When Borders Cross People: Bill C-31 and the Securitization of Boundaries Across Bodies and History

by

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ABSTRACT

*Bill C-31* represents an important piece of policy in the history of Canadian citizenship. It takes its place in a dialog of policy and resistance about who ‘gets in’ and who is excluded from Canadian citizenship. By critically reading the text of *Bill C-31* through other policy texts, academic arguments and research, and activist texts, this analysis elucidates historical connections between relations of capital, immigration, labour, and the criminal justice system. It works from a materialist feminist framework, critical of race, gender, class, and sexual orientation as systems that work through one another in dialectical and historically specific ways.

The analysis argues that *Bill C-31* is a continuation of relations of capital and that a dialectical conceptualization can yield strategies for a revolutionary praxis that offers hope for the transformation of existing social relations towards new and more humane ways of relating to one another.
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Writing this has taught me more than I could possibly have anticipated about myself and my family, blood and chosen. I thank my blood family for educating me from my first breathing minutes in unconventional ways, allowing me to find my own way, on my own terms, to formal institutions of learning. I thank my widespread chosen family for accepting me, for teaching me how to be good to myself. I’m so grateful to all of you for listening to my long-winded explanations of dialectical conceptualization and relational language, for making me wholesome dinners when I am so wrapped up in my mind that I have forgotten what my body needs, for leaving me nice things in my mailbox to make me feel cared for and supported, and for celebrating all the steps that brought this into fruition. I am so grateful also for the people I have met at OISE. The members of the thesis support group and the Marxist-feminist reading group kept me on track and raising the right kinds of questions. Thanks Sarah Carpenter, Bethany Osborne, Genevieve Ritchie, Helen Colley, and many others who helped to guide and inspire me along the way. Dr. Kiran Mirchandani: thank you for your thoughtful and validating comments, which make me want to continue researching, reading, and writing in the same vein. I would like to thank from my heart Dr. Shahrzad Mojab. I would not have taken on the task of writing this if it weren’t for your encouragement in the beginning stages, and your continued warmth and unfailing support have nurtured the ground for my thoughts all along the way. I also want to thank, in a distant but sincere way, all of the people who are referred to here as statistics or cases, and who are directly affected by the policies I criticize. Academic research can too easily become abstract, alienating, and dehumanizing. I hope to be a part of moving towards education and a society that does not draw such hard lines between teachers and learners, citizens and non-citizens, and which is reflective, transformative, and kind.
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A Note to the Reader:

At the time at which this project was researched and written, Jason Kenney was the Canadian Minister of Citizenship and Immigration. He no longer holds this position, but is referred to as the minister throughout my analysis.
INTRODUCTION

This project consists of a dialectical analysis of Bill C-31, an omnibus bill, affecting primarily the immigration of asylum-seekers and refugee claimants to Canada. I aim to understand this bill in the context of the history of relations of capital and immigration in Canada. I present an argument that links Bill C-31 and other recent changes to Canada’s immigration system to processes of capital accumulation and the selective enforcement of borders on bodies so as to maintain dominant racialized and gendered relations of citizenship. This connection has much to bear on the field of adult education as learning is informed by regimes of immigration and capital, and concepts of citizenship and security must be critically interrogated in order to dream and create transformative ways of living and relating to one another. Changes to Canada’s immigration system under Harper’s Conservative leadership can be broadly characterized as a cinching of the border to people and an opening of the border to capital and commodities. This characterization is a simplification, however, as the border is very selectively imposed on certain bodies more than others. The United States/Mexico border has been explored extensively (and rightly so) from media sources, activists, and academic researchers, but the Canada/US border garners less attention. However, the Canadian border, how it was and is formed, maintained, and legitimized, is foundational to understandings of Canadian citizenship and the material processes of who gets in and who is left out of the national narrative of Canadian-ness.

I first became interested in borders and their enforcement, physically and psychologically, when I began travelling alone. Using unconventional methods of travel, and being a young white woman, I noticed the repeated warnings to stay away from certain parts of
town, to not get into cars with certain types of people, and that I was “asking for it” by hitch hiking solo, riding trains, and taking greyhounds across North America. Overwhelmingly the cautionary tales of robbery and rape came from middle-aged white men who mistakenly thought that they were protecting my safety when in reality it was most often these same men who made me feel unsafe. I came to understand that my gender and race placed certain borders on my body, and simultaneously freed me from the imposition of borders that others, specifically people of colour, non-English-speakers, and undocumented peoples, were crossed with. I was warned away from lower income neighbourhoods or people, as this was assumed to be crossing a border into a dangerous territory, into a place where my body did not belong.

It is tempting to think of border crossing as the meeting places of intersecting lines of social positioning, but it is rather that the borders enforced on certain bodies at certain times and places work through and with each other; the various social positions that I inhabit are at once and inseparably working to structure my border crossing experience in a way that is mutually dependent on the status of others who cross borders, who are denied the right to cross, or who are incarcerated for attempting to cross. In crossing the United States/Mexico border, a glance at my passport ensured my crossing, while an elderly Spanish-speaking couple was detained at a pre-border checkpoint in Juarez, hours before they even reached customs. I had to start asking complicating and confusing questions about my own social location, not as an isolated historical accident, but as a position that was hinged upon the positions of others. I began to pay special attention to the ways in which the Canadian state enforces borders and constructs citizenship, and how this relates to capitalist economic policies, patterns of globalization, and security technology.
Bill C-31 is an omnibus bill that came into effect in December 2012. Its long title is “An Act to amend the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act, the Marine Transportation Security Act and the Department of Citizenship and Immigration Act.” In 2010, several hundred asylum-seekers from Sri Lanka arrived off of the coast of British Columbia aboard the Sun Sea, opening up an opportunity seized upon by several political actors to heighten a fear of Tamil “terrorists” entering Canada by way of the sea (Global Detention Project, 2012, p. 3). Minister of Citizenship and Immigration Jason Kenney (2012) purports that in order to “maintain that tradition of openness to the talents of newcomers and our strong tradition of refugee protection” the measures contained in Bill C-31 are necessary “to demonstrate to Canadians and the vast majority of immigrants who are law-abiding that we will not tolerate those who seek to abuse our generosity” (qtd. in CIC, 2012, “Speaking Notes for the Honourable Jason Kenney” para 2). Opposition to Bill C-31 has been taken up by groups such as No One is Illegal and the Canadian Council for Refugees, who claim that Bill C-31 unfairly targets asylum seekers, particularly that the newly-implemented designations of “irregular arrival” and “designated countries of origin” criminalize the most vulnerable of refugees. Bill C-31 was preceded in parliament by the omnibus Bill C-10, the Safe Streets and Communities Act, which received royal assent in March 2012 and which, among other things, brought in new and increased mandatory minimum sentencing, increased barriers for people detained abroad to come back to Canada, and discretional power for the Minister of Immigration to deny work permits to foreign temporary workers who are perceived to be “at risk of abuse” (Canadian Civil Liberties Association, n.d., para. 1). When viewed in the context of surrounding changes made to the criminal justice system, the immigration system, and national security policy, Bill C-31, which was swiftly followed by the first reading of Bill C-43, or the Faster Removal of Foreign
Criminals Act, indicates a settling into a paradigm where suspicion and criminalization of newly im/migrants, especially those fleeing political persecution or violence, is acceptable and normal under the rationalization that “legitimate” Canadian citizens must be protected.

In her article, “Turning Work and Lifelong Learning Inside Out: A Marxist Feminist Attempt,” Shahrzad Mojab (2009) explores the exacerbation of the contradictory relations between labour and capital in a context of intensifying globalization. She writes, “(w)hile the borders may be loosened for the flow of commodities, they are tightened in order to exclude unwanted immigrant labour and refugees (Mojab, 2009, p. 5). While borders are closed to certain types of immigrants, Canadian employers employ an increasing numbers of temporary migrant workers. Workers from other countries steadily increased from 110 616 in 2002 to 190 842 in 2011 (Citizenship and Immigration Canada, “Canada – Temporary Residents by Yearly Status 1987-2011,” table 2). The temporary foreign workforce is also increasingly feminized as the growth in female workers outstripped that of male workers by more than 50% in 2011, which is up from past years (Citizenship and Immigration Canada, “Canada – Total Entries of Foreign Workers by Gender and Occupational Skill Level”). Statistics also indicate that the temporary foreign workforce is being de-skilled, as the growth rates in male workers occupying managerial, professional, skilled and technical positions declined overall, and among female workers, an even more rapid decline is evidenced (Citizenship and Immigration Canada, “Canada – Total Entries of Foreign Workers by Gender and Occupational Skill Level”). Also significant are the distribution of temporary workers and humanitarian and refugee claimants according to their countries of origin. It remains to be seen how the “safe countries list” now implemented by the conservative Canadian government will affect these statistics. These trends and the contradictions they demonstrate will be explored further in this project.
Bill C-31 and other policy changes encompassing immigration, security, and criminal justice occupy a contradictory position in relation to Canada’s increasing reliance on temporary foreign workers to do low-paid, de-skilled jobs. Even under conditions of austerity triggered by a recent economic downturn, government programs such as the Temporary Foreign Worker Program have facilitated three consecutive years of double-digit increase in the number of temporary foreign workers (Thomas, 2010, Chart 2). In fact, the number of temporary foreign workers has far outstripped the numbers of people permitted in Canadian, temporarily or permanently, for other reasons (Thomas, 2010, para. 1). The proportion of economic immigrants admitted in Canada (as opposed to those in the family or humanitarian classes) has increased from 54.7% in 2003 to 66.6% in 2010, demonstrating that increased emphasis is being placed upon the short term economic contributions that immigrants can offer instead of a commitment to the long-term integration of new immigrants into society (Alboim & Cohl, 2012, pp. 61, 58). This is not a trend isolated to the Canadian context, but a global phenomenon that shows the relation between crises in capital and immigration trends and policies. This is a macro-level relation that I will explore in detail throughout this project.

The methodology that guides my questioning is informed by a dialectical conceptualization of material social relations. Paula Allman, in her concise book On Marx: an Introduction to the Revolutionary Intellect of Karl Marx (2007), problematizes ontological and epistemological methods which abstract or fragment ideas and consciousness from material reality and experience. She urges a return to Marxist dialectical theorization, emphasizing a view of social factors and processes that sees them in the context of their internal, or mutually constitutive relations (Allman, 2007, p. 25). Based on my own experiences crossing national borders, it is clear that my ease in crossing is directly and dialectically related to the dis-ease of
certain other bodies. In undertaking a dialectical lens of analysis, the un-bordered body which does not pose a risk to national security, owes his/her embodiment not to biology, but to those “Other,” border-carrying bodies who do not, legally or socially, have the ability to moved in unconstrained ways. The conditions placed on certain bodies, then, are social phenomena that take place in a co-constitutive relationship with the construction of idealized Canadian citizenry.

My thesis asks the following questions: what is the nature of the contradictory relations and processes in which Bill C-31 consists? How does Bill C-31 reflect and impact the dialectical relation between economic, labour and immigration policies? How do the policies enacted by Bill C-31 relate to processes of capitalist accumulation?

Theoretical Framework

“A society is not a static thing, an object, a single entity. It is a system, an ever-changing network of interlocking relationships wherein the whole is more than – and sometimes qualitatively different from – the sum of its parts. The ways in which necessities and luxuries are produced, the shares of both to which different classes within society are entitles, the level of science and technology, the distribution of power, the sexual arrangements, the child-rearing practices, the individual psychology and ideologies embodied in religion, in philosophy, in education, and in institutions – all these shape each other. Interactions among them are not simple; the are nonlinear, circular loops of cause and effect that feed back on one another, acting as mutual pressures and restraints. A change in one aspect of society changes the dynamic balance among all its aspects. Other aspects then must change in an attempt to preserve a constancy in the relationship between human beings and their environment, so that this relationship will allows groups survival” (Starhawk, 1982, p. 189).

In order to structure the following project I would like to briefly discuss the theoretical principles to which I return throughout my writing and which I have used as a guide. Underpinning my approach is the materiality of social relations, including texts and policy. In the introduction to their anthology Educating from Marx: Race, Gender, and Learning (2012),
Shahrzad Mojab and Sara Carpenter approach the field of adult education from a critical Marxist feminist perspective. They problematize dominant social theories that tend to depict the social as fragmented and unknowable (Mojab & Carpenter, 2012, p. 4). They insist that life consists in actual lived experience and that people organize themselves in complex, social and historical ways in order to reproduce the material conditions of survival (Mojab & Carpenter 2012, pp. 5,6). A constraint on my research is that I have not gathered first-hand the stories and experiences of those most affected by Bill C-31 and the social relations which necessitate, legitimate, and are reproduced by it. Because it came into effect so recently, the effects of Bill C-31 are only just beginning to be documented. However, my research does not purport to document the effects of this bill, but to come to an understanding of it in its historical material context. This understanding is not removed from the lived experience of people, as I rely on a critical and revolutionary methodology which is embedded in an understanding of policy and ideology as material social relations that impact on people’s daily functioning, and the examination of which is sorely needed to strategize effective response and praxis.

In my time as a university student I have been confused by the representation of social phenomena as ahistorical and abstract things instead of relations and processes. Also, I have been conditioned to default to dominant forms of idealist thought, which view ideas as temporally preceding, and separate from, reality. Paula Allman, in her book *Critical Education against Global Capitalism* (2010), posits a Marxist revolutionary materialism where reality and consciousness are extant in dialectical relation to one another; our action in and on the material world is the mediation or link between our consciousness and objective reality (p. 165). She argues that the postmodern “invasion” of academia has resulted in the creation of reproductive praxis, or one which, “in any historical conjuncture, results in an uncritical consciousness that is
highly susceptible to the dominant ideological discourses or explanations of reality” (Allman, 2001, p. 169). Himani Bannerji (2005) in her article “Building from Marx: Reflections on Class and Race,” recommends coming back to Marx’s formulation of the social where all human activity is embedded in social relations of race, gender, class, etc. (p. 147). She argues, for example, “race cannot be disarticulated from class any more than milk can be separated from coffee once they are mixed” (Bannerji, 2005, p.149).

Having established that social phenomena consist in material relations and processes from which knowledge and consciousness emerge, I would like to explain my conceptualization of the *dialectical* relations between social phenomena. While not all relations are dialectical, identifying those that are is a way to avoid the reproduction of existing relations and conditions. Paula Allman (2010) advocates for an approach that does not fragment, or separate out social factors and relations from each other. She relies instead on her interpretation of Marx’s theorization of dialectics, that is, that the relations between social factors – even those that appear unrelated, or as opposites – may be ontologically internal, or mutually constitutive (Allman, 2010, p. 25). For example, I take the relation between governmental policy regarding Indigenous peoples in Canada to exist dialectically in relation to that which governs immigration; to conceive of one without the other would be an incorrect abstraction as they both depend on and modify one another and their past, present, and future is inseparable. I will return to and elaborate on this relation further in my analysis.

I believe a dialectical conceptualization to be useful in forming a practical methodological approach. Studying dialectical relations within structures can reveal something about the future of those relations (Allman 2010, p. 28). This yields rich ground for the growth of resistance, or disruption of the relations through action. That is, through a dialectical
methodology, I feel better equipped to avoid reproductive, or uncritical praxis and contribute to a body of theory that can inform and respond to a revolutionary, or critical praxis, achieving a transformation of existing social relations while developing new ones to take their place.

“Revolution,” writes Allman (2010), “requires the simultaneous and complementary transformation of both self and society” (p. 34). The study of theory is only useful if it exists in a complementary relationship with practice, where each informs the other in an integrated and reflexive praxis where the line between theory and practice is indecipherable.

Following from this theoretical groundwork is an idea that is fundamental to my examination of national security and immigration policy in the context of global capitalism. That is, that the state matters. In the course of my academic life, I have been exposed to arguments that posit that forces of globalization render the nation-state irrelevant. I hold that the lived reality of people within nation states stands in opposition to such arguments and that the state must be seen in the context of its changing relation to land, citizens, and corporations. In his book *Globalization and Technocapitalism* (2012), Luis Villa-Suarez argues, “(a) state is essential to sustain technocapitalism and its corporatism, forcefully if necessary, if redistribution of power and wealth to benefit corporate interests – and the accompanying dispossession of the mass of the people – are to occur” (p. 210). While dominant ideology\(^1\) dictates that the role of

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\(^1\) My use of ideology as a concept throughout my analysis is based on theorizations of ideology put forward by Paula Allman (2007) and Dorothy Smith (2011). I use ideology in a negative sense; that is, that ideology “reflects or refers to aspects of our reality that are real, and that sense true, but which are only partial truth, or fragments, of something that we cannot fully comprehend unless we can grasp it in its entirety (Allman, 2007, p. 7). Ideological forms then, are not simply the dominant ideas put forward by the ruling class or social group, but are “manifestations of actual relations worked up in the realm of speculation in such a way that the actual ground of the concept is occluded” (Smith, 2011, p. 30). Ideology functions as a screen to obscure relations behind the concepts being touted as the cause of social phenomena. With critical application of this concept of ideology I hope to reveal something about these hidden social relations.
the state is to help its citizens succeed within relations of capital, corporate interests harness the state’s monopoly on force and legality in order to forward a neoliberal agenda that benefits a minority. Gender, race, class, and other systems of social organization are also structured by the state acting in the interest of corporations. Himani Bannerji (2005) articulates, “as modes of mediation, ‘gender’ or ‘race’ help to produce the constant devaluation of certain social groups’ embodiment of labour power, and create “colour” coded cultural commonsense for the state and society as a whole” (p. 153).

And so I proceed from this theoretical ground, to see social relations of race, gender, class, as well as the myriad of others, as dialectically related to the state, which has an interest in mediating the space between corporate capitalist interests and the material reality of citizenship. I do not intend to depoliticize or abstract social relations or phenomena but to see them in the context of each other, and of history and the future. I hope to be able to clear the fog that obscures the way forward for everyday people to go through the transformation of self and society that is so badly needed.

**Methodology: Critical Text Analysis**

The bulk of my research consists in critical textual analysis. This is an approach that considers the ways in which discourse is a social practice through which relations of power and domination are reproduced. I do not, however, want to abstract the social practice of discourse from the material effects engendered by texts. I take guidance from Derek Hook (2001) and bear in mind that “(p)ower, in no uncertain terms, cannot be fixed, or apprehended in the meanings and significations of texts, but must be grasped and traced through the analysis of tactical and material relations of force” (p. 530). The policy text of *Bill C-31* itself is the primary source of data with which I engage, but not as a source that can be comprehended without placing it in a
dialogical context. That is, I read Bill C-31 as part of a conversation with state and civil society actors. It is a conversation that owes its direction to historical events and material social relations in tension with one another.

I will rely on a diverse range of sources to contextualize Bill C-31. Previously enacted and more recent policy texts are woven in with social and activist media, mainstream media, academic papers and studies, and governmental publications, speeches, and declarations. The questions that will guide my reading include: who is the audience that each type of text is written for and why? What is the significance of, for example, a newspaper article, to the success of a bill in parliament? Who is invited to take part in this conversation and who is excluded? What is the nature of the relationship between the social processes at play and the material effects of the changing immigration system? How do these texts relate to processes of capital accumulation and expansion?

Methodologies that filter research through postmodernist theoretical lenses are en vogue right now. Intellectual concepts such as “unpacking,” “de-centering,” and “deconstructing” figure prominently in much critical social sciences research, especially in gender studies and queer theory. I do not want to discount the contributions made by many researchers who employ these frames of analysis; however, I worry that, as researchers, these frameworks can distract from material reality, and that as builder of knowledge, “(o)ur understanding of scholarly work or research follows exactly the same logic as that of the colonizers and scientists: they cut apart and separate parts which constitute a whole, isolate these parts, analyze them under laboratory conditions and synthesize them again in a new, man-made, artificial model” (Maria Mies, 1986, p. 77). Given the history (which I will discuss below) of the rise of gender polarities under relations of capital, the dominant methods for teaching and learning encourage
compartmentalization and abstraction. We go to entirely different buildings and entirely different departments to learn about economics, for example, when economy is a deeply social set of relations, embedded in education, anthropology, sociology, development studies, and virtually all other “social sciences.” Mainstream media, educational institutions, and the state discipline the mind and body to separate themselves from one another and understand things in isolation. Challenging myself to see “things” for what they really are: relations with a history, past, present and future, has been a deeply personal process and I wish to reflect it in the analysis I present here.

The following chapter is a discussion of Bill C-31 in the context of other policy, government initiatives, and resistance. I identify the contradictory relationship that temporary foreign labour programs share with Bill C-31 and evaluate the impact of the events of 9/11 on national security and border enforcement in Canada. I conclude with a discussion of the use of “human trafficking” discourse by supporters of Bill C-31. In Chapter III, I explore theorizations of the body in relation to the state, drawing on the work of Sylvia Federici and Maria Mies to delve into the roots of capitalist patriarchy. I continue my analysis by describing the relation between struggles for queer existence and im/migration justice, and I conclude with a look at the mental health impacts of immigration detention. In Chapter IV, I look at the immigration detention industry and its relation to Bill C-31. I historicize the rise of immigration detention and draw on a mainstream media example to show how ideology supporting the criminalization and incarceration of asylum-seekers and other undocumented border-crossers is formed. In Chapter VI, I focus on the role of technology in enforcing borders, specifically systems of biometric identification and their history of deployment by colonial and state bodies. In my final chapter, I conclude by summing up the areas of concern in Bill C-31, and a discussion of how to
move towards a critical praxis in adult education, based on a dialectical understanding of body/border relations.
CHAPTER II: SITUATING THE BILL C-31 IN ITS HISTORICAL, MATERIAL CONTEXT

A Changing Terrain

In March 2013 at the 15th Annual National Metropolis Conference to address issues of migration immigrant integration and population diversity, panel chair Nancy Alboim identified the current era of immigration policy as being “a period of unprecedented change in terms of both scope of change and certainly in terms of spec of change, and there’s no indication yet that this is stopping” (cited in Zilio, 2013, para 4). Since coming into office in 2006, Stephen Harper and his conservative government have passed successive policies related to immigration and settlement, causing an increase in security spending on the enforcement of borders and a punitive stance towards immigrants. In 2011, the Canadian parliament had a first reading of Bill C-49, an Act to Amend the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act and the Marine Transportation Security Act. An earlier act, Bill C-49, which achieved royal assent in 2005, titled An Act to Amend the Criminal Code (Trafficking in Persons) was the first time that the Canadian Criminal Code included specific provisions relating to the trafficking of persons, defined as “the recruitment, transportation, and harbouring of a person for the purposes of forced service” (Bill C-49, 2006, “Background,” para. 6). Bill C-31, the Protecting Canada’s Immigration System Act, which came into effect in December 2012, rolls these two bills into a larger omnibus format, encompassing a range of areas in the immigration, asylum/refugee, and criminal justice systems.

Bill C-31 has received criticism from a number of human rights and advocacy groups for containing changes that are problematic towards asylum-seekers. The addition of the category “designated foreign national” includes those people who enter Canada as “irregular arrivals,” as deemed by Minister of Citizenship and Immigration Jason Kenney on suspicion of human
smuggling or where the minister is doubtful as to whether the identity or admissibility of the individual can be conducted in a timely manner (Bechard & Elgersma, 2012, para. 16). People falling into this designation, which can also occur retroactively, may be subject to immediate mandatory detention until it is determined that they may file a claim for refugee protection, or until the individual is released as a result of an Immigration Division order, or upon ministerial order (Bechard & Elgersma, 2012, para 57). Under Bill C-31, “designated” people or groups are subject to mandatory detention, separation from their families, and a shortened timeline within which to construct their case for refugee status (Canadian Civil Liberties Association, n. d., para. 1,2). Bill C-31 also contains provisions to allow for the implementation of increasingly stringent biometric identification systems (Bill C-31, 2012, 6, 9). Several advocacy and activist groups, including the Canadian Council for Refugees, No One is Illegal, and the Canadian Civil Liberties Organization have opposed the bill, voicing concern that it is “a blatant violation of Canada’s obligations under a number of international legal conventions” and that it “represents a dramatic departure from the ethos and reputation of Canada as a compassionate, humanitarian voice on the world stage” (No one is Illegal, n.d., para 4, Canadian Civil Liberties Association, n.d., para 2). The outcry against Bill C-31 elucidates a contradiction in Canadian national identity; self-celebrated as carrying forward a tradition of humanitarianism which is presented as innately “Canadian,” the state passed refugee reform which is highly punitive towards asylum-seekers.

Shortly after Bill C-31 received royal assent, Canada’s conservative government announced its decision to significantly cut health benefits for refugees and asylum seekers through the Interim Federal Health Program (IFH), which provides limited and basic health care for protected persons who are not eligible for provincial or territorial health coverage (“Order
Respecting the Interim Federal Health Program,” 2012). The cuts to the IFH program coincide with, and are made possible by, the amendments entailed in Bill C-31. According to the changes made to this program, refugees whose home countries are on the newly implemented Designated Country of Origin (DCO) list may not apply for benefits through the IFH program (“Interim Federal Health Care: Summary of Benefits,” 2012). According to the new regulations, claimants from DCOs may only receive diagnostic care if they pose a risk to the public health of Canadian citizens. The exclusion of refugees and asylum-seekers from basic health care benefits unless they pose a risk to “the public” effectively excludes them from belonging to the public sphere, having detrimental consequences on their visibility as a population attempting to escape violence and trauma through im/migration.2

Health care practitioners throughout the country responded to the government’s arguments on humanitarian as well as economic grounds. In an interview with Maclean’s Aaron Wherry, Dr. Philip Berger (2012), one of the organizers behind Canadian Doctors for Refugee Care, attests that the ideological tools used by the backers of the cuts (such as that refugees come to Canada specifically to “take advantage” of the health care benefits, or that refugees are given better service than some sectors of the Canadian population) are contrary to the lived experiences of refugees, and argues that it is nonsensical to deny refugees basic health care because their conditions could worsen and, in the case that they do become Canadian citizens, end up costing the government more money (para. 8). Berger’s comments demonstrate the aforesaid

2 I use the term “im/migration” to refer to the processes by which peoples move, temporarily or to seek permanence, with or without documentation. I choose to use “im/migrant” to refer to people who have migrated but who may not be considered “immigrants” according to the legal definition used by the state in which they reside. I choose to use “im/migrant” also to invoke the transience induced by unsettling and oppressive economic and military policies and the complications that arise when people travel for temporary employment, permanent residence, or to seek asylum.
contradiction in the way that Canadian citizenship is popularly portrayed. It is an “historic quality,” says Berger of Canada, “to take care of people who come to our land” (qtd. In Wherry, para. 8). While Berger’s actions are essential to taking on decisions which threaten the well-being of refugees and asylum-seekers, the idea that “taking care” of newcomers is an historically “Canadian” value is based more in ideology than in the historical material reality of Canadian nationalism.

The Push and the Pull: Temporary Foreign Workers and the Dialectical Contradiction of Canadian Im/migration and Labour

Who gets to cross Canadian borders? And under what kinds of conditions are they allowed to stay? In answering these questions, another contradiction, one that I briefly described in the introduction to this work, emerges. In spite of the state’s crackdown on those looking to “abuse” the “generous” Canadian immigration system, today we live in a country that is economically dependent on the work done by foreign temporary labourers. The growth in the number of people admitted to the country annually as temporary workers far outstrips that of permanent immigrants (Thomas, 2010, para. 11). Between the years 2002 and 2010, the number of temporary foreign workers admitted to Canada jumped from 101,099 to 282,771 while the number of permanent immigrants accepted rose from 229,048 to 280,681 (Alboim & Cohn, 2012, p. 46). In 2008, Citizenship and Immigration Canada reported that Canada’s Temporary Foreign Worker Program was the component of non-permanent admissions that saw the highest levels of growth (Thomas, 2010, Chart 2). This increase has continued, even in the midst of an economic downturn (CIC, “Canada – Total Entries of Refugee Claimants by Gender and Age”).

Increasingly, Canada relies on migrant labour to do agricultural, personal care, and other low paid jobs. Harsha Wallia (2010) describes migrant labourers as comprising “the ‘perfect
workforce’ in an era of evolving global capital-labour relations: commodified and exploitable; flexible and expendable (p. 72). In her 2003 documentary *El Contrato*, Min Sook Lee gives a voice to migrant labourers who leave Mexico to work in tomato greenhouses in Leamington Ontario. The workers experience racist and unfair treatment at the hands of their employers, who pay them less than the Canadian minimum wage, house them in crowded accommodations, restrict their movement including access to medical care, and punish them for demanding fair treatment (Min Sook, 2003). Adriana Paz (2008) writes that workers under the Seasonal Agricultural Workers Program (SAWP) are paid minimum or around minimum wage, work 12-16 hour days, and are denied holidays, overtime pay, vacation pay, the right to collective bargaining, and the right to seek better employment (para. 18, 13). Paz also notes that the so-called “labour shortage” which programs such as the SAWP and the Temporary Foreign Workers Program (TFWP) were brought into existence to remedy, is a socially-produced condition, manufactured through a denial of wage increases in the agricultural sector and measures to restrict the Family Reunification Program and other avenues by which farm workers may have pursued permanent citizenship (para. 9.10,11).

Canada’s Live-in Caregiver Program (LCP) is a program that began in 1992, under the umbrella of the TFWP and is responsible for bringing in domestic workers, 90% of whom are Filipina women (Nocos, 2013, para. 4). The heavily racialized and gendered temporary foreign workforce in Canada earns less per week than other full-time workers (Thomas, 2010, para. 10). Based on Census date collected in 2006, analysis shows that a 40-year old urban-dwelling married woman with non-permanent residency and a post-secondary certificate who worked full time would make around $602 per week, while her Canadian-born counterpart would make about $895 (Thomas, 2010, para. 55). In fact, the labour conditions faced by many temporary foreign
workers in Canada resemble Jason Kenney’s (2012) description of the hardships undergone by victims of human trafficking who “are denied a normal life and are compelled to provide labour services through a variety of coercive practices for the profit of the people who control them” (qtd. in CIC, “Speaking Notes, at a News Conference to Announce New Measures,” para. 1).

What I have described constitutes a contradiction where the Canadian border is selectively tightened to im/migrants seeking permanent residency and loosened to allow temporary foreign workers vetted for their unlikeliness to seek permanent residency, and controlled by severe restrictions and conditions on their employment. Complicating this contradiction is the fact that many workers coming to Canada are displaced by overseas economic endeavours led by Canada in their home countries. The *North American Free Trade Agreement* (NAFTA) in 1994, of which Canada, the United States and Mexico are signatories, lowered customs barriers to the flow of commodities between the countries with the effect that highly-subsidized American corn flooded the Mexican market, drowning many workers in the agricultural sector and forcing the price of basic food items through the roof while the minimum wage in Mexico decreased by 22%, sending an unprecedented number people from Mexico to the United States (Bacon, 2008, pp. 51, 59, 61, 62). NAFTA’s prohibitions on local content laws resulted in major job losses in the auto parts sector and the Mexican government has entered into a loan agreement with the United States which pledged oil revenues as payment, a condition which directly de-funded social programs and gave over control of the banking system to Northern powers (Bacon, 2008, pp. 63, 64). The plight of working class and poor Mexican citizens as a result of the agreements entailed in NAFTA are an example of neoliberal economic policy leading to the creation of a supply of people who, out of lack of any other option, must migrate in search of work with which they can support themselves and their families.
In his book, *Illegal People: how Globalization Creates Migration and Criminalizes Immigrants*, David Bacon (2008) points out that “(t)he same system that produces migration needs and uses that labor” and, that “displacement has been indispensable to the growth of capitalism from the beginning” (pp. 67, 68). Basically, while relations of capital create the workforce desperate enough to work for low wages and under horrific conditions that relations of capital need to continue functioning, Canadian state ideology conveniently separates the issues of conflict and poverty that drive people from countries in the Global South to migrate in search of work or safety from issues of immigration and national security. In his explication of the security and trafficking concerns which prompted the creation of *Bill C-31* and other security and immigration legislation, Jason Kenney leaves the causes of immigration unaddressed, choosing instead to focus on the “risk” associated with “criminals” looking to take advantage of Canada’s reputed generosity. National security ideology and the fear of the immigrant “terrorist” serves to obscure the relations from which migration trends actually emerge, creating a fractured understanding among Canadian citizens of the structural violence wreaked by neoliberal economic policy and its connection to Canada’s policies around im/migrant labour, refugees, and national security.

The creation of a disposable workforce is not a new phenomenon to Canada but a process that underlies the formation of the nation. The theft of land from Indigenous peoples and the exploitation of various racialized, displaced, and cash-poor labour sources throughout Canadian history, lie at the base of the state’s functioning. Harsha Walia (2010) terms the phenomenon “transient servitude,” developed in Canada to replace indentured servitude and which continues to ensure “a pool of highly exploitable labour, excluded from the minimal protections of the
welfare state, and readily disposed of without consequences” (p. 73). I will explore this further in the following chapter.

To conclude my discussion of the permanent/temporary im/migrant dialectic, I will introduce a concept that I have found to be helpful in understanding the contradictory relations of capital, labour, and migration. Cycles of capital accumulation necessitate a disposable workforce. Achille Mbembe (2004), in his article “Aesthetics of Superfluity,” elaborates on the condition of superfluous labour in post-apartheid Johannesburg, South Africa. “Superfluity,” he recounts, refers to “the dialectics of indispensability and expendability of both labour and life, people and things” (p. 375). He describes the processes by which Black labour was simultaneously indispensable and expendable to the ruling class, the actual use-value of Black labour being obfuscated, the obfuscation being “itself a mode of rationality closely related to the circulation of capital,” which is “predicated not just on class relations but on human investment in certain forms of racial delirium” (Mbembe, 2004, p. 380). The invisibilization of migrant labour in Canada similarly involves both the dispensability and expendability of racialized temporary workers. In 2012, twenty migrant workers died due to farm and vehicle accidents in Ontario and thus far, their families and supporters have been denied coroner’s inquests into their deaths (The Canadian Press, 2013, para 3). The case of Canada’s im/migration system exhibits a dialect similar to that described by Mbembe; restrictions are placed on immigrants seeking permanent status, while programs are expanded which exacerbate the temporary and indispensable/expendable labour conditions for migrant workers.

**Im/migration and 9/11**

The events of September 11 2001 and the ensuing US-led “War on Terror” have had profound consequences to the way in which the United States/Canada border is secured, in
particular the tightening of Canadian border security and immigration policy. *Bill C-31* can be understood (although not completely as the preconditions for such policy were in place prior to the events of 9/11) as a function of the national paranoia and shame triggered by the “terror attacks” which gave rise to the ideology of terrorists as “security threats,” legitimizing such policy. While the field of “border studies” overwhelmingly focuses on the Mexico/United States border to the south, a look at the northern boundary of the United States yields important insights into im/migration trends and changing conceptualizations of national security.

Immediately following the so-called “terror attacks” in New York city, the Canadian frontier and “lax” Canadian immigration policies were incorrectly identified as the reason why the people who carried out the attacks were able to enter the United States. The knee-jerk reaction of vilifying the “Arab terrorists” charged with being responsible for the hijackings was exhibited in mainstream reporting, which overwhelmingly propound on Canada’s alliance with the United States in the face of the “terrorist” threat. Many editorials, such as that by Graham Green who was the deputy editorial page editor for the Ottawa Citizen, reiterate Canada's alliance with the United States. He remarked that the attacks of September 11 were not just an attack on the United States and its citizens, but an attack on “the very essence of all truly democratic countries” (Green, 2001, para. 4). An article by Michael Binyon (2001) in the Victoria BC paper, *The Times - Colonist* called the events of Sept 11 2001 “the worst terrorist attack in history” and one that “highlighted the powerlessness and irrelevance of moderation and diplomacy in the face of naked hatred and thirst for revenge” (para. 4). An article appearing in the *Calgary Herald* on September 13, 2001 stated that in a report carried out by Canadian defense planners, Americans “are particularly concerned with Canadian immigration and refugee deportation policies as well as poor government funding for police and security programs.”
US ambassador to Canada at the time, Paul Cellucci, recommended that Canada and the United States move towards a common immigration policy and federal transport minister David Collenette announced that Canada’s immigration and customs measures were “under review,” while refugee advocates voiced concern that the attacks would provoke a tightening of Canada’s refugee policy (Thomson, para 1, 15, 18).

In the wake of 9/11, the Canadian federal leadership, under Prime Minister Jean Chretien, jumped to voice their alliance with the United States. Canada rapidly committed to the Smart Border Declaration and Action Plan, an agreement founded upon the importance of connecting economic and national security within and between the United States and Canada. The Smart Border Action Plan calls for the establishment of integrated information-sharing border enforcement teams at the US/Canada border, and investment in border infrastructure such as biometric identification systems and FAST lanes, which facilitate the cross-border movement of pre-approved commercial goods (Public Safety Canada, 2008, para. 3,4,5,6). Expanded by the US/Canada Security and Prosperity Partnership (SPP) of 2005, the Smart Border Declaration and Action Plan is a re-solidification of the link between economic and national security, a link upon which Bill C-31 depends to garner support and continue the state’s alliance with corporate neoliberal3 interests. The SPP has as an advisory board the North American Competitiveness Council, made up entirely of corporate CEOs (Walia, 2010, p.78). The events of 9/11 sparked a

3 I employ a concept of neoliberalism that aligns with the definition given by David Harvey (2010) in his book The Enigma of Capital and the Crises of Capitalism. He describes neoliberalism as “a class project that coalesced in the crisis of the 1970s. Masked by a lot of rhetoric about individual freedom, liberty, personal responsibility, and the virtues of privatization, the free market, and free trade, it legitimized draconian policies designed to restore and consolidate capitalist class power” (Harvey, 2010, p. 10). Luis Suarez-Villa (2012) describes neoliberalism as a political and economic approach which worked through monetary policy to strengthen the corporate hold on resources, reducing the power of labor unions and promoting strategies of privatization, de-regulation and decreased state intervention (p. 15).
wave of agreements and policies which have profoundly changed “who gets in” in Canada and Bill C-31 is the latest installment of many which have structured these changes.

More recently, the Security and Prosperity Partnership of North America, an “ongoing dialogue,” between the North American states that addresses security through trade policy and anti-terrorism initiatives, constitutes a “NAFTA-plus-homeland-security model” that is slowly and silently being translated into policy (Security and Prosperity Partnership of North America, 2009, para. 2; Wallia, 2010, p. 78). The SPP calls for the encouragement of North American economic competitiveness through the loosening of borders to commodities, capital, and electronic commerce and the “securitization” of the population through the enhancement of the borders’ security apparatus (Security and Prosperity Partnership of North America, 2009, para. 4, 7). This simultaneous loosening of the border to allow capital to flow freely and the increase in tracking, surveillance, and weapon technology to inhibit foreign nationals from crossing borders is directly related to the production and maintenance of bodies which are exploitable, displaceable, disposable and indispensable to evolving global capitalist relations. The free flow of capital is mutually constitutive of the rendering of certain bodies as static and immobile except under the conditions of migrant labour programs such as Canada’s Seasonal Agricultural Workers Program, the Temporary Foreign Workers’ Program, or its Live-in Caregiver Program. Evidently, the Canadian government is not opposed to letting migrants cross its borders but the conditions placed upon them ensure that their presence does not upset the dominance of whiteness as a naturalized feature of Canadian-ness.

Ideological arguments in support of tightened border security and immigration control, such as those used to push Bill C-31 through parliament, frequently entail and encourage a sentiment that immigrant labour is a threat to Canadian-born workers, effectively dividing the
working class. Solidarity between activists for Indigenous sovereignty and migrant workers is complicated by the clash between the principles if Indigenous sovereignty and the rapid resource extraction practices employed by corporations that depend on migrant labour. Harsha Walia (2010) articulates this in the following way: “(t)he political purpose of tightened immigration and security measures is to demobilize racialized populations within Canada, to ensure collective social discipline and an internalized sense of non-belonging, by arbitrating who legitimately constitutes the nation” (p. 79).

While Canada’s border-related policies are increasingly aligned with corporate economic interests, the ideological discourse of Canadian nationalism reiterates the distinct character of Canadians. The discourse surrounding Bill C-31 emphasizes the generosity of Canadians in order to pass legislation that criminalizes the movement of people, a character trait that sets Canadians apart from other countries. Claudia Sadowski-Smith (2008), in her book, *Border Fictions: Globalization, Empire, and Writing at the Boundaries of the United States*, writes that Canadian efforts to integrate economic and political policy with the United States can co-exist with a nationalistic discourse of cultural uniqueness because “(w)hile cultural nationalism originally arose out of popular left-leaning positions, its commodification in product placement shows that this sentiment can easily be manipulated in support of neoliberal policies that at least purport to strive toward the eventual annihilation of national sovereignty” (p. 135).

**Immigration, Criminal Justice, and “Human Trafficking”**

Rallying support around the issue of human trafficking, backers of Bill C-31 claim that changes to the immigration system and the Criminal Code will help those identified as the victims of the trade in humans. In a 2010 article titled “The Slave Trade is Back: Confronting
Human Trafficking in Canada and Beyond,” Benjamin Perrin calls human trafficking “modern
day slavery” and cites Royal Canadian Mounted Police statistics that estimate that 800 foreign
nationals per year are brought to Canada to “become human trafficking victims” (para. 17, 22).
The Canadian government, details Jason Kenney, has “an ongoing commitment to strengthen
partnerships and collaboration to prevent and combat the crime, the odious crime, of human
trafficking, often described as modern-day slavery” (CIC, 2012, Speaking Notes to Announce
Royal Assent, para 10). In 2012 measures were introduced to prevent immigration officers from
processing applications form foreign workers looking for employment in the adult entertainment
industry, and under Bill C-10, the Safe Streets and Communities Act, passed in 2013, visa
officers are able to deny work permits if they have evidence that an applicant for a work permit
may face “degrading or humiliating treatment” (CIC, 2012, Speaking Notes to Announce Royal
Assent, para 13). The process for determining whether or not a visa applicant will face abuse in
their employment in Canada is undefined, left up to the minister’s discretion. Furthermore,
while Bill C-10 and other anti-trafficking legislation purport to target the perpetrators of human
trafficking, they actually focus on the individual worker. These efforts to nothing to stop the
cycles of structural violence and oppressive economic policies that are responsible for creating
the conditions that drive many women to do sex work in the first place. Bill C-31 claims to
target human smugglers, but the designations of “irregular arrival” and “designated foreign
national” are overwhelmingly applied to unaccompanied minors, families or individuals who
arrive clandestinely (without prior attainment of a visa), or those with false identity documents,
claims the Regional Program for the Settlement and Integration of Asylum Seekers in their 2012
“Brief Concerning Bill C-31 Presented to the Standing Committee on Citizenship and
Immigration” (p. 8). They go on to express concern that the bill is highly unlikely to reduce the
human smuggling activity. “On the contrary,” they write, “we fear that because of these measures, the claimants we see will be in an even worse state since they risk paying more for their access to safety and spending more time at the hands of unscrupulous smugglers” (CSSSDLM/PRAIDA, 2012, p. 8).

Looking at a precedent example from the United States illuminates the link between economic policy and Bill C-31’s anti-human trafficking components. In the United States, the Victims of Trafficking and Violence Protection Act promises to crack down on human trafficking, “a contemporary manifestation of slavery” through the creation of a three tier system where countries that comply with the economic policies recommended by the United States are placed in the first tier and those in the second and third tiers face the threat of economic sanctions (US Senate/House of Representatives, sec. 110; Kempadoo, 2005. p. 44). Bill C-31 mirrors U.S. policy in that it entitles the Minister of Citizenship, Immigration, and Multiculturalism, to create a “designated countries of origin” list, taking into consideration the number of successful applicants for refugee status from a given country, as well as whether or not the minister is “of the opinion” that said country has “an independent judicial system,” “basic democratic rights and freedoms are recognized and mechanisms for redress are available of those rights are infringed,” and “civil society organizations exist (Bill C-31, 2012, 58). The “designated countries of origin” list consist of 37 countries (see Appendix 1) and is essential to understanding how national boundaries are created and imposed, selectively, on people. Through the drawing up of lists, the Canadian government is able to fast-track the refugee process for certain claimants, denying their right of appeal if their claim is rejected, based on internally-generated standards and evaluations of democracy, freedom, and basic human rights. The unprecedented amount of subjective powers of ministerial discrimination given by Bill C-31 provides a space for political jockeying
to strategically endorse or punish countries who comply or who resist economic structuring that preserve the relatively comfortable economic position that Canada enjoys in the context of global capital relations.

Immigration policy related to human trafficking is problematized by various theorists and activist on the grounds that the enforcement of such policy takes a punitive stance towards the victims of trafficking, doing nothing to address the causes of sexual violence or forced sex work. Kamala Kempadoo (2005) writes that international state agencies and bodies’ discourses on human trafficking are “embedded in a number of concerns, most notably the control of migrant labour” (p. 35). Specifically, she articulates, “increasingly restrictions on immigration in the contemporary global political-economic context are then also likely to increase the vulnerability of women and girls from the global South to being smuggled across borders, harassed at entry points, forced to work in undocumented status and sectors in ‘developed’ economies, ‘rescued’ by law enforcers, detained under laws as illegal immigrants or criminals, deported with a record as a lawbreaker and exposed once again to the conditions that sent them out of their homes in the first place” (p. 42). Bill C-31 and the ideological discourse of human trafficking that surround it separate the causes of human trafficking from the manifestation of forced sex work in Canada. The narrative of Canada’s responsibility towards victims of human trafficking portrays the state and border enforcement officials as rescuing those “most vulnerable” to human trafficking, leaving unexamined the corporations, businesspeople, and state bodies that are beneficiaries of legal and regulated forced labour.

Kempadoo (2005) writes that panic over human trafficking “has conveniently helped to eclipse state-sponsored exploitation of migrant people and puts a ‘benevolent’ and ‘paternalistic’ face on border guards who are well known for their systematic abuse of migrants” (p. 48). State-
led discourse surrounding issues of human trafficking supports a narrow definition of sexual violence that lets perpetrators of systemic and structural forms of sexual violence off the hook. In her book *Conquest: Sexual Violence and American Indian Genocide*, Andrea Smith (2005) equates colonial violence with sexual violence, a project that “establishes the ideology that Native bodies are inherently violable – and by extension, that Native lands are also inherently violable” (p. 12). She cites numerous cases where Native women’s bodies have been used as testing grounds, tools of sexual domination, and collateral damage, one example being the overwhelmingly high number of Indigenous women who have gone missing in Canada, with minimal or no police investigation (Smith, 2005, p. 30). When held up alongside the Canadian state discourse around the “mainly women and children” victims of human trafficking, it is clear that certain racialized and gendered bodies are leveraged for the purpose of political gains, while others are strategically discarded as part of a history of violence colonial genocide upon which the Canadian state is founded (CIC, *Speaking Notes at a News Conference to Announce New Measures*, para. 1). *Bill C-31* is an implement in a set of dialectical social relations where the securitization of some bodies depends upon and reinforced the insecurity of others. I will explore this in the following chapter.
CHAPTER III: THEORIZING THE BODY IN RELATION TO NATIONAL BOUNDARIES

Relations of Capital Responding to Crisis; Witch Hunts and Wars on Terror

I would like to clearly state my intention for the following section, as my rationalization may otherwise seem tangential. I aim to historicize current social relations of capital and their relation to the state in order to better understand how im/migration patterns are caused, and how current socioeconomic divisions such as race, gender, class, and sexuality are connected to said relations of capital and patterns of im/migration. My guiding questions in this section are: how have relation of capital and colonialism come to structure the present-day Canadian nation state? How does capital respond and restructure in the face of crisis, and how is labour invisibilized and exploited within relations of colonialism and capital in Canada? In her essay “Memory and the Impossibility of Whiteness in Colonial Canada,” Kristin Lozanski (2007) writes that in Canada, “whiteness operates alongside, and in tension with, multicultural Others” (p. 223). “Whiteness,” continues Lozanski, “is imposed through ostensibly rational principles such as freedom, equality, and meritocracy – ideals that, not coincidentally, promote capitalism (2007, p. 223). To begin a dialectical exploration of the theorization of the relation between the body and the contemporary Canadian nation state, I would like to focus on the emergence of “Canada” from the relations of capital which gave rise to, and continue to structure, its enforcement of borders.

From the outset of the colonial process, which resulted in the nation of “Canada” as we know it, Indigenous peoples have had to be displaced, dispossessed, assimilated, and greatly reduced in numbers and spirit in order for colonizers to take control of resources and lucrative trading networks. Andrea Smith (2005) writes of the U.S. colonial imagination that Native bodies must be transformed into a “pollution of which the colonial body must constantly purify
itself” (p. 9). In Canada, genocidal campaigns such as the bounty for Mi’Kmak lives paid out by Governor Edward Cornwallis, the buffalo hunts in the Western provinces, and the residential schools, which operated until 1996, stand as historical evidence to support Smith’s position (Nagy, Kaur, Sehdev, 2012, para 1). Ongoing assaults on Indigenous sovereignty can be seen in the aggressive tactics of mining companies such as the operation of Platinex mining company ignored a Native moratorium on mining exploration of the land of the Ontario first nation of Kitchenuhmaykoosib (KI) from 2006-2009, and the recent arrest of several Indigenous anti-fracking protesters in Elsipogtog, NewBrunswick, and the assault of an elder woman by police encountering the protest (Peerla, 2012, p. 1; Stewart-Kanigan, 2013, para. 1).

Canada’s relations with First Nations people have undergone a series of reinventions, as social trends and relations of capital demand a readjustment of national discourse and policy towards Indigenous groups. A departure from early campaigns of overt genocide, assimilationist policies signified a reincarnation of the Canadian state’s genocidal bent and asserted that the only hope for survival of Native peoples was the dissolution of their culture and dilution of their blood with that of people of European descent. In his defense of amendments to the Indian Act, which called for the enfranchisement of Native peoples, renowned Canadian poet and Deputy Superintendent of Indian Affairs Duncan Scott said in 1920:

“I want to get rid of the Indian problem. I do not think as a matter of fact, that this country ought to continuously protect a class of people who are able to stand alone… But after one hundred years, after being in close contact with civilization it is enervating to the individual or to a band to continue in that state of tutelage, when he or they are able to take their position as British citizens or Canadian citizens, to support themselves, and stand alone” qtd in Salem-Wiseman, pp. 138-139).

Reacting to critiques of the assimilationist approach, policies of multiculturalism, first
proclaimed by the Canadian state in 1971, operate from a discourse that acknowledges that Canada is a nation of immigrants. On their website, the Ministry of Citizenship and Immigration Canada declares that “diversity is a natural asset” and that multiculturalism “ensures that all citizens can keep their identities, can take pride in their ancestry and have a sense of belonging” (CIC, “Canadian Multiculturalism,” 2012, para. 7.2). Multiculturalism, however, tends to result in culture-based solutions to racial issues while avoiding the systemic and structural reasons for such problems. Nandita Sharma (2011) in her article “Canadian Multiculturalism and its Nationalisms,” interrogates policies of multiculturalism from two angles. First, that the “we are all immigrants” platform effectively levels the real disparities between newly-immigrated, mostly non-white peoples, and the ruling white majority who ancestors were immigrants, conveniently side-stepping the former group’s experience of racism (Sharma 2011, p, 85). Secondly, such policies have invisibilized Native populations, leading to a reactionary “conflation of processes of immigration with those of colonization” (Sharma 2011, p, 85-86). Discourses of multiculturalism then, contribute to a nationalist ideology that masks ongoing processes of racism and white supremacy, both towards Indigenous peoples and non-white im/migrant groups. In fact, the Canadian colonial ideology, which reinvents itself to displace First Nations people and emplace whiteness, exists in mutual constitution with ideologies that present racialized im/migrant populations as threatening to the fabric of Canadian national unity. An internal contradiction between the symbolic celebration of Canada’s diverse population and the material exclusion of communities of colour underlies processes of im/migration.

In order to understand this contradiction, I would like to explore the history of relations of capital as they have created and necessitated certain pattern of immigration and the creation of labour sources that are simultaneously and inseparably disposable and indispensable. Primitive
accumulation, identified by Marxist theorists as a necessary process in the establishment and continuation of a capitalist mode of production, was carried out through processes of exploitation and colonialism in Western Europe and abroad. In her book *Patriarchy and Accumulation on a World Scale*, Maria Mies (1986) distinguishes a connection between “the ‘civilizing process by which poor European women were persecuted and ‘disciplined’ during the witch hunt, and the ‘civilizing’ of the ‘barbarian’ peoples in the colonies” (p 90). In her book *Caliban and the Witch*, Sylvia Federici explores the phase of capitalism known as primitive or original accumulation. During this nascent period, capital was accumulated through the enclosure of common land holdings and the according invisibilization and expropriation of the labour of women and heretics, carried out through the witch-hunts in Europe in the Middle Ages (Federici, 2001, pp 21-28). Federici (2004) states that periods of shortage and lack engendered by the dissolution of feudalism gave rise to fantasies of evil and witchcraft as way to find blame for hardship (p. 80). The process of primitive accumulation, she explains, consisted in “an immense accumulation of labour-power – ‘dead labour’ in the form of stolen goods, and ‘living labour’ in the form of human beings made available for exploitation – realized on a scale never before matched in the course of history” (Federici, 2004, p.64). It is upon this primitive accumulation that European imperial interests could carry through projects of colonial conquest, establishing themselves as owners of land, and killing or enslaving the original inhabitants of the “New Word” as it benefitted their project of capital accumulation and nation-building. In the following paragraphs I will explore ongoing processes of capital accumulation in their historical material context in order to understand the social relations which impact on im/migration, citizenship, borders, bodies, and the state.

David Harvey (2010) in his book *The Enigma of Capital and the Crises of Capitalism*
points to primitive accumulation as necessary to the development of capitalism through its stages and readjustments, to the phase of global finance which we are experiencing today. “A rising bourgeoisie,” he writes, “gradually asserted their money power to influence and reconstitute state forms, ultimately assuming a commanding influence over military institutions and administrative and legal systems” (Harvey, 2010. p. 48). In this way, the ruling class is able to legally, through a monopoly on force and private property law, destroy pre-capitalist and anti-capitalist forms of trade and social organization, and dispossess people of land and resources. In the new phase of global capitalist relations, new incarnations of exploitable servitude must persist in order for primitive accumulation to ensure the dominance of the capitalist mode of production. While policies such as Bill C-49, Bill C-31, and the Trafficking Victims Protection Act in the US rally support around human trafficking as “a modern form of slavery,” patterns of displacement and criminalization fill up underpaid jobs, jails, and detention centers.

Many theorists have effectively established the necessity of invisible whiteness to the shoring-up of the territorially bounded liberal democratic state. But what does this installation of whiteness in Canada do for the accumulation of capital? I am reminded of Sylvia Federici’s (2004) point in Caliban and the Witch: Women, the Body, and Primary Accumulation, that “whenever the capitalist system is threatened by a major economic crisis, the capitalist class has to launch a process of “primitive accumulation,” that is, a process of large-scale colonization and enslavement, such as the one we are witnessing at present” (p 104). Inherent in processes of European colonial expansion is a contradiction identified by Federici and other theorists. As colonies were established and colonial states strengthened, more and more indigenous labour was needed. As the labour tended to be harsh and even fatal, the colonial administrations had to face the decline of their labour populations. Thus, labour had to be imported from elsewhere.
Colonial expansion both necessitated and resulted in an extensive slave trade. Sylvia Federici (2004) states that the “true wealth” of the colonies was the labour accumulated in the slave trade, “which made possible a mode of production that could not be imposed in Europe” (103). The mutually constitutive relations between capitalism, patriarchy, and colonialism are elaborated upon by Maria Mies. She writes that primitive accumulation and the violence it entails “continued up to our own day, with regard to women and the colonies – now called developing nations – and with regard to nature, the foundation of all life and production” (Mies, 1986, p. x).

In terms of the relation between expropriated, or slave labour and the accumulation of capital, Canada is no exception. The suspicion of asylum-seekers, which is put into policy with Bill C-31, has important connections with policies that create poor populations willing to migrate in search of work. In other words, labour must be exploited in order to keep capital afloat; when one source is exhausted, another must be created. In these times, much exploited labour in Canada is cash-poor, precarious, racialized, temporary, and migrant.

In the Canada colonial context, capital accumulation was made possible through supplies of free and cheap labour and the theft of Native land and resources. Colonization in Canada effectively destroyed Indigenous peoples’ trading networks and gift economies. In his book We were not the Savages: A Micmac Perspective on the Collision of European and Aboriginal Civilizations, Daniel Paul (2000) writes about the experience of Mi’Kmak people on the East Coast of Canada. He writes, “(t)he disruption of the trading patterns by European intrusion was a major factor in hastening the end of independence for indigenous American Nations” (Paul, 2000, p. 43). As the Canadian state developed under British supervision, supplies of cheap labour had to be sourced elsewhere. Black people came to Nova Scotia as slaves, refugees, loyalists, maroons, and migrants. Settlements such as those of Birch Hill, Preston, Lincolnville,
and Africville served as stores of cheap labour, as the white colonial administration routinely
denied these communities resources, food, and decent land, which effectively resulted in
desperation and “reproduced in the region the conditions of an industrial reserve army”
(Macdonald, 2001, pp. 103, 185). Better known is the history of Chinese workers who,
employed to build the Canadian Pacific Railway, were paid half of what White workers received,
were not provided room and board, and were strategically used to complete the most dangerous
tasks in building the tracks, resulting in hundreds of deaths (Chow Tan, 2005, p.1).

As we can see, the Canadian state was not “made from scratch” but was based on
processes of primitive accumulation, which have their historic predecessors in the primitive or
original accumulation of wealth and resources carried out in Europe through the dispossession of
the serf and peasant classes by policies of enclosure and the persecution of heretics, “witches,”
and women, and the subsequent colonial mission of robbery and plunder (Federici, 2004). The
material wealth that resulted from these processes bolstered the power of the ruling elite,
however, as Federici (2004) points out, “primitive accumulation has been above all an
accumulation of difference, inequalities, hierarchies, divisions, which have alienated workers
from each other and even from themselves” (p. 115). In medieval Europe, writes Federici
(2004), “women’s labour began to appear as a natural resource, available to all, no less than the
air we breath or the water we drink” (p. 97). The Canadian liberal democratic state, from its
inception, has relied upon immigration policies that favour capital expansion. In these times,
when even the air and the water are becoming privately controlled commodities, whose labour is
made to appear as a “natural resource?” And how?

As Canada's immigration policy becomes more and more geared towards temporary fixes
to labour shortages, concern has emerged that the precariousness of work is part of a broader
phenomenon. Since the economic recession in 2008, the number of temporary workers in Canada is at a record high and is growing at more than triple the pace of permanent positions (Grant, 2013, para 2, 3). Minister of Citizenship and Immigration Jason Kenney in March 2012 informed attendees of the Metropolis conference on immigration research of his plans to construct a "just-in-time" immigration system, putting emphasis on the role of employers to seek out qualified skilled immigrants to be fast-tracked through the immigration system (qtd. In Friesen, 2012, para 2). Overall, the response of the Minister to the economic recession has been to shift the immigration system to favour temporary economic commitments instead of encouraging long-term settlement. In his book, *The Enigma of Capital*, David Harvey (2010) delves into the anatomy of financial crises. He characterizes them as being endemic to relations of capital, serving to "rationalize the irrationalities of capitalism" (Harvey, 2010, p. 11). In times of crisis, he argues, capital has responded by "re-structuring," or finding cheaper and more docile stores of labour (p 14). Certainly, history shows that capital demands primitive accumulation in the form of exploited labour to continue. The dispossession of Indigenous peoples, the parasitization of Chinese labour during the construction of the Canadian railway, and more recent trends towards the temporary-ization of work illustrate the legal and illegal processes of primary accumulation that keep capital expanding.

The creation of so-called "industrial reserve armies" through the temporary-ization of labour in Canada is related to *Bill C-31* in a dialectical sense. The tightening of borders to asylum-seekers, and the punitive stance taken towards those who do manage to cross, serve to construct a national security threat that is indispensable to the project of capital expansion.

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4 I feel as though I need to interrogate Harvey’s description of exploited labour as coming from “docile” populations. Docility implies inherent passivity, while the populations that have been historically exploited for the benefit of capitalism are *kept* in states of scarcity and desperation by manufactured crisis.
Economic conditions created by neoliberal policies imposed by states and state-like financial institutions such as the World Bank and the International Monetary Fund act in the interest of capital, creating conflict and unsafe and hostile economic and environmental conditions, particularly in countries with "weak" economies or "failed states." The desperation of these people fleeing hardship and seeking work in the formal and informal economies creates a labour pool for capital to refresh itself, and keep on growing.

The ideology which accompanies restrictive immigration policy in Canada relies on depictions of undeserving refugees flooding the border, thereby creating a fear of the "Other" among the Canadian populace, preserving the whiteness of citizenship and its hold on financial and political power, and distracting from the material reality of the conditions which people are fleeing and Canada's role in creating them. It also serves to tame Canadian sympathies for the plight of migrant workers by priming it for the argument that immigrants want to "take advantage" of a "generous" system. Adding more fibres to the immigration/capital web is the growth of the immigration detention center industry in Canada, a phenomenon that I will return to and explore in some depth in the following chapter.

Ideological arguments in support of tightened border security and immigration control, such as those used to build support for Bill C-31, frequently entail and encourage a sentiment that im/migrant labour is a threat to Canadian-born workers, effectively dividing the working class. Solidarity between activists for Indigenous sovereignty and migrant workers is complicated by the clash between the principles if Indigenous sovereignty and the rapid resource extraction practices employed by corporations that depend on migrant labour. Harsha Walia (2010) articulates this in the following way: “(t)he political purpose of tightened immigration and security measures is to demobilize racialized populations within Canada, to ensure collective
social discipline and an internalized sense of non-belonging, by arbitrating who legitimately constitutes the nation” (p. 79).

Colonial constructions of the Indigenous body against the Settler body have been particularly useful in emplacing Whiteness as the natural predication for Canadian citizenship and installing White settlers, symbolically and materially, on the land. The disenfranchisement of Indigenous peoples exists dialectically with the construction of non-white im/migrants as not belonging. In her book, *Black Body: Women, Colonialism, and Space*, Radhika Mohanram puts forward a thesis that interrogates the formation of “marked” and “unmarked” bodies. Through the “marking” of certain racialized/gendered/poor bodies, she argues that the White/masculine/propertied body becomes “unmarked” or invisible, able to move through space and time without detection. She writes, “Property grants invisibility – an ideal – to the body and poverty makes it visible” (Mohanram, 1999, p. 37). That is, the “marked” body is seen as unable to develop the cerebral capacity to make the body disappear; “(f)or the rich white man the mind spills over into the body, making it disappear altogether; for the black and/or poor man, it is the body that is highlighted” (Mohanram, 1999, p. 37). Radhika Mohanram (1999) writes, “our bodily relationship to the land is repressed so that we may come into nationhood” (p. 7). This entails a separation from, and a rediscovery of the land on the part of the White settler/citizen who has the mobility to tracelessly move through history and across borders as he has made them up. The current contradictions which structure Canadian immigration, labour, economic, and security policy are mutually constitutive in their functioning. That is, the imposition of borders on some “marked” bodies, whether it is in the form of prohibition of entry, deportation, detainment, or exploitative labour conditions, is directly, inseparably and co-constitutively related to the free movement of capital and commodities across national boundaries.
Queer struggles relate to nationhood in complex ways. Campaigns for queer rights and ways of life in Canada do not, as traditional gay and lesbian struggles have done, tend to ask for inclusion in the project of nationhood; instead they question the foundation of Canadian nationhood and the social historical processes upon which it is founded. The policies entailed in Bill C-31 deepen the foundations of the heterosexist and patriarchal Canadian national security regime, and add considerable height to its panoptic surveillance tower. To understand the deeply masculine and heterosexist nature of national security discourse and practice in Canada, I would like to explore the history of national security policy and campaigns with regard to queer bodies. My reason for this is not to compare the experiences of queer people with those of asylum-seekers, not only because the categories of “queer” and “asylum-seeker” are not mutually exclusive. I want to draw attention to the ways in which queer existence and resistance have shaped, and continue to shape, Canada’s national security practices. I do this for the purpose of understanding the processes of excluding “othered” bodies from participation in nationhood, as well as to work towards a comprehension of how processed of racism and heterosexism work through one another to form the categories of “Other” upon which the White, male, straight, cis-gendered, propertied Canadian citizen is normalized.

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5 I acknowledge that this term is currently and constantly being negotiated and contested. “Queer” represents the reclamation of a derogatory slur used against people thought to be homosexual and it, by definition, defies boundaries. For many people, myself included, it is a word of refuge when other words – gay, lesbian, bisexual, etc., - just aren’t enough. Queer implies a critical analysis of social relations and a connection between issues of race, gender, ability, class, and other oppressive social categorizations. In this work, I use this term to refer to the struggle of LGBTQ2S (lesbian, gay, bisexual, transgender, transsexual, queer, two-spirited, intersex) people for recognition of their histories and current circumstances and for a better present and future.

6 The existence of queer refugees has sparked campaigns such as the “Let Alvaro Stay” campaign in 2011 which saw a successful online petition of nearly 10 000 signatories (Erickson, 2011).
The 1969 “Report of the Royal Commission on Security” describes a screening program whereby admission is denied to “any persons who, from their known history and background, would be unlikely to adapt themselves to the Canadian way of life and to our democratic form of government” (“Report of the Royal Commission on Security,” 1969, p. 47). This group includes persons who have been convicted or who admit to having committed a crime, “prostitutes, homosexuals, or persons living on the avails of prostitution or homosexualism, pimps, or persons coming to Canada for these or any other immoral purposes,” persons who may be suspected of engaging in “espionage,” “subversion,” or who have been found guilty of treason” (“Report of the Royal Commission on Security,” 1969, pp. 47-48). This report is reflective of the bordering of queer bodies as well as the conflation of issues of human trafficking and queerness. Founded upon the suspicion that queer people were particularly susceptible to communist influence, extensive decades-long campaigns, involving the coordination of the RCMP and CSIS, were launched in the 1950s to identify, track, and intimidate queers. In their book, *The Canadian War on Queers* (2010), Gary Kinsman and Patrizia Gentile uncover the history of Canada’s national security campaigns against queers, drawing connections between contemporary efforts to quell the anti-globalization movements, to deny access to citizenship for refugees and asylum-seekers, and to fight the “war on terror.” “Both the war on queers and the current wars on dissent and ‘terror,’” write Kinsman and Gentile (2010), “are organized not simply through the arbitrary actions of individual security or police officials but through policies, regulations, and official texts used to coordinate people’s actions against threats defined as being in opposition to the national interest” (p. 431). The construction of the “radical” queer, the Muslim “terrorist” and the asylum-seeker who is benefitting from the avails of human trafficking or who seeks to abuse Canada’s “generous” immigration system emerge from historical social
relations which have strategically enforced borders on the movement, lifestyles, and psyches of certain groups in order to maintain the hegemony of capital and the state through which these relations can be carried out.

In the most recent study guide for immigrants applying for Canadian citizenship, Citizenship and Immigration Minister Jason Kenney (2010) chose to omit references to gay rights, sections that were included in early drafts of the document (Beeby, 2010, para. 2, 3). Furthermore, in 2009, Kenney appointed Doug Cryer, an outspoken evangelical gay rights opponent to the Immigration Review Board (Stone 2011, para. 2). However, Canada’s stance on gay marriage is notoriously open, having legalized it nation-wide in 2005, and Harper’s conservative government has taken more steps than any conservative government in the past to decry the criminalization of homosexuality (Hopper, 2012). These developments beg the question, why is the Minister eager to take measures to ensure that queer histories do not become part of the Canadian narrative as it is conveyed to newcomers to this country?

The selective integration of certain same-sex-loving citizens into Canadian nationhood is indicative of a strategic tendency in the Liberal democracies of the North. Gary Kinsman and Patrizia Gentile (2010) describe the process of “heteronormativity: whereby certain queers—largely but not entirely white, male, and politically conformist – are welcomed into nationhood, while the more non-conforming or radically-situated queers are excluded, so as not to alter the heterosexist character of the state (p. 432). Jasbir Puar (2006), in her groundbreaking theorization of the construction of the “terrorist threat” in the United States, identifies the induction of certain queer bodies into national fabric as “homonationalism,” and theorizes how “the production of gay and queer bodies is crucial to the deployment of nationalism, because certain domesticated homosexual bodies provide ammunition to reinforce nationalist projects”
The granting of the right to marry is exemplary of these processes, as queer and feminist activists have rallied for decades, even centuries, to transform the patriarchal social relations that define the institution of marriage and the regulation of co-habitation and desire. Indeed, “queers require a much more profound social transformation than that constituted by simply winning the right to marry” (Kinsman, Gentile, 2010, p. 21).

The defense of neoliberal economic policies depends on its normalization and the simultaneous inclusion of “obedient” queer and racialized bodies, and the exclusion of disobedient queers, people of colour, the cash-poor and those without citizenship as “Other,” lest they mar the character of the Canadian nation. The ideological exclusion of these groups is a material practice that underlies the nationalist-capitalist state project. Canadian immigration policy is structured around a heteronormative definition of family, which is hostile to those who do not fit this mold and only a few organizing groups have drawn attention to the intersections and interdependence of queer and immigration issues. On May Day 2012, several activist groups, namely The Audre Lord Project, FIERCE, Queers for Economic Justice, Streetwise and Safe, and the Sylvia Rivera Law Project, came together to march and state that their contingent was “the first of its kind in New York City bringing visibility to the intersections of LGBTSTGNCO immigrants, undocumented people, people in detention, people of colour and low-wage workers” (The Audre Lorde Project, para 1). In a zine published in 2011 and titled “Undoing Borders: A Queer Manifesto,” members of HAVOQ (The Horizontal Alliance of Very Organized Queers) state that any conversation about im/migration is “inherently rooted in deep-seated racism, classism, xenophobia, sexism, homophobia, ableism, and any other institutional or societal forms of dominance” (p. 5).
Bill C-31, along with accompanying policies enacted by Canada’s federal leadership, includes important implications for the bordering of queer bodies. According to Sharalyn Jordan and Chris Morrissey in a 2013 article titled “‘on what Grounds?’ LGBT Asylum Claims in Canada,” the experiences of LGBT people fleeing persecution based on sexual orientation are complex and distinguished by such factors as social isolation, and the impact of trauma and stigmatization makes it especially difficult for LGBT claimants to tell their stories (pp 13-14). Shana Tabak and Rachel Levitan (2013) find that “sexual minority migrants,” especially transgender people and trans-women in particular, face unique and exacerbated conditions of discrimination and violence in immigration detention, including physical violence, inadequate medicate attention, risk of exposure to HIV and other sexually-transmitted infections, voyeuristic or invasive medical examination, and re-traumatization or an intensification of mental health issues (para. 3, 5-8). The amendment in Bill C-31 that shortens the time period in which a claimant can build a case to present in from of the Immigration Review Board (IRB) is particularly problematic in the cases of LBGT people, who may be terrified to out themselves to advocates assigned to help them plead their case to the IRB based on an understanding of the history of the Canadian state’s war on queers and the particular barriers faced by queer refugees, questioning the contradictory nature of Harper’s conservatives’ stance towards queer people and im/migrants is an important part of anti-racist, feminist, migrant justice, and queer organizing.

**Bordering the Mind**

The construction of the White, male, gender-conforming and heterosexual “ideal” Canadian citizen is, as Radhika Mohanram has argued, part of a modernizing and colonial project to deny the humanity of certain peoples. The racialization and “queering” of certain bodies is fundamental to the continuation of relations of capital and as the nation-state is an indispensable
actor in facilitating the accumulation of capital, so is the enforcement of borders; legal and psychological, literal and symbolic, on bodies whose presence threatens to loosen the stranglehold of the dominant group over capital processes. The Cartesian man, the one who can sufficiently separate his mind from his body, is depicted throughout Canadian colonial discourse as the ideal inhabitant of this land. Racialized and queered population, such as the residents of Africville, the Chinese railway workers, homosexual activist, and most fundamentally, Indigenous populations, are depicted as more “body” than “mind; in the words of Mohanram, “marked” bodies. Contemporary policy, such as that enshrined in Bill C-31, make the imposition of these borders a continuing material reality, a reality which is structured by restrictions on movement, incarceration, and surveillance which clear a path for relations of capital to continue to privatize, de-regulate, and exploit for the purpose of accumulation.

In Chapter I, I described the recent cuts to the Interim Federal Health Program (IFH). Reductions in the health care offered to refugee claimants and people seeking asylum in Canada constitute a direct attack on the minds as well as the bodies of this population. I will, in this chapter, describe the particular mental health challenges faced by refugee and asylum-seeking im/migrant populations, and discuss this in the context of Bill C-31.

By denying refugees basic health services and introducing policies that legislate mandatory detention (the incarceration of asylum-seekers under Bill C-31 will be described in further detail in the following chapter) for people seeking asylum, the act of seeking asylum itself is made criminal. The im/migrant body is thereby made immobile, “crazy,” “irrational,” “dangerous,” “a security threat.” While physical ailments are untreated unless they pose a risk to the public, the mental health of asylum seekers is unaddressed under current Canadian immigration law, despite extensive evidence of the severely negative effects of detention on the mental health of
detainees. A number of clinicians in the field of pediatrics and mental health have taken a stand against *Bill C-31* on the basis of the negative effects that increased rates and lengths of detention will likely have on the mental health of those fleeing violence and instability. In a 2008 article, doctors Cecile Rousseau and Janet Cleveland bring attention to the effects of detention on the mental health of asylum seekers. They cite studies carried out in the United Kingdom, Australia, and the United States that have found overwhelmingly higher rates of depression, suicide, anxiety, and an exacerbation of the symptoms of Post Traumatic Stress Disorder among refugee claimants who have endured detention (Rousseau, Cleveland, 2008). A study done in Australia seeks to understand the mental health factors for people seeking refugee status who are given “temporary protection” visas, with restricted access to education, work, movement, and family reunification, in lieu of refugee status (Steel, Silove, Brooks, Momartin, Alzuhairi, Susljik, 2006, p. 58). According to the study, published in the British Journal of Psychology in 2006, both prolonged detention and “temporary protection” “contribute substantially to the risk of ongoing depression, PTSD, and mental-health-related disability in refugees” (Steel, Silove, Brooks, Momartin, Alzuhairi, Susljik, 2006, p. 61). Furthermore, refugees who are isolated from family members were found to experience more severe psychiatric symptoms than those who were able to be among their families (Steel, Silove, Brooks, Momartin, Alzuhairi, Susljik, 2006, p 63). In Canada it is common practice for asylum-seekers outside of Montreal or Toronto and those who “are suicidal or who have behavioral or severe mental health problems” to be held in penal institutions in conditions that are disproportionately harsh given that only 6% of asylum-seekers detained are suspected of criminal activity (Nakache, 2011, pp. 6, 8). This is very disconcerting, given that detainees with non-criminal charges and who are in severe mental distress may be subject to harsh and punitive conditions in a provincial jail.
The plight of children who are put in detention further compounds the issue of refugee mental health. In a 2011 article, doctors Rachel Kronick, Cecile Rousseau, and Janet Cleveland strongly criticize Bill C-49’s (later rolled into Bill C-31) mandatory detention and delays in family reunification clauses for their likely negative effect on children’s mental health. The writers cite research showing an increase in rates of depression, self-harm, suicide, problems with attachment to others, behavioral difficulties, among others, in children who are detained or separated from their families due to detention proceedings (Kronick, Rousseau, Cleveland, 2011, para. 4). The effect of the provision in Bill C-31 which puts into place the mandatory detention of arbitrarily-designated “irregular arrivals,” along with recent cuts to the health care befits previously received by refugees and the implementation of the “super-visa” which puts barriers in front of families seeking to reunite with loved ones means that the trauma which asylum-seekers wish to escape by coming to Canada will be compounded as they are met with an immigration system that excludes them from care and threatens to separate them from the safety of family that they may have. Attacks on the physical and mental health of asylum-seekers have real material consequences. Employment is difficult to find or maintain when the effects of trauma inhibit mental capabilities, and the structural violence that defines the lives of people subjected to incarceration, surveillance, and separation from loved ones can be passed from generation to generation, manifesting as substance abuse, physical, and other forms of interpersonal violence.
CHAPTER IV: MANDATORY DETENTION AND THE GROWTH OF THE IMMIGRATION DETENTION INDUSTRY

Introduction: Keeping the Subjective Peace

It's a wet and penetratingly cold day in Rexdale, just outside of Toronto, where I am standing with a group of about forty other people who boarded a bus an hours ago with signs and black balloons and drove to the outskirts of the city to speak out against the increasingly normalized incarceration of people seeking asylum in Canada and the policies which facilitate the privatization of immigration detention center facilities and securitization on this land. We chant loudly on the outside of a heavily barbed fence that rings the immigration holding center, keeping the people inside in and keeping us out. We are trying to keep our morale elevated in the gloomy weather but we are also trying to reach through the fence with our voices and be heard by the people inside, serving out indefinite terms for loosely defined reasons, out of the eye of the media and anyone who does not intentionally seek out their stories. One young man stands up to speak in front of our cluster. He talks about what it has been like to grow up with a father who has spent most of his son's life behind bars and under strict surveillance after being detained with a security certificate, a legal tool which enables the Canadian government to detain and deport permanent residents or foreign nationals using evidence which is kept secret from both the detainee and the Canadian public (http://www.publicsafety.gc.ca/prg/ns/seccert-eng.aspx). His voice only breaks a couple of times as we listen along with several stony-faced security guards who avert our gaze. The guards attempt to make us leave but we don't leave. We are there for one hour and we can see people inside the facility grouped around windows, just shapes, no discernible faces, but they wave and we wave back and the small act of contact makes the fence separating us even more real, somehow, which is not how I would have expected to feel. Re-
boarding the bus, I am in a quiet mood, thinking about how it is easy to ignore the fences and borders when they don't cross you. I also think about families, and how families are shaped, produced, destroyed by the state. What configuration of people constitutes a family in the eyes of the state and how do state interventions impact upon the lives of people whose family members are targeted, detained, incarcerated, or deported? How do borders and the securitization of national boundaries impact upon mental and physical health of people kept in, forced out, or whose movement is watched and controlled?

I would like to hold onto this experience as I navigate the history, present and future of border securitization in Canada, a state defined by its borders and the defense of them. Currently and due to the changes brought into effect in December 2012 as a result of the passing of Bill C-31, the business of immigration detention looms large and I argue, ominous, on the Canadian national landscape. As asylum-seekers are deported or put in centers such as the one I visited in Rexdale, the Canadian government claims that it is for the peace and security of Canadian citizens like me. A recent federal government campaign to mark the 200th anniversary of the War of 1812 speckled the public spaces of Toronto with billboards proclaiming "200 years of peace makes it is easy to forget what war is like" but this "peace" is subjective, selective. Peace has not found the indigenous peoples deprived of basic services on reserves, ever being whittled away as out governments defers to corporate interests coveting the resources of this land. Peace has not found those whose circumstances in the countries where they were born have forced them to travel to find better opportunities, only to be met with economic and racial discrimination and even incarceration here in "Canada." Peace has neglected those whose basic freedoms are taken away in the form of security certificates, those who are arrested during demonstrations, and those whose choices are limited to illegal forms of work. Peace has not
found those struggling to survive in a world where their gender performance subjects them to abuse and violence and it has not found those who "fall through the cracks" of the system, which is not a fault of the system but rather a built-in function of capital. That the "peace" that our federal government refers has never appeared as such to certain people speaks to the dialectical nature of "peace"; that the peace of one depends on the war inflicted on another.

Immigration Detention and Bill C-31

*Bill C-31* gives the Minister of Citizenship and Immigration the power to designate as an “irregular arrival” persons in the case that he believes that the process of determining eligibility may not be conducted in a timely manner, or if the minister has any suspicion that a person or group of persons may be involved in criminal or “terrorist” activity (*Bill C-31*, 2012, 10). The bill also stipulates that “an officer may issue a warrant for the arrest and detention of a permanent resident or a foreign national who the officer has reasonable grounds to believe is inadmissible and is a danger to the public or is unlikely to appear for examination, for an admissibility hearing, for removal from Canada or at a proceeding that could lead to the making of a removal order by the Minister under subsection 44(2)” (*Bill C-31*, 2012, 23 (1)). Under *Bill C-31* “irregular arrivals” face mandatory detention one of three Canadian Border Services Agency-run “immigration holding centers” in Laval, Quebec or Toronto, Ontario, in a short-term correction facility in Vancouver, British Columbia, or a provincial correctional facility (Canadian Border Services Agency, 2012, para. 19). These changes take place in the context of a system of border enforcement and imprisonment where control of immigration detention is being given over to private, for-profit interests who are unaccountable to the Canadian public.
The provision entailed in Bill C-31, which gives the Ministerial discretion to designate some asylum-seekers as “irregular arrivals” is widely speculated to cause immigration detention centers to fill up (Darwish, Latham, 2013, para 1). Statistics show that the number of refugees detained rose steadily from 2004 until 2009, when it declined, possibly due to the visa restriction imposed upon people coming from Mexico and the Czech Republic in 2009 (Nakache, 2011, pp. 40-41). Regardless of ideological claims of the “security threats” posed by people seeking asylum, 94.2% of detainees are held for non-security reasons (Darwish, Latham, 2013, para 3). The Canadian Council for Refugees expresses concern that the designations of “irregular arrival” create a two-tier refugee system, “rendering decisions about irregular arrivals and designated countries of origin vulnerable to political, trade, or military considerations, and to individual bias” (Canadian Council for Refugees, para. 2).

Conditions inside Canada’s immigration detention centers threaten the health and safety of detainees. Despite the CBSA’s assurance that detained individuals are communicated the reason(s) for their detainment, and given an interpreter in the case of misunderstanding due to language barriers, Nakache (2011) finds cases where asylum-seekers are not aware of the reason for their detention (CBSA, 2010, para. 9; p. 7). While persons being detained for immigration reasons are, overwhelmingly, not facing criminal charges, CBSA statistics show that 36% of failed refugees and detained asylum-seekers being held in penal institutions are “low-risk,” meaning that they have been to lack valid ID, or are at risk of flight or ‘unlikely to appear’ as they are summoned (Nakache, 2011, pp. 73-74). Counseling and mental health services are not, as detailed in the previous chapter, provided in IHCs; persons showing suicidal behavior or other mental health concerns are transferred to a penal facility (Global Detention Project, para. 56) The CIC Policy Manual on detention stipulates that detainment of a child “for their protection” is not
the responsibility of the CIC but of provincial youth protection agencies (Nakache, 2011, p. 28). In addition, the manual states that for elderly or ill persons, pregnant persons, persons who are handicapped, and persons with behavioral or mental health problems should only be detained as a last resort (Nakache, 2011, p. 29). However, the CBSA does not have statistics on minors accompanying detained parents, “thus the number of minors who are in fact in detention is much higher than the number shown in official CBSA statistics” (Nakache, 2011, p. 37). Global Detention Project (2012) reports that detainees, with the exception of children and pregnant women, are handcuffed, sometimes even shackled, while they are transported to and from detention sites (p. 18). Detainees receiving medical care may be chained during procedures, a major deterrent to people who might otherwise seek medical attention, note Janet Cleveland, Cecile Rousseau, and Rachel Kronick in a 2012 study (p. 1). The proliferation of incarceration of asylum-seekers according to vague and subjective suspicions provided for in Bill C-31 and the inhumane conditions, under which detainees are held, indicates a disturbing trend towards the criminalization of the act of seeking asylum itself.

**Growth of the Immigration Detention Industry**

The changes, which Bill C-31 has ushered in, are particularly disconcerting when understood in the context of recent moves towards privatization in the Canadian prison system. In a 2010 report titled “CBSA Detention and Removals Program – Evaluation Study” the CBSA acknowledges that the IRPA requires the CBSA to oversee elements of the asylum-seeker detainment processes, but that it does not specify that the CBSA must direct IHC daily activities (“Recommendation 4”). The CBSA recommends that the Programs Branch “explore the merits of alternative service delivery arrangements for the daily operations of all IHCs” (CBSA, 2010, “Recommendation 4”). Currently, some services in the prison system are already handled
privately. An international security corporation called G4S currently runs the immigration
detention center in Rexdale, outside of Toronto, infamously known as the “Heritage Inn.” G4S’
history is controversial, as they received 733 complaints from detainees in the UK, where they
operate three “removal centers” (Casciani, 2011, para 4). Among the complaints were 48 claims
of assault and a few of racism (Casciani, 2011, para 6). In May 2013, Jimmy Mubenga, an
Angolan man, died on a plane while being deported under the care of G4S guards, who claim not
to have heard his repeated cries for help as he was in a position which caused his asphyxiation
(Hill, 2013, para 1, 3). The trend towards privatization of IHCs is disconcerting. In a 2013
article titled “Outsourcing Racism: Bill C-31, Prison Expansion, and the Detention of
Immigrants,” Amy Darwish and Graham Latham of the People’s Commission Network express
concern over the passing of immigration detention into the hands of private companies, pointing
out that in the United States and the United Kingdom, where there has been a drastic increase in
the number of immigration detention facilities being run for profit, “a number of reports have
suggested that abuse is widespread, and accountability minimal in for-profit facilities (para. 13).

the roots of the immigration detention industry in liberal economic states. Originally, he writes,
the category of “alien” was used to identify enemies of the state during war times, and detention
“was viewed in largely bureaucratic terms, being seen as a necessary part of the process of
selection and care of aliens arriving at the border” (Wilsher, 2011, p. x). Contemporary use of
immigration detention can be characterized by “a disregard for constitutions or international
human rights obligations in favour of “national sovereignty” in the guise of ‘democratic
process’” and what was originally war power over “aliens” has turned into a general power over
“illegal immigrants” (Wilsher, 2011, p. xiii). The unprecedented use of immigration detention in
“liberal democracies” such as Canada, the United States, Australia, and the United Kingdom among others, should be understood in the context of the history of its emergence during war times to its present general application.

The coupling of BillC-31’s mandatory detention for “irregular arrivals” with the growth of the private incarceration system signifies a clear link between incarceration and capital expansion. Wilsher (2011) writes that with the development of global capitalism, “the commercial rights to trade became the new basis for international law,” linking im/migration with the uneven capital accumulation that is characteristic of contemporary international trade and commerce (pp. 1-2). It is hard to obtain statistics on the financial cost of CBSA-run immigration detention centers. Nakache (2011) criticizes the CBSA’s lack of clarity on this issue, stating that “building immigration holding centers, running them, and contracting with provincial prisons to hold asylum-seekers (and other immigration detainees) in several parts of Canada represents a huge cost to taxpayers “ and that “the lack of up-to-date data on the cost of detention therefore hinders public monitoring” (p. 40). There is no doubt that the private immigration detention industry is highly lucrative. In the United States, federal lobby groups have opened doors for private prison companies such as Corrections Corporation of America and GEO groups to reap giant sums of taxpayers’ money - $744 and $640 million in 2011, respectively (Grassroots Leadership, 2012, p. 1). In Canada, Jason Kenney takes tips from Australian immigration detention practices, tweeting that he had “learned a lot” during a 2012 trip to the country to tour Serco-run detention centers as part of a fact-finding tour (qtd. in

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7 Serco provides “public” services to governments around the world and is notorious for operating anti-human immigration detention centers. A 2012 report of the Australian Commonwealth and Immigration Ombudsman expresses grave concern over the high number of deaths, suicides, and incidents self-harm in Serco-run institutions and calls for immediate action by state and industry officials to counter these disturbing trends (Neave, 2012).
In the wake of *Bill C-31* and the intensification of punitive measures taken towards asylum-seekers, private prison companies are poised to take further control of Canada’s immigration detention centers, creating problems of dehumanizing treatment and a lack of accountability and bolstering the business of immigration detention to troubling levels.

**“Border Security” and the Spectacle of the Criminal at the Border**

In order to understand how the ideological justification behind *Bill C-31* is created, I would like to look at an example. A recently aired television series, called *Border Security* can be used to understand the ideological climate that generates and justifies policies like *Bill C-31*. The show, aired on the *National Geographic Channel* and *Global*, shows actual incidences where the Canadian Border Services Agency intercept “suspicious characters” at two border crossings in Vancouver British Columbia, purporting to give viewers “front row seats” to witness “phony tourists here to work, belligerent visitors smuggling contraband, toys packed with heroin, weapons disguised as cell phones,” all of which exemplify “just another day at the office for the Canada Border Services Agency” (*National Geographic Channel*, 2013, para. 4, 7). It is modeled after similar shows, such as *Homeland Security*, which airs in the United States, and *Border Security: Australia’s Front Line*. The series has received criticism by a number of groups and individuals and was the target of a petition calling for its cancellation but has been publicly supported by Conservative Public Safety Minister Vic Toews (*Huffington Post*, para. 8). One migrant worker, Tulio Aviles Hernandez, who was filmed during a raid on the construction site where he was working, reported that, while he refused to sign the consent form for the footage of him to be aired, other detainees did so “under duress” (*Huffington Post*, para. 10). Another complain was brought forward by the *British Columbia Civil Liberties Association* and concerned a migrant worker named Oscar Mata Duran, who signed the consent forms given to
him without having been given a proper explanation of how the footage would be used and in fear of the consequences of not signing (Funk, 2013, para. 1-9).

Shows like *Border Security* have a special hold on the imagination of television-viewers in the wake of the wave of terror created by the 9/11 “terror attacks.” The spectacle of “suspicious” characters attempting border crossings appeals to a citizenry fearful of similar attacks being leveled at them, and of the racial and religious miscegenation, which might to stain the fabric of a “peaceful” Canadian citizenry. This phenomenon shapes conventional fragmented and abstractionist understandings of who is deserving or not, of participation in Canadian nationhood. This is part of an important ideological project of naturalizing white Canadian citizens and de-contextualizing the experiences of those marked as “Others.” According to Himani Bannerji (2005), ideological forms “masquerade as knowledge” but are composed of “bits of decontextualized ideas, events, or experiences with material consciousness of a practical kind” (p. 154).

My own experience of watching an episode of “border Security” was one that instilled a sense of panic and anxiety. My response rests on my own experiences of border crossings and familiarity with the discomfort of being questioned and having my belongings inspected. Although my privilege of citizenship, skin colour, and gender conformity guarantee me relatively less border hassles, I emphasize with those who were the target of CBSA officers’ suspicions. The language of the show, however, and the dimensions of the stories that are being told, however, set the viewer up for no such sympathy.

CBSA officers are depicted as “protectors” doing “difficult” work, while people trying to cross borders are shifty, threatening, and untrustworthy. They are generally low-threat scenarios where people try to “take advantage” of the Canadian border by attempting to enter without
study visas, or work permits, or strange uninspected foods. The show’s depiction of people attempting to enter the country, especially their depiction of migrant workers simultaneously abstracts the border crossers’ experiences from the material reality of economic conditions that drive trends of migration for work and depict workers as untrustworthy opportunists. This creates an illusion of experiences, which support a national consciousness, wherein non-citizens are threatening, and the history of Canada as a settler colony is conveniently forgotten. A multicultural although White-dominated (interestingly, many of the CBSA officers depicted on “Border Security” are non-White) citizenry with documents who “deserve” to be there must be threatened by outsiders attempting to take more than their share of the high standard of living to which one can aspire in Canada, severing the wealth that some enjoy from the expropriated labour on which it rests. These contradictions lie at the heart of the functioning of Canadian borders and policies, such as Bill C-31, which determine who gets in and who may not.

I am reminded of Radhika Mohanram’s theorization of the “marked body,” discussed earlier in Chapter II. Through the “marking” of certain racialized/gendered/poor bodies, she argues that the white/masculine/propertied body becomes “unmarked” or invisible, able to move through space and time without detection. She writes, “Property grants invisibility – an ideal – to the body and poverty makes it visible” (Mohanram, 1999, p. 37). That is, the “marked” body is seen as unable to develop the cerebral capacity to make the body disappear; “(f)or the rich White man the mind spills over into the body, making it disappear altogether; for the black and/or poor man, it is the body that is highlighted” (Mohanram, 1999, p. 37). Border Security has the potential to put “marked” bodies on display for the purpose of entertainment. The climate of suspicion fostered by this show mirrors that which is created by the Conservative narrative of “security” and “terror” surrounding Bill C-31. Representations of asylum seekers as
advantage-taking serve the capitalist economic policies of the state by preparing a citizenry to stand silently by the incarceration of families and “illegal” immigrants. Just as in medieval Europe, women and other people attempting to access communal land were constructed as forces of evil, the state needs to construct the specter of the undeserving immigrant in order to affirm its own right to exist on this land and pass policies which, just as Mohanram’s “black bodies” are “marked, “cross” certain bodies with certain borders in order to maintain racist and patriarchal dominant relations of capital.
CHAPTER V: TECHNOLOGIES OF BORDER ENFORCEMENT, LEGITIMATE TRAVEL

Mapping Bodies: Biometric technology and Bill C-31

Bill C-31 amends the Immigration and Refugee Protection Act by stipulating that foreign nationals (including those applying for a temporary resident visa, study or work permit) must, in addition to obtaining a visa or any other documents required by regulations, subject themselves to the collection of their biometric data (Immigration and Refugee Protection Act, 2013, 11.1; Bill C-31, 2012 6). Clause 9 of Bill C-31 amends section 14.2 of the Immigration and refugee Protection Act by allowing the regulations to include “the processing of the collected biometric templates or converting the information into digital biometric formats” (Immigration and Refugee Protection Act, 2013, 14.2; Bill C-31, 2012, 9.2 (c)). Section 78 includes the provision that “(t)he Minister, with the approval of the Governor in Council, may enter into an agreement with any foreign government for the provision of services in relation to the collection, use and disclosure of biometric information and for the provision of immigration application services and other related services on that government’s behalf for purposes related to the administration and enforcement of their immigration laws” (Bill C-31, 2012, 78(5.1)). In the Beyond the Border Implementation Report (2012), the Canadian and US governments describe their cooperative information-sharing strategies to develop a “harmonized approach to screening travellers at the earliest point possible,” which includes sharing biometric standards “to align with the implementation of Canadian biometric collection for foreign nationals in 2013,” an increase in the number of asylum seekers’ fingerprints shared “to identify multiple claims, strengthen identity management, reduce fraud, and better inform decision-makers,” and an agreement to support the “systematic and automated sharing of biographic and biometric visa and immigration
information on third-country nationals” (Perimeter, Security, and Economic Competitiveness, pp. 7-8). The use of biometric technology in Canada has reached an unprecedented level, dovetailing with the consolidation of Canada/US security strategizing and information-sharing in the wake of 9/11.

The goal of biometric technology is the verification or discovery of identity through the recording and comparison of biological information against a universal set to ensure that the individual in question is known or not known to the system (Nelson, 2010, p. 10). The techniques for doing this may include, but are not limited to, retinal and iris scans, facial recognition, and fingerprint technologies, hand geometry, and handwriting (CBC News, 2004, para 2). The United States Department of Homeland Security relates that the United States, along with other cooperating states, uses biometric technology to “accurately identify dangerous people, making the world a place in which legitimate international travel will be convenient, predictable, and secure, but difficult, unpredictable and intimidating for those who want to do us harm (Department of Homeland Security, para 10). Citizenship and Immigration Canada similarly claims in a December 2009 news release on their website, that nationals of 29 countries and one territory will need to provide biometric information in order to cross the border (“News Release,” para 1).

The increased use of biometric technology at Canada’s borders, put into effect with the policy changes entailed in Bill C-31 is supported by a narrative which relies on concepts “legitimate travel” and the oppositional “illegitimate” border-crossers whom Canadian citizens must be protected from. Canada’s Minister of Citizenship and Immigration, Jason Kenney, states that “(b)ometrics will strengthen and modernize Canada’s immigration system,” and that Canada’s “doors are open to legitimate travellers and, through the use of biometrics, we will also
be able to protect the safety and security of Canadians” (qtd. in Citizenship and Immigration Canada, “News Release,” 2009, para. 8). The discourse of “legitimate travel” sets up a dichotomy in which many asylum-seekers and other “foreign nationals” are portrayed as “illegitimate travellers,” and are subjected to heightened security procedures, including the biological mapping of their bodies and the potential release of that information to decision-makers and officials from collaborating countries. In order to comprehend the significance of biometric technologies (beyond concerns around privacy), the following is a exploration of the social relations from which biometric identification systems emerged and within which they are employed.

**Gendered, Classed, and Raced Technologies**

The history of biometric information gathering sheds light on the contemporary strides towards the normalization of these technologies in border crossings. Biometric screening, in the form of fingerprint gathering, first gained prevalence in the United States to limit the immigration in response to the “trafficking of Chinese women for the purposes of prostitution” in the 1880s” (Nelson, 2010, p 37). It was later used to counter welfare fraud in 1994 when LA County paired with Printrak Inc. to provide the Automated Fingerprint Image Reporting and Match (AFIRM) program (Nelson, 2010, p. 39). Currently, state and local law enforcement agencies in the United States, such as the Los Angeles Police Department, are using mobile biometrics scanners such as “MORIS” (Mobile Offender Recognition and Information System) to collect and identify iris scans and face images (Lynch, 2012, p. 3). Historically, biometric technology has been selectively used on racialized and cash-poor populations to control their movement and ensure their identity before they can access government service. Jennifer Lynch (2012), staff attorney with the Electronic Frontier Foundation, acknowledges that today,
“undocumented people living within the United States, as well as immigrant communities more broadly, are facing these issues more immediately than the rest of society and are uniquely affected by the expansion of biometrics collection programs” (p. 3). The contemporary deployment of biometric identification systems mirrors the earlier usage of this technology: poor and racialized im/migrants from specific countries, and who share specific class and race backgrounds, are subject to the collection of their biometric information. This is not a departure from how these identification systems have been used, historically, but a continuation of their deployment in communities of undocumented, im/migrant, racialized, cash-poor people. Policy passed in the name of stemming human trafficking and “terrorism” positions asylum-seekers, sex workers, and refugees under a veil of suspicion, where the rules and regulations that apply to “legitimate travellers” are suspended and a new set of rules are enforced.

In the context of the history of biometric identification systems, and their usage in selectively controlling people of colour, the cash-poor, sex workers, and im/migrants under Bill C-31, the usage of biometrics should be critically interrogated for its role in deepening socioeconomic inequalities, denial of access to refugee determination processes, and the privileging of already-privileged groups such as business people or frequent travellers who are protected by the subjective designation of “legitimate travel.” Currently, Canada is part of an agreement ratified in 2009 under the Five Countries Conference between Canada, New Zealand, Australia, and the United Kingdom, to share biometric information of asylum seekers and foreign nationals facing deportation in order to “identify foreign nationals who are seeking to enter Canada and who are trying to hide their past from authorities” (CIC, 2009, para 2). The claim of protecting the security of citizens and facilitating “legitimate travel” are components of an ideology which is actualized through the immigration, border enforcement, and criminal
justice systems to allow white, documented, and wealthy bodies to pass with ease over international boundaries while restrictions and surveillance are aimed at poor and racialized people.

In his book *Globalization and Technocapitalism* (2012), Luis Suarez-Villa identifies a new phase of capitalism, one characterized by the corporate manipulation of public governance and societal norms to suit the needs of profit-generation (p 1). He terms the new phase of capitalist relations “technocapitalism,” where corporate dominance is strengthened by a “deep grounding in technology and science which provides it with the capacity to change many aspects of human existence, of life, and nature in irreversible ways” (Suarez-Villa, 2012, p. 34). Suarez Villa (2012) explains the development of relations of capital through phases of mercantilism, productionism, neoliberalism, and financialism, leading up to an unprecedented integration corporate and technological power, on a global scale (pp 7-24). He writes that the most valuable resource to this emerging phase of social relations is creativity. Experimentalism, the ethos of technocapitalism, depends on such intangibles as research creativity- whereas previous forms of capitalism required commodities, raw resources, labour and capital (Suarez-Villa, 2012, p. 29).

I find Suarez-Villa’s theorization of technocapitalism useful in that it captures the fundamental importance of technological forms to relations of capitalism in responding to crisis and restructuring processes of accumulation that are necessary for its survival. Bill C-31 entails an intensification of technological border security apparatus and the collection and sharing of certain groups’ biometric data enhances state and corporate powers to limit the movement of certain bodies within and across state borders and institutions. However, to characterize a new phase of capitalist relations as relying on “intangible” resources may be a dangerous abstraction as such resources are directly dependent upon, and themselves reproduce, the very material
relations which structure lives. “Brain drain” for example, the process by which educated individuals are recruited from cash-poor or “Global South” countries to countries with strong economies is a phenomenon that illustrates the usurpation of the “intangible” resource of creativity. Creativity as a resource emerges from the contradictory material conditions of the depletion of education in “Western” countries and a history of colonialism which has created the conditions of instability and poverty that make working in countries like Canada, the United States, and some European countries irresistible. Instead of technology being “harnessed to penetrate social relations and ecologies,” I would like to understand the ways in which science and technology themselves emerge from patriarchal and racist social relations as gendered and racialized material components of the enforcement of borders in order to benefit processes of capitalist accumulation.

In her book *The Machinery of Dominance*, Cynthia Cockburn (1988) explores technology as a gendered process. She writes “the politics of body are closely connected to the politics of technology” and that “it is gender that is behind technology. It is there, in partnership with class, behind fat cars and fast breeders, behind nuclear warhead and their phallic delivery systems” (Cockburn, 1988, pp 223, 251). She states that “to understand the different relation the sexes have to technology today we need to recognize the relevance of technology to power and to the emergence of power systems in the past” (Cockburn, 1988, p. 20). To understand the current implications of biometric technologies, then, an understanding of their emergence as implements in the colonial control of racialized populations, and the later use of biometrics in detecting welfare fraud illuminates the focus of these technologies on non-white and cash-poor populations. Under Bill C-31 and the accompanying post-9/11 Canada-US border security initiatives I have discussed, governments are not required to ask business people to submit their
biometric information when crossing borders and they not require that wealthy citizens provide their fingerprints in order to receive tax breaks, so we must ask, what relations are being perpetuated and strengthened by the usage of biometric identification systems? As I have discussed earlier in this project, patriarchal social relations formed the preconditions for capital accumulation, propelling new manifestations of capitalist/colonial expansion. Technology, as both a servant and creator of capitalist innovation, is inherently gendered and raced. Biometric technology emerged from a context of colonial domination and control. Its current applications are a continuation of these relations as it maps and tracks certain bodies for the purpose of controlling their movement across borders, reinforcing dominant subjectivities and consolidating financial power in fewer pockets.

Indeed, gaining a monopoly over science and technology has been indispensible to the emergence and domination of relations of capital. The gendered and racial contours of this process are indispensible to an understanding of the relation of technology to capital today. Silvia Federici (2004) explains the rise of scientific rationalization as a way to legitimize the patriarchal state’s control of the bodies of women, “heretics,” and other oppressed groups. The mechanistic view of the body, put forward by thinkers such as Descartes, saw the machine as a “model of social behavior,” where the ideal citizen of the capitalist economy was one who was able to sufficiently separate the mind from the body, so as to override animalistic desires and discipline the body to work in a regularized way (Federici, 2004, pp. 145, 149). While it may be intuitive to imagine that the rise of scientific rationalization would have had a liberating effect on the witch-hunt in Europe in the Middle Ages, in fact proponents of the mechanistic view of nature did not speak out against the persecution of “witches” (Federici, 2004, p. 202). Carolyn Merchant (1980) argues in her book *The Death of Nature: Women, Ecology, and the Scientific
*Revolution*, that the influential methodology of the New Science, as set out by Francis Bacon in the sixteenth century, was based in the interrogations and torture by mechanical devices of the witch trials, as “the method by which nature’s secrets might be discovered consisted in investigating the secrets of witchcraft by inquisition” (p. 168). The extraction of knowledge from healers and wise women in Medieval Europe, and their exclusion from official education and licensing was essential to the solidification of a dominant, white, masculine, colonizing state.

Maria Mies offers a dialectical analysis of science and technology and its relations to processes of “civilization” and “progress.” “The concept of ‘progress,’” she writes, “is historically unthinkable without the one-sided development of the technology of warfare and conquest” (Mies, 1986, p. 74). She shows that the rise of male scientists in Medieval Europe was both based in, and propelled forward, the destruction of nature, the separation of man from nature and from women, and the persecution of women and women’s knowledge of bodies and reproduction (Mies, 1986, pp. 75-76). Far from being a carry-over from the so-called “dark ages” of Medieval Europe, historical conditions show that the witch hunts were a reaction to rebellious underclass women, the suppression of whom ushered in the “modern” era of scientific rationalism and the domination of patriarchal relations of capital (Mies, 1986, p. 83). The capital and power accumulated by European patriarchs through the hunting, torture, and dissection of witches during the period of “primitive accumulation” was a part of the process of “civilizing” society, just as colonial processes of genocide, robbery, and settlement were also seen as “civilizing” missions,” as “both the persecution of the witches and the rise of modern science have to be linked to the slave trade and the destruction of subsistence economies in the colonies.”

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8 Through the confiscation witches’ property, the employment of judges, lawyers, and councils, and a host of other spin-off economic endeavors, the burning of witches became a lucrative practice by which the ruling class consolidated its power (Mies, 1986, pp. 84, 86).
(Mies, 1986, pp. 77, 90). The domination of wise women by male rulers in Europe was also a quest for economic control, though maybe not to the same degree as the extraction of resources from the colonies (Mies, 1986, p. 87).

Historically, relations of capital are bound up in the domination of women, of people of colour, of people who rebel, and other who do not conform to gender/sexual/labour expectations. In Europe, white women were shaped and molded, through the terror of the witch hunts, into obedient and “proper” subjects; their “civilization” would directly depend on the construction of African and other colonized women as “savage” and “uncivilized,” a distinction which is upheld today (Mies, 1986, p. 86). The trajectory of science and technology’s relation to capital can be traced to the witch-hunts and the conquest of Indigenous peoples through colonial processes. It emerged to serve the needs of warfare, transportation, and commerce, through which ideas of “progress,” “civilization,” and the term commonly used today, “development,” were violently enforced on nature and on human beings. Indeed, a critical reading history can reveal the contradictions inherent in “progress,” “civilization,” and technological “advances.” The dialectical relation here is that the “progress” and “civilization” of some is directly related to the deterioration of the quality of life for others. “Development,” within the confines of relations of capital, can only happen if some (most) people remain “undeveloped,” or have their desires, needs, and rights suppressed in order to provide the privilege of the ruling group. Writes Maria Mies (1986), “(i)f the wealth of the metropoles is based on the exploitation of colonies, then the colonies cannot achieve wealth unless they have colonies” (p. 76).

I would like now to return to the issue of the selective application of biometric technologies to cash-poor, undocumented, racialized im/migrants under Bill C-31. A similar dialectic to the one just discussed is at play here: that is, the perceived security of the dominant
group is dialectically related to the maltreatment, the *insecurity*, of other groups. In order to maintain a the idea of the “legitimate traveller” and the “Canadian citizen,” historical processes of “progress” and “civilization” continue, whereby the cash-poor, racialized body is subjected to a mechanistic mapping of their bodies, which will be stored as “data” to be shared with other states and law enforcement bodies. Trust in the “legitimate traveler” is bound up in suspicion of the bodies of the “Other.” The inseparability of science and technology from processes of capitalist, patriarchal, and racist domination are exhibited in the security technology applied at Canada’s national boundaries. The freedom of some bodies to pass through borders with ease is dependent on the dis-ease of “Others.” This exploitative relation is deepened under *Bill C-31.*
CHAPTER VI: CONCLUSIONS: THE SELF AND SOCIETY TOWARDS A REVOLUTIONARY PRAXIS

*Bill C-31: Overview of Areas of Concern*

1) The creation of the categories of “irregular arrival” and “designated foreign national” are concerning as they place an unprecedented level of decision-making power in the hands of the Minister of Citizenship, Immigration, and Multiculturalism (Bill C-31, 2012, 10 (20.1), 23(55, 3))

2) The aforementioned categories of “irregular arrival” and “designated foreign national” create levels of refugees as those falling within these arbitrary designations are subject to drastically decreased rights and freedoms in the form of mandatory detention (thereby fueling the immigration detention industry), no right to appeal IRB decisions, and that they may be denied permanent residency for a period of five years, causing familiar separation (Bill C-31, 2012, 5, 10 (20.2), 12, 36),

3) The “safe countries list” is arbitrary in its design so as to open up an avenue for political positioning according to the compliance of countries with Canada’s neoliberal trade policies (Bill C-31, 2012, 58(109.1)).

4) The retroactive revocation of permanent residency causes a culture of fear among immigrated peoples as their status hinges upon the criminal justice system (Bill C-31, 23 (55)).

5) The mandated five-year delay after unsuccessful applications made on humanitarian and compassionate grounds is a barrier to asylum-seekers’ safety (Bill C-31, 2012, 5, 10, 12, 13).
6) The hastened timeline within which a refugee claimant has to compile a case to take in from the IRB is discriminatory, especially towards claimants who are severely traumatized by their experiences, both in their home countries and by CBSA officials (Bill C-31, 2012, 59).

7) The introduction of new and intensified systems of biometric identification, provided for in Bill C-31 marks a new level of surveillance of cash-poor, racialized, and undocumented people (Bill C-31, 2012, 6(11.1), 47(2), 78(5.1)).

**Bill C-31: A Continuation of Relations**

In their 2012 report for the Maytree Foundation, Nancy Alboim and Karen Cohl bring needed attention to the “weakening of traditional democratic processes” (p. 3). The implementation of “Ministerial Instructions” under the 2008 budget bill gave the Minister of Citizenship, Immigration, and Multiculturalism the legislative authority to make decisions that alter immigration policies and programs without having to go through the parliamentary process, a power that was expanded by the later 2012 Budget Implementation Act (Alboim & Cohn, p. 10). Under Bill C-31, the power for the Minister to designate asylum-seekers as “irregular arrivals” and “designated foreign nationals” is a new and disturbing application of this authority.

I disagree, however, that this represents a departure from “traditional” democratic processes; rather it is a continuation of social and historic processes by which the Canadian nation is constructed as belonging to people of Western European descent, and specifically straight, White, property-owning men. The increasing reliance on temporary migrant labour and the simultaneous restrictive immigration policies passed by Canadian parliament over the last five years demonstrate that certain bodies – namely racialized and property-less ones – are disallowed from “contaminating” the ideal Canadian citizenry, while it maintains control over a
disposable/indispensable work force. Bill C-31 then, does not constitute a disruption of status quo Canadian democracy, but a continuation of legalized dispossession and colonial relations of domination. I concur with Amy Darwish and Graham Latham (2012) of the People’s Commission Network in their remark that “we need to recognize these changes as an escalation—albeit a sharp one—of the kinds of tactics that have been deployed against migrants and refugees for decades, and as a part of an ongoing movement towards the increased concentration of arbitrary power in the hands of government ministers and appointees” (para. 2). I argue that it has been traditional, with few exceptions, for Canadian federal politics, starting with Indigenous peoples who are treated as refugees on their own lands, to use legislative power to dispossess certain populations by confiscating land or exploiting labour, and to selectively impose conditions on immigration which serve the demands of capital and colonial expansion.

**Ideology as a Material Practice**

I am particularly concerned with the appropriation of potentially revolutionary history being taken up to support Bill C-31 and other similarly problematic policies as part of an ideological project. The following quote is taken from a speech given by the Jason Kenney at the Economic Club of Canada in 2010:

> Canada has this great tradition of welcoming newcomers. I was in Nova Scotia recently and I was doing a talk radio show on the need for refugee reform and some fellow called up and said, “‘Mr. Kenney, I don’t even understand why are you talking about Canada welcoming refugees. Why don’t we take care of our own first?’” And I said, “‘Sir, let me tell you about our own, you here, down here in Nova Scotia. You know Nova Scotia was founded by refugees – the United Empire Loyalists – who were refugees from the American Revolution. It was founded by the Black Loyalists and by the slaves who escaped the Underground Railroad and who settled in Nova Scotia. It was founded by refugees from Scotland who were the victims of the highland clearances and by potato famine Irish who were refugees in the 1840s’. ‘Nova Scotia,’ I said, ‘is a land of refugees’.” (CIC, 2010, “Speaking Notes… The Future of Immigration,” para. 53, 54).
This quote demonstrates the appropriation of history – particularly the story of Black Loyalists and slaves who settled in Nova Scotia, enduring intense systemic and person-to-person discrimination for hundreds of years from the eighteenth century until today. Kenney conveniently groups all refugees together as having been founders of Nova Scotia, evoking the struggles of racialized peoples in the service of restrictive immigration policy that comes down hardest on racialized and cash-poor im/migrants.

Another strain in this narrative is evidenced in the following quote: “In Canada we are so soft-hearted, sometimes we also forget to be hard-headed and realistic and have a realistic view of human nature and respond to efforts to abuse our generosity. The problem has gotten out of hand, out of control” (CIC, 2010, “Speaking Notes… The Future of Immigration,” para. 58). Here, Kenney exhibits a common tendency of proponents of Conservative immigration reform to depict the qualities of generosity and “soft-heartedness” as inherently Canadian. This provides latitude within which democratic power can actually be taken away, as Canadian citizens are soothed by the idea of the inherent altruism of themselves and of the federal government.

The narrative created by Kenney and other backers of Bill C-31 is ideological in a negative sense of the word. Paula Allman describes the current period of “hyperglobalism” – or, “neoliberalism writ large” where the dominant narrative concerning state-citizen relation says that states should do their best to prepare their citizens to be competitive in the “global marketplace” (Allman, 2010, p. 25). This is identified by Paula Allman (2010) to be an “ideological project “that” tells only part of the story and therefore distorts the full truth of reality” (p. 25). However, it contains enough of the truth to convince enough people that it becomes “a material force capable of shaping our lives” (Allman, 2010, p. 26). Dorothy
Smith writes that “(i)deology is not a function of appearances as such, but rather of how the categories constituting experiences as phenomena are entered into processes of reasoning that treat them as given and build theory on them while ignoring the social relations they reflect” (p. 31). Harnessing history, especially the histories of people who have been – and are - systemically discriminated against, for the sake of an ideological project that will entail the racist discrimination against im/migrants and undocumented peoples is extremely disturbing. Furthermore, the proliferation of the idea that generosity and kindness and inherently “Canadian” qualities is dangerous in that all action coming from Canada’s leadership are then trusted to be imbied with these qualities.

**Dialectical Contradictions and Relations of Capital in Bill C-31**

Within the ideological, social, material processes of which *Bill C-31* and other recent refugee reforms are composed are some contradictions that are important to highlight. Centrally, the increasingly restrictive and hostile treatment of asylum-seekers through the implementation of *Bill C-31*, which I have described in the previous chapters seems a stark contrast to the rapid expansion of temporary migrant worker programs. As discussed in Chapter 1, capitalist restructuring manipulates trends in im/migration and migrant labour in order to maintain a simultaneously disposable and indispensable group of workers upon whose exploitation relations of capital can continue to grow. David Harvey (2010) writes that in a capitalist economy, “the inevitable geographical segmentation of labour markets means that questions of labour supply boil down to a series of local problems embedded in regional and state strategies, mitigated by migratory movements (of both capital and labour)” (p. 59). He goes on to explain that the state becomes involved, among other things, “when it comes to immigration and labour laws (minimum wages, hours of work and regulation of the conditions of labour),
the provision of social infrastructures (such as education, training, and health care) that affect the qualities of labour supply and policies designed to maintain the reserve army” (p. 59). Therefore, Bill C-31 can be seen as one side of a dialectical relation – existing in tension and co-constitution with temporary migrant workers programs. It is important to recognize this complexity – as well as the mutually constituted education, social welfare, health, and defense policy, among others, which operate with and through immigration and labour policy to uphold both elements of this contradiction.

Bertell Ollman (2003) describes a contradiction as “the incompatible development of different elements within the same relation,” where the elements are “mutually dependent” (p. 17). Thus, for one to change is for the other to change. One element owes its existence to the other, although their existence is one of incompatibility. Understanding such contradictions is an indispensable part of resistance to Bill C-31 and other racist, homophobic, and patriarchal practices. Dominant ideology, such as that exemplified in Jason Kenney’s speech to the Economic Club of Canada, presents the elements of the contradiction as unrelated. Paula Allman (2007) describes the way that ideology, most often taking the form of “persuasive explanations or discourses,” serves to “mask or misrepresent the real contradictions that make capitalism possible, and therefore, by helping to perpetuate capitalism, it serves the interest of the dominant class” (p.39).

**Challenging Borders in Adult Education**

In order for resistance to Bill C-31 to be effective, then, it must take into account the relation between immigration policy and labour policy, and a host of other arenas of social life. Paula Allman (2007) writes that ideology “can only maintain its sway on popular consciousness for as long as the truths it promulgates coincide with some of the truths of
people’s actual experience” (p 42). She proposes as an alternative, a “critical/revolutionary praxis,” wherein extant social relations are abolished or transformed as new social relations are developed, a process which requires that “we are also striving to transform ourselves for the better, just as we do when we strive to transform any social relation” (Allman, , p. 182). Himani Bannerji (2005) recommends that strategies for social intervention “have to analyze and formulate their problems in terms of political problematics that show how these particular or local issues only arise in a wider or extra-local context of socioeconomic relations” (p. 146). This is where adult educators, as actors for change, can have a powerful impact. In presenting a historicized and dialectical understanding of Bill C-31 in the context of material social relations and processes, adult educators can hear and amplify the voicing of experiences that can lead to a change in the dominant ideology and move towards a critical, or revolutionary praxis. This may take form in the following ways:

1) Indigenous peoples and their struggles for sovereignty should be placed at the center of any discussion of Canadian history and social change, and Indigenous peoples should be supported in their own processes of self-determination, with a critical understanding of the connections between processes of colonialism as they impact across difference. The Idle no More movement has emerged as a reaction to parliamentary bills that threaten to further harm efforts towards indigenous sovereignty and environmental protection (Idle no More, n.d., para. 1). Harsha Walia (2010) writes, “(t)he denial of Indigenous self-determination is closely linked with the exclusion of racialized immigrants and refugees” as “the granting or withholding of citizenship rights – both immigrant status and registered Indian status – is part of the way in which the state determines and regulates who is part of the
national community” (p. 80). This link should be understood in its historical context and used, as a starting place for discussion of borders and how different groups’ “belonging” are internally relational.

2) Educators should embrace a critical and reflexive usage of technology. As I have discussed in Chapter 4, technology is made up of the very social relations from which it emerges, hence it is no coincidence that biometric technologies have been, from their inception, used for projects of policing and surveillance of racialized, cash-poor, im/migrant peoples. Given this, adult educators should be critically wary of technologies and draw on any resources available to them to be informed of the historical social relations within which technologies are forged, and to whom they are accountable. Whenever possible, people-to-people dialog should be encouraged, and dialog about the strategic usage of technologies, particularly social media, should be had.

3) Relations of capital should be interrogated for their connection to patterns of im/migration. We must ask questions about how we ourselves may be complicit in state-sanctioned violence. This requires a personal as well as a systems-level transformation; just as it is hard to “see the forest for the trees,” it is hard to see our potential for the capitalist relations that structure our lives. Gary Kinsman and Patrizia Gentile write “doing away with the violence of the national security state requires a very broad social transformation – one that challenges the social roots of racializing, colonizing, capitalist relations and the rule of law that helps to organize them” (p. 450). This may mean building solidarity with groups working on different elements of the same issue, organizing an alternative to calling the police when a
community member experiences violence, or building alliances with queer communities or (dis)ability/cripp activists. Understanding the intricate connections between different struggles can result in more effective education and action.

4) The patriarchal core of capitalism should be understood in its historical context of processes of racialization and heterosexism. In recognition that immigration is a gendered process and Bill C-31 (particularly the clauses related to the detention of children, the reunification of families, and the criminalization of “human trafficking”) deepens the harsh effects of border enforcement on women and gender non-conforming people. Jessica Hoffman of INCITE! urges White feminist to engage with critiques of their domination in a self-critical way, as the appropriation or tokenizing of the work of feminist of colour “while continuing to center white, class-privileged women's experiences in your "feminism" and engaging in political work that upholds and strengthens white supremacy and economic exploitation -- sometimes directly undermining the social-change work of feminists of color” (para. 3). Indeed, a feminist praxis that does not understand the dialectical relations between gender and other systems of social categorization will not pose a sufficient challenge to dominant relations, as “a feminist strategy for liberation cannot but aim at the total abolition of all these relationships of retrogressive progress” (Mies, 1986, p. 77).

5) As researchers, teacher, and learners in academia, we must challenge and, when necessary, counter, security culture within the university. I was recently in London, England and was disturbed by the intricate and pervasive security mechanisms in place on campus. Most of the buildings I entered required the presentation of
identification. The unchallenged imposition of borders and checkpoints within the university threatens to isolate students from the communities where universities are located and make institutionalized learning even more inaccessible, inhibiting the revolutionary potential of the university. We must critically engage with the ways in which boundaries are created within the communities we live, and the institutions where we work and study. Building opposition to this can take the form of the creation of lines of communication and organization with community groups, non-academics working within the university, and the radicalization of student government. It should influence our writing and our ways of being, inspire other students and professors, and set learning free from the confines of the university structure.

In a 2001 article titled, “On not being Canadian: The Social Organization of ‘Migrant Workers’ in Canada,” Nandita Sharma writes that borders are both physical and existential – they “affect people’s legal-political rights as well as the formation of peoples’ consciousness of who ‘belongs,’ and perhaps more importantly, of those that do not” (p. 6). This project has taken up the idea that borders are imposed on certain bodies in certain ways in times and places which are visible and invisible, physical and psychological, current and historic, literal and symbolic. *Bill C-31* is a continuation of a racist and patriarchal history of selectively imposing borders on certain bodies, allowing and disallowing people to be included in or excluded from Canadian citizenry. With the creation of the categories of “irregular arrivals” and “designated foreign national,” and the “safe countries” list within *Bill C-31*, a binary of citizenship is set up, where “legitimate” Canadian citizens and “deserving” asylum-seekers are set against “illegitimate travellers” and “bogus” refugee claimants. Historically, people of colour, women,
cash-poor people, and queer people have been subject to legal forms of state violence in the form of indentured servitude, arbitrary incarceration, and incapacitating levels of surveillance, all which stand to be intensified as this policy takes effect. Bill C-31 entails changes that will ease a repositioning of immigration policy so as to shore up Canadian borders as having conditions which are selectively imposed on certain racialized groups in order continue the expansion of relations of capital. Understanding the ways in which borders are enforced in their social historical context can help to strategize effective action to resist, transform, and create new ways of relating to one another.

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POLICY CITED


APPENDIX 1

Canada’s Designated Countries of Origin List (with dates at which time the designations came into effect):

<table>
<thead>
<tr>
<th>Country</th>
<th>Date</th>
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</thead>
<tbody>
<tr>
<td>Australia</td>
<td>February 2013</td>
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<tr>
<td>Austria</td>
<td>December 2012</td>
</tr>
<tr>
<td>Belgium</td>
<td>December 2012</td>
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<tr>
<td>Chile</td>
<td>May 2013</td>
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<tr>
<td>Croatia</td>
<td>December 2012</td>
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<td>Country</td>
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<td>Czech Republic</td>
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<td>Ireland</td>
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