagues and limit criticism, and through this they altered their thinking. In the absence of a sense of community – as can be seen in other policy areas – officials’ thinking would not likely have been affected in the same way.

*Processes of Persuasion*

A sense of community also furthered the possibility for persuasion within global government networks and, ultimately, socialization and paradigm change. As suggested, the interaction of bureaucrats in the international realm resulted in mutual interests and understandings of common problems and objectives in dealing with international migration. How a sense of mutual interests was developed is an important part of the explanation of why these interactions altered the domestic paradigm. The explanation is that by creating a community within which persuasion could occur, GGN interaction resulted in Canadian officials being persuaded to adopt new ideas central to their paradigmatic thinking. In the same way that respect for members in a community of policy-makers furthered the impact of social incentives, interactions within the community made officials more susceptible to persuasion from comrades and provided the means through which new ideas could be
legitimised. As has been shown, Canadian policy-makers drew on the experience of officials from other states whose judgement they respected.

Persuasion in this GGN was furthered by its role in producing knowledge about migration and appropriate policy responses. The IGC provided a central venue for information sharing and discussion of policy-makers’ experiences, as well as the more formal process of producing studies and comparative information. The IGC was charged with collecting data and generating information about migration issues and trends that were to be used by policy-makers. Canadian bureaucrats pointed to the importance of this information in understanding the issues related to migration and the fact that it was seen as vastly superior to that produced by the UNHCR (Interview 1). However, the collection and production of this information could be expected to be biased by the culture of the IGC and its members. Decisions about what information to look for, how to classify information and the process of identifying problems were all susceptible to influencing the knowledge produced by the IGC. The fact that the majority of the members of the IGC placed a greater emphasis on control and security made it likely that new information reflected these leanings. The IGC produced knowledge that shaped shared understandings of what constituted problems, and in turn was able to influence Canadian policy-makers’ thinking.

The community established within the global government networks also served to legitimize knowledge. GGN participants were seen as trusted experts within the policy area (Interviews 1, 7, 8). This expertise, and the credit it was afforded by fellow practitioners, served to legitimise the interpretation of these officials, who were able to speak authoritatively on these issues (Interview 1). In answer to the question, “Did you learn anything in the meetings of the IGC?”, one official responded: “Well it’s hard to say …whether you imported something directly from something that came up at the meeting but you can’t help but be influenced by the proceedings because, you know, other people who come are very highly qualified, well experienced and thoughtful …You get the advantage of trading on the experiences of people who know a lot more than we do” (Interview 8). Thus, the respect for international colleagues created the condition in which Canadian officials could be persuaded by their reasoning.

40 According to Shenstone, the IGC “produces excellent statistics not available elsewhere on asylum procedures, illegals (about which states are notoriously unwilling to share information) and other matters” (Shenstone, 1997: 44).
41 See earlier comments about the expertise of those within the international community of policy-makers who had come to “intuit” the business.
Canadian officials used the knowledge and interpretation of migration pressures acquired in the GGN to frame their understanding of the domestic environment. As suggested, officials appreciated the fact that they could go to these meetings and discuss problems they were facing in the domestic realm. Referencing the IGC one official stated: “what it did more than anything else [was to] prepare them better to deal with the issues domestically when those issues became current” (Interview 1). As a result there was an opportunity to have domestic trends and specific events interpreted in a manner that supported the development of a sense of common threats and mutual interests amongst partner states. Thus, the particular framing of these issues as concerns for control and security may partially have been developed in these forums. According to one official commenting on information sharing in international consultations, “[p]art of the expectation is that we have to share between ourselves information that says, yes, these are the common threats. We have similar messages being sent to the enforcement agencies in the United States and Canada so that we have common appreciation of the problems” (SCCI, November 25, 0945). What was occurring in the domestic realm was important for officials. However, the idea that the threats facing Canadians were the same as those facing other states depended on an interpretation constructed at the international level. In short, it is not clear that Canadian problems as they existed in the 1990s provided the same motivations for change found in other states. Rather, Canadian policy-makers’ use of the experience of their international partners altered their perception of events and trends in Canada to see future potential problems.

Canada’s problems were framed as similar to those of its international partners. In the case of actual flows, there was regular reference to the European experience in the early 1990s. Its much greater spike in asylum claims compared to Canada suggests that the European experience was much more severe.42 Despite these differences, the association with European trends was used to frame the problems Canada faced as being more significant than was actually reflected in the Canadian numbers.

The connection between the problems in Europe and the potential problem facing Canada can be seen in one official’s justification for a change in thinking in Canada’s refugee policy. The official argued that this change occurred as a result of the development of

42 See figure 5.1 in Chapter 5.
the perception in this country that in places like Europe they had really lost control. That the numbers that were coming in were humongous … even if you assume the Europeans have a pretty tough attitude toward asylum and maybe they take a more narrow interpretation than we do – still the bloody numbers they were seeing and the big discrepancy between the numbers they recognise and the numbers they got was problematic. In addition, by that time we were beginning to see in the States and in Europe - where we look to see what’s going on in migration very, very actively – you begin to see that there are enormous problems of integration and absorption into the society. We began to be very much aware even then of the problems in Europe… (Interview 17. Similar comments made in Interview 1).

To illustrate further the size of the problem faced by European states and in turn the potential threat to Canada, policy-makers pointed to the case of Germany in 1991-1992 (Shenstone, 1993; Interviews 12, 16). At this time Germany was faced with the arrival of hundreds of thousands of new migrants and a total resident population of between a million and a million and a half migrants. However, the German experience at this time reflected a spike in migrants related to specific events in the former Yugoslavia and Germany’s geographic proximity. Thus, the case overstated the problems of migration in Europe and fed into the understanding that the problem was much greater than it was.

In another case, CIC officials framed visitor visa abuse in terms of the experience of officials from other states. Supposed abuse occurred as individuals who had entered Canada on visitors’ visas claimed refugee status once they arrived in Canada. One CIC official argued that it was rare for visitors to make refugee claims Canada. However, a second CIC official from the Enforcement Branch of CIC suggested that anecdotal evidence and the evidence from others states indicted Canada also had a problem with visitors claiming refugee status. The official stated that:

[a]gain, we can go back and look at what stats we have and provide those to the committee, but it is difficult sometimes to get a true handle on it. I'll give you an example of one trend we're seeing, and this is a trend, I think, internationally right now, which is an increase in in-land refugee claims. For example, people are showing up at

43 Interestingly this case was also used in Australian policy-making circles. For instance a *Briefing of the Parliamentary Library* in Australia in 1999 used the German case in 1993 to illustrate the “absurdly high levels” of migrants arriving in Western Europe in the early 1990s (Millbank, 1999). This document placed claims in Germany for 1993 at half a million on top of an existing population of asylum seekers at 1.5 million (*ibid*). This statistic represented a very isolated spike in the influx of asylum seekers into Germany directly related to the conflict in the Balkans. It did not reflect the normal yearly arrival or refugees in Germany. Consequently this was a strategic use of these numbers by policy-makers to project an image of a rising tide of asylum seekers. Indeed, the fact that these claimants were, for the most part, fleeing a war suggests that they were not ‘asylum claimants’ in the context of discussions of mixed flows but legitimate refugees in need of protection.
in-land offices, say in downtown Toronto, claiming refugee status, often undocumented. The question is how they are getting into the country. Again, we don't know, it's hard to know, but one way could be that they're coming in legitimately through our ports of entry, which means they could have been issued visitor visas. Smuggling through and good fraudulent documentation are other ways they might be getting in. Again, these are things we're looking at and tracking, but certainly anecdotally and based on what we're seeing in other countries, that is an area countries more and more are feeling they need to focus on, the visitor visa issuance (SCCI, April 5, 2001: 1000).

Despite the argument that the actual Canadian numbers suggested that this problem happened infrequently, this official defined the problem as one that merited consideration, primarily in light of the experience of other states.

Similar to the argument made in chapter 5, the threat of future migration as evidenced by situations in Europe, Australia and the United States, did not match the reality of the experience in Canada. The numbers of migrants to Canada were considerably less than the images of the potential threat. In the case of the often used German example, there was a failure to highlight that the German flows in 1992 were an anomaly caused by the specific crisis in the former Yugoslavia and not indicative of general migration trends. Nor were the several pragmatic and geographic factors which would continue to isolate Canada from such future pressures considered. This is not to deny the pressure arising out of the domestic issues that officials faced. However, interpretations of these events were altered by framing them in the experience of other states.

Canadian policy-makers would probably not have changed their thinking quite so much in the absence of international socialization. International social pressures such as international criticism – in light of a strong sense of community – placed issues on the agenda for officials which might not have been there otherwise. Furthermore, they attributed greater meaning to these issues. Issues of security and control outside of specific instances were unlikely to have altered Canadian officials’ thinking if there had not been strong social pressure from international sources to frame these issues as being significant. Social criticism was reinforced by the ability of these groups to produce and legitimise knowledge that forced policy-makers to confront international migrants as problems of security and control. Without the legitimisation of this interpretation, it is probable that officials might have accepted Canada’s ability to continue to approach migrants and the refugee system in a manner consistent with the refugee protection paradigm of the 1970s and 1980s. All of these effects of socialization were dependent upon Canadian officials’ aspirations and active
membership within an international community that valued security and control. In other policy areas and in the period before the rise of Canada’s participation in a GGN for migration, this sense of community did not exist. Without these factors it seems likely that Canadian policy-makers could have maintained the paradigm that had been present in the 1980s.

IV. International into the Domestic: Constructing Fit and Changing Paradigms

The argument that ideas developed in the international realm alter domestic paradigms can be furthered by demonstrating a specific path along which those ideas had an effect. In this case the department of Citizenship and Immigration was an important conduit for the transfer of new ideas. The size of the department, its significant position in the policy field – especially as the source of policy-relevant knowledge – as well as its influence over other actors all point to its importance in shaping thinking about migration policy. While events and trends influenced thinking, it was the manner in which officials interpreted these events that shaped paradigm change. In important ways these interpretations were influenced by officials’ international interactions. While bureaucrats were not the only influence on the thinking that framed policy making, they were in a position to impact that framing significantly and provided the mechanism through which international norms were translated into the domestic environment.

The organisational structure of the department made it open to the introduction of new ideas from international norms. The senior-level leadership group was small and, as a result, a significant proportion of this group participated in policy development. The small size of this group also meant that new ideas were likely to circulate throughout the majority of the organisation fairly quickly. Thus, ideas introduced by only a few internationally active officials could be expected to have been engaged by much of the senior leadership. This dissemination of ideas was furthered by officials’ tendency to rely on internal expertise to address new problems (Interviews 1, 7, 19). As a result, new ideas from international interaction would permeate throughout the department.

44 In terms of the international relations literature on norms, CIC can be described as the domestic norm entrepreneur (Finnemore and Sikkink, 1998: 896-99).
45 When asked about whom one would turn to for expertise one official pointed first to those with more experience and expertise within the department (Interview 7). This is also demonstrated by the fact that use of internal consultation was highlights in CIC’s response to reviews of the immigration system (February 26, 1998: 1155).
As suggested in chapter 2, the department, and senior officials in particular, played a central role in the broader policy-making process, suggesting they were very much ‘in authority.’ Dirks has argued that

the process by which immigration policy is formulated, implemented, and managed arises largely as a result of the particular prevailing structural apparatus and bureaucratic politics, the nature of the organizational hierarchy, and the values and attitudes held by officials (quite apart from those possessed by the responsible minister and cabinet) (Dirks, 1995: 124).46

Some bureaucrats, consistent with the expectations of their role, suggested that their impact on policy was fairly minor, isolated primarily to the mundane details of policy (Interviews 1, 9). Others, however, attested to a much more influential role, suggesting that policy was directed by the government but with significant input from senior bureaucrats (Interviews 8, 15). The importance of officials to the policy-making process was attested by outside observers. For instance, James Hathaway, addressing the development of the Safe Third Country agreement, placed bureaucrats in a central role, suggesting that they were leading the government in what amounted to a “bureaucratic project” (SCCI March 19, 1996: 1055). Members of Parliament outside of the Liberal Party also attested to the continued importance of the bureaucracy in developing policy and influencing elected officials (Interviews 10, 18).

Changes in officials’ thinking resulted in a direct injection of new ideas into the policy process. One example of this can be seen in their influence over policy regulations that directly affected state practices.47 Although open to scrutiny, including from the Standing Committee, changes in regulations were brought about as a result of Ministerial decisions often on the advice of the bureaucracy (SCCI, April 3, 2001).48 Across the 1990s, regulations were regularly amended and often included changes that moved state practices towards increased control and security. This

46 Elsewhere Dirks argues that “[a]s senior officials are routinely required to provide policy suggestions or options to elected policy-makers, they have ideal opportunities to have their views incorporated into those policies and procedures” (Dirks, 1995: 143).

47 Regulations provide the administrative definitions and set in place the methods for meeting legislated goals. They are more easily changed, not requiring new legislation from Parliament, and as a result are more flexible and adaptable to changes in thinking. The IRPA was proposed as framework legislation with much of the detail of the implementation being placed in regulations, an issue which raised concerns amongst witnesses and members of the Standing Committee at the time, in part because it placed too much control outside of Parliament (SCCI, March 13, 2001; April 3, 2001).

48 Scrutiny of regulations was more difficult for MPs than scrutiny of legislative changes. Less attention and energy was given to these changes and there were fewer opportunities to raise questions in formal settings.
process enabled international sources to influence CIC officials’ thinking and to translate that thinking directly into changes in domestic practices outlined in regulations.

To be effective as a conduit for international ideas, bureaucrats needed to persuade elected officials. There is evidence that this took place, with changes being seen in individuals’ thinking after they took the position of Ministers, when they might be directly influenced by bureaucrats in the department. For instance, Sergio Marchi (1994-1996) is believed to have changed his thinking about immigration and refugee policy – and especially his views on the Safe Third Country Agreement – from his days in Opposition after he became Minister (Interview 16). In part, this shift was the result of the realities of being in government, but it was also attributed to the influence of department officials (Interview 16; Anderson and Black, 1998: 199). Similarly, Elinor Caplan (1999-2002) entered the position of Minister of Citizenship and Immigration critical of the department’s leaning towards security and control but altered her position after being influenced by the bureaucracy (Interview 10). The influence of the department over Ministers was confirmed by elected MPs – both members of the Liberal Party and others – who described key Ministers as being weak and largely influenced by senior bureaucrats who were pushing a particular agenda (Interviews 6, 10).

Senior CIC officials also actively shaped the thinking of Members of Parliament through the Standing Committee. Their role as technical experts in a complex policy area made bureaucrats an important source of information for elected officials. They briefed MPs extensively at the beginning of Parliamentary sessions and were regularly called on by MPs for additional information and clarification, as well as to provide expertise in terms of technical briefings (see for instance, SCCI, March 12, 2001). Officials were consulted extensively in the preparation for Standing Committee reports and in the Committee’s consideration of Bills C-31 and C-11. In these meetings, bureaucrats focused on explaining policies, practices and their effects. Although department officials avoided engaging in political debates that explicitly judged policy, they did influence these debates in less obvious ways. Officials made choices about what issues to address in their presentations and what information to present to the Committee. They also made decisions about how to frame the

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49 One official suggested that information generated in GGNs was directly used to shape the thinking of elected official (Interview 19)
50 Anderson and Black (1998: 204) suggest that there were even greater concerns about the Department’s ability to influence Minister Lucienne Robillard after her appointment in 1996.
51 Countering claims of weakness, one department official suggested that Minister Robillard (1996-1998) provided strong leadership on areas that supported greater control, such as efforts towards North American cooperation (Interviews 7, 12).
information that they were presenting. These choices reflected officials’ understandings of the problems as well as possible and desirable policy responses.

The ability of CIC officials to shape domestic paradigms and to place new ideas within the context of policy debates was made possible by the state of the domestic policy environment. As argued in chapter 5, trends and events were occurring that could be interpreted in a manner that was consistent with arguments for thinking more about control and security. Furthermore, a shift in the political spectrum produced a political environment that was amenable to movement towards control and security. Partially in response to such changes in political pressures, the mid to late 1990s witnessed an intensifying policy review process that allowed officials to consider alternative thinking about migration policy. In attempting to provide responses to the criticism of the Reform Party, media attention, or in addressing fears about the lack of public support for the system, policymakers turned to experts within the department to provide solutions. Thus, the channels through which a new international norm might influence the domestic paradigm were widened.

As has been demonstrated, events and trends in the policy environment were often interpreted in light of the experiences of international colleagues. Officials used current events as opportunities to influence the broader discourse, in part through the Standing Committee, which provided a forum in which they could actively frame issues. An example of this practice can be seen in the case of trends in asylum claims and CIC officials’ use of the European experiences to identify potential problems for Canada. For instance, one CIC official at the Standing Committee in 1997 addressed the movement of migrants through Europe to Canada in the following way:

We will also have the assistance of other countries that are grappling with this issue as well. So we share a common problem, and a problem that moves through Europe will often move to North America. So we're dealing with the same problem, and often the same person. So it's in all our interests to intercept this smuggling at any point along the route (SCCI, November 27, 1997: 1555).

The belief that the large numbers of migrants witnessed in Europe would quickly make their way to Canada was subsequently picked up by Members of Parliament and used in their own arguments about the threats posed to Canada. For instance, in 1999, a Conservative MP suggested of the 500,000 migrants that had entered Europe in 1998, “a lot of those claimants will probably skip over Europe and head directly to us,” making Canada a final destination (SCCI, November 3, 1999: 
This framing also appeared in the Standing Committee’s introduction of its report, *Striking a Balance* (SCCI, 2000: Introduction). Another example of such framing is the arrival of Chinese migrants off the west coast in 1999. One CIC official compared Canada’s four boat arrivals in the summer of 1999 to the 28 boats that had arrived in Australia in a four-month period and 20 boats that had been intercepted by the US over the preceding 18 months (SCCI, November 3, 1999: 1640). While it was acknowledged that Canada’s problems were not as severe as those in other jurisdictions, these examples were presented as a potential future reality for Canada. Officials also presented the arrivals as part of a common problem experienced by Canada and its partners, and in particular, framed as a North American problem. While officials already understood the problem in this way by 1999, the boat arrivals allowed CIC officials to attempt to introduce this interpretation in the broader discourse.

Yet another example can be seen in the manner by which CIC officials presented other refugee systems in a positive light and as offering solutions to Canada’s perceived problems. In one Standing Committee meeting, a Reform MP asked why the American system could prevent claims from certain countries and could remove claimants very quickly. In response, a CIC official outlined this expedited process and, while cautioning that he was not an expert on the UN *Convention*, he stated that he was:

aware of nothing in the *Convention* which obligates a country to determine that claim in any particular way. We have a particularly careful, elaborate system. … The theory they are using, the theory we all know and we have tried since Bill C-55 in 1989, and everyone around the world knows, is that under the UN *Convention* you have to make a determination whether or not they are a refugee, but the secret is how you do that as fast as possible. Speed is the way you can discourage frivolous claims, because if you

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52 At another point William Bauer, former Canadian Ambassador pointed to 500 000 East Europeans waiting to enter Europe and then Canada as well as the 500 000 women already trafficked into Europe (SCCI, December 1, 1999: 1550, 1725). In contrast to the image of the threat posed by the European experience, only 36 831 refugee claims were made in Canada in 2000 (CIC, 2005: 63).

53 Again, elected officials picked up this interpretation of the problem and used it in the introduction to the *Striking a Balance* Report (SCCI, 1999: Introduction).

54 Reference to the Australian numbers were raised in an overview of the situation that Canada and international partners faced and was immediately preceded in discussion by reference to factors which were likely to increase the numbers of migrants heading to North America.

55 See for instance discussion with officials from CIC at Standing Committee on November 3, 1999 and November 17, 1999. The importance of the definition of problems as “North American” was also confirmed by interviewees (Interviews 7, 12). The degree to which this was a North American issue was quite interesting. Canadian immigration officials suggested that there was a need to detain these migrants because they presented a flight risk. However, CIC officials also suggested that Canada was not the final destination for these migrants but rather a transit point into the US. (See also CIC, 2002)
can get in and out quickly you don't have a chance to work or collect welfare or whatever might be of benefit to you (SCCI, February 18, 1998: 1705).

The official went on to argue that the department had also looked at the expedited system used by the Dutch government. Although there were some cautions about the fact that there could be Charter issues to consider, alternative models from other states were presented to members of the Committee as offering potential solutions to Canada’s problems.

In the comparison to the Dutch and American systems, officials furthered the framing of problems, goals and appropriate policy responses. The introduction of the US and Dutch models were presented as meeting the goals of expediency and controlling frivolous claims as well as addressing concerns over criminality. Furthermore, these states were able to accomplish such objectives, it was suggested, while meeting their international obligations and not by being constrained by them. In contrast, the depiction of the Canadian system as “particularly careful” was pejorative. It was presented as being out of step with other states and what was known internationally to be effective methods of control and security. Elsewhere, the same official made it clear that the Canadian system was a choice of one of a number of different responses available to the state. He stated that “[t]here is an international obligation not to refoule a person who makes a refugee claim. There is no obligation in the UN Convention to determine that [status] in any particular way. So the approach Canada has chosen in the past through the Immigration and Refugee Board, a two-member hearing, etc., was a Canadian choice. It was not dictated by a convention” (SCCI, March 11, 1998: 1625). In such ways, domestic events and trends were used as a staging ground through which the thinking of CIC officials could be disseminated more broadly.56

Furthermore, the use of comparisons by CIC officials was not simply done to assess the state of the Canadian situation but also to alter the existing interpretations of that situation.57

By altering interpretations, policy-makers provided the foundation upon which new policy ideas from the international realm could be transferred into the domestic realm. The literature has suggested that the selection of new ideas and policy paradigms depends upon their ability to address the needs of the policy environment or to fit with broader norms that are present there (Hall, 1989: 370-375; Keck and Sikkink, 1998; Florini, 1996; Bernstein and Cashore, 2000: 81, 83). In part, there

56 Elected officials adopted this attitude towards other systems and Canada’s choice of an “exceptionally fair” system, as suggested in Chapter 4.
57 Other cases already raised point to the efforts of bureaucrats to frame the Canadian debate using the experiences of other states. These include the issue of boat arrivals and the abuse of visitors’ visas (see discussion above).
is evidence that policy-makers were responding to cues from the policy environment and that new ideas met domestic and international pressures. For instance, perceived needs emerging from the domestic environment, especially for the Canadian Government, were met by a more security and control oriented approach. These needs included perceptions of public pressure, media concerns around certain events and pressures from the Reform party throughout the 1990s. In short, problems that did arise out of the policy context could be linked to interpretations developed at the international level.

However, as demonstrated in chapter 5, these needs were not given, but were at least in part constructed through the activities of the bureaucracy. Iterated interaction within the international realm allowed bureaucrats to adjust understandings of the policy environment incrementally. Indeed, it seems likely that the very needs of the policy environment - used to justify subsequent developments in thinking - were being shaped through this process. Thus, changes in the domestic realm did not simply cause uncertainty amongst policy-makers who then chose from a menu of available ideas, selecting the ones that were the most appropriate. Instead, bureaucratic socialization allowed centrally positioned policy-makers – through the production of domestically relevant policy knowledge – to set the appetite of domestic actors. In short, bureaucrats were in a position to frame new experiences in such a way that would favour control and security and prepare the ground for future moves in this direction. While there was some natural fit with the policy environment, ideas contained in the security and control paradigm became more acceptable as bureaucrats developed this fit.

In addition to laying the groundwork for new ideas, policy-makers attempted to make new ideas fit with existing domestic norms. While ideas contained in the new international norm met developing perceptions of the environment, they did not easily resonate with the existing protection paradigm. As a result, officials made direct links to alternative domestic norms which had not been at the forefront of thinking in the policy field. These alternative norms related to sovereignty and control of state borders; beliefs in the orderliness of Canadian society; and beliefs about Canadians’ nature as law abiding citizens combined with a perception of their aversion to cheating. One official argued that that Canadian society was very much based on an understanding of trust and honesty and that “Canadians will put up with a lot but they don’t like the idea of people cheating – it’s integral to the Canadian values system” (Interview 17). Indeed, he suggested that some department officials had begun to question what impact there would be on these values in society if a significant
proportion of new arrivals to Canada use deception in gaining access to the country (Interview 17).\textsuperscript{58}

These ideas are captured in the department’s 1998 report, *Building on a Strong Foundation for the 21st Century: New Directions for Immigration and Refugee Policy and Legislation*, which defined Canada’s “values-based society” as a source directing reform. The document defines Canadian society in the following way:

…Canadians have made choices about the nature of the society they want – family as the foundation of security and social stability; a society in which people support one another, respect rights and accept obligation; diversity as a source of collective strength; and respect for personal honesty and integrity, as well as for formal institutions (CIC, 1998: 9).

In this way, officials framed the need for security and control norms as matching Canadian values.

The effort to meld new thinking with existing norms is also evident in specific cases where officials presented responses of security and control as being humanitarian (Interview 1, 5, 6, 9, 11). On the one hand, officials were able to provide ideas that met the growing concerns of security and control within the domestic environment. However, they were also able to maintain elements of the essential discourse from the previous paradigm. As a result, new ideas resonated with some aspects of the previous paradigm and perceptions of developments in the policy environment. This fit was not natural but rather was shaped by key policy-makers. As has been shown in chapter 4, justification for interdiction, while initially about control, was adapted to include a humanitarian argument that captured key elements of the refugee protection paradigm. Stopping migrants from leaving countries such as China clearly dealt with the issue of control, but it was also presented as protecting migrants from the risks associated with such movements. Indeed, one official couched Canadian encouragement of the Chinese government to intercept migrants leaving mainland China as an issue of migrants’ right to remain in China and have a decent life there (Interview 9. Similar comments were made in Interviews 1, 11). Another official expressed concern that the Canadian system might lead to the exploitation of children and their entry into a life of modern day slavery at the hands of traffickers (Interview 5).\textsuperscript{59} Thus, understandings of key aspects of the refugee

\textsuperscript{58} In contrast, other officials argued that migrants who employed extraordinary methods to get to Canada displayed particular characteristics and qualities that the Canadian state should value (Interview 8).

\textsuperscript{59} Similarly, a Liberal MP expressed concern for the families of migrants left behind in China (Interview 6).
protection paradigm were changed in an effort by officials to develop a fit between new ideas and the previous Canadian paradigm.\textsuperscript{60}

Both the construction of the fit between new ideas and existing domestic norms as well as the development of new interpretations of the policy environment points to the role of socialization rather than simple policy transfer. Evidence of new thinking in this case cannot simply be attributed to the transfer of policy ideas in response to perceived need or as a result of emulation. Instead, preceding this form of transfer, officials’ paradigmatic thinking needed to be altered to make this transfer acceptable. Therefore, officials may have adopted new policy or policy thinking because it met a perceived existing domestic need and was understood as appropriate, but these interpretations were the result of bureaucratic socialization at the international level.

In summary, Canadian officials’ central position in the domestic policy-making process made change in their thinking an important factor in broader paradigm change. That officials’ change in thinking originated as a result of their international activities suggests a GGN had a central role in translating developing international norms into the domestic environment. Global government networks were a central venue for this change. In the end there were new ideas available, carried by the bureaucracy who had picked them up through international interaction in the international realm and imported into domestic thinking. Absent this interaction, Canadian officials might have defined events differently. Officials were required to address changes that were happening on the ground. However, they might have been more inclined to maintain the refugee protection paradigm as they had at the end of the 1980s when similar problems arose and when international interaction and an international community of migration officials organised around a GGN did not exist.

\textbf{V. Conclusion}

It is difficult to provide direct evidence of the process and degree to which domestic paradigms were affected by international socialization. Full access to the specific and critical conversations through which these processes are most likely to have taken place is not available. There are only limited sources that provide insight into the content of closed door meetings in these

\textsuperscript{60} As the domestic paradigm evolved it became easier to make these connections. For instance, understandings of migrants as abusers of the system and threats to the integrity of the Canadian system rather than as potential individuals in need made it easier to work within a paradigm of control than of protection (Irvine, 2006).
international forums where new thinking might have been adopted. Similar restrictions apply to meetings at the domestic level, where internationally active bureaucrats might have exposed a broader group of policy-makers to new thinking. Despite this, a good case can be made that the international realm was a significant source of new thinking and, indeed, that it spurred on paradigmatic change in Canada. Furthermore, the interaction of bureaucrats in a global government network for migration was probably the most important process through which new ideas were imported into the domestic realm. This interaction built a sense of community wherein bureaucrats were persuaded to accept other states as ‘likeminded,’ facing similar problems and adopting approaches that could be considered legitimate and appropriate.

A distinction has been made between policy transfer or the transfer of new policy ideas and the processes of socialization. The adoption of new policy ideas from other jurisdictions does not necessarily require new paradigms. However, new ideas and policies that emphasise security and control would not have been considered without some changes in the Canadian paradigm. If not a broad paradigm change, consideration of control and security at least required addressing the inconsistencies between the two approaches. In short, strategies of control and security were unlikely to be transferred from the international level while Canadian policy-makers’ thinking was still framed by a protection paradigm. The concern here is not why certain strategies or strategic thinking is transferred, but rather how international interaction affects the thinking that allows policy-makers to consider new strategic thinking. By focusing on socialization, an understanding of how these new ideas were transferred and able to fit with the existing domestic paradigm is possible.

This chapter has shown that key elements of domestic paradigms were altered by bureaucratic interaction at the international level. It has demonstrated that beginning in the 1990s, Canadian officials increasingly participated in a developing global government network for migration. Through that GGN officials developed a sense of membership in a community of migration experts. This community shaped the participants’ knowledge of the international migration flows they were experiencing and set the standards and norms of migration policy for its membership. Over time, Canadian participants adopted these interpretations. In particular, it has been shown that this community furthered the effects of social incentives and persuasion within this group, and, in turn, re-enforced a sense of community and, in the process, socialized Canadian participants into the community’s paradigmatic thinking around the management of migration.
Changes in the thinking of senior officials active in these GGNs, in turn, played an important role in altering the domestic paradigm. Although the events and trends that were occurring both domestically and internationally were important, how they were interpreted was influenced by senior officials who were active in the international realm. These officials were able to frame key events using ideas that they had adopted through their interaction within the global government network for migration. As a result, domestic debates were influenced by changes in policy-makers’ thinking. In short, policy-makers’ experiences of the policy environment in the 1990s contributed to a shift in paradigm overtime. However, an important source of the particular interpretation of these experiences developed from officials’ participation in a global government network for migration.
Chapter 7

Conclusion

I. Introduction

This dissertation set out to accomplish two primary tasks. The first was to demonstrate an important change in the framing of refugee policy in Canada over the course of the 1990s. The second was to provide evidence that international socialization of increasingly active Canadian bureaucrats was an important variable in explaining this change. The first two sections of this conclusion summarize these arguments and the evidence used to support them. The fourth section points to the important contributions made by this research to the fields of public policy and international relations that address ideational change and international sources of domestic paradigm change. The research also makes important empirical contributions, most specifically to our understanding of Canadian refugee policy from 1970 to 2001. The final section of this dissertation considers a number of potential avenues of further research that extend from the findings of this research.

II. Canadian Paradigm Change: From Refugee Protection to Security and Control

Chapters 3 and 4 have provided evidence for the argument that between the 1980s and the late-1990s a change in the refugee policy paradigm took place in Canada. This change is described as constituting a move from a refugee protection paradigm to a security-control paradigm. Based on the existing literature on policy paradigms reviewed in chapter 2, the description of this change was focused on four paradigm characteristics that mapped policy-makers’ understanding of the policy field: policy problems, goals, parameters of appropriate policy and identity.

These chapters demonstrate changes in policy-makers’ understanding of the problems present in refugee policy. Under the protection paradigm policy-makers feared that the Canadian system would be too restrictive and might undermine how well refugees and refugee claimants could be protected. These concerns included the potential abuse of power by the state and enforcement
agencies. By the end of the 1990s these concerns were no longer at the forefront of policy-makers’
thinking. Rather policy-makers saw illegal migration and the potential implications for security and
control to be the dominant problems facing refugee policy in Canada. Furthermore, they understood
the Canadian refugee system as being too generous; keystone policies that had once offered the
greatest protection came to be viewed as the source of weakness and with potential for abuse. This
understanding, in turn, raised the perception that the integrity of the border was being undermined
and that illegal migration created a range of public safety and security threats.

This research has also revealed a change in policy-makers’ understandings of the goals of
refugee policy. Under the protection paradigm policy-makers sought to provide a particularly liberal
program that offered protection to those who needed it. In contrast, under the security-control
paradigm much greater emphasis was placed on the need to control illegal migration and eliminate
threats to national security. In part, this change reflected a reprioritization of goals, with control and
security being placed higher on the agenda than under the protection paradigm. However, it has also
been argued that changes took place at a more fundamental level, such that the actual meaning of
these goals shifted. Most significant was the development of new understandings of what
humanitarian action meant. By the end of the 1990s policies that met security-control goals, such as
interdiction, were labelled humanitarian, suggesting that the meaning of humanitarian had changed
from how it was employed under the protection paradigm.

Corresponding changes occurred in policy-makers’ understanding of appropriate policy.
Under the security-control paradigm, policy-makers accepted new balances in policy between the
protection of refugee claimants and security-control. In particular, they accepted policies that limited
avenues of protection for refugee claimants even if they resulted in some refugees not receiving the
protection they required. The protection standards defined by the Charter as well as international
law – which policy-makers had sought to exceed under the protection paradigm – were often viewed
as obstacles to efficient security and control policy. These broad changes in understandings
translated into new powers and practices that had been considered inappropriate under the protection
paradigm. Such practices included the use of MIOs, interdiction, and cooperation with other states in
controlling illegal migration.

Finally, the period witnessed a change in policy-makers’ framing of Canadian identity and in
particular Canada’s role in refugee protection and the control of international migration. Under the
protection paradigm, Canadian policy-makers saw Canada as an international leader on refugee
issues and as occupying a position of moral authority, a status confirmed by other significant actors such as the UNHCR. This leadership allowed Canadian policy-makers to criticise other OECD states for their lack of protection for refugees. In contrast, by the end of the 1990s policy-makers saw Canada as being like its OECD partners and similarly claimed victimization by illegal migration. As a result, likeminded states now became a source of viable policy models to tighten Canada’s “weaker” system and acceptable partners in efforts to control illegal migration. Indeed, where they could, policy-makers sought to present themselves as leaders in those areas that promoted greater security and control, rather than in areas of protection.

In short, chapters 3 and 4 make the case that paradigm change occurred and was consistent with what one policy-maker described as a “whole climate change” in thinking about Canada’s approach to refugees (Interview 10. Similar comment made in Interview 1). However, although paradigm change is evident, the transition was messy and at times unclear. Across this period change was incremental rather than subject to a clear break in response to a single crisis. This pattern also raises the important question that has driven this research: why did paradigm change take place?

III. Explaining Paradigm Change

The dissertation makes the case that rationalist / materialist motivations, which might be expected to provoke change, did not by themselves lead to paradigm change. Chapter five raised two broad sources of change consistent with rationalist / materialist explanations. First it considered changes in the policy environment, including long-term trends or specific events over the course of the late 1980s and 1990s. Secondly, the chapter considered changes in the Canadian political landscape, societal pressures and potential international political pressures. Broadly, the argument is made that as policy-makers experienced the new pressures of a changing environment they altered their understandings of the policy field and their responses within it. In short, as security and control issues became more prevalent, and as the public and political actors became more aware of these, policy-makers moved their thinking in the security/control direction. However, the evidence in chapter five suggests that these factors alone did not create a clear motivation for paradigm change. First, the policy environment in the 1990s had not changed too significantly from the environment of the 1970s. Indeed, events which provoked concerns about security and control occurred in both periods. Furthermore, the events which took place in the 1990s did not, in fact, seem to be that
critical. While they may have heightened short-term interest in migration control, it is not clear that they provided longer term traction that challenged policy-makers to change their thinking. Nor was there a single event that acted as a critical juncture in Canada to provoke change.\(^1\) Consistent with this, chapter 5 suggests that there was no prolonged or consistent political/public pressure or international pressure from the United States that might have forced Canadian policy-makers to alter their thinking about refugee policy.

The strongest case for environmental change as a motivation for paradigm shift appears to be the increase in the number of refugee claimants within Canada. It could be argued that the post-asylum crisis environment required new thinking about Canadian refugee policy. However, it is suggested in chapter 5 that this explanation is also problematic. First, while concerns about the levels of asylum claimants and potential abuse did increase after the asylum crisis it is not clear that this outcome was the result of more abusers in Canada. Indeed, policy-makers were very unclear about the substantive nature of the problems they were facing. Furthermore, it has been shown that policy-makers in the 1970s had been faced with a significant level of abuse and a large illegal immigration population. Second, the peaking of the asylum crises, in the late-1980s, did not provide a crisis that provoked a change of paradigm. Indeed, evidence shows that the protection paradigm remained in place beyond this crisis and mitigated immediate and short-term security and control responses to it. Finally, there are indications that policy-makers in Canada recognized that the Canadian inland system, established to deal with the asylum crisis, was becoming more efficient over the course of the mid- to late 1990s. As a result, it is not clear that solutions produced by the existing protection paradigm had failed and required rethinking. Thus, the evidence in chapter 5 suggests that changes in the policy environment alone did not provoke paradigm change. These events and trends mattered, but how they mattered was dependent upon shifts in terms of how they were interpreted by policy-makers.

Chapter 6 provides evidence for the central argument of this dissertation that paradigm change is best explained when the role of internationally active bureaucrats is considered. Through their interaction in global government networks, these bureaucratic actors built a trans-national community of policy-makers through which they adopted aspects of an international security-control

\(^1\) Consistent with this conclusion, this research demonstrates that the attacks of September 11\(^{th}\), 2001 did not provoke paradigm change, a popular misconception. 9/11 provided a critical juncture in world politics that have been pointed to as provoking a dramatic reorientation towards security. However, the focus on the period before the summer of 2001 demonstrates that Canadian refugee policy had changed prior to the attacks and therefore another explanation is necessary. Policy changes post-9/11 consolidated and accelerated an existing movement towards security and control.
norm. In short, internationally active bureaucrats provide an important source of new interpretation of refugees, drawing from the international arena, which alters their understandings of the Canadian domestic experience.

This argument was made in two steps. First, the dissertation pointed to the processes through which these domestic bureaucrats have been socialized into a particular way of thinking: International socialization through global government networks played an important role in changing the ideas held by Canadian policy-makers. The dissertation demonstrated this in a number of ways. It showed that these networks existed, that Canadian decision-makers were active in them and that their participation increased over the course of the 1990s. Furthermore, the research revealed that the content and nature of discussions within the GGN for migration reflected a security-control-oriented norm. As a result, the thinking that Canadian policy-makers were likely to adopt as a result of these interactions supports the argument of their importance in the socialization of Canadian decision-makers and paradigm change.

The activities of these groups match many of the conditions identified as significant for the process of socialization. Policy-makers met informally and regularly in private forums where ideas could be discussed frankly. It has been shown that through these regular interactions a sense of community was established where ideas could be exchanged more readily and to great effect in terms of shaping participants’ thinking. This sense of community was seen in the fact that members trusted each other and valued fellow participants’ insights about how best to manage international migration. This recognition was based on their understandings of shared experiences and the perceptions that members held unique expertise and technical knowledge. This membership was also defined in opposition to those outside the community who did not share these characteristics. As a result, members were open to each others’ definitions of problems, framing of events and judgements about effective and efficient policy responses. In short, the existence of this community raised the likelihood that members could be persuaded by new thinking and increased the effectiveness of social incentives. Canadian participants confirmed that they saw themselves as members of this community and were influenced in their thinking through their participation in these networks.

In the second step the research demonstrated how GGNs, through well positioned bureaucrats, brought new thinking into the domestic arena, which ultimately shaped domestic paradigm change. Canadian bureaucrats responsible for refugee policy were very influential in the
domestic policy process. These officials were acknowledged by politicians as experts who shaped perceptions of the policy field. They regularly contributed to the framing of issues for members of the standing committee and influenced the thinking of Ministers responsible for refugee policy. Thus, as result of their position of authority and expertise, bureaucrats’ new thinking was interjected directly into the policy process. Indeed, chapter 6 provided evidence of bureaucrats shaping the domestic policy discourse.

The ability of policy-makers to contribute to paradigm change was influenced by the pressures found in the domestic realm. Bureaucrats worked with these pressures, framing them in a manner that was consistent with the ideas they had adopted at the international level. Indeed, policy-makers suggested that they looked to members of the GGN to help interpret domestic policy issues. Furthermore, change was incremental and cumulative: policy-makers initially worked within the parameters of the existing paradigm. There was no clear break in paradigmatic thinking, with policy-makers altering the fundamental components of the protection paradigm in such a way that it reflected the security-control paradigm. Instead, in response to trends, events, and political and public pressure, policy-makers slowly, and possibly unconsciously, altered the paradigm that framed refugee policy. Thus policy-makers undertook two interlinked processes of altering the domestic paradigm. In one process they forged a fit between existing domestic pressures and international norms, and in a second, altered the understandings of domestic pressures. In short, both domestic pressures and the socialization of bureaucrats in a GGN for migration contributed to paradigm change.

IV. Contributions

This research makes a number of important scholarly contributions. It provides further insights into theoretical debates within the international relations and the public policy literatures on the internationalization of public policy, the transfer of international norms into domestic paradigms, paradigm change and the role that bureaucrats and GGNs can play in these processes. It also makes specific contributions to the study of Canadian refugee policy, including a better understanding of the paradigms that have shaped this policy area and the processes through which those paradigms have changed.
For the public policy literature, findings here provide useful insights into the process of domestic ideational change. This research makes the argument that material and environmental changes, consistent with rationalist explanations, are not enough to alter paradigms. These factors do contribute, but it is agents – in this case senior bureaucrats – who play a key role in interpreting and re-interpreting these environments in a manner that can result in paradigm change over time.

Furthermore, these findings advance understandings of social learning in the public policy literature that rely on environmental incentives to explain third order change and do not provide a full account of the importance of social interactions (see, for instance, Hall, 1989, 1993). Instead, this research points to a process of ‘deep’ learning, in which paradigms are changed through social interaction and re-interpretation of the environment that actors find themselves in. Thus, change is not simply a response to actors’ experience of the environment. Rather change in paradigms results from the interaction of the environment and actors’ re-interpretations of it, as the latter are provoked and guided by social interactions.

The findings also point to the central role played by international processes in explaining domestic paradigm change. Although interesting work has been done on the transfer of public policy between the two levels, the research presented in this dissertation challenges some of the findings concerning, for example, who transfers policy ideas and the types of ideas transferred. The literature suggests that policy practices and implementation are most likely transferred by bureaucrats, while broader ideas move through elected officials (see, for instance, Stone, 1999, 2002, 2004; Weyland, 2004; Dolowitz, 2000). In contrast, this case provides evidence of significant foundational ideas being transferred through bureaucrats and requires a reconsideration of the importance of bureaucrats in GGNs to the process of domestic paradigm change. The conduit of GGNs is especially likely as bureaucrats’ roles have evolved to include more regular and less constrained international activities in an internationalized policy environment. This internationalization of public policy – even in an area such as immigration, where policy-making is still jealously guarded by the state – has altered the policy process and bureaucrats have become important in transferring norms from the international to the domestic setting. Acting as experts, especially in areas related to security, and in the international realm, makes them an important source of the transfer of ideas that has not been thoroughly considered in the literature.2

2 The securitization of policy areas further privileges policy-makers by isolating them from broader public and some forms of political pressures.
In contrast to the public policy literature, constructivist approaches to international relations have focused on the importance of international norms for domestic paradigms. However, specific contributions to understanding the processes of ideational change and norm diffusion have been made in this dissertation by focusing on the role of GGNs and the building of a sense of community within these networks. These factors have been relatively under-explored by constructivists. While the building of a sense of international community has been acknowledged in the literature on norms, the specific importance of community for actors in the adoption of international norms at the domestic level has not been studied. In this case, GGNs provided important forums where a sense of community was built over successive interactions. In turn, this sense of community furthered the process of socialization, making persuasion more likely and the use of social incentives more effective. In addition, this research suggests that GGNs of government bureaucrats are important venues for the distribution of new ideas and their transfer directly into domestic policy making. In particular, GGNs occupy authoritative spaces and produce policy-relevant knowledge that directly affects key decision-makers in the domestic policy process. As a result, they merit careful attention when considering norm diffusion.

This research has also contributed to the constructivist literature on the spread of international norms by providing important insights into why certain international ideas are adopted over others. The findings of this dissertation suggest that the literature needs to think more carefully about how new ideas from the international area “fit” with the domestic environment. As has been shown in the case of Canadian refugee policy, policy-makers do not simply pick norms and transfer them whole scale into the domestic arena unmindful of domestic pressures or needs. In short, the domestic environment does not dictate which ideas from the international realm will be accepted. Instead, GGNs provide alternate understandings of the domestic environment that re-inforce and increase the demand for those very international ideas and solutions, which accelerates the process of paradigm change. Indeed, internationalization may provoke paradigm change where it otherwise might not have occurred. As a result, this research suggests that paradigm change occurs in a messy, iterated and ongoing process through which the “fit” between international norms and domestic paradigms is negotiated by bureaucratic actors.

In addition to these theoretical contributions, this dissertation makes important empirical contributions. It provides an additional case of the transfer of ideas from the international level to the
domestic, addressing the need for further empirical work in this area. This contribution is particularly important in adding to the growth of knowledge about how ideas change.

One of its most important empirical contributions is the data base for this research, especially the 20 interviews with senior policy-makers. These interviews of MPs and senior bureaucrats provide important and direct access to the thinking of policy-makers. They allow for a better understanding of how policy-makers understood refugee policy and provide a unique perspective on the development of their thinking over this period. How thinking changed and the motivation for change would have been very difficult to understand without access to actual policy-makers. Collectively, these contributions answer calls in the constructivist literature for more work on the specific process of socialization in the international realm (Alderson, 2001: 432; Johnston, 2001; Risse and Ropp, 1999: 271; Finnemore and Sikkink, 1998: 890).

These findings also contribute to our understanding of how Canadian immigration and refugee policy has developed over this period. First, the thesis provides a detailed and previously unavailable account of the paradigms that framed Canadian policy and maps their change. This mapping has provided evidence for suggestions in the literature that refugee policy became increasingly securitized over the course of the 1990s (see, for instance, Lanphier, 1999). It also provides important insights into the specific content of these paradigms. For instance, it highlights the fact that despite the use of humanitarian language in Canadian refuge policy the meaning and implications of this language has evolved over the period under study. As a result, this research suggests that a more specific understanding of popular uses of humanitarian language and discourse in Canadian refugee policy and broader debates on Canadian foreign policy are necessary. The research also raises the importance of international sources of Canadian values. In short, the understandings and uses of Canadian values are not simply shaped by domestic society but are influenced by international norms that are transmitted policy-makers active in the GGN.

Finally, this research provides insights into the sources of refugee policy in Canada. It highlights the importance of policy paradigms to the policy field and the sources of changes in paradigms. Probably most significantly, it draws into question the common understanding that it has been Canada’s distinct humanitarian tradition that has shaped refugee policy. Instead, it highlights the importance of international sources of domestic policy thinking, an explanation which has been almost completely absent in the literature, and makes a strong case that such sources of paradigm change cannot be ignored.
V. Further Research

In addition to these contributions, the findings of this research provide the foundation for further research. Three potential avenues seem particularly promising: deeper understandings of the processes of socialization in GGNs; processes of bureaucratic socialization to immigration and refugee policy paradigms in other states; and bureaucratic socialization to policy paradigms in other policy fields.

In pursuing a fuller understanding of the processes of socialization that take place in GGNs, more data about the activities of bureaucrats in the international realm need to be gathered. Although information about the informal connections which characterise GGNs is difficult to obtain, more insights into these interactions would be useful. What are needed are empirical details about who participates in these networks and how often they talk, e-mail and meet informally or formally. This information could be obtained by a broader survey of the international activities of bureaucrats within the Canadian departments responsible for refugee and immigration policy. It would allow for a more detailed mapping of the internationalized governance network from the Canadian perspective.

Further data about the nature and content of these interactions and more specific detail of the discussions that take place in these forums would also be useful. Ideally this data would include observations of bureaucrats in a variety of venues of the GGNs and access to detailed records of these meetings. These data would allow for a better understanding not just of the content but also the meaning and significance of bureaucratic interactions as well as the processes of socialization. Were these interactions cooperative or adversarial? Did they lend themselves to deepening understandings of membership in the community? Is there more evidence of mechanisms of persuasion or social incentives taking place in these interactions? Understanding the role of GGNs would also be furthered by access to the more formalized components of the network, such as meetings of the IGC. This information might include the structure of these meetings, their operating procedures and organization, their financing, and the relationship of these meeting to the governments of the participating members. Finally, access to the information produced by these organizations, such as comparative studies by the IGC or conclusions drawn from discussions at meetings, would be important.
A second avenue of further research is to consider whether the GGN for migration affected the thinking of policy-makers in other participating states apart from Canada. Such comparisons, which would provide information about the conditions under which socialization is likely to take place, could look at the different types of domestic interests and the institutional or ideational environments involved. They could generate conclusions about how such variables might influence the transfer of ideas. Comparisons might also look at the types of participants involved in the GGN. For instance, does their home state, their institutional ranking or their normative commitments affect their ability to transfer ideas? Broadening the focus of this research to other participating states may also contribute to understandings of the conditions under which policy-makers identify appropriate GGNs and choose to join them, and how particular norms develop and strengthen in these venues. In short, expansion beyond the Canadian case has the potential to increase our understanding of the role of GGNs, the processes of socialization, and the transfer of ideas across jurisdictions within this policy area.

Similarly, insights might be found by expanding on this research beyond the case of refugee policy to other areas of Canadian public policy. The area of international migration has been particularly interesting because jurisdiction over this policy area has been jealously guarded by states in the face of growing internationalization. However, research in other policy areas might expand our understanding of the conditions under which paradigm change and the transfer of policy ideas takes place. For instance, comparative work could shed light on the question of whether these processes are unique to policy areas such as immigration, which remain primarily under state control and that allow state actors to control these interactions. How do GGNs in other policy areas that are more open to public scrutiny or that are defined by a broader policy community behave? Comparative research might also provide insights into whether there are differences between state-to-state transfer of ideas and the diffusion of international ideas pushed by other actors such as epistemic communities, IOs or NGOs. Answers to these questions might point to different forms of global governance driven by different actors. One possible alternative policy area to consider is joint Canadian-US environment policy, where it has been suggested that pragmatic working arrangements between bureaucrats has been an important element of trans-governmental governance (VanNijnatten, 2003).

For Canadian public policy, expanding the application of GGNs within the Canadian case might be useful in other ways as well. For instance, these networks have the potential to provide an
alternative perspective on the nature of Canada-US governance on cross-border issues. The international migration literature suggests that Canada-US integration of border or migration policies through formal regimes is unlikely (Hollifield, 2000; Rudolph, 2007; Andreas, 2005). However, relationships built through government networks, such as those discussed above, can generate governance relationships in a less formalized but potentially significant manner.\(^3\) Expanding the Canadian case may help in identifying alternative forms of Canada-US governance in other policy areas that are missed by focusing only on formalized and public governance arrangements.

Building on the research presented in this dissertation would also provide the opportunity to contribute to broader questions around the internationalization of public policy. For instance, this research could be used to address debates about the role of the state in changing governance structures. The findings of this dissertation suggest that in some policy areas, and through several stages, state actors remain central to the spread of new ideas. Expanding this research has the potential to contribute to better understanding of the state’s role in these new and often informal governance arrangements. A second potential contribution of further research is to the area of accountability and democracy in emerging governance patterns. These questions have become a central focus of the literature in international relations (see, for instance, Keohane, 2003; Held, 2004) and have received some attention in the area of GGNs specifically (Slaughter, 2004). The nature of informal arrangements and the unclear origins of new thinking developed in international forums dominated by non-elected officials challenges existing state-based understandings of democracy. Detailed cases of such arrangements would allow further explorations of the potential problems of accountability and the development of potential solutions to such problems.

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\(^3\) For an initial consideration of this argument as it relates to a Canada-US regime on migration management, see Anderson and Irvine (2008).
Appendix A

Sources of Data

I. Introduction

A variety of sources have been used to substantiate the findings of this research. The method of triangulation allows stronger conclusions to be drawn about the content of a given paradigm – and therefore shifts between paradigms – by checking that these interpretations are consistent across a variety of sources. As each source of data provides particular benefits, this appendix describes in more detail their most significant features. It also outlines (where applicable) the methods by which data were generated, the benefits of specific sources of data, and these data were presented in the dissertation.

II. Parliamentary Standing Committees

An important source of data was generated from Standing Committee debates. These debates provide a unique record of discussions among key policy-makers in the area of refugee policy, including conversations between contending Members of Parliament as well as discussions between MPs and senior bureaucrats providing evidence to the committee. Senior officials’ participation usually provided clarification of existing policy and elaborated upon thinking about proposed reforms. Senior officials’ also regularly provided Standing Committee members at the beginning of Parliamentary sessions with a contemporary account of the key issues in the policy field. Furthermore, in both periods under study, the Standing Committee oversaw the development of new legislation. In this process, lengthy clause-by-clause discussions of the proposed legislation took place. In addition, broader Standing Committee consultations offer a record of conversations between MPs and outside consultants, including activist groups, the business community, foreign officials and former policy-makers, among others. Unlike debates in the House of Commons, discussions in Standing Committee receive much less public attention and as a result were comparatively
more frank and unscripted. Indeed, many of these meetings were characterised by free flowing discussions of issues in the policy area.

These features mean that the Standing Committee debates provided an important insight into the thinking of many key actors involved in the policy-making process. This data were used to map the policy paradigm in both periods and to identify motivations for change in the thinking of policy-makers.

In this research two periods under study received focused readings of the Standing Committee debates. In the first period key debates around security, refugees and immigration issues were identified and read. This analysis focused on evidence from the Standing Committee on Labour Manpower and Immigration from 1974 through 1982. This period was chosen because it contained lengthy and in-depth discussions centered around the consultations and preparation of the new Immigration Act of 1978 as well as feedback on the first years of its implementation.

In the second period, from October 1999 to May 2001, all publicly available meetings of the Standing Committee, 55 meetings in total, were studied in their entirety. At that time, policy-makers were initially focused on the Standing Committee’s study of the refugee system that resulted in the 2000 report Refugee Protection and Border Security: Striking a Balance. In 2000-01 the Standing Committee turned its attention to consideration of a new immigration act under Bill C-31 and then Bill C-11.

The research also looked at other Standing Committee meetings that took place during important moments in the development of refugee policy in Canada. They included the debates at the end of the late 1980s and early 1990s that addressed the boat arrivals on the east coast as well as the introduction, debate and implementation of Bills C-55 and C-84. The meetings of the Standing Committee at the beginning of Parliamentary Sessions in 1996 and 1997, in which MPs were consulted by members of the Department, were also studied.

III. Interviews

A key source of evidence for this research was a series of 20 confidential interviews with senior policy-makers active in the area of refugee policy during the periods under study. These interviews included a broad cross-section of important policy-makers active in
Canadian immigration and refugee policy. To ensure the anonymity of interviewees only a broad sketch of participants is possible. The pool of interviewees includes elected officials and senior department bureaucrats, department consultants and senior representatives of related government organizations such as the IRB. All interviewees were active in the policy field at some point between the mid-1970s through to the summer of 2001. All federal political parties were represented in this interview group.

Interviews were conducted between 2005 and 2007. All interviews, except one, were conducted in person. Requests were made to meet with interviewees for 45 minutes. All interviews extended this time frame – some lasting several hours. All but one interview was recorded electronically. In interviews, a semi-structured interview format was used (Hammer and Wildavsky, 1993). This format allowed the interviewer to set the broad issues for discussion but also allowed the interviewee to direct responses and to address those matters that he/she felt were most relevant. The process generated ideas that the interviewer had not anticipated. Towards the end of these conversations, the interview was used to present to the interviewee the researcher’s interpretation of information that was generated by the interview specifically, and broader conclusions developed through this research. This format allowed the interviewer to test the researcher’s interpretations.

Interviews took place under the understanding that the material generated would not be attributed to individuals directly and that their anonymity would be ensured. As a result the interview material has been presented in a way that protects the identity of the interviewee. For instance, although several women were interviewed, only masculine pronouns have been used to protect the gender identity of participants. Where possible, to assist the reader’s understanding of the materials’ relevance, a distinction has been made between elected and unelected officials. Where this distinction is unimportant the term “policy-maker” has been used to describe the opinions of a number of actors across both elected and unelected categories.

The findings of the interview material were not always consistent – at times, interviewees held a variety of opinions on different matters. In several cases, a piece of information used in the dissertation may only have been addressed by a single interviewee. The degree of support for a shared interpretation of interviewees’ perspective is qualified in the dissertation. Where dissenting opinions were found in the interviewee material, this has
been noted. Where possible, other sources have been used to support the conclusions drawn about interview material.

**IV. Government and Public Documents**

A number of government documents from across the period were consulted. They provide clear statements on official positions as well as important supplementary information about the policy field. The documents come from a variety of sources including, amongst others, the departments responsible for immigration and refugee policy, the Standing Committee tasked with refugee policy, the Immigration and Refugee Board, the Auditor General, security agencies, external consultants and international organizations. These sources take the form of white papers, reports, news releases, internal department documents and public statements. For a complete list of documents used please see the *Works Cited*.

**IV. Survey of Editorial Opinion**

Newspaper editorial opinions provided a contemporary interpretation of policy developments and the position of policy-makers that was external to policy-makers themselves. Thus, they were useful as a second view on the underlying thinking of policy-makers. They also supplied evidence for developments in the policy field and potential motivations for paradigm change.

The *Factiva* database was used to search for relevant editorials in the two key periods under study. This search used editorials from the *Globe and Mail* newspaper, the only national newspaper in the 1970s. The first search covered a period of the protection paradigm (from January 1, 1977 to January 1, 1983) that corresponded to significant reforms outlined above. This search produced 28 relevant editorials. A second search spanned from January 1, 1985 to December 31, 1989. This period was significant because it covered an important period of the protection paradigm when it could be expected to be under pressure. This search produced 45 relevant editorials. A third search was conducted for the period covering the security-control paradigm (from January 1, 1998 to September 10, 2001), and 31 relevant editorials were identified. This search was again limited to the *Globe and Mail*. Although the
*National Post* provided an alternative national newspaper, the editorial opinion of this paper had the reputation of being more conservative and by extension more security- and control-oriented on refugee and immigration matters. Thus, if elements of the protection paradigm remained it was more likely to be found in the *Globe and Mail.*

These searches were supplemented by specific editorial and news items from a variety of Canadian and international sources that provided additional perspective on specific events across the periods under study. A search was also conducted for news articles related to illegal immigration in the *Globe and Mail* from 1974-1983.

An alternative source of opinion used in this research was provided by *Refuge: Canada’s Periodical on Refugees,* a regular publication of the Centre for Refugee Studies of York and Queen’s University. The format of this publication has varied since it first appeared in 1981. However, its content has reflected a critical perspective on the state of refugee issues and specific policies, primarily originating from academic/advocacy sources. As a result, the points of view presented in this periodical have been useful for interpreting the development of the Canadian paradigm over the period under study here. All issues of *Refuge* from 1981 to 2001 were studied in this research.


Adler, Emanuel. “Seizing the middle ground: Constructivism in world politics.” *European Journal of International Relations* 3 (1997a) pp. 319-363


______ b. *A survey of post-war refugee intakes and developments in Canadian refugee policy.* for CEIC by the Centre for Refugee Studies, York University. (August 1990)


Banchoff, Thomas “German Identity and European Integration.” *European Journal of International Relations* 5:3 (September, 1999) pp. 259-289


Bennett Andrew and George, Alexander L. “Process Tracing in Case Study Research.” Paper presented at the MacArthur Foundation Workshop on Case Study Methods, Belfer Center for Science and International Affairs (BCSIA), Harvard University. (October 17-19, 1997)


Corbett, David C. Canada’s Immigration Policy: A Critique. (Canadian Institute of International Affairs, University of Toronto Press: Toronto, 1957)


De Larrinaga, Miguel and Claire Turenne Sjolander. “(Re)presenting Landmines from Protector to Enemy: The Discursive Framing of a New Multilateralism.” *Canadian Foreign Policy* 5:3. (Spring, 1998) pp. 125-146


Dirks, Gerald E. *Canada’s Refugee Policy: Indifference or Opportunism?* (Montreal & Kingston: McGill and Queen’s University Press, 1977)

______.“A Policy Within a Policy: The Identification and Admission of Refugees to Canada.” *Canadian Journal of Political Science* 17:2 (June, 1984) pp. 279-307

______.“Canada and Immigration: International and Domestic Considerations in


Federation for American Immigration Reform. Web page. www.fairus.org


Globerman, Steven. *The Immigration Dilemma.* (Vancouver: The Fraser Institute, 1992)


Haas, Ernst B. *Beyond the Nation-State. Functionalism and International Organization.* (Stanford: Stanford University Press, 1964)


_____. “Policy Paradigms, Social Learning, and the State: The Case of Economic Policymaking in Britain.” *Comparative Politics* 25:3 (April, 1993) pp. 275-97


_____. *Critical Years in Immigration: Canada and Australia Compared* (Montreal & Kingston: McGill-Queen’s University Press, 1991)


_____. “Patrolling the ‘Frontier’: Globalization, Localization and the ‘Actorness’ of Non


Howard, Peter and Reina Neufeldt. “Canada’s Constructivist Foreign Policy: Building Norms for Peace.” *Canadian Foreign Policy* 8:1 (Fall, 2002) pp. 11-38


Jefferess, David. “Borders of Compassion: The Canadian Imaginary and It External


MacLeod, Alex, Stéphane Roussel and Andri Van Mens. “Hobson’s Choice: Does Canada have any options in its defence and security relations with the United States?” *International Journal* 55:3 (Summer 2000) pp. 341-354


_____. “Racism in Canadian Immigration Policy, Part Two” *Refuge* 5:3 (York University: 1986) pp. 10-12


Plaut, W. Gunther. “Principles and Questions” Refuge 6:1 (York University: October 1986) p. 4


Reinicke, Wolfgang H. “The Other World Wide Web: Global Public Policy Networks” Foreign Policy 117 (1999) p. 44-57


Refuge 4:3 (York University: October, 1985)

Refuge 5: 3 (York University: January, 1986)

Refuge 9:4 (York University: May, 1990)


______. Learning from Comparative Public Policy: A Practical Guide. (London: Routledge, 2005)


Schelew, Michael. “Vis à Vis Visas: How Accessible is Canada’s Refugee Determination Procedure?” *Refuge* 1:8 (York University: May/June 1982) pp. 5-7


_____.* World Population Growth and Movement: Towards the 21st Century.* Canadian Centre for Foreign Policy Development. (June, 1997)


Snyder, Timothy “Conclusion: The Wall around the West,” in Peter Andreas and Timothy Snyder (eds), *The Wall Around the West: State Borders and Immigration Controls in North America and Europe*, (Lanham, Maryland: Rowman & Littlefield Publishers, 2000) pp. 219-238


Taylor, Stephanie. “Evaluating and Applying Discourse Analytic Research,” in Margaret


______. “Global Migration and Asylum,” *Forced Migration Review*, 10 (April, 2001)


Government and International Organisation Documents


Axworthy, Lloyd. *Notes for an Address by the Honorable Lloyd Axworthy Minister of Employment and Immigration Canada to the National Symposium on Refugee Determination, Toronto, Ontario,* (February 20, 1982)


d. Milestones of the 20th Century. (July, 2000)


b. Bill C-11, Immigration and Refugee Protection Act: What is new in the proposed Immigration and Refugee Protection Act. (April, 2001)


g. “Backgrounder #2 Making the System Work Better” News Release (February 21, 2001)

h. “Backgrounder #3 “Milestones On the Road to New Legislation” News Release. (February 21, 2001)


Elock, Ward. Submission to the Special Senate Committee on Security and Intelligence.


House of Commons Debates. Canada (March 10, 1977)

____. Canada. (April 23, 1980)

____. Canada. (October 10, 1980)

____. Canada. (December 5, 1980)

____. Canada. (December 8, 1980)

____. Canada. (February 19, 1981)

____. Canada. (June 18, 1987)

____. Canada. (August 11, 1987)

____. Canada (August 13, 1987)

____. Canada (August 12, 1987)

____. Canada (August 14, 1987)

____. Canada. (February 6, 1995)

*Immigration Act* (1978)


International Organisation for Migration. Major Regional Consultative Processes (RCPs) (May 19, 2005)

Regional Consultative Processes: Contributions of RCPs.
http://www.iom.int/jahia/Jahia /cache/offonce/pid/679 (retrieved February 10, 2007a)


Minutes of Proceedings and Evidence. Meeting 3. (October 23, 1997)

Minutes of Proceedings and Evidence Meeting 10. (February 18, 1998)


Minutes of Proceedings and Evidence. Meeting 2. (November 3, 1999)


Minutes of Proceedings and Evidence. Meeting 4. (November 17, 1999)

Minutes of Proceedings and Evidence. Meeting 5. (November 24, 1999)


Minutes of Proceedings and Evidence. Meeting 7. (December 1, 1999).
Meeting 8. (December 2, 1999).
Meeting 9. (February 9, 2000)
Meeting 10. (February 10, 2000)
Meeting 15. (March 1, 2000)
Meeting 16. (March 2, 2000)
Meeting 2. (March 1, 2001)
Meeting 3. (March 2, 2001)
Meeting 7. (March 27, 2001)
Meeting 9. (April 5, 2001)
Meeting 11. (April 26, 2001)
Meeting 22. (May 8, 2001)
Meeting 11. (June 7, 2006)
Immigration Detention and Removal. (June, 1998)
Hands Across the Border: Working Together at our Shared Border and Abroad to Ensure Safety, Security and Efficiency (December 2001)

Meeting 46, (November 7, 1985)
Meeting 34, (May 7, 1987)
Meeting 2, (May 11, 1989)
Meeting 54, (December 13, 1990)
Meeting 26, (March 24, 1993)

Parliamentary Standing Committee on Labour, Manpower and Immigration. Minutes of

_____.


_____.


_____.


_____.

Minutes of Proceedings and Evidence. Meeting 8, (March 22, 1977)

_____.


_____.

Minutes of Proceedings and Evidence. Meeting 30, (June 2, 1977)

_____.

Minutes of Proceedings and Evidence. Meeting 31, (June 6, 1977)

_____.

Minutes of Proceedings and Evidence. Meeting 32, (June 7, 1977)

_____.

Minutes of Proceedings and Evidence. Meeting 37, (June 16, 1977)

_____.

Minutes of Proceedings and Evidence. Meeting 38, (June 20, 1977)

_____.


_____.

Minutes of Proceedings and Evidence. Meeting 40, (June 22, 1977)

_____.

Minutes of Proceedings and Evidence. Meeting 41, (June 27, 1977)

_____.

Minutes of Proceedings and Evidence. Meeting 42, (June 28, 1977)

_____.

Minutes of Proceedings and Evidence. Meeting 45, (July 5, 1977)

_____.

Minutes of Proceedings and Evidence. Meeting 46, (July 6, 1977)

_____.

Minutes of Proceedings and Evidence. Meeting 47, (July 7, 1977)

_____.

Minutes of Proceedings and Evidence. Meeting 48, (July 8, 1977)

_____.

Minutes of Proceedings and Evidence. Meeting 50, (July 12, 1977)

_____.

Minutes of Proceedings and Evidence. Meeting, (July 22, 1977)

_____.


_____.


_____. Minutes of Proceedings and Evidence. Meeting 10, (December 1, 1981)

_____. Minutes of Proceedings and Evidence. Meeting 22, (April 1, 1982)


_____. Illegal migrants in Canada. Report to the Honourable Lloyd Axworthy, Minister of Employment and Immigration (June, 1983).


Special Joint Committee of the Senate and of the House of Commons on Immigration Policy. Report to Parliament (Ottawa: Queen’s Printer, 1975)

Special Committee of the Senate on Security and Intelligence. Report of the Special Senate Committee on Security and Intelligence. (January 1999)


______. Asylum Applications in Industrialized Countries: 1980-1999 (November, 2001)


“Asylum claims fall to lowest level for 16 years says UNHCR” News Stories (March 1, 2005).


**Media Sources**

Abbate, Gay. “Appeals could keep case going for a decade Brown expected to ask court to reconsider jury’s verdict; Francis lawyers suggest he has grounds to get decision reversed” Globe and Mail. (December 13, 1999) p. A3

Agence France-Presse, “Canada considered safe haven for terrorists: security service.” (October 14, 1998)


Canadian Press. “Bill passed to prevent criminals from entering Canada Small but ‘very destructive’ number of ‘thugs’ giving immigrants bad name, immigration minister tells House.” The Globe and Mail (February 8, 1995) p. A3


Chung, Matthew. “Immigrants march across Canada to protest deportations of non-status workers” The Canadian Press. (May 27, 2006)


Donovan, Kevin. “7 Detained refugees said they’d kill if asked, Mounties testified at hearing.” *Toronto Star* (July 24, 1987) p. A1

Fine, Sean. “New war criminals find haven. Number of suspects seeking entry into Canada jumped to 300 in six months, official warns.” *Globe and Mail* (October 4, 1997) p. A8


_____. “For refugees who have found no refuge.” *The Globe and Mail*. (March 22, 1979) p. P6


_____. “The plight of the refugees, the volunteers’ support.” *The Globe and Mail*. (December 7, 1979) p. P6


“Boat people who need a return ride. Sad as their economic lives may be, illegal Chinese don’t belong here.” *The Globe and Mail* (July 23, 1999) p. A10


“Immigration fairness, not immigration folly: The government must turn illegal migrants into lessons for their countrymen” *The Globe and Mail* (September 16, 1999) p. A18

“There is a difference between everyone and anyone: The boomerang refugee appeals policy is unfair to Canadians” *The Globe and Mail* (November 6, 1999) p. A24


Jiménez, Marina. “VoteSmart: the issue: is the current model of immigration the best one for Canada?” *Globe and Mail* (December 12, 2005) p. A7


Kellogg, Alan. “Serious terrorist plot – or not?: Too soon to say, but that that hasn’t stopped some commentators down south from calling Canada a haven for scary zealots.” *Edmonton Journal* (June 11, 2006) p. A2


Matas, Robert. “Western Voices: The pundits aren’t welcoming the Chinese boat people. And they say suspended Reformer Jack Hoeppner is what the party is all about.” *The Globe and Mail* (July 30, 1999) p. A11


Morris, Nigel. “Foreign criminal crises worse than thought.” *The Independent* (May 9, 2006)


Oziewicz, Estanislao. “Diplomat seeks refuge status Afghans say man was member of secret police responsible for torture, killings.” *Globe and Mail.* (April 25, 1991) p. A7


Papp, Leslie. “MPPs demand probe over warlord’s wife” *Toronto Star* (October 14, 1993) p. A12

Platiel, Rudy. “Man lied about role in killings, Ottawa says Bid launched to strip him of citizenship.” *Globe and Mail.* (July 18, 1996) p. A10


———. “Canada becoming terrorists’ haven, CSIS says Over 50 groups, 350 people being investigated, agency’s director reveals in urging tighter border controls” *The Globe and Mail* (October 15, 1998) p. A5


Teotonio, Isabel. “Rally blasts deportations; Families face split as illegal workers are sent home. Second gathering at Queen's Park set for today” *Toronto Star* (April 22, 2006) p. A10
Toronto Star. “Six they let stay; IRB’s Greatest Failures” *Toronto Star* (April 30, 1994)


Zremski, Jerry. “Canada’s policy on refugees called lax; Screening process is flawed, experts agree” *Buffalo News* (June 11, 2006)