The Politics of “Access”: Undocumented Students and Enrollment in Toronto Schools

by

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Abstract

Bordering occurs beyond ports of entry. It operates in spaces where immigration status is examined in order to participate or access a public good. In Ontario, schools serve as borders and often exclude undocumented migrant on the basis of status. At the same time, community activists work to erode border-zones and redefine “membership.” This project tracks and analyzes one such initiative. It historicizes constructions of membership in relation to the Toronto District School Board and its “Students Without Legal Immigration Status Policy.” This policy, discursively known as a “Don’t Ask, Don’t Tell” (DADT) policy stipulates that the Board would protect students by barring employees from asking, reporting, or sharing information regarding a family’s immigration-status. However, the policy remains to be fully implemented, the Board has constructed procedures that make enrolment more difficult, and undocumented students continue to experience exclusion. Thus, this project addresses the gaps in implementation as well as differing understandings of what constitutes “access.”

The project combines Anti-racist theory, LatCrit, border rhetoricity, and concepts developed by Frantz Fanon, and Antonio Gramsci. This framework facilitates the examination of the construction of internal borders along hegemonic understandings of membership, how these processes are facilitated by the dehumanization of undocumented migrants, and the resistance practices of migrants and their allies. Data stems from interviews, experiential knowledge, and grey literature. Interviews were conducted with fourteen differently located social actors.
including TDSB administrators and grassroots organizers. Grey literature from the TDSB, the Don’t Ask, Don’t Tell Coalition, and No One Is Illegal- Toronto was also examined.

Key findings include the ways bureaucratic processes at the TDSB invisibilize undocumented migrants and the resultant hegemonic reproduction of bordering in spite of “access” policies. Additionally, this project highlights the strategies employed by community organizers to make Toronto a space of “non-compliance” to immigration authorities and how access to schooling is framed as a key component. Finally, different framings of “access” are examined. While Board practices equated access to the ability to enroll, local activists demanded broader understandings of this concept including recognition of the ways interrelated factors, including safety and access to other services affected schooling.
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In Memory of Sal Castro and Bert Corona, two of our greats who taught us to resist through collective action.

Nothing is achieved through individual action. In the process of going through this degree I have been blessed to have supportive and caring individuals to guide, help, and encourage me. I, along with many Chicana/os in academia, recognize that these spaces were not meant for us. Too often, the fruit of academic labor has been used to subjugate our communities. To be Chicana/o is to recognize the political urgency of our work, our responsibilities to our communities, and the need to continue fighting. La lucha sigue.

I wish to dedicate this dissertation to six important people in my life: Paloma Villegas, Amelia Jimenez, Jeanett Castellanos, Julia Curry Rodriguez, Patricia Landolt, and George Dei. I also wish to thank the numerous individuals who through their love, kindness, and encouragement helped me survive this endeavor. While I aim to be as comprehensive as possible in this section, I will surely omit many names. I apologize in advance and hope that I have in other ways displayed how much you have meant to me.

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caring for me, and being honest with me. This would not have happened without you and I dedicate it to you. I love you doots.

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I hate translating Spanish into English. While both are languages of the colonizer, I come from a particular context whereby English is constructed as the dominant and racialized Spanish speakers are portrayed as the symbol of deficiency. Thus, I offer this translation, not to appeal to the dominant and provide comfort, but solely to show off about my mom. What can I say about my Mamá? She is everything to me, a superhero, a fighter, a source of wisdom, and a shelter. She has moved mountains for my sister and me and has sacrificed her body and pride to ensure our future. Whether it be selling shoes door to door or cleaning houses, she taught us the value of labor and dignity. Simply said, the soul of this project stems from her. She is my inspiration and I aspire to be like her. All I do is to make her proud. Thank you Mamá for teaching me to be a good man and that sacrifice for labor is important. I love you and I dedicate this thesis to you.

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Finally, I also dedicate this dissertation to my supervisor George Dei. I have learned many things from George but what immediately comes to mind is humility. In a place like academia, and a prestigious university like the University of Toronto, humility seems to be in short supply (I heard it might have something to do with the water). However, how amazing is it
that one of the biggest names at UofT and one of the strongest voices in Anti-racism is also one of the most humble people I have met? The valuing of all voices and the development of space for racialized peoples to challenge dominant thought make George unique in academia. Most importantly, they make him true to his word as I have witnessed too few in his position “walk the walk.”

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CHAPTER 1: INTRODUCTION

In 2007 the Toronto District School Board (TDSB) unanimously passed the “Students Without Legal Immigration Status Policy” (Toronto District School Board, 2007). This policy stipulated that the Board would “protect the rights of children and their families by not asking for, reporting or sharing information about any student’s or a student’s family’s immigration status” (Toronto District School Board, 2007, p. 2). Furthermore, the policy also instructs TDSB employees that in the case that immigration enforcement should come to a school, that they be redirected to the head office. In this instance, the Board Director is instructed to “inform Immigration enforcement agents of the TDSB policy that opposes access to students while in school” (Toronto District School Board, 2007, p. 2). Overall, this policy is the result of a coordinated effort to keep immigration authorities out of schools and to ensure access to public school for all students regardless of immigration status. While the passing of this policy was a momentous event, it has yet to be fully implemented and the Board has developed new procedures that circumvent the spirit of the policy. As such, the school site remains a border-zone for undocumented migrants. Within this dissertation I argue that this problem persists as a result of undocumented migrants being constructed by institutional actors as non-members of Canadian society and as such possible burdens or abusers of this social good. Furthermore, bureaucratic process within the TDSB has served to remove undocumented migrants from key discussions and resulted in their exclusion. At the same time, migrants and their allies have displayed agency and mobilized significant momentum in the city of Toronto towards constructing a more welcoming context of reception. Thus, as I will highlight below, there is

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1 It is unclear whether such information would prove sufficient to remove Canada Borders Service Agency officials.
strong resistance to the dehumanization and “illegalization” of undocumented migrants and ongoing demands to recognize their membership within our communities.

Regardless of the presence of the “Students Without Legal Immigration Status Policy,” throughout this dissertation I argue that the school site continues to be a boundary faced by undocumented migrants in Toronto. There are many social goods that are reserved and made available to individuals who are constructed as a member of a society. Frequently, the discerning parameters operate in conjunction with formal citizenship. This study looks at the ways membership is constructed by a number of social actors including grassroots organizers, schooling bureaucrats, and Toronto District School Board employees. It also pays particular attention to the material consequences faced by undocumented migrants. In addition, since migrants and migrant justice activists are not passive subjects, the following pages also discuss the ways community members engage in counter-hegemonic moves to broaden the conceptualization of “access.” Finally, I analyze the mechanisms within the TDSB that reproduce procedures that “illegalize” and dehumanize undocumented migrants.

This chapter begins by describing the place where the policy was passed and the study was conducted. It then provides information about the population in question and the vulnerabilities faced in the context of reception. This is followed by a discussion regarding the ways membership is mobilized to exclude undocumented migrants from social goods. Following that, I highlight the effects of being conceptualized as a “non-member” through the experience of “illegalization” and the threat of deportation. Subsequently I highlight the relevant terminology employed throughout the text. Then, I outline the chapters that make up this dissertation and the ways they come together to construct and support my arguments. Finally, I discuss my

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2 This can include a range of accessibility to services along a spectrum of belonging (please see Goldring & Landolt, 2013)
positionality in relation to the research project as well as the learning objectives for this dissertation.

**Time, Place, and Space: Toronto and the Toronto District School Board**

The city of Toronto is an optimal location to situate this work because of its status in Canada in regards to its size, economy, and percentage of foreign-born residents (Statistics Canada, 2007). Furthermore, Toronto has also been a site of much activist work regarding migrant justice and the furthering of “rights.” Perhaps the most visible display of migrant rights activism is the annual May Day marches. Since 2006, No One Is Illegal –Toronto, an immigrant justice organization, has mobilized May Day protests to demand justice for migrants and refugees (No One Is Illegal -Toronto, 2013). Slogans for these marches include “Status for All”, “Stop the Deportations”, and “Build a Solidarity City.” As such, demands for migrant justice have occurred not only in relation to broader federal demands or within the Toronto District School Board, but also within the Toronto Police Services Board (Peat, 2008), amongst Violence Against Women shelters (Bhuyan, 2012, 2013), and for the city to become a “solidarity city”³ (Keung, 2013).

Given the context of resistance and activism within Toronto as well as the plethora of xenophobic policies passed recently at the federal level, the timing for this project is also ideal. Within this decade City Hall has labeled Toronto a “solidarity city”, a few health clinics have been opened for undocumented migrants (Caulford & D'Andrade, 2012; P. E. Villegas, 2013b), immigration agents have publicly claimed they will not enter women’s shelters (however this policy directive was subsequently dismissed) (Bhuyan, 2012), and the Toronto District School

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³ The term solidarity city is used by organizers instead of the more common “sanctuary city” to dispel humanitarian ideas and to construct migrants as active agents rather than passive people. For more information see www.solidaritycity.net
Board adopted a Don’t Ask, Don’t Tell policy (Villegas, 2013). At the same time however, the health care program designed for refugee claimants has been largely disbanded (Canadian Press, 2012a), migrant sponsorship has become more difficult (Canadian Press, 2012b), new visa restrictions have been imposed on migrants who did not need them before (Villegas, 2012a), the list of occupations for migrants wishing to migrate via the point system has gradually diminished (Citizenship and Immigration Canada, 2010), and the minister of immigration has attained the power to designate particular countries as “safe countries” and limit the rights of refugee claimants from those nations (CBC News, 2012). These events display an important moment in time that includes an increase in awareness of the inequities experienced by undocumented migrants at the local level while a large degree of impunity and an intensification of racist, classist, and sexist modifications to current immigration legislation.

While the migrant justice activism in the city of Toronto has been widespread, the first major victory within a large institution came in the schooling sector. The “Students Without Legal Immigration Status Policy”, also known as the TDSB’s Don’t Ask, Don’t Tell policy was an important political victory. The TDSB was chosen by local organizers as the site to introduce this policy because of a high profile case of students detained and removed from a Toronto school as well as the fact that the Board is the largest in the country (Toronto District School Board, 2013a).

The TDSB is an immense bureaucracy made up of politically elected trustees divided across wards within the city, roughly 30,000 employees, and 259,000 students across 560 schools. It also boasts a budget of over 2 billion dollars. This makes the TDSB the largest school board in Canada. However, the Board was not always as big as it is today. In 1997, the government of Ontario reduced the number of school boards in the province from 129 to 72 (S.
E. Anderson & Ben Jafaar, 2006). This move was meant as a cost-cutting strategy that would reduce the duplication of services across several smaller boards. However, as Anderson and Ben Jafaar (2006) argue, the creation of larger boards has resulted in an increased distance between schools and the boards, as well as a diminished ability for boards to monitor what happens in the schools. As such, this project furthers our understanding of the way policies roll out and are transformed into practice within a large bureaucracy.

*Migrants and Undocumented Status*

There are a number of formal avenues for migration to Canada, including family reunification, the refugee system, the skilled-worker or “point system”, and through a visa or permit (Tannock, 2011⁴). Financing entry through the point system is costly, not only because of the expenses associated with the application but also because of its requirements, including a high degree of education, professionalization, and language proficiency. The demand for high levels of capital makes the point system unattainable for most people around the globe. Furthermore, while migrating as a family enhances the possibility of meeting the point requisites by allowing spouses to collectively use their capital towards increasing their points, the policy limits the benefit of family to only a spouse. However, even if the mode of migration is through the economic class, the assumption of families is that of female to male dependence (Thobani, 2007).

The Canadian immigration system is unavailable to most people around the globe. Given the prerequisites for permanent immigration process, it is unlikely that migrants with no choice but to live with precarious immigration status in Canada would have the capital necessary to satisfy the requirements of the point system. Other forms of migration also carry degrees of

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⁴ For a detailed explanation of the refugee determination process please see Baffoe (2013)
precarity with them. Because of the current fixation on economic migration and temporary work permits, the family reunification program and refugee determination system have recently become more restrictive (Canadian Press, 2012a; Keung, 2012). Through the passage of Bill C-50, the immigration minister can decide the threshold number of people who can migrate under particular categories (Citizenship and Immigration Canada, 2012). Furthermore, for people around the globe who hold no familial ties to Canadian citizens, the family class is not an option.

There are several ways that migrants can become undocumented. Given their inability to qualify for programs that may provide permanent residence many migrants remain in the country beyond the expiration of a permit or visa. Other migrants find themselves undocumented after a negative decision on a refugee claim. In addition, migrants who participate in temporary work programs may also become undocumented as a result of their actions or those of their employers (Basok, Belanger, & Rivas, 2013; McLaughlin & Hennebry, 2013). Thus, there are numerous ways in which migrants can experience precarious immigration status that may result in undocumented status.

While immigration status can be fluid, it is important to note that the likelihood of losing status is increasing given the ways immigration policy has changed (Campion-Smith, 2008). The likelihood of losing status is far more prevalent than the possibility of gaining permanent status (Goldring & Landolt, 2013). In addition to the possible fluidity of immigration status, it is also important to state that precarious immigration status can be a long-term phenomenon (Bailey, Wright, Mountz, & Miyares, 2002). While many people go in and out of status throughout time, there are many who have been out of status since their entry into Canada or since their initial visa expired. For those without options available through the immigration system, the precarity in
their status is not the possibility of falling out of status but rather the permanence of being out of status.

There are between 20,000 to 500,000 migrants without immigration status in Canada not including those with temporary work visas (Jimenez, 2003; Tilson, 2009). Given the need for this population to remain “in the shadows” (Chavez, 1992) and the small amount of research conducted with them, there is very little known about their demographics. What we do know is that undocumented migrants face numerous challenges in their daily life. They include the constant possibility of suspicions about their status, the risk of encounters with immigration authorities, and the challenges associated with obtaining essential services. Many of these migrants and/or their children encounter barriers when trying to access schooling institutions. There is a recent shared history between schools and immigration enforcement in Toronto, which saw students, while at school, being taken into custody by immigration authorities (CBC News, 2006) and the development of a grassroots initiative to sever all ties between schools and immigration enforcement (Berinstein, McDonald, Nyers, Wright, & Zerehi, 2006; CBC News, 2007).

**Membership and the Provision of Social Goods**

The provision of social services carries a large degree of discretionary practices across all levels of an institution. Institutional actors, regardless of their social location, must decide who is considered a legitimate recipient of goods and who is a possible threat to the integrity of the social structure. Social constructions of “membership” take up the schooling of undocumented students in much more complex ways than a dichotomy between access and exclusion. Often such discourses allude to differential understandings of what constitutes access as well as who is
considered to be a legitimate recipient of this social good. They are also further affected when considering the interplay of race, gender, class, age, and sexual orientation. As such, some discourses of membership simultaneously advocate for eligibility for children to enroll in schools while locating migrants in ways in which they are robbed of agency or where their presence is criminalized. For example, discourses of membership that emphasize the innocence of childhood as well as the rule of law can muddy the understanding of who is a legitimate recipient of social services like schooling. Similarly, it is common to now read of immigration as a personal choice and as such of making migrants responsible for their “choice” in breaking the rule of law by transgressing state boundaries without the expected documents.

The possibly dangerous and abusive “other” is often constructed along racial, classist, and gendered lines with an increased effect on those who occupy the intersections of such oppressions. Furthermore, the anxiety over the racialized migrant has continued since the 1990s. In the following decade numerous fabricated crises regarding undocumented migrants, particularly from the Global South, permeated the public’s imagination (P. E. Villegas, Forthcoming; Waldie, Freeman, & Perkins, 2007). These sensationalized fears follow old tropes regarding racialized individuals who are already constructed as potentially violent and abusive, but in addition given their undocumented immigration status, an individual who is not of the nation and understood to be present in spite of the nation.

The racialization and illegalization of bodies carries significant material consequences across a number of social spheres. The anxieties of the racialized undocumented migrant can be readily seen across a number of social structures (A. Pratt, 2005; Razack, 1999, 2002; Sharma, 2006; Thobani, 2007; P. E. Villegas, Forthcoming). Across these structures federal, provincial and municipal policies construct the legitimate recipient in specific ways and enact methods of
policing and surveying the disbursement of social goods. By extension, the “illegitimate” is also then constructed and demarcated, often along citizenship lines. Thus, the requirement of documentation necessary to receive a social benefit may be introduced or increased. In addition to legislative measures, social structures can also enact a number of barriers to ensure that social benefits are only available to those constructed as belonging to the nation. As such, numerous institutions design policies and procedures in ways that reify belonging and entitlement as well as exclusion and mistrust.

While prohibitive policies at all levels of society attempt to bar access to social goods for undocumented migrants, a number of initiatives are employed on the ground to resist and counter such actions (Bhuyan, 2013; F. J. Villegas, 2013; P. E. Villegas, 2013a). The creation of migrant-solidarity organizations, the mobilization of communities, and the construction of counter-narratives, have at times served to provide methods of organized resistance to repeal punitive legislation, policies, or procedures as well as enhance access to social benefits.

Given the permeation of particular discourses regarding undocumented migration and racialized bodies, the “problem” and its “solution” can be understood in numerous ways. These can range from absolute exclusion, to partial access according to context (age of migrants, social good in question, history of the migrant, etc.), to an understanding of borders as illegitimate and barriers to social goods as dehumanizing. As a result of the wide diversity of understandings of this problematic, there are also many possible “solutions” believed to have the potential transformative effect desired, all of which have a great impact in the ways that resistance practices are employed and the material consequences on those who stand to be affected. Thus, because different institutional actors have divergent views on membership and the

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5 This should not be read as a simple citizen/non-citizen binary but rather a more nuanced project that works along a spectrum of belonging and/or precarity (Goldring, Berinstein, & Bernhard, 2007)
undocumented migrant, there is a large difference in the methods they employ and the extent to which an intervention is believed to have a transformative effect.

This dissertation focuses on schooling and the ways in which the intersection of race and immigration status affect discourses of membership and the availability of schooling for undocumented migrants. Access to schooling, while “assured” according to the law has not been available consistently in Canada’s largest school board, the Toronto District School Board and as will be argued throughout this document, it continues to be limited. The concept of access in the context of schooling is complex, and includes the ways students experience schooling, the ways the curriculum is premised on white supremacy and invisibilizes a diversity of peoples and knowledges, etc. However, for a significant portion of this dissertation I will focus on “enrolment” and the ways entry to schooling is denied for many undocumented migrants. I recognize that it may be shortsighted to employ such an important concept in a reduced fashion for a substantial portion of this work. At the same time, it is important to recognize that for many potential students throughout the city of Toronto, the initial step towards access, that is their enrolment within a school, is a difficult endeavor.

To better nuance the discussion above, this thesis focuses on the ways different social actors in Toronto worked towards or against the creation and implementation of a Don’t Ask, Don’t Tell (DADT) policy for undocumented students attempting to enroll in the Toronto District School Board. The basis of the argument stems from three distinct periods of time, pre-DADT (prior to 2006), the span of time it took to draft, argue, and pass the policy (2006-2007), and the implementation phase up to 2012. By using data from these time periods and by focusing on the ways different social actors employed discourses of membership we can see the material consequences of discourse as it relates to the availability of social goods as well as the ways that
resistance practices question, delegitimize, and expand traditional understandings of belonging and membership as tied exclusively to the nation.

**The Law, “Illegalization,” and Fear of Deportation**

A predominant stressor related to precarious immigration status is a possible loss of status and a fear of deportation. Migrants without permanent status that have already experienced dislocation⁶ and have “settled” into a new life may experience constant concerns that one member of the family will be picked up by immigration authorities and deported, thus dispersing the family (Villegas, 2006). Materially, the immigration borders also extend beyond ports of entry as numerous social goods are only available after verification of immigration documentation and migrants may have no control in the way information about their status is handled. The construction of such obstacles in the everyday life of migrants construct a myriad of borders which must be navigated in order to assure the availability of social services while remaining safe from immigration enforcement. In this way, for migrants with precarious immigration status, “the border is widespread and ever present” (Berinstein et al., 2006, p. 9). It can include a chance meeting with an immigration enforcement official, an immigration raid, a document requiring immigration documentation and an individual learning about someone’s immigration status and calling it in. Therefore, a strategy cited throughout the literature used to mitigate this fear is to live in “shadows” or attempt to become invisible to immigration officials through the avoidance of or careful navigation of boundaries (Chavez, 1992; Dozier, 1993; F. J. Villegas, 2008).

Activities considered commonplace to a large segment of the population carry risks for migrants with precarious immigration status and undocumented migrants in particular. As

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⁶ Often, but not always, initial migration is motivated by dislocation in the context of departure
Berinstein, McDonald, Nyers, Wright and Zerehi (2006) have written, “For non-status immigrants, simple, everyday activities—working, driving, and going to school are at risk of being transformed into criminal and illicit acts with dire consequences” (p. 8). Threats or rumors of deportation raids or increased policing at or near localities where they may find community have been cause for migrants’ avoidance of such services including restaurants, dance halls, and churches (F. J. Villegas, 2006). Such fears must be considered barriers to access (Cunningham & Heyman, 2004) as they affect the wellbeing of migrants, particularly when they lead people to not access services due to concerns about the disclosure of their immigration status. Given the bureaucratization of social services, including the extensive and diverse documentation required to receive services many migrants experience the administration desk as a boundary they cannot easily overcome. Services such as community health clinics, community legal services, schools, and police aid, which require migrants to fill out forms that demand immigration documentation or may outright ask for an individual’s immigration status, can prove inaccessible.

The ways the law and institutional policies are constructed often serve to worsen the precarity of migrants’ experiences. In this neoliberal age we can see a broad movement towards the offloading of duties and responsibilization of citizens for maintaining the “integrity” of borders. We can see this in the ways that enforcement of immigration policies shifts from national authorities to local police forces, frontline staff workers, and the everyday citizenry. All such actors can report suspicions of undocumented status and such a report is often constructed as a civic duty. As such, this may include unhappy neighbors or employers unwilling to pay wages or displeased about workers standing up for their rights as well individual citizens who believe they are responsible for upholding the law. As De Genova (2002) states, “across an
extensive, multidisciplinary, social science literature, one encounters a remarkable visibility of ‘illegal immigrants’ swirling enigmatically around the stunning invisibility of the law.’” (p. 432)

The threats of deportation undocumented migrants may experience serve as a mode of surveillance and discipline. In Canada, these threats, operate through infrequent but highly publicized immigration raids that served as constant reminders of migrants’ persistent precarity. It is the knowledge of their precarity that affects migrants; the constant concerns about the possibility of being caught in a raid, being stopped by the police at a random stop, being asked for immigration documents by a staff worker, or for many racialized migrants, of experiencing racial profiling. These possible modes of surveillance carry the potential for contacting of immigration authorities and serve to condition precarious status migrants and their families to live “in the shadows” (Chavez, 1992) where they can avoid possible suspicion regarding their immigration status.

Policies and the perception of the relative safety they may provide have material consequences. They can determine the level of access to different types of health services, whether children can attend school, where families can live and under what conditions, as well as the availability of contacting the police in case of an emergency. In Toronto undocumented migrants are not eligible for the provincial health insurance program (OHIP) and as such must either pay out of pocket or visit one of the very few health agencies that do not ask for status (Simich, Wu, & Nerad, 2007). Housing is also not assured for undocumented students. According to The Social Housing Reform Act (2000), families are not eligible for subsidized housing regardless of need should any member of the household be undocumented. This policy causes greater stress to families that already find it difficult to cope with the high cost of living in Toronto. Police services are another institution affecting the family life of undocumented
migrants. The Toronto Police Services Board (TPSB) has formally rejected the “Don’t Tell” component of DADT, arguing that they would be breaching the law by not revealing someone’s lack of status to immigration enforcement should they become aware of it. Furthermore, the TPSB has added the caveat to the “Don’t Ask” component that police officers can inquire about immigration status should they have “bonafide reasons” to do so (Peat, 2008). This effectively allows police officers to use their discretion in applying the Don’t Ask policy. As such, any contact with the police makes the possibility of deportation far greater for undocumented migrants. The lack of a DADT policy at the TPSB can, of course, cause them to be wary of coming in contact with police officers or contacting them in times of need. Schooling in this context is a different phenomenon as there are policies at the provincial and local (Toronto) level that assure the ability for children to enroll. However, regardless of policy, the ways that DADT has been rolled out has rendered it minimally useful. As such, policies (exclusionary or written in inclusionary manners) as well as their discretionary implementation, determine to a high degree the context of reception for undocumented migrants and their families.

**Migrant Resistance and Mobilizations**

In this last decade there have been significant levels of mass mobilization regarding migrant justice in Canada. These mobilizations have ranged from prolonged campaigns to marches and protests. The political tone for many of these moments of activist is wide-ranged and includes appealing to the Canadian public for fairness, employing legal frameworks to formulate a demand, attempts to shame public officials through the use of the media, and more upfront methods of organizing.
In 2003, Lowry and Nyers published a roundtable discussion with individuals working to stop the deportations of Algerian migrants when a moratorium on deportations had been lifted by the Canadian government. Mobilizations occurred through the work of the Action committee for non-status Algerians, The Ontario Coalition Against Poverty, and No One Is Illegal- Montreal, among others. In this discussion we see both the ways the government attempted to legitimize the forced removal of these migrants as well as the coordinated efforts by the affected individuals as well as their allies in resisting. Furthermore, the transcribed conversation also displays the possibilities of fighting the state through the deployment of bottom-up approaches as well as the needs that must be met for such movements to flourish. Through this work, a short regularization program\textsuperscript{7} was developed. However this program was quite limited as according to Jean McDonald (2009) who states, “while approximately 900 people were regularized through this program, over 150 were refused and continue to face deportation, most because they did not meet the Quebec residency requirement” (p. 67).

While there have been other attempts to organize for comprehensive immigration reform, most of the larger campaign in Toronto have been sector-specific, while maintaining a revamping or dissolution of the immigration system as a pivotal demand. As such, there have been moves to expand the provision of services within essential services such as schooling, health care, violence against women shelters, police services, and city-funded facilities.

Some of these interventions are developed by practitioners, grass roots organizers, or a mixture of both. Within the health care system, there is a network developed by physicians and administrators that work to expand access to such services (Villegas, P., 2013). At the same time, an organization named Health for All has worked to repeal the loss of health care rights for

\textsuperscript{7} A regularization program refers to a process whereby certain migrants who fit a specific criteria are afforded the possibility of applying for and receiving permanent status.
refugees (Health for All, 2013) and make the Ontario Health Insurance Program, the publicly funded health care service available to permanent residents of Ontario, available to everyone (Health for All, 2010). In addition to health care, as mentioned above, Violence Against Women shelters were at one time a very productive space for migrant justice activists and their efforts yielded a short-lived reprieve when CBSA issued a directive that barred its offices from entering these spaces. This short-lived directive was more than activists received from the Toronto Police Services Board which rejected a Don’t Ask, Don’t Tell (DADT) policy and instead instituted a very weak Don’t Ask policy (Peat, 2008). Within the schooling sector, as I will discuss below, a DADT policy was developed in the Toronto District School Board to increase access for undocumented migrants but it has not been fully implemented (Villegas, F., 2013) and the Board has circumvented the spirit of the policy. Finally, in 2013, activists were successful in pressuring the Toronto city council into passing a “sanctuary city” policy. This policy would bar the requests for immigration documentation within city-funded services (2013). Within all of these campaigns there has been a strong presence from a single migrant justice organization known as No One Is Illegal –Toronto. This group, in addition to being active in all of the campaigns outlined above has also organized yearly “May Day” marches (No One Is Illegal, 2013) and strategically worked to fight the deportations of particular individuals that are key to a campaign8.

No One Is Illegal is a well-known organization within migrant justice circles. According to Walia (2013) and Abji (2013), it was founded in Montreal in 2002. Subsequently, autonomous collectives were formed in various cities throughout the country including Toronto, Vancouver, and Ottawa (Abji, 2013; Walia, 2013), as well as Halifax, Guelph, Victoria, and Brampton. The

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8 This includes the unsuccessful fight to stop the deportation of the Lizano-Sossa family; the family most often referred to as the catalyst to the development of the Don’t Ask, Don’t Tell Coalition
The ideology of No One Is Illegal is historical and transnational. According to Nativo Lopez (2006), it can be traced back to Bert Corona, the legendary labor leader and immigrants’ rights organizer and movement pioneer of the 1950s to 2000, [who] originated this concept in relation to the fight for immigrants’ rights in the early 1960s. This ideology can then be traced to the United Kingdom where a borderless movement took up the name and ideology (No One Is Illegal, 2003; Wright, 2013).

**Terminology**

The terms used throughout this paper are meant to signal to the politics of the project and a centering of the analysis on the affected individuals. The deployment of these terms signals to an ongoing political project that is centered on those who experience the materiality of the social construction of “illegality.” In this way, the politics of terminology (epistemic and ontological) are mobilized in this work to not only avoid injury to the most affected but to also display solidarity.

Too often immigration literature decenters the experiences of people who have crossed a border and instead focus on the “receiving” state. Such an engagement can naturalize exclusionary understandings of membership as well as its punitive results. Throughout this paper I employ the term “migrant” instead of “immigrant” as it does not confer beliefs about a location as an individual’s final destination, and does not place the “migrant-receiving” nation as the point of reference. Thus, in the context of this paper the term “immigrant” is only used in three instances: when citing other works; when naming official institutions (such as Citizenship and Immigration Canada) and policies (like the Immigration and Refugee Protection Act), which
affect the daily lives of individuals born outside the current Canadian national borders; and
thirdly, when referring to the different prescribed scales of citizenship from the Canadian
government. In terms of the latter, I specifically employ the term “immigration status.” While the
term “immigration status” is far from perfect, I believe it to be less violent than the commonly
employed “legal status”, given the latter’s propensity to be read as dichotomy between “legal”
and “illegal.” In all other instances, I use the term “migrant” to reflect a more flexible
understanding of the ways migration occurs, to challenge the legitimacy of state borders, and to
center the analysis on them.

There are many ways to refer to the immigration status of people who do not have up-to-
date Canadian-sanctioned immigration documents. These terms include less-than-full
immigration status (Luin. Goldring, Berinstein, & Bernhard, 2007), extralegal status (Nevins,
2002), undocumented, and precarious immigration status (Goldring et al. 2007). The term,
precarious immigration status is used to “describe multiple forms of irregular or ‘less than full’
legal statuses individuals can experience in Canada as well as the movement that can occur
between statuses” (Goldring et al. 2007, p. 2). This term provides what may be the most accurate
depiction of the migrant condition within Canada, especially in a time of increased punitive
sanctions against migrants, ever-tightening borders, reduced avenues toward permanent
residence and citizenship, and an increasing precarity of status where individuals can easily lose
status. Thus, the term’s ability to describe the possibility of fluctuations in a migrant’s
immigration status across time and space broadens the conception of immigration status beyond
a status/non-status binary to encompass varying and growing “gradations” of status (Goldring et
al. 2007).
These gradations are important facets of a migrant’s everyday life because they determine varying access to goods and services (Goldring et al., 2007). For example, an individual with a refugee claim has some access to social services like schooling\(^9\), and public housing, while their case is in the courts but continued access is contingent on the ruling on their case (Baffoe, 2013). Thus, a negative decision would result in a loss of rights.

In this project I employ two terms to refer to the individuals at the heart of this project. I use precarious immigration status to explain the ways in which migrants experience the Canadian immigration system and the ways in which they often face an ever-increasing precarity in losing whatever status they may hold and the material consequences that accompany that loss. However, as the term precarious immigration status is quite broad and can cover a myriad of permutations regarding access to services, the term undocumented migrants is used to describe the individuals I believe live in the greatest precarity in relation to their subjectivities; that is, people who have severely limited possibilities of moving through the various gradations of immigration status and are in constant jeopardy of being deported (De Genova, 2002, 2005).

Both terms used within this paper describe the conditions under which many migrants experience their daily lives. Therefore, precarious and undocumented status can broadly refer to the inability to plan for the future (R. G. Gonzales & Chavez, 2012; P. E. Villegas, 2012b; Yuval-Davis, 2009). Furthermore, in the context of migration these terms also describe the inherent threats of deportation that jeopardize migrants’ ability to stay in the context of reception. Finally, politically and ethically, the terms chosen above are a better alternative to labels that inherently link migrants with criminality such as those including the word “illegal” or

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\(^9\) The ability to enroll can be limited across Canada for refugees (Baffoe, 2013) and in Ontario it does not include postsecondary schooling.
“alien.” Such terms are embedded in nativist and racist fears about particular racialized groups and connote an inherent “otherness.”

As a final note, it is important to note that throughout this dissertation I place quotation marks on all words that begin with “illegal.” I recognize that “illegality” is socially constructed and appreciate the efforts of De Genova (2005) in theorizing about the processes of “illegalization” and implicitly critiquing such mechanisms that dehumanize and marginalize undocumented migrants. However, I cannot bring myself to write such words without “scare quotes.” I recognize the ontological violence of being called “illegal” and while deconstructing such a word by speaking about “illegalizing” processes is useful, there is a personal history of pain that makes it difficult to write such a word without explicitly critiquing the usage of such language.

Learning Objectives and Positionality

My point of departure for this project stems from my personal experiences as a racialized migrant as well as my political work in the migrant-solidarity movement. While relatively new to the Canadian context I have been a member of No One Is Illegal-Toronto for over five years as well as a consistent contributor to the Education Not Deportation campaign. In this role I have worked with my colleagues to pressure the Toronto District School Board into adopting a Don’t Ask, Don’t Tell (DADT) policy and have been part of meetings with representatives to find ways to implement it. Prior to this work I was involved in a campus organization in the U.S. working to increase access to higher education for undocumented students in California. My experiences with immigration-related work as well as the ways I experience racialization do not grant me a full understanding of the nuances involved in this work. However, these experiences allow me an
increased sensitivity to stressors associated with undocumented status and as such provide a point of departure in my work. Given my political agenda, my primary aim for this project is to influence schooling policy at the provincial level while creating a platform to begin questioning what happens to undocumented students once they graduate from high school and find themselves not only shut out of universities but also from any path towards citizenship.

There are a number of learning objectives attached to this project. These objectives address both gaps in the literature as well as personal frustrations. The former, as discussed in the following section reflect a lack of information regarding undocumented migrants in general, particularly research that centers such migrants. The latter point reflects a frustration with the predominance of humanitarian ideas and illegalizing discourse within social institutions as well as certain elements within activist communities that mobilize these ideals as useful practice. To that end, the objectives also have a political impetus. They are meant to help in developing alternate imaginations and transformative possibilities to the current context. As such, the learning objectives are as follows:

1. To understand how border-zones are constructed, maintained, and reconfigured by social actors in the face of counter-narratives
2. To analyze the implementation of an important piece of policy within a large bureaucratic body while centering the effects on a marginalized and excluded population
3. To generate additional information regarding the context of reception for undocumented migrants in Toronto as a tool for activist communities to resist, deconstruct, and construct
4. To complicate understandings of large concepts like membership and access in ways that can incorporate social justice and equity and to critique the current modes and understandings of service provision and legitimacy to a social good.

5. To visibilize undocumented migrants in Toronto through a theorization that centers them and their needs.

These objectives then inform the research questions for this study. These questions are developed to help fulfill the learning objectives while directing the data collection and analysis. The questions thus present

1. Who have been/are the social actors in the movement for access to schooling for undocumented students? How has membership in Canadian society and local communities been conceptualized and negotiated?

2. How have hegemonic discourses about undocumented migrants affected the possibility of school enrolment at TDSB schools and in what ways have they been challenged?

3. How do undocumented migrants and their allies actively resist and erode the boundaries that exclude them from the schooling process?

4. In what ways do the concepts of race and the construction of “illegality” converge to construct an understanding of membership and rights to schooling?

5. What are the boundaries in conceptualizations of “access”? Is “illegalization” a dominant face of this phenomenon?
Organization of Chapters

Having introduced both the topic and value of this project, the next chapter presents a literature of relevant academic works. Within this chapter I display the dearth and need of information regarding the context under which undocumented migrants reside in Canada. I also pay important attention to the ways membership, as it relates to undocumented migrants, has been conceptualized by researchers and their participants. Finally, I question the prevalence of employing criminalizing discourse when referring to undocumented migrants, particularly when claiming to advocate on their behalf.

Following the literature review I present the discursive framework that drives a project that looks at the ways boundaries to enrolment to schooling for undocumented migrants are constructed, reconstructed, and resisted. In this chapter I argue that a discursive framework that is based on the principles of anti-racism and combines Fanonian and Gramscian theories as well as the concepts of border rhetoricity and counter-narratives can allow us to grasp a greater degree of nuance regarding this topic. Such a framework is based on the understanding that hegemony is based on the dehumanization and invisibilization of particular bodies and this then becomes the basis for borders and bordering practices both at the zones demarcated as national boundaries as well as within the nation. At the same time, it is important to recognize that the meaning of borders is ever shifting and each bounding practice has consequences on those constructed as outside the boundaries of membership. Given the framework’s strong directive to center the oppressed, the ensuing theorization maintains the migrant at the center of the analysis and pays particular attention to resistance practices. To that end, the concept of counter-narratives is quite important as it facilitates a discussion of the ways that migrants and their allies engage in a resistance to hegemonic practice and discourse through the deployment of alternate possibilities.
and imaginations. Finally, the chapter ends through a discussion of the ways that the research questions fit the discursive framework.

After the chapter on theory, I outline the method employed in this project. I begin by discussing the modes of data collection as well as their relevance to the project and its discursive framework. I then introduce the interview guides and follow that with a discussion on the process of recruiting participants, the logic behind choosing these particular individuals, as well as the political implications. That is then followed with an explanation to the method for data analysis and the value of analyzing discourse. Finally, the last two subsections provide a brief profile on the participants who were a part of this study as well as the overall limitations of this project.

Once the groundwork of describing the theory and method is completed, my first data chapter is titled “active communities and practices of resistance.” In this chapter I discuss the relatively unknown extensive history of undocumented migrants’ struggles to enter Toronto schools. I argue that the invisibilization of a history of resistance practices within the schooling sector by undocumented migrants and their allies served to portray the Don’t Ask, Don’t Tell policy as a new phenomenon in the city. This chapter also then serves to showcase the active participation by undocumented migrants towards equitable change that would lead to more expansive understandings of their membership vis-à-vis school boards. Given the history of mobilizations, there are also a number of results that stemmed from this work. In the more recent past, this has primarily been the passing of policy. Thus, following the outlining of a historical record, I describe the failure of policies in constructing long-lasting change, prompting the need for additional work to develop the Don’t Ask, Don’t Tell policy. Following this discussion I provide a more detailed outline of the events leading to the passing of the DADT policy as well as the strategies employed to pressure the TDSB. In this way, this chapter provides two valuable
contributions to this study, first, it provides additional context to the research topic that has not been included in the academic literature and is not readily available within the activist community that brought about the DADT policy. Second, it displays the history of activism and the driving of change by undocumented communities and their allies. However, within this history, there is then also a history of paper policies going unimplemented and a reconfiguring of the schooling context that enables the continuous exclusion of undocumented migrants.

Chapter six examines the ways bureaucracy has affected the development and implementation of the DADT policy. This chapter begins by analyzing how the overlapping of bureaucracies facilitates a prevalent “buck-passing” feature of bureaucracy where responsibility if passed on indefinitely. I then move on to a discussion on the divergence between the implementation plan passed by the Toronto District School Board and the ways it has been carried out. I also describe the move by the Don’t Ask, Don’t Tell Coalition and No One Is Illegal –Toronto to again pressure the Board into action. However, given the myriad of obstacles and deprioritization of this policy, eight years after its adoption it has yet to be fully implemented. As such, I finish the chapter by arguing that schools in Toronto can serve as border zones that illegalize undocumented migrants and bureaucratic logic can place them in danger, particularly when developing new procedures that do not take into consideration their vulnerabilities.

The last data chapter analyzes how the framing of access to schooling for undocumented migrants affected understanding of the problem, the imagining of solutions, and the possible range of actions available. Borrowing from the work of Erving Goffman (1974) I employ Benford and Snow’s (2000) concepts of diagnostic, prognostic, and motivational framing. These concepts are then used to understand the ways that the Toronto District School Board, the
Education Rights Taskforce, and the Don’t Ask, Don’t Tell Coalition framed the issue. Overall, I argue that the differences across these framings can explain the divergent responses and actions of each group and provide information on the ways to resist hegemonic constructions of undocumented migrants.

Chapter eight serves as a conclusion. Here I use Chela Sandoval’s (2000) concept of “meta-ideologizing” to discuss for the need to expand the ways the term “access” is understood and mobilized. As such, rather than conceptualizing “access” as synonymous to “entry” or the availability of enrolment to schools, I argue that we must think of the term in broad and interconnected ways that take into account safety and the ability to experience academic success. I also work to deconstruct the moralistic premise behind the term that imposes eligibility criteria according to citizenship status, and instead describe the ways No One Is Illegal -Toronto mobilizes belonging and membership. Within the latter formulation, all individuals who reside in Canada should have access to social goods. As such, this reconfiguration of the term can serve to resist the inequities built into the immigration system while facilitating the availability of social goods to all members of our communities regardless of immigration status. Finally, I conclude by providing some future implications for this work as well as suggestions to subsequent endeavors including working to ensure accessibility to postsecondary schooling.

Prior to unfurling the rest of this project, I wish to address an important tension. Dominant discourse romanticizes the role and value of schooling. As such, the meritocratic ideology that currently frames discussion about schooling puts forth that it is the avenue to social mobility and readily available to all. However, as Schugurensky (2009) states, “education plays a contradictory role: it promotes upward social mobility but at the same time reproduces social inequalities. This tension occurs because schools have the mandate of promoting equality of
educational opportunity but operate in social systems characterized by inequality” (p. 11). It is important for me to consider this tension when engaging in a project that analyzes the inequitable entry into the school space but does not address the varying types of violence and exclusion following enrolment in the school. It is also important to ensure that recognition of this tension does not lead to inaction. In this way, I write this dissertation with the hope and knowledge that the current schooling systems can be transformed to serve all learning bodies. I also recognize that for poor people, a significant proportion of whom are racialized migrants, schooling is an important avenue to social mobility. Furthermore, the social category of “student” serves a liberal ideological purpose that may offer some, albeit minimal, protections against immigration enforcement. For these reasons I write this dissertation in the spirit of solidarity and with transformative goals in mind. Thus, entry into the school space is not considered the end goal. Instead, it serves as an entry point into further discussions regarding curriculum, representation, and the valuing of bodies and knowledges. As such, this project is based on the understanding that the school site must be a space of convergence for many ways of being, belonging, knowing, and learning. Then, ensuring entry to schools is but a beginning.
CHAPTER 2: UNDOCUMENTED MIGRATION, RACIALIZATION, AND SCHOOLING: A LITERATURE REVIEW

This review of literature evaluates scholarship on immigration, immigration status and schooling. I examine how these literatures take up understandings of membership, borders and racialization. I also identify gaps, particularly in relation to the complex interplay of race, immigration status, and schooling. Finally I draw attention to the need for more research on how institutions not formally tasked with the work of immigration enforcement “illegalize” migrants.

The literature review is divided among five primary themes. The first section briefly describes the limited amount of work surrounding access to schooling for undocumented students in Canada. Second I describe some of the literature pertinent to the link between race and immigration status. This section describes the ways that the category “migrant” often operates as a proxy for race and the resultant effects on people. Third, I analyze research on the Canadian context of reception for undocumented migrants, particularly the ways migrants are affected by conceptualizations of membership and citizenship. This discussion includes the current policy context for undocumented migrants as well as the effects of delineations along the lines of member/non-member. After reviewing the mobilization of the concept of membership in Canada, in the fourth section I look at the ways the material consequences of this social construction affect undocumented migrants. In this section I focus exclusively on the ways social services are constructed to include or exclude individuals based on their immigration status. Finally, in the fifth section I describe the propensity to discursively link undocumented migrants to criminality. I begin by describing literature that covers the ways border crossings are attached to racialized migrant bodies. This subsection also covers the ways dominant rhetoric attaches
numerous facets of criminality to undocumented migrants including tropes regarding the abuse of social services, non-payment of taxes, and theft of resources.

**Schooling Policy and Immigration Status**

Unlike research in the U.S., there is scant information regarding how undocumented students in Canada experience schooling or the policies that govern access. In fact, there is still a lack of engagement from many within academia in spite of grey literature the presence of many publications stemming from the social service sector as well as community and activist organizations. Furthermore, the only academic literature found originates from Ontario.

Enrolment for students with precarious immigration status is not assured in Ontario. This is especially true for those whose parents have study-permits, visitors’ visas, or who are themselves undocumented. For undocumented students, although the prevailing policy document concerning this issue, Section 49.1 of The Ontario Education Act, clearly stipulates that they must have access to Ontario schools, school districts have utilized their discretion in shaping their implementation on the ground (Koehl, 2007; Sidhu, 2008). Furthermore, there are a myriad of other factors at play that jeopardize the inclusion of undocumented students in the classroom. These factors include the ever-decreasing funding schools receive from the government, the large revenue school districts receive from charging international student tuition fees, as well as a prevailing criminalizing discourse regarding potential abuse from undocumented migrants (Canadian Press, 2012a, 2012b).

Although the Toronto District School Board passed the Don’t Ask, Don’t Tell policy in 2007, a year later, Sidhu (2008) found that the policy was not implemented throughout TDSB schools. According to his report, many school administrators had yet to hear about it and
children continued to be denied entry (Sidhu, 2008). A similar study was done in relation to the Toronto Catholic School Board where staff informed researchers that undocumented students could not be enrolled in the schools (Bejan & Sidhu, 2010). Thus there is a disconnect in the ways in which policies are passed and implemented as well as the deprioritizing of particular communities, families, and students, particularly when they are believed to carry minimal political capital.

**Race, Migration, and Schooling**

Migrants, especially those with precarious immigration status, reside in a context of reception where they are automatically racialized. George Dei (1996) writes, “current discussions and explications about ‘culture,’ ‘nation’ and ‘heritage’ can, and do become new tropes for producing racialized doctrines and reproducing overtly racist discourses” (p. 47). This is an ongoing phenomenon. As Sherene Razack (1999) states, the 1990s brought a sensationalized crisis in Canada regarding the dangers present near national borders and the potential criminality of racialized migrants. According to Razack, (1999), “race remained as central to this activity as ever with the illegitimate now conflated with the undocumented, and the undocumented coming increasingly from countries like Somalia, Sri Lanka, and Afghanistan. More than ever, immigration truly was framed as being about who we can trust” (p. 160). This is not to say that all migrants are racialized; instead the broad category of “migrant” in the dominant narrative came to connote racialization and a threat to the nation.

There are clear historical links between race and immigration policy. In Canada, these policies include “the Chinese Immigration Act of 1885, the Exclusion Act of 1923, the Continuous Passage Requirement of 1908, various head taxes, and the institutionalization of race
in the 1910 Immigration Act” (Thobani, 2007, p. 90). Such policies, now stricken from Canadian immigration policy, are not just a testament to a racist past, they also inform current policies. While the overtly racist immigration laws of the past are constructed as no longer relevant, current policies continue to be based on racist, classist, gendered, and ableist criteria (Walia, 2010).

Current immigration policy is constructed around a privileging of specific bodies as well as the constant policing of migrants along racial lines prior to and post migration (A. Pratt, 2005). This can be seen through the development of the new citizenship study booklet that differentiates between “our,” read Canadian, values and “theirs” referring to migrants. Within this iteration the migrant body and culture are constructed as antithetical to Canada and “Canadianess.” The growth of xenophobia within Canadian immigration literature and policy as well as capitalist pressures to find cheap, deportable, and replaceable labor, has contributed to increased numbers of temporary migrants (Sharma, 2006; Walia, 2010) and the inability for them to have access to permanent residence (Walia, 2010; McLaughlin, 2010). In addition, the increasing list of nations constructed as “safe” has resulted in the citizens of these nations receiving diminished possibilities of a successful refugee decision (P. E. Villegas, 2012a).

While some theorists recognize the ways that racism is built into the Canadian immigration system, this is far from the norm.\(^{10}\) Too often, migration scholars continue to ignore race and the ways it affects migrants in the context of reception. This gap is predominant in classic immigration models that use the European migrations of the last half-century as the ideal. This is interesting considering that in the Canadian context, migration from outside Europe has

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\(^{10}\) This claim takes into account the very important work of theorists that have provided valuable insight in relation to the intersection of race and immigration. However, this critique refers to the overall field of immigration and the ways race is often absent from it.
long been a constant. Furthermore, it is puzzling that race continues to be ignored in immigration literature when so often responses regarding immigration employ race as a motivation to draconian measures.

Scholars have described North American nations as being both xenophilic and xenophobic (Honig, 2001). Through the employment of the latter term, the ideal of migration as a colonial settler narrative reminds those constructed as members of the desirability of their subjectivity (as it pertains to their membership within the nation state) (Arat-Koc, 2005). Furthermore, the xenophilic myth serves as a facilitator to the trope of North American nation-states as nations of immigrants and the invisibilization of colonial relations. However, the xenophilic myth does not include racialized bodies11 and the understanding of the Canadian nation state as desirable to people around the globe does not translate to the facilitated movement of peoples across borders. This limited xenophilic project then functions alongside xenophobia. Xenophobia relates to anxieties about “bad” migrants which often relate to those who are believed to have questionable attachment to the nation including racialized migrants who do not adhere to the settler colonial project (Arat-Koc, 2005), but also to those constructed as being present in spite of the state.

In relation to membership, racialized bodies are constructed as not belonging to the nation. We can also see that the category of the “migrant” is racialized and that “ethnicity” or “culture” serve as proxy to speak of race (Dei, 1996; Li, 2001; Thobani, 2007). All of these masking agents serve to move the “migrant” as well as the “racialized” outside the parameters of the “member.” Membership to Canada as a white-settler nation is discursively relegated to white bodies who are charged with its guarding and safekeeping from the “other” (Arat-Koc, 2005; 11 As they are continuously removed from the histories of such nations
Razack, 1999; Thobani, 2000, 2007). In this way, while the racialized body carries the stigma of being a threat to the nation, the undocumented body, seen to be present in spite of the nation, is constructed as antithetical to membership given its transgression to the physical and discursive boundaries of the nation. In addition, within the context of a neoliberal agenda and a supposedly finite amount of resources, the discourse regarding the undocumented also includes discussions about worthiness to receive social goods and the development of hierarchies regarding legitimacy of access. Oftentimes xenophobic discourse demands that members of the nation be privileged in the allocation of social benefits.

The widespread rhetoric regarding undocumented migrants is facilitated by the myriad of deficiency theories available. Too often, frameworks explicating the differential outcomes experiences by people according to race and/or class (including racialized poor migrants) operate under assumptions of deficiency and pathology (Carranza, 2009; Dei, Mazzuca, McIsaac, & Zine, 1997; Hurtado, 1995). Supplementary interventions are often proposed as solutions that will result in migrants achieving a similar lifestyle as the dominant. This position assumes a lack, or deficiency, on the part of the migrant rather than acknowledging the contexts that result in these differential outcomes. Deficiency theories commonly used range from ideas that racialized migrants must assimilate in any number of ways in order to find a place into dominant society, to beliefs that racialized individuals are inferior to the dominant due to their biology or culture (Balibar, 1991; Goldberg, 1993; Pon, 2009; Romero, 2008; Thobani, 2007). Assimilatory demands normalize white supremacy and blame those perceived to not be in compliance or refusing to admit their or their culture’s presumed inferiority. Thus it is important to recognize that the assumption of assimilation as an ideal carries an inherent political project based on ideas of white supremacy. Research employing assimilatory assumptions “not only conceals white
privilege, it also frames research questions away from examining racial, economic, and political privilege” (Romero, 2008, p. 25). This process can have important consequences as it prioritizes values according to a racist norm while centering and valuing individuals resisting the push to assimilate.

In addition to finding fault in the individual, family, or community, deficiency theories rely on the assumption that social institutions operate in an equitable and fair manner and acts of racism are isolated incidents. This includes the belief that the immigration system operates through “objective” criteria and is free from the biases of race or nationality. At the same time we see numerous calls for a return to primarily white immigration given concerns about changing of the national character (Li, 2001, 2003a; Thobani, 2000). As such, through the deployment of dominant discourse, racism becomes re-conceptualized as atypical while undercurrents call for greater exclusionist mechanisms towards racialized migrants. Yet again, this is facilitated by the ways in which race is coded into concepts such as migrant.

Frameworks critical of racist and ethnocentric theories have created an avenue through which researchers can challenge the assumptions of such theories and further a transformative agenda. These theorists have engaged in the revision of prior understandings of lived experiences across a variety of social structures such as schools (Dei et al., 1997; Gaztambide-Fernandez & Guerrero, 2011; James, 1995, 2009; Schugurensky, 2009a, 2009b), health (Magalhaes, Carrasco, & Gastaldo, 2009; Simich et al., 2007), and immigration (Arat-Koc, 2005; Fortier, 2013; Li, 2001, 2003a; McDonald, 2009; Thobani, 2000; Walia, 2013). They critique structures according to their interconnections with numerous oppressions based on race, class, gender, sexual orientation, immigration status and disability.
While Canada claims to employ a multicultural policy that does not overtly demand assimilation, numerous studies display the violence experienced by racialized students at the hands of schooling institutions. Furthermore, although the language of assimilation has been removed, calls for integration can often mirror the demands for earlier assimilationist policies. As Peter Li (2003) states, in Canada,

Successful social integration implies immigrants’ adopting the English or French language, moving away from ethnically concentrated immigrant enclaves, and participating in social and political activities of mainstream society, in short, discarding differences deemed to fall outside mainstream society (p. 316).

Within this formulation, it is difficult to perceive a real difference between integration within a multicultural context and assimilation. This is problematic because as Mary Romero (2008) states, “The preoccupation with assimilation results in accepting White, middle-class standards as the norm and in regarding racialized groups as departing from the norm – that is, as deviant” (p.4). As such, calls for integration that are based on a “white racial frame” (Feagin & Cobas, 2008) invisibilize the value of racialized communities and work to concretize discourses of white supremacy. As such, demands to “integrate” can affect the wellbeing of migrants, particularly as it includes the navigation of multiple barriers (Baffoe, 2009).

Access to schooling and the experiences within a school are also affected by the intersection of race and migration. The reading of students’ and parents’ bodies, including racialization and suspicions about immigration status, affects the ways they and their communities are perceived by school administrators and faculty. Suarez-Orozco et al (2008), found that
[w]hile teachers tended to be quite positive about immigrant students, they did not think much of immigrant parents. They tended to see them as uninterested in their children’s academic welfare and reported that immigrant parents were often absent and uninvolved, without taking into consideration their difficult work schedules and language barriers (p. 136).

The quote above refers to racialized migrant students. The educators mobilize racist discourses regarding the value racialized individuals place on schooling and follow a theory of deficiency that flows from the parent down to the children. Although these theories have been proven wrong time and time again they continue to gain currency (James, 2009). It is interesting to note that in relation to the perceived disengagement of parents from their child’s schooling, many immigration scholars have cited schooling, or giving children better life opportunities through schooling, as one of the primary reasons for migrating (Baffoe, 2009; Suárez-Orozco & Suárez-Orozco, 1995; Suárez-Orozco, Suárez-Orozco, & Todorova, 2008; Valenzuela, 1999). For example, Baffoe (2009), speaking about the Canadian context for African migrants, states that for most of his participants,

even though they feel excluded from Canadian society, they still encourage their children to pursue higher education and skills acquisition because of their strong belief that Canadian society may yet evolve to accommodate their children, even though they have lost hope in their own ability to alter the current state of affairs. Some even claim to have regretted coming to Canada, except that Canadian society still holds, they hope, a better future for their children. (p. 170).

In addition, parents and family influences have also been cited as reasons for children to remain in school (Baffoe, 2009; Dei et al., 1997). Regardless of these facts, deficiency theories are often
deployed in classrooms (Ladson-Billings, 2007; Mirza, 1998) and teachers often understand their role as supplementing a lack in their students.

Schooling is an assimilationist institution. To Valenzuela (1999), schools often operate with the preconception that “success” demands that students assimilate and thus subtract from themselves their identities, their knowledges, and their links to their communities. Students who resist these subtractive demands then experience a “pushing out” whereby often the final process is to subtract the bodies unwilling to comply from the schooling institution. Understandings of “cultural” deficiency are prevalent. In relation to access to schooling, these discourses may be employed regarding who is believed to benefit from schooling, who is likely to graduate, and who will “care” about schooling. Angela Valenzuela (1999) makes this point salient when she describes how the “politics of caring” affect Latina/o students in her study. Within this formulation, hegemonic ideas about how “caring” about schooling is performed converges with racist beliefs about racialized peoples’ not valuing schooling. This point is further accentuated when educators display that they do not care for their students’ and their families’ ways of being, belonging, and knowing. Thus, students in Valenzuela’s (1999) study describe a lack of reciprocity in a relationship where teachers and administrators judge them on the basis of their conceptions of performing “caring” about schooling while not displaying that they care about their students. This process leads to the “pushing out of students” (Dei et al., 1997) or a system characterized as “subtractive schooling” (Valenzuela, 1999).

In Canada, the “push out” process of racialized students has been documented (Bernhard, 2009; Carranza, 2009; Dei et al., 1997; Rivas & Duarte, 2009; Schugurensky, 2009a). In this process, it is often the racialized student that is believed to be deficient. In fact, in a callout to Latina/o community members for writings on such a topic by academics in Toronto, there were
many instances where problematic ideas were propagated by teachers as well as administrators across the schooling bureaucracy (L. Bascuñán, 2009; P. Bascuñán, 2009; Chacon Castro, 2009; Romero Cachinero, 2009). Students, their families, and their communities were constructed as devaluing schooling. In this way, the prescribed deficiency of migrant families was extended to schooling in which parents, families, and communities are seen to lack concern about formalized education. Furthermore, this calls into question the "deservingness" of undocumented migrants to schooling since they are seen as devaluing education in the first place.

While migrants are often assumed to be racialized, it is important to understand that race operates as a fluid concept, mobilized and constructed differently across a number of arenas (Dei, 1996; Omi & Winant, 1994). Dei (1996) reminds us of this when he writes that “in some quarters, ‘scientific racism’ has given way to cultural racism. We can see this in conventional discourses about ‘international development.’ African peoples, for example, may no longer be seen as biologically inferior. They may be seen as techno-culturally inadequate.” (p. 47). Nativist fears regarding the increased number of non-white migrants present themselves discursively through the media and politicians’ statements. These fears are also prevalent in everyday rhetoric through widespread anti-immigrant sentiment and manifest materially through the increased policing of racialized bodies at points of entry and the expedited removal and rejection of refugee claims from migrants of specific nationalities. Recently, former Minister of Citizenship and Immigration Jason Kenney questioned the validity of many refugee claims and just as importantly, began discussions about the possibility of “‘a wide-scale and almost systematic abuse’ of Canada’s refugee system” (Edwards, 2009). It must be noted that this is a well-used trope that historically has served to create moral panics about the criminality of migrants in contrast to those marked as “citizens” (Greenberg & Hier, 2001; Hier & Greenberg, 2002).
Current immigration policy affects the configuration and daily life of migrants. While mobilized by dominant discourse as fair and equitable to all people around the world, the Canadian immigration system is based on hierarchies of race and class (Li, 2001; Thobani, 2000). Claims to fairness and equity feed a meritocratic and individualized understanding of the immigration system whereby those deemed to deserve to enter the nation-state are able to do so under state-sanctioned means (Tannock, 2011). In contrast, those who live with precarious immigration status are seen to do so under their own will and as migrating to take advantage of the welfare state, as opposed to “waiting their turn” in the proverbial immigration queue (Walia, 2010). This discourse serves to ultimately dehumanize such migrants and allows for the creation and discursive legitimation of punitive policies. This means that prior to the migration process, racialized migrants and their families must contend with the way migrants are perceived in the context of arrival.

The context of reception is also affected by the concepts of “membership”, “citizenship”, and “non-citizenship.” Citizenship status within a nation state as well as a facet of civic activity is important in daily life. While the concept of “citizenship” has received extant attention by theorists, the same cannot be said for “non-citizenship” (L. Goldring & Landolt, 2013). While many have focused the study of citizenship in relation to civic participation, sense of belonging or imagined community (B. Anderson, 1991) at the local, national, and transnational levels, this project is primarily occupied with the materiality of citizenship as a national construct that delineates rights, privileges, and penalties in accordance to immigration status. The “non-citizen” does not experience the nation in the same way as the citizen. Furthermore, the variations of non-citizenship can carry a number of rewards (such as those experienced by wealthy cosmopolitan
subjects) or disadvantages (such as those experienced by rejected refugee claimants, undocumented migrants, and temporary workers without avenues to permanent immigration status). These distinctions are of great importance to the daily life of undocumented migrants and can affect them in a myriad of public spheres. Goldring and Landolt (2013) focusing on the Canadian context write that

state-defined legal status categories establish configurations of rights for people occupying these categories; this holds for political rights as well as civil, employment, and social rights. Access to public services is also based on legal status…non-citizenship, by definition, is associated with limits in terms of voice, membership, and rights in a political community, and with social exclusion and vulnerability (p. 3).

Similarly, Nakano Glenn (2011) reminds us,

Citizenship affects public life in such areas as political participation and development of state policy; it also affects private life, including family and interpersonal relations. Lack of citizenship or legal status affects household formation and may indeed fracture families by separating members who have legal status from those who do not. Exclusion from citizenship rights interacts with and magnifies other social inequalities. For example, individuals lacking legal status are severely disadvantaged in the labor market and are often limited to low-paid jobs in the informal economy.

As mentioned above, this construction determines who are considered to be members of the nation “deserving” of rights and privileges and who are constructed as existing in the margins and penalized through numerous exclusions. Thus, the concept of citizenship is consistently contested. As Nakano Glenn (2011) goes on to say,
Considering what is at stake, it is not surprising that some of the most galvanizing social movements have been organized by those who are excluded and who want to gain entry and expand rights. Conversely, many social movements have also been started by individuals whose interests are served by restricted membership that shore up boundaries and define rights narrowly (p. 2). This struggle is fundamentally about power. The power to define and distinguish a member and non-member as well as the structural rewards and penalties that come from social exclusion and exploitation that is facilitated through the distinction between citizen and non-citizen.

As Bosniak, (2008) describes, “citizenship as an ideal is understood to embody a commitment against subordination, but citizenship can also represent an axis of subordination itself” (p. 1). This leads her to state that “the concept is comprised of distinct discourses designating a range of institutions and experiences and social practices that are overlapping but not always coextensive” (Bosniak, 2008, p. 3). To Bloemraad, Korteweg, and Yurdakul (2008), the concept of citizenship can be broken down “into four dimensions: legal status, rights, political and other forms of participation, and a sense of belonging” (p. 154). Taking into account Bosniak’s (2008) point about subordination and Bloemraad et al.’s (2008) definition, citizenship can be understood as a process to become a more active member of society as well as one that differentiates between people in society constructed as members and non-members and delineates rewards and penalties associated with this designation. Two important aspects emerge: citizenship as a status conveyed by the state (having been born in a country or “naturalized”) as well as a relationship to a collectivity. In relation to the former, the nation-state and its configuration plays a significant role in the material consequences of being citizen or non-citizen. As Brubaker (1990) argues, “debates about citizenship, in the age of the nation-state, are
debates about nationhood – what it means, and what it ought to mean, to belong to a nation-state” (p. 380). Belonging to a nation-state can take many formulations; from having access to full citizenship rights through birth or naturalization to a spectrum of possible permutations including more limited rights but able to reside permanently to very limited rights and subject to removal (deportable). This then mirrors Bloemraad, Korteweg, and Yurdakul (2008) when they write that “nation-states continue to hold substantial power over the formal rules and rights of citizenship and to shape the institutions that provide differentiated access to participation and belonging, with important consequences for immigrants’ incorporation and equality” (p. 154). As the literature suggests state-conveyed citizenship is valuable in the daily lives of individuals. As Bauder (2008) argues this form of citizenship can be seen as a form of capital where the lack of it “can render migrant labor more vulnerable than non-migrant labor and often channel migrants into the secondary labor market or the informal economy” (p. 315). Thus, the parameters that delimit state granted citizenship as well as the rewards and penalties associated with them hold material consequences in people’s lives.

While the state consistently attempts to define the parameters of membership, this practice is not without challenge. Historically we can think of movements resisting the state’s determination of what constitutes a “citizen” including women and racialized groups. As Cisneros (2013) describes,

several studies show how, at a time when they were defined as second-class citizens, women enacted citizenship and challenged conventions of belonging through appropriations of ritualized rhetorical acts such as petitions, marches, or attempts to vote in public elections. Scholarship on the African American civil rights movement too shows how individuals and groups reimagined cultural ideographs and/or dominant
narratives of American identity through public discourse and protest, all in the struggle for full citizenship (p. 258)

Undocumented migrants, given their constant racialization and gendering, straddle both of these understandings and are often understood as outside the realm of participation and recognition. However, scholars have noted the participation of undocumented migrants in their communities and demands to reconfigure the boundaries of citizenship (A. Gonzales, 2009; Roberto G. Gonzales, 2008; Klandermans, van der Toorn, & van Stekelenburg, 2008). These practices display a sense of belonging to the community and to the space regardless of the limitations placed by the state.

**Undocumented Status and Access to Services**

Precarious immigration status refers to the spectrum of immigration statuses that an individual can experience in Canada (Goldring et al. 2007). This precarity, in addition to the risks associated with deportability, also relates to the social privileges and penalties including access to social services. However, for those individuals who experience precarity, the concept of access to a single social service (i.e. health) goes beyond a simple dichotomy of access/non-access. Instead, there are numerous factors at play including funding sources, mission statements, and availability of resources that determine the availability of access to a single social good.12 There are also a number of spaces that have not formulated an institutional understanding of what to do when undocumented migrants request service. As Berinstein et al (2006) argue, many agencies and organizations in the city of Toronto that provide essential services such as health, education, and housing have not articulated an official policy about

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12 see Villegas, P., 2013 for further information on health
working with people who do not have an immigration status that is recognized by the state (p. 11)

In addition, in current times, the neoliberalization of social services causes social welfare nets to be restricted or dissolved (Bhuyan, 2012; Man, 2002).

Furthermore there is no comprehensive list of the social services available to undocumented migrants in the city of Toronto. While Social Planning Toronto compiled a resource guide for undocumented migrants, including a list of services available to them, it was last written in 2010 (Social Planning Toronto, 2010). The difficulty with writing such a list, however, is that the parameters to be eligible for social services can often change and what was once a welcoming space for undocumented migrants may become exclusionary in a short period of time. There are a number of possible reasons why social institutions may change their parameters of eligibility including lack of resources, changes in a mission statement, new policies, and demands from a funder (Sidhu, 2013).

Funders are an important determinant of access to a social service. Berinstein et al (2006) found that “since organizations often receive their funding from various sources it can mean different criteria are imposed on who is eligible for different services offered within the same organization” (p. 14). Funders can include different branches of government as well as non-governmental organizations such as United Way. The Toronto District School Board provides an example of the manner in which sources of funding can influence access for undocumented students. As I wrote in 2013 and in further analyze in the chapters below, the additional funding that schools receive via English as a Second Language requires information regarding a family's date of entry and can be denied to schools if this information is not provided (F. J. Villegas,
2013). It appears that similar impositions are made within Violence Against Women (VAW) shelters by both governmental and non-governmental funders (Bhuyan, 2012).

The ways that institutions perceive undocumented migrants is another barrier to the conception of eligibility to a social good. Bhuyan (2012) describes such a phenomenon when she writes,

Violence against women service providers commonly portrayed nonstatus women as a ‘burden’ on services that already have limited resources. Because women without status are ineligible for many forms of social entitlements and safety nets (e.g. social housing, rent supplement programs, provincial health insurance, child care support, legal employment) nonstatus women are more likely to remain for longer and to require non-traditional sources of funds or support (p. 222)

The idea that undocumented migrants may require more resources than those with permanent immigration status can then cause some services providers to refuse eligibility to them. This conceptualization of the migrant as creating additional “trouble” over most recipients of a social good expands beyond violence against women shelters. In the context of health care, Paloma Villegas (2013) reported that some health care practitioners or hospital administrators draw boundaries on the types of access that migrants may receive based on their type of status and perceived ability to pay for a service. Similarly, within schooling, many individuals employed parameters of deservingness and innocence so that children may have access while adults remain excluded (F. J. Villegas, 2013). In addition, Toronto District School Board administrators referred to undocumented migrants as potential cheats who may “fall out” of status in order to receive a free social good (F. J. Villegas, 2013).
On top of the exclusion of undocumented migrants from many social services, there is also a readily available police force unwilling to serve that population and mandated by local policy to communicate with immigration enforcement (Peat, 2008). As Berinstein et al. (2006) discuss in relation to Toronto, “city policy make it a practice (although they are not directed to do so) to pass on details about immigration status [to] the deportation arm of the Canadian state, the Canadian Border Services Agency”, as such, “what begins as a legitimate demand for protection ends up as a cruel form of discrimination” (p. 9). In relation to this topic, Bhuyan (2012) further highlights the ways that this ongoing partnership between the municipal police force and immigration enforcement “are particularly frightening for abused women who may resist turning to the police for help in order to avoid being uprooted through forced deportation” (p. 227-228).

While there appears to be a clear link between the Toronto Police Services Board and the Canadian Border Services Agency (CBSA), there have instances in which the latter has communicated to its officers that particular spaces should be outside their purview. As Bhuyan (2012) shows, for a limited period of time CBSA officers were internally informed to avoid entering Violence Against Women shelters. However, this directive was later changed and allowed for a great degree of discretion by officers. In relation to schooling, CBSA issued a letter to the Toronto District School Board stating that they would not enter schools (Villegas, F. 2013), however this directive also provided a similar degree of discretion as that found in relation to the VAW shelters.
Migrants and criminality/stigmatization

Precarious status migrants are not just racialized in the context of reception, they are also “illegalized” (De Genova, 2005). This attached “illegalization” can construct a link between precarious immigration status and criminality, a fact that is then magnified given the predominant conflation of race and criminality (Covington, 2001; Russell, 2001). In fact, much of the work regarding the linkage between criminalizing discourse and migrants include the image of the racialized individual. Such works include analyses of politician’s speeches (Newton, 2008), popular magazines (Chavez, 2001), newspapers (Santa Ana, 2002), and anti-immigrant legislation (Hondagneu-Sotelo, 1996).

There is also a large amount of literature available regarding the conflation of immigration status with criminality or the potential to engage in crime. Profiling on the basis of race has been found to have a significant impact on “random” immigration enforcement and in immigration raids (Romero, 2006, 2008). As Mary Romero (2008) writes “[w]hile branding and tattooing, or other forms of ‘writing on the body,’ are not used to distinguish between ‘aliens’ and citizens, the practice of racial profiling demonstrates that citizenship status is inscribed on the body” (p. 28). This marking goes beyond phenotype and can also include the way one dresses and the presence of an accent. Romero (2008), drawing from Chang (1999), states that “[s]tigmatized as ‘aliens,’ Latina/os and Asian Pacific Americans carry a bodily ‘figurative border’” (p. 28). This border, through racialization, allows for the constant relegation of particular bodies as non-members and enables an increased level of policing where questions of status become commonplace when engaging with state authorities.

Marcelo and Carola Suarez-Orozco (1995) argue that various labels used to identify or characterize undocumented migrants connote criminality. They include words like “illegal” and
“resource drain.” As Rubén Rumbaut and Walter Ewing (2007) state, “the fact that many of these immigrants enter through unauthorized channels or overstay their visas often is framed as an assault against the ‘rule of law,’ therefore reinforcing the impression that immigration and criminality are linked” (p. 14). These labels create a common discourse about undocumented migrants that uses criminality as an excuse for exclusion and dehumanization as well as a way to obscure the circumstances leading to such precarity.

Criminalizing stigmas associated with precarious immigration status have also been applied in other ways. Sensationalized perspectives wrongfully accuse migrants with precarious immigration status of not paying taxes and/or taking jobs from “rightful” citizens. In the U.S., according to Suarez-Orozco and Suarez-Orozco (1995), “issues that once dominated the discourse about immigration and ethnicity, such as the wisdom of bilingual education and multilingual ballot materials, have been replaced with ranting about the invasion of illegals, alien crime, and alien welfare abuse” (p. 24). This can also be seen in Canada, particularly at this junction in time when all modes of permanent migration unrelated to the economic class (point system) are consistently under attack (Sharma, 2006; Tannock, 2011).13 Pierrette Hondagneu-Sotelo (1996) states that xenophobic narratives utilize three claims, though not in equal proportions depending on the historical moment. First economic claims narratives refer to the assumption that migrants take jobs away from citizens because they may be willing to work for lower wages. Second, the narratives of cultural differences point to anxieties about migrants’ difference perceived in terms of values and customs. This implies that migrants do not assimilate properly, or in the case of Canada, do not embrace multiculturalism sufficiently. Third, the

13 While the politics of bilingualism may also play out differently in the Canadian context given the two official languages (English and French), there is still racism in the ways other languages are presented. This includes indigenous languages to Turtle Island (Hookimaw-Witt, 1998; Marker, 2009) and those of racialized migrants (Cui, 2011; Tomic, 2013).
“Government resources drain” narrative reflects the assumption that migrants move to a new country to be supported by the government. All three claims utilize racial, gendered and classed stereotypes are used to mobilize and reinforce ideas about migrants’ criminality. In an effort to pursue anti-immigrant agendas, there are many instances where politicians, media personnel, and other political figures rely on these narratives to portray migrants with precarious immigration status as tax frauds or resource thieves. This inaccurate depiction also claims that such migrants overuse services which are in fact unavailable to them, including welfare and health care.

Prompted by a 2008 report released by the Auditor General of Canada, rhetoric that reflect the narratives outlined in relation to the U.S. came to the fore in Canada. This report stated that, upon closer inspection of immigration records, at least 41,000 migrants were unaccounted for throughout Canada. This created a media and political frenzy where some elected officials vowed to find them (Brennan, 2008) and media outlets published articles criminalizing undocumented migrants (Tibbetts, 2009) as well as regarding the possible resultant effects on social services (Waldie et al., 2007). Through all of this, what is evident is that regardless of the economic contributions by undocumented migrants, the discourse most often revolve around perceived criminality supported by the economic, cultural, and/or resource dain narratives.

Criminalization also takes subtler forms. Rather than appear xenophobic, opponents oftentimes propose legislative changes that do not appear to target immigrants outright. Instead, these legislative measures often focus on perceived fiscal savings or rely on a zero-sum discourse where there is a depiction of limited resources and allocating them to migrants with precarious immigration status is proposed as detrimental to citizens. This discourse is also attached to a hierarchy of legitimacy to social goods where the citizen and those with a clear path to
citizenship (people who entered under the point system or investment class) are constructed as the legitimate primary recipients of national resources and the migrant is placed outside the boundaries of membership. Attached to these discourses are claims regarding jumping the proverbial immigration queue, the presence of “bogus refugees” (Pratt, 2005), and nativist concerns about what constitutes “reasonable accommodation” for migrants (The Gazette, 2007).

The criminalization of migrants with precarious immigration status has direct bearing on what researchers have labeled the social and legal production of “illegality” (De Genova, 2005, Chavez, 2008). According to Leo Chavez (2008),

> [t]he historical lesson is that ‘illegality’ is socially, culturally, and politically constructed…Policy makers, using Foucauldian techniques of governmentality, construct classifications to further bureaucratic control of populations, including, and perhaps most especially, migrants. (p. 25)

For Nicholas De Genova (2005) the production of “illegality” operates at the levels of discourse and materiality. At the institutional level, the production of “illegality” occurs through the creation of policies determining who is considered a legitimate subject and who deserves the rights and representation within structures. In regards to this point, Chavez, (2008) writes that “illegality itself is a status resulting from political decisions made by governmental representatives who could just as well have decided to allow migrants to enter under the sanction of law” (p. 25). While it is vital to recognize the role of the government in the production of illegality, it is also important to examine the many ways in which illegality is produced within health clinics, schools, emergency and police services, etc., as well as the material effects on the individuals affected. These structures often have discretionary power in the ways they conceptualize the communities they serve, who is included within them, as well as who is
excluded. Policies limiting or excluding access for migrants with precarious immigration status, or specifically undocumented migrants to such services have material consequences on such individuals (Hier & Greenberg, 2002). Mandates dictating who falls within catchment areas or what documents are necessary to receive services actively determine who is considered to have a need and who deserves to receive a service. The material significance of these competing discourses involves a complex interplay between access and exclusion and who is considered the rightful recipient of public services.

Discretionary power can be present at every level including at an individual level where a frontline worker can decide how to interpret policy, institutionally through developing catchment parameters, and at the state level where populations can be marked as il/legitimate based on their in/ability to furnish particular documents. As such, discretion can include the power to include and/or exclude. These decisions are affected by the discourse regarding migrants with precarious immigration status at that particular time and space. As Chavez (2008) states, “being an unauthorized migrant, an ‘illegal,’” is a status conferred by the state, and it then becomes written upon the bodies of the migrants themselves because illegality is both produced and experienced” (p. 25). In addition to the discretionary power available to state and/or institutional actors, undocumented migrants also have a limited ability to disclose their immigration status with recognition of the possible consequences.

Materially, the effects of the production of “illegality” can mean avoiding health care services for as long as possible making eventual access more costly, being shut out of schools and other vital services, and taking on precarious work and living conditions. It can also mean more subtly avoiding certain individuals or spaces because of a fear of being asked about one’s immigration status (P. E. Villegas, 2012b, 2013b).
Conclusion

This literature review covers relevant work that forms the basis of existent academic interest regarding the ways undocumented migrants are constructed within Canada. Specifically, I have focused on the barriers migrants experience that obstruct membership. These barriers are facilitated by the “illegalization” of undocumented migrants. Furthermore, the racist basis of membership in Canada acts as not only a boundary but also a marker of suspicion embodied by racialized migrants. Attached to this is the fact that today’s migrants to Canada being people of color is not a problem in itself. Instead, the problem is the value judgments assigned to race as well as state-sanctioned status.

Overall, we can see that there is still not enough information about the intersection of race, immigration status, and schooling. Furthermore, the ways membership is constructed along race and immigration status to develop exclusionary bureaucratic procedures to bar entrance to schools remains in the periphery of scholarship. In addition, I have reviewed how service provision for undocumented migrants has been discussed in academic literature. While the literature on membership and citizenship has displayed new ways of understanding such concepts in relation to undocumented migration, there is a dearth in the literature regarding grassroots efforts to mobilize these new conceptualizations to erode hegemonic constructions in Canada.
CHAPTER 3: THEORY AND FRAMEWORK

Research is a political practice. As a Chicano academic I am often reminded that research has been and is often employed on and to the detriment of our peoples (Baca Zinn, 1995; De Genova, 2005; Pessar, 2003; Vega, 1995) and am thus charged with the responsibility that research must be useful to the community. This means that research must be responsive to community needs while recognizing the presence of high degrees of knowledge accrued over significant periods of time (Anzaldua, 2002; Calderon, Delgado Bernal, Perez Huber, Malagon, & Velez, 2012; Delgado Bernal, 1998, 2002; Hurtado, 2003). With that said, in this project I work with a method that follows the principles of anti-racism and comes to conclusions by making the undocumented migrant - and the material consequences of social constructions of membership- the center of analysis. I employ an anti-racist analysis because while it is important to recognize that not all undocumented migrants are racialized, race plays an important function when reading bodies as members or non-members. The social construction of the undocumented migrant is embedded in a discourse of race, one that involves not just phenotype but includes (non-exhaustively) modes of dress, manners of speech, a person’s name, and the presence of an accent. Furthermore, racialization can also be conferred through the reading of documents like passports. These different bodily markers prescribe an otherness and spur suspicions of non-belonging. Thus, the body can be read as a border zone and a marker of otherness (Anzaldua, 1987; Romero, 2006, 2008). Obviously undocumented migrants are not only affected by discourses of race, as such, I employ an integrative anti-racist method (Dei, 1996) that recognizes the intersections of different modes of oppression including race, gender, and class, while contextualizing these in relation to immigration status.
This chapter is divided into two subsections. The first explains the discursive framework used throughout the dissertation. This subsection begins with a brief description of the different components of the framework and their value to this project. The subsection ends with a discussion on the ways these components are merged to create what I believe to be a useful tool in understanding the problematic. The second subsection reintroduces this study’s research questions and discusses their value and relevance to the discursive framework.

**Discursive Framework**

The discursive framework I deploy in this project combines the work of anti-racist theory, LatCrit (Latina/o Critical Race Theory), border rhetoricity and concepts developed by Frantz Fanon and Antonio Gramsci. Weaving these different theories allows for a fuller understanding of membership and how it is mobilized to exclude those constructed as non-members. It also facilitates an understanding of how resistance practices are developed by affected individuals and their allies. This subsection provides a short outline of how integrative anti-racism, hegemony, dehumanization, bordering, and counter-narratives are conceptualized and contextualized in advancing a theory for this project.

An overlying assumption in this framework is that hegemonic discourses regarding both precarious status migrants and membership are mobilized through the dehumanization of migrants’ bodies and deployed across bordering practices. I argue that a process that constructs particular people as less than human allows for their devaluation, marking them as disposable and unworthy of social goods. Conversely, individuals constructed as “members” are discursively placed with the responsibility of protecting the integrity of social institutions believed to be in danger from those who trespass physical, ideological, and discursive borders.
In this process of dehumanization, occurring through a simultaneity of invisibilizations, “members” of society may feel less inhibited in participating in or supporting oppressive practices because those affected are not understood to be people. These practices happen through the deployment of nativist and xenophobic discourses that are veiled as “common sense” and often result in the development of policies and procedures that function as border-zones and determine the value of an individual through their conceptualization of membership.

There are many ways in which migrants are constructed as subhuman, including (but not limited to) naturalized xenophobic statements, policies, and procedures. Given the broad invisibilization of precarious status migrants, the effects of these discursive practices go mostly unnoticed by the public at large, especially since these migrants are often reduced to inhuman metaphors, while bordering practices are constructed as “common sense.” However, for migrants, the repercussions are felt in their daily activities as they continue to experience an ever-more precarious and punitive context of reception. Yet, since migrants and their allies are not passive subjects, there are numerous ways in which they resist oppression.

Resistance is a pivotal part of a Fanon’s theories and his work enables us to identify and highlight how people strategically visibilize struggle in the process of forming a transformative agenda. As such, I use Fanon to focus particular attention on the ways migrants and their allies employ counter-narratives to combat hegemonic discourse and to (re)humanize themselves and their communities. This is not to say that people are ever accepting of dehumanization and thus seek to be rehumanized. As Fanon (1963) states,

Confronted with a world configured by the colonizer, the colonized subject is always presumed guilty. The colonized does not accept his guilt, but rather considers it a kind of
curse, a sword of Damocles. But deep down the colonized subject acknowledges no authority. He is dominated but not domesticated. He is made to feel inferior, but by no means convinced of his inferiority (p.16).

Rehumanization in the context of this study refers to a response to a broad hegemonic practice that constructs undocumented migrants as less than human, and a collective resistance demanding that their humanity be recognized. These processes come with a number of risks (given the migrants’ vulnerabilities) and are often negotiated. Resistance can happen across different scales from mass mobilizations, to individual non-compliance, to the production and development of counter-narratives that question and challenge hegemonic discourse. These practices can erode border-zones and result in spaces that reconceptualize membership according to more inclusive parameters.

**Principles of Anti-racism**

The principles of Anti-racism enable me to distance my work from deficiency theories while also allowing me to center the material effects on the most affected. According to George Dei (1996), anti-racism is the study of racist effect. It “delves into the obvious outcomes, that is, the social consequences and effects of actualizing individual intent, as well as the structural conditions that foster social discrimination” (Dei, 1996, p. 46). The concept of race is understood to be contextual, at times masked by dishonest facades masquerading as “scientific” or “cultural” whereby differential outcomes can become rationalized as stemming from a deficiency in the individual, family, or community.

In *Anti-Racism Education*, George Dei (1996) outlines ten basic principles of anti-racist work. These principles provide a roadmap for engaging in anti-racist work and for reflection on the conceptualization of a particular project, the ways it is carried out, and implementing the
transformative agenda behind it. For the purposes of this study, I focus on four of these principles and their contributions to this study. I also explain the relationship between the method employed for this project and the principles highlighted.

The first principle of anti-racism I utilize “teaches that one cannot understand the full social effects of race without a comprehension of the intersection of all forms of social oppression, including how race is mediated with other forms of social difference” (Dei, 1996, p. 28). This principle enables a critical investigation of the ways in which modes of oppression intersect in complex ways, and explains the inadequacy of trying to understand the effects of race without considering the effects of other oppressions. It allows for an understanding of daily life as affected by layered readings of the body, where markers of social difference serve to the benefit or detriment of particular peoples. I use this principle to interrogate intersections of difference and how they relate to the migrant experience, recognizing that processes of racialization are themselves, classed, sexualized, gendered, as well as “illegalized.” This principle leads me to focus on the ways in which class, race, gender and immigration status intersect to include or exclude specific individuals from the schooling process.

The second principle I highlight “acknowledges the pedagogic need to confront the challenge of diversity and difference in Canadian society. It recognizes the urgent need for an education system that is more inclusive and is capable of responding to minority concerns about public schooling” (Dei, 1996, p. 33). Since the question of inclusivity goes beyond the permission to enter through the institution’s doors and rather questions the mechanisms in place to make inclusion more than a ceremonial entrance, this principle is foundational to for this project. This principle is also directly linked to concepts of agency and resistance as it implicates all individuals involved in the schooling process as engaged in community and social change.
According to Dei (1996), “the idea of inclusive schooling sees schools as ‘working communities’ in that the powerful notions of ‘community’ and ‘social responsibility’ are brought from the margins into the centre” (p. 33). This notion of inclusivity encompasses concepts of social responsibility and community, tasking schools and their stakeholders to participate in efforts to bring about social justice. This principle strips away a hierarchical understanding of schools. Instead it involves all community members as decision makers and active agents in the configuration of their children’s schooling as well as the maneuvering of schools to further additional community goals.

In line with these points of view, the third principle of anti-racism I focus on “acknowledges the traditional role of the education system in producing and reproducing not only racial, but also gender, sexual and class-based inequalities in society” (Dei, 1996, p. 34). Schools are active in determining the boundaries of citizenship as well as differential expectations and rewards to people. One example is immigration status. As mentioned above, the production of “illegality” serves to create particular bodies as “illegal” and outside of the boundaries of membership. These boundaries are taught and reproduced within schools that actively recreate the parameters of inclusion and exclusion. Furthermore, the current political climate and sensationalizing news outlets, construct precarious status migrants as engaging in the theft of jobs and the abuse of social services. These practices dehumanize the precarious status migrant, marking her/him as “illegal” and subhuman.

The fourth principle of anti-racism employed in this project “questions pathological explanations of the ‘family’ or ‘home environment’ as a source of the ‘problems’ some youth experience in relation to schooling” (Dei, 1996, p.35). My purpose in using this principle is to expand it beyond schooling. In the context of the discursive parameters of membership,
undocumented migrants are often categorized in two ways. The first is as illegitimate members of the social political and economic fabric of the nation. As a result they are often excluded from social benefits. The second is in relation to the more liberal but equally pervasive belief that it is the adults who have committed a crime in migrating without state-recognized documents or staying beyond the expiration of a visa, but their children, given their prescribed innocence, must not be penalized for such “sins.” Both statements ascribe criminality to all adult members of the family. As such, migration is not constructed as a necessary and dangerous endeavor undergone in order to survive, often forced due to violence or as a consequence of numerous international agreements.

**Hegemony and “common sense”**

The concept of hegemony is valuable to this project as it describes a process under which methods of coercion and consent maintain a shared understanding of the goals and projects of a society. Thus, as Roger Simon (1982) writes, “hegemony is a relation, not of domination by means of force, but of consent by means of political and ideological leadership” (p. 21). This leadership includes a discursive function that positions dominant frameworks for understanding the world as common sense. While the concept of hegemony speaks to power as a deployment of ideology in order to influence consent, it also allows for the challenging of power through the development of counter-hegemonic discourse and the development of new ways of knowing the world.

With this conceptualization, the primary battleground for power is ideology. Gramsci speaks to a hegemonic project whereby dominant ideology is presented as existing in the best interests of a large community of people, namely the nation-state, and the only possible mode of understanding a problematic. Ferruh Yilmaz (2012) citing Smith (1994) states,
A hegemonic political project operates as a social imaginary that establishes one single horizon of intelligibility. As Smith (1994: 36-37) explains, ‘a hegemonic project does not…require [the political subjects]…unequivocal support for its specific demands. It pursues, instead, a far more subtle goal, namely the naturalization of its specific vision of the social order as the social order itself’ and renders alternative representations unintelligible (brackets in original, p. 369)

Hegemony then, pursues a specific framing of a problematic that does not include room for possible alternate imaginations. Its purpose is to define and prompt future actions in accordance with this agenda.

The achievement of hegemony is complex and must fit a collective imaginary. This process occurs through “methods geared both toward applying coercion and eliciting consent” (Apostolidis, 2010, p. xix), although the relationship between these methods is always an intricate interplay, rather than a separate functioning. To Stuart Hall (1986), “it is this process of the coordination of the interests of a dominant group with the general interests of other groups and the life of the state as a whole, that constitutes the ‘hegemony’ of a particular historical bloc” (p. 15). Thus, power is seen as a complex interaction that includes numerous social actors. This leads Roger Simon (1982) to describe power, in a Gramscian sense, as relational. He states, “the social relations of civil society are also relations of power, so that power is diffused throughout civil society as well as being embodied in the coercive apparatuses of the state” (Simon, 1982, p. 27). Differently said, according to Apostolidis (2010), the concept of hegemony emphasizes that political leadership, through the construction of passionately held national identities and the welding of people’s concrete needs to programs of action asserted as in the national interest, is vital to the exercise of domination by a ruling class.
Hegemony puts the accent on the ‘consent’ that ordinary working people express to the group that commands the uses and ownership of the bulk of society’s private property as well as to the agencies of the state. (p. 5).

This formulation of power sees the populace as coerced into believing a specific ideology through discursive formations and institutional practices and thus consenting of their effects. Rather than a simplistic passive relation to power, hegemony operates under the guise of working to benefit the collectivity. The results of dominant discourse are materially felt through numerous social spheres.

The concept of hegemony can help us understand the ways that dominant discourse can have widespread material effects. To Apostolidis (2010),

The hardening of coercive forces directed at immigrants has occurred not only through such deployments of federal military, police and carceral resources but also through state and local level policy proposals as well as private citizens’ activism. It operates, in other words, on all rungs of the American federalist structure of government and increasingly emanates from the state and federal society alike. (p. xxi)

Apostolidis alludes to the scalar operations of hegemony. While he focuses on the American context, we can see many similarities in Canada. At the federal level, the Canadian government continues its attempts to make migration as a whole, but particularly refugee and undocumented migration, more difficult. We can see demands for visas where there were none before (P. E. Villegas, Forthcoming), cuts to the Interim Federal Health program (Canadian Press, 2012a), as well as the construction of a list of “safe countries” (Citizenship and Immigration Canada, 2013; Macklin, 2005) and continued statements that portray undocumented migrants and refugees as abusers of Canadian kindness (A. Pratt, 2005; A. Pratt & Valverde, 2002). In addition, at the
provincial level, Ontario has recently proposed making changes to Legal Aid funding whereby applicants from nations constructed by the federal government as “safe” will no longer be eligible (Keung, 2013). Locally, the effects and exercise of hegemony can be seen in the different local institutions that refuse to serve undocumented populations including health agencies and some women’s shelters. Furthermore, given the discretionary power of many frontline staff, hegemonic ideology also appears at the individual level when police officers racially profile, administrators refuse service, etc. Hegemonic ideology does not only come from governmental sources, rather it is perpetuated through numerous mediums. For example, the television network National Geographic Canada’s show *Border Security* recently was spotlighted by the national media as a result of community outrage over their filming of the deportation of construction workers (Stueck, 2013). A brief glance at the storylines display a complex interaction of consent regarding the sanctioning of this practice on the part of the immigration authorities, producers of the show, and online commenters to the article as undocumented migrants are coerced into leaving the country through dehumanizing methods. For all entities but the undocumented migrants mentioned above, the filming and removal of said migrants made “sense.”

As stated above, hegemony is composed of a complex understanding of power that is contingent on a specific time frame and in constant need of reconfiguration, as well as mobilized through coercion and consent. In relation to the former point, to Simon (1982),

Even when a social group has become dominant and holds power firmly in its grasp, it must continue to ‘lead’ as well. Hegemony can never be taken for granted but has to be continually fought for afresh. This requires persistent activities to maintain and strengthen the social authority of the ruling class in all areas of civil society, and the
making of such compromises as are needed to adapt the existing system of alliances to changing conditions and to the activities of the opposing forces (p. 37)

Society is made up of many different people with distinct ideas and interests. As Hall (1986) points out, “it is understood that classes, while sharing certain common conditions of existence, are also cross-cut by conflicting interests, historically segmented and fragmented” (p. 14).

While the state is not the only generator of hegemony, it plays an important role, particularly as it attempts to legitimize itself. To Hall (1986)

the modern state exercises moral and educative leadership—it ‘plans, urges, incites, solicits, punishes.’ It is where the bloc of social forces which dominates over it not only justifies and maintains its domination but wins by leadership and authority the active consent of those over whom it rules. Thus it plays a pivotal role in the construction of hegemony (p. 19).

In relation to undocumented migration the state plays a large role in determining who is a citizen of the nation and who is not. However, the deployment of this construct cannot be seen as being the only determining factor regarding the at large conceptualizations of membership and non-membership as well as their consequences.

**Fanon’s concepts of in/visibility and dehumanization**

To Frantz Fanon, an important way that power operates is through the dehumanization of the oppressed by the dominant. Dehumanization involves the denial of humanity through an understanding of deficiency emanating from difference. Thus, as Dei (2010), speaking about Fanon, states “the oppressor can only oppress those he/she considers less than human to her/himself. In objectifying human qualities, our experiences, histories, and lives become ‘things’ devoid of human characteristics and worthy of only the utmost ideological (and concrete
political) contempt” (p. 15). Dehumanization, can occur through invisibilization, manicheanisms, metaphor, and/or animalization, and serves to further the construction of specific communities as the “other” and inhuman. In this way, dehumanization can legitimize the employment of violence and oppression on communities constructed as subhuman. This process occurs in overt as well as subtle ways that deny specific peoples the possibility of being perceived as members of a broad community or as peoples with a history of resistance. Of specific value to this discussion is the ways communities constructed as “illegal” are treated as operating outside the confines of the “law,” illegitimate recipients to social goods, and disposable members of a community.

Visibility and Invisibility are important concepts Fanon’s work. Their employment reveal the differential ways bodies and communities are presented and represented through dominant discourse and the power relations that result. Visibility and invisibility are not limited to whether someone is seen (visuality), but rather how they are seen and whether they are perceived and treated as human beings. Therefore, both have material and discursive effects. For example, we can think of Fanon’s well-known account of walking down a street when a child speaking about him exclaimed, “look! A Negro!” (Fanon, 1967). In this specific instance, while Fanon was seen (visuality), at the same time he was invisibilized as the “other.” The remark served to mark him as an outsider. The relationship between invisibility and visibility to power and powerlessness display the ways bodily markers including race and gender impart or deny humanity. According to Goldberg (1996), “visibility carries with it connotations that tend to be appealing – access, opportunity, ability – in short, power; and invisibility has tended to connote absence, lack, incapacity – in short, powerlessness” (p. 179). As such, visibility brings with it a sense of entitlement, power and privilege that are not readily available to the oppressed. This privilege
hides and embeds itself in a society masquerading as meritocratic in order to appear both non-existent as well as matter-of-fact.

Invisibility then is linked to powerlessness and the erasure of claims and knowledges from particular populations constructed as inferior or deficient. This does not mean that the ways their bodies are read become invisible, but rather, that at the moment in which their bodies are read, their life experiences, and subjectivity are denied.

Invisibility must be understood as both a condition forced on a community through the deployment of discourses and practices as well as a tool of resistance. One of the prominent themes regarding the undocumented experience is the leading of underground or “shadowed lives” (Chavez, 1992). Leo Chavez, (1992) described the experience of leading shadowed lives as a result of the xenophobic and racist constructs that police and discipline undocumented migrants and may force them to avoid the gaze of the dominant. The necessity to live shadowed lives displays the ways that the dominant’s gaze both disciplines the undocumented through the threat of deportation while also displacing their humanity. In this way, in the eye of the dominant, undocumented migrants cease to be fellow humans and the conditions constructed to intimidate and exploit are naturalized. We can then see invisibility as a process that shadows lives (constructing them as less valuable than the lives of the dominant) while forcing many migrants to live in the shadows (outside of state recognition given the threats and consequences of deportation).

Undocumented migrants are also dehumanized through ideological hierarchies that differentiate between members and non-members of society and by extension the benefits and penalties associated with such designations. The concept of manicheanisms describes how characteristics constructed as positive are attached to the dominant while the “other” is portrayed
through negative descriptions. Overall, these descriptors are constructed as antithetical or on opposite spectrums from each other. Thus, Fanon (1963) explains that, “the colonist is not content with stating that the colonized world has lost its values or worse never possessed any. The ‘native’ is declared impervious to ethics, representing not only the absence of values but also the negation of values” (p. 6). These representations are allocated along social locations including the intersections of race, class, gender, and immigration status. In the context of undocumented migrants, dominant characterizations include beliefs of criminality and abuse at the expense of the “hard working citizen.” In addition to the discourse of “abuse,” migration, particularly undocumented migration by racialized bodies, also brings about fears about the changing composition of the national populace (the “browning” or “darkening” of the nation).

The manicheanisms employed to describe the member and non-member have material effects. The discourse of “abusive” migrants serves to exclude people from accessing numerous social benefits and maintains a state of militarization as a response to their perceive threat. This dehumanization mobilized through media and political discourse facilitates the construction of increasingly draconian policies and laws that enhance the precarity experienced by undocumented migrants. As I have argued elsewhere, “the bodies of undocumented migrants are ascribed negative stereotypes that stand in contrast to the markers of legality and legitimacy of dominant, normalized bodies. Ultimately this serves to effectively negate and invisibilize all claims to their humanity” (F. J. Villegas, 2010, p. 155). We can understand the manicheanisms employed in relation to immigration status as an interpretation of which bodies and communities are believed to carry figurative borders and which do not as well as the material consequences of this discursive formation (Romero, 2008). The resulting deployment of this manicheanisms is that the presence of people who, through bodily markers, carry the border are understood as a
threat to the nation and must be returned or expelled to a space outside the national or institutional boundary. Conversely bodies read as belonging to the national space due to the absence of an inscribed border are seen as legitimately present and rightful recipients of the nation’s social goods.

In times of moral crisis, often in conjunction with economic downturns, immigration status is linked with particular nationalities (Edwards, 2009). During these times, dominant discourse is deploy manicheanisms regarding the “backwardness” of undocumented migrants, their uncontrollable reproduction (Chavez, 2004, Thobani, 2000), and the lawlessness in the society “there,” in comparison with the people “here” who are law-abiding and civilized (Santa Ana, 2002). Fanon (1963) links the employment of manicheanisms and dehumanizing metaphors. According to him, “sometimes this manicheanism reaches its logical conclusion and dehumanizes the colonized subject. In plain talk, he is reduced to the state of an animal” (Fanon, 1963, p. 7). The animalization of undocumented migrants is common in dominant discourse.

According to Santa Ana (2002),

The connotations of IMMIGRANT AS ANIMAL should be abundantly clear. In Western European culture a purported natural hierarchy has been articulated since the time of Thomas Aquinas to justify social inequity. In its full extension, it subordinates other living creatures to human beings, and ranks the inherent quality of humans from base to noble [emphasis in original] (p. 84)

Prominent animalizing metaphors include characterization of migration as flights, flows, and hordes, as well as descriptions of migrants as “leeches.” Animalization is itself a manicheanism. The migrant, conceptualized as animal, is portrayed as unthinking, dependent, and possibly
violent while the dominant is received the privileged space of human. Gabriele Griffin (2007) explains this process by stating,

The use of metaphors which suggest an undifferentiated mass (‘flood’, ‘wave’ etc.), and indeed the use of abstract nouns such as immigration, lead to a depersonalization, one might argue a de-humanization of those involved which deflects from the fact that we are using people, and people who are classed, gendered, raced, endowed with a whole range of traits that constitute them as complex entities, both individually and as groups. This dehumanization serves a purpose for the dominant as it facilitates the social production of “illegality” that constructs migrants as disposable and illegitimate members of society.

Dehumanization is a process embedded in power and intended to serve material interests. As Fanon (1963) notes, “it is the colonist who fabricated and continues to fabricate the colonized subject. The colonist derives his validity, i.e., his wealth, from the colonial system” (emphasis in original, p. 2). Thus, the privileges provided to the visibilized are contingent on penalizing the invisibilized. As Goldberg (1996) stipulates, “[t]he colonized are dehumanized, their humanity effaced, not simply for the sake of the colonizer’s ego satisfaction but for the purpose of the colonized’s exploitation (p. 183). The dehumanization of undocumented migrants facilitates abusive processes. Thus, the construction of the migrant as inhuman allows the dominant a significant amount of moral distancing from beliefs of responsibility of material consequences. Furthermore, if responsibility is considered, it is placed at the feet of the undocumented migrant as the effects are naturalized as rational results from an “illegal” act.

Dehumanization of the migrant is facilitated by a conception of antithetical difference to the national identity. Thus, Thobani argues, “The values of immigrants are constructed as being in direct opposition to Canadian values…in the process all people of colour are placed as
outsiders to the nation on the basis of sharing immigrant ‘values’ and ‘character’ (p. 44). Given the conflation of the category of migrant with racialization, there is a clear indication of who constitutes the “outsider” and racism, while denied on the part of Canadians, plays an important role in this Manichean conception, as Lina Newton states,

immigration laws define a broad class of people ‘immigrants,’ and then redefine the component parts to justify differentiated policy treatments. In this process, race signals people who are undeserving. The racialized imagery of immigration restriction assuages: it communicates that the freeloaders, the threats, the people unwilling to conform to the standards and values prized in the polity are being denied or entry or access on arrival (p. 153).

In addition to race, the juxtaposition of the “good” and “bad” migrant is delineated in relation to allegiance to the nation (Arat-Koc, 2005), and perceptions of masculinity and independence (Thobani, 2000).

While Fanon’s writings are useful in understanding the ways that people are dehumanized, he was also heavily invested in the concept of resistance. As Dei (2010) writes, “a major problem that oppressed and marginalized people have to deal with is the negation of our subjectivities, the denial of the embodiment of knowledge, engaging in a continual struggle against our dehumanization, and the incurring ‘spirit injury’ due to challenge of perpetual resistance” (p. 16). The resistance of the oppressed has taken many forms. For example I have discussed how undocumented migrants at times strategically visibilize themselves, their needs, and their desires in order to further a political agenda (Villegas, 2010). These visibilizations can include community forums educating migrants about their rights, writing opinion pieces in newspapers, and large mobilizations as well as public events where migrants reveal their
undocumented status (Dwyer, 2010; Fleming, 2010). Fanon has shown the value and necessity of focusing on the modes of resistance employed by oppressed peoples. The politics of resistance must be present within the theories we employ to understand and change the world.

**Border-zones and border rhetoricity**

As McLaughlin (2010) states, “the idea of the border can be extended to include the lines that delineate movement and membership both between and within nations (p. 81) . Similarly, numerous scholars have discussed the ways that borders are constructed beyond the physical demarcation between nation-states or points of entry and how discourse about the border often parallels the social construction of undocumented migrants (Dechaine, 2012; Johnson, 2012; Ono, 2012; Ono & Sloop, 2002). These discussions include how borders are constructed inside a country to determine membership and sites of inclusion/exclusion as well as how such borders are read and carried within bodies. As DeChaine (2012) states,

> Symbolic, material, affective and performative, the border is an omnipresent force in our everyday lives, materializing and shifting across registers of geography, history, politics, economics, citizenship, identity, and culture. Variously invoked as a geographical term for delineating territories, a political expression of national sovereignty, a juridical marker of citizenship status, and an ideological trope for defining terms of inclusion and exclusion, the border circulates as a robust spatial metaphor in the public vernacular (p. 1).

The social construction of the border extends beyond geographic dividers of nation-states and delineates sites of difference and differential membership (Bauder, 2011). Thus, the conception of the border as a protective location that divides the legitimate from the illegitimate can extend to numerous sites including schooling, housing, health care, and policing. In this way, the border
as a rhetorical tool is contextually constructed and deployed according to a myriad of factors and determines the parameters in defining membership, and the benefits or penalties of the resulting designation. Furthermore, the border is also carried by people who do not fit the imagined boundaries of national “members.” In this way, bodies are cartographic. They are read to map out belonging and exclusion. As such, we can see that borders and bordering practices occur far from the physical boundary that outlines the geographic parameters of the nation. Ono (2012) explains this phenomenon succinctly when he explains that “the border already exists, sometimes incipiently and sometimes manifestly where migrants move and on all of our bodies. The border moves with migrants into those social spaces where they live: in the interior of the nation, their workplaces, and in their homes (p. 24). Johnson (2012) reiterates Ono’s point by stating that “borders move with the people who cross them and function as lines of demarcation between and within communities” (p. 35). The concept of a mobile border allows for a complex way of understanding the ways the border can be carried on the body, can follow the body, and can be deployed to exclude, police, or discipline specific bodies. Overall, the border and its associated bordering practices display an anxiety about what/who must be kept outside of the national space. DeChaine (2012) states that

public attitudes regarding migrants, border inhabitants, and other border-crossing subjects are conditioned by prevalent narratives and imagery that depict the US-Mexico border as a badlands that is out of control—an unruly space in dire need of containment from the

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14 This can also occur when the body is no longer classified as undocumented as the physical reading of the body can construct it as a non-member. Ono (2012), making this point states that “even attaining permanent resident status or citizenship is not sufficient for a complete or successful border crossing. If the border signifies a site of contestation over inclusion, access, rights, employment, and a future for one’s self and often one’s family, the body may serve as a border that presents these aspirations from being attained” (p. 30). In the Canadian context, Landolt and Goldring (2013) have shown, the “stickiness” of precarious immigration status that can follow migrants even after attaining permanent status and the lasting effects.
ravages of criminals, illegal aliens, terrorists and other undesirable threats to the national body (p. 8).

While DeChaine is speaking about the borderlands between the United States and Mexico, we can see a similar level of anxiety regarding the Canadian border (primarily the western seaboard where ships containing migrants may land) (Hier & Greenberg, 2002; Mountz, 2004) as well as within Canadian ports of entry (both within and outside the nation) (Pratt, 2005). Bordering practices are then also mobilized away from the physical border as can be seen in the moves to cancel health care services for some refugee claimants (Canadian Press, 2012a) and barriers to healthcare and schooling for undocumented students (Magalhaes et al., 2009; Rousseau et al., 2008; F. J. Villegas, 2013; P. E. Villegas, 2013a). These sites become bordering spaces where applicants must provide documentation to prove eligibility to a social good and where administrators are, through policy or personal discretion, charged with guarding such services from migrants “illegalized” and constructed as “illegitimate”, and potential abusers.

The border, rhetorical and physical, as well as the possibility of negotiating entry past it, can undergo changes. As Ono (2012) highlights, the physical border, while often imagined as occupying a fixed location, often experiences shifts and in this way even the understood basis of difference across nation-states is not itself located in a permanent location. Likewise, the deployment of bordering practices away from the national boundary or port of entry can shift according to time, space, and discourse.

In this project I am particularly interested in examining the ways bordering practices are deployed within a school board in Toronto. The school board is made up of a large bureaucracy

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15 As an example he describes the ways that the Rio Grande, the delineating mark between Mexico and the U.S. can experience a change in flow or erosion. In the Canadian context, Pratt (2005) has also shown the ways that immigration agents function outside of the national boundaries to police potential “bogus” refugees.
that is deployed across a number of spaces (including different sites, levels within the bureaucracy, or across jurisdictions) that affect the development of bordering practices and border-zones. In this way, bordering can happen through a multitude of ways including exclusion at the school site, through a lack of training of staff, through personal discretionary practices that “illegalize” undocumented students and as a result of the documents required to enroll and through a lack of information regarding the possibility of undocumented students to be registered. Furthermore, given that “migrant” serves in Canadian discourse as code for “racialized,” migrants also carry borders inscribed in their bodies that are read in ways that signal to school administrators of the potential of non-belonging and can prompt xenophobia and nativism. For the reasons outlined above, the concept of border rhetoricity is useful in analyzing the strategic deployment of borders within social institutions constructed to prevent access for undocumented migrants. This process is facilitated by the borders inscribed on people’s bodies that signal the presence of an individual constructed as endangering or jeopardizing the integrity of a social good. Such a prism also allows for a discussion on the material effects of bordering and its connections to an intersectionality of oppressions.

Given that the border and bordering practices are socially constructed, there are possibilities to not only resist, but also change the meaning assigned to the border and to concepts of membership. Thus, borders can be eroded, perforated, and circumnavigated. In the city of Toronto we have seen an attempt to erode bordering practices through the passing of the Toronto District School Board’s “Don’t Ask, Don’t Tell” policy (Sidhu, 2008; Villegas, 2013), the development of the Shelter Sanctuary Status campaign (Bhuyan, 2013), and the passing of a policy that makes the city into a “sanctuary” or solidarity city (Keung, 2013). These efforts have facilitated the visibilization of the presence, needs, and contributions of undocumented migrants
in the city and successfully changed legislation in order to benefit the at-large undocumented population. In this way, a framework that recognizes the possible erosion of borders serves to show how bordering practices, while inscribed in dominant discourse as “common sense” can be resisted. Furthermore, the perspective that the visibilization of undocumented migrants through rehumanizing strategies can challenge the “common sense” of borders can help us understand both the material effects of the border and its deployment across the nation, as well as the presence of resistance that works to erode the implied need to construct borders.

While borders and bordering practices can be challenged and resisted (sometimes successfully), dominant structures can also reify or re-erect boundaries. For this reason it is important to recognize that even when successfully challenged, borders are in a constant state of flux and can be reconstituted. As such, progressive gains can be lost when policy is not implemented, when it is recalled or re-interpreted, or when new procedures are developed as bordering practices. Thus, it may be necessary to think of any gain as a fragile erosion of the border, while still necessitating a broader reconceptualization of the concept of membership that inherently questions the legitimacy of borders and bordering practices.

**Counter-narratives**

While Anti-racism provides me with a good platform through which to understand the topic, I supplement it with a facet of Latina/o Critical Race Theory (LatCrit): counter-narratives. Counter-narratives have been used in the literature regarding the schooling experiences of racialized students (Delgado Bernal, 2002; Fernandez, 2002; Solorzano & Delgado Bernal, 2001; Solorzano & Yosso, 2001). Fernandez (2002) explains that a counter-narrative “subverts the dominant story or the reality that is socially constructed…it places the truthfulness and ‘objectivity’ of the narrative in question” (p. 48). This is done in order to “challenge, displace, or
mock…pernicious narratives and beliefs” (Delgado & Stefancic, 2000, p. 43). Thus, as Henry and Tator (2009) argue,

The role of the counter-narrative is to challenge dominant discourses that are intended to orchestrated the appearance of unanimity among the dominant group and consent among subordinated groups. The hegemonic dominant narrative acts as a meta-code that shapes the ‘mindset’ from which the dominant group, that is white, observe, interpret, and understand the world…these codes exclude or silence other possible interpretations, thereby providing a justification for the maintenance and preservation of existing social hierarchies that are based on socially constructed categories of racial differences. (p. 37)

In this project I use counter-narratives to look at the ways in which migrants and their allies provide counter-stories in response to the predominant criminalizing and deficiency-ridden discourse employed to explain their daily lives. These counter-stories then contest the boundaries of membership by constructing every individual as a member of the society in question. Counter-narratives allow for the centering of the migrant’s experience, focusing on the ways they construct their reality while contributing to a contending discourse that is more inclusive and equitable.

For the purpose of this project, a counternarrative is conceptualized as a strategic discursive practice that speaks against dominant discourse and metanarratives while centering the affected and not inflicting or deflecting additional damage. Thus, a productive counternarrative cannot engage in identity politics, hierarchies of victimhood, or employ a deficiency theory. Productive counter-narratives are also not advocacy-based, humanitarian, or prescriptive. They must be centered and engaged with a community and must take into consideration the intersections of oppression and reject simplistic responses. Too often migration
advocates utilize discourse that appears to advocate for a community while demonizing another. For example, two unproductive slogans that have been used in Toronto campaigns are “good enough to work, good enough to stay” and “they do the work no one else will.” I argue these slogans are unproductive because while appearing to advocate for undocumented migrants, they exclude too many people within the community or treat people only as economic units that financially benefit the nation. The first slogan marginalizes people who do not fulfill the prescriptors of what often constitutes “labor” (those engaged in traditional forms of waged labor) and thus excludes those who do not receive a paycheck for their labor, people with a disability, etc. While the second slogan does not fall into ableist discourse, it still stigmatizes the undocumented population as being relegated into undesirable labor while ignoring the complicity of the north in displacing people around the globe as well as the many contributions migrants make to their communities beyond economics. Furthermore, this discursive formation also erases the role of the state in creating and/or expanding undesirable jobs through legislation that does not protect subsistence wages and enables exploitation. In contrast to the slogans above, statements like “we didn’t cross the border, the border crossed us” or “no one is illegal” inherently decriminalize undocumented migration and speak to the illegitimacy of national boundaries and immigration processes. Therefore, the value of defining what constitutes a productive counternarrative in this framework is to differentiate between statements masquerading as situated in an equity framework and exposing them as such.

In this section I have described the ways my framework works together to better understand the ways discourses of membership are employed, deployed, and resisted in the

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16 This slogan may be recognizable as a slogan from the Chicano movement and the ways it speaks to the specificity of Mexicanos finding themselves in land annexed by the U.S. as a result of the Mexican-American War. However, the slogan was also taken up in the Canadian context as a critique to the imposition of imperial borders.
context of access to schooling for undocumented students. While each strand of the framework provides a significant level of understanding to the topic addressed above, their combination can serve to provide a fuller conception. The distinction between member and non-member is not a simple dichotomy; it is full of nuance and affected by the intersection of social locations. This framework aims to understand how dominant discourse situates undocumented migrants, how the concepts of race and immigration status intersect to create material consequences to people differently situated along these parameters, and how productive resistance can occur. This framework is built around a base that consists of an anti-racist method that recognizes the politics of research, the ethics of research projects that include vulnerable populations, and the need for useful transformative practice that centers affected individuals.

**Research Questions**

While presented in the introduction, I reiterate my research questions here to discuss the link between the theory presented above and the conceptualization of this project. These five research questions represent the theoretical and methodological grounding of this project. As such, these questions aim to reveal the ways a number of social actors understand the concept of membership as it relates to undocumented migrants as well as the practices employed to resist the exclusion of undocumented students. Finally, in adherence with the theories presented above, the research questions are designed to position undocumented migrants at the center of the analysis.

1. Who have been/are the social actors in the movement for access to schooling for undocumented students? How has membership in Canadian society and local communities been conceptualized and negotiated?
2. How have hegemonic discourses about undocumented migrants affected the possibility of school enrolment at TDSB schools and in what ways have they been challenged?

3. How do undocumented migrants and their allies actively resist and erode the boundaries that exclude them from the schooling process?

4. In what ways do the concepts of race and the construction of “illegality” converge to construct an understanding of membership and rights to schooling?

5. What are the boundaries in conceptualizations of “access”? Is “illegalization” a dominant face of this phenomenon?

The first research question establishes the historical context for the study. One of its objectives is to identify efforts to create access to schooling for undocumented students. A second objective is to determine who has been involved in this process and how their arguments have been framed by ideas of membership. Frameworks developed to understand and determine access outline not just what is understood as the problematic but also the appropriate steps necessary given the ways the population in question is constructed. Beliefs about the boundaries of membership that are embedded within frameworks can effectively entrench the barriers to access for undocumented migrants according to understandings of citizenship and legitimacy in receiving social services. Thus, it is of particular importance to understand the framing of “rights,” “access,” and membership employed by social actors. Furthermore, I am particularly interested in the ways that conceptualizations of membership challenge and contest hegemonic order. This exercise is not meant as a dichotomous process of identifying those that do and do
not challenge hegemony, rather I explore how in the process of contestation, hegemony may have been reconstituted.

My second question is designed to understand how undocumented migrants have been temporally and discursively constructed in relation to schooling, including during mobilizations to create access. Using a variety of data including interviews and analysis of official documents, I can analyze the ways undocumented migrants are conceptualized as well as the consequent effects on lived experiences and levels/extent of access. As stated in the literature review, precarious status migrants are often conceptualized according to criminalizing and diseased tropes. These tropes work to dehumanize the migrant, facilitating their exploitation and oppression. Also, because perceptions of precarious immigration status are often conflated with racialization, migrants must contend with not just the assumptions provided by their immigration status but also the prevalence of racism. For this reason, I engage with the four principles of anti-racism described above. More specifically, my analysis takes into account the ways race is constructed at various junctures as well as its effect in the development of avenues for access to schooling for undocumented migrants. Of special importance to this question is the ways counter-narratives are constructed and mobilized to combat prevalent and damaging discourses. Groups engaged in migrant-solidarity work often produce contending discourses aiming to dispel myths about undocumented migrants and explaining the oppression they experience on a daily basis. This question also allows me to consider Fanonian understandings of the ways discourse can serve to dehumanize as well as the resistance methods to re-humanize; understood in this context as counter-narratives.

The third research question hinges on two basic understandings derived from the anti-racist principles and Chicana/o theory. First, that people are not passive, and resistance is
constant and takes many forms (Cranford, 2007; Hondagneu-Sotelo, 2001; Pardo, 1998; F. J. Villegas, 2006; Zolniski, 2006). Second, that racialized peoples value schooling and the rewards it brings (Carter, 2005; Dei et al., 1997; James, 2009; Noguera, 2008; Valenzuela, 1999). Thus, this questions seeks to center the different ways the school as a border-zone has been eroded in relation to collective or individual resistance. Furthermore, access to schooling even in the presence of a DADT policy, has not been ensured, yet we know that there are undocumented students in schools. These students are present in spite of the boundaries hindering their access and this has occurred as a result of the value parents place on the scholastic achievement of their children.

The fourth research question interrogates the continuous engagement between race and the production of “illegality” in the ways schooling is constructed in Toronto. Of particular importance to this topic are the ways borders and barriers beyond the physical boundaries of the nation are enacted within institutions and organizations. These obstacles demarcate the boundaries of membership in everyday life and are enforced through policies, protocols and directives. Such boundaries and borders of membership are also enforced and reinforced through “everyday language” that includes assumptions about citizenship and the legitimate beneficiaries of social goods and services.

The final question addresses the different ways that “access” can be understood by social actors. To some, access to schooling may be synonymous with entry or enrolment into the school system, while for others it may be a larger concept. Broader conceptions could include ideas regarding ideas of security while in school and recognition of the linkages between social institutions (the ways schooling is linked to health, housing, labor, etc.) and the resultant calls for a broader involvement in students’ lives. The question is also meant to take into account a
temporal and spatial dimension. Within the schooling sector, geographically they include whether educators’ duty to students ends at the school’s boundary, and temporarily, whether this responsibility ends upon completion of the school day or once a student has graduated. Finally the question is also linked to ideas of membership and whether the duties or responsibilities stated above have a hierarchical basis that is dependent on factors that determine conceptualizations of deservingness including race, gender, class, and the type of immigration status held by a student.

**Conclusion**

In this chapter I have outlined the theoretical framing of this project. I propose an optic to more comprehensively theorize and comprehend the ways inclusion and exclusion of undocumented migrants operates within the context of reception. Hegemonic constructions of membership that place undocumented migrants outside “accepted” parameters operate through the dehumanization and invisibilization of undocumented migrants. Such exclusions and erasures from belonging operate not only at the national scale through the narratives of borders but also within constructed containers including social service sectors. These border-zones act as additional spaces of “illegalization” beyond the prescribed national boundaries. In this way, eligibility is tied to ideas of membership/non-membership and this is then deployed across a number of social structures including the schooling sector. However, while the invisibilization of undocumented migrants is constant, they are not passive. Thus, this framework pays particular attention to the ways that migrants and their allies resist and develop transformative practices and ideals. In this way, counter-narratives work to not only deconstruct hegemonic notions, they also
work to construct new possibilities through a reconfiguration of “common sense” and ideas of social justice and equity.
CHAPTER 4: METHOD

It is commonly said that “knowledge is power.” However, we know that not all knowledges are treated equally and not all bodies are believed to carry knowledge. One reason for this is the imposition of a Eurocentric, colonial, and white supremacist frame of reference, which categorized individuals according to racialized and gendered hierarchies and constructed itself as universal. Second, and of importance to this chapter, Eurocentrism utilize research methods based on enlightenment ideals that purport to tell homogenous, totalizing and “objective” stories. As Tuhiwai Smith (1999) states, “the notion of research as an objective, value-free and scientific process for observing and making sense of human realities is taken for granted by many social scientists…Method is important because it is regarded as the way in which knowledge is acquired or discovered and as way in which we can ‘know’ what is real” (pg. 164). It is necessary to question the validity of a process that purports to provide a single answer. In order to address this, a method that allows for a multiplicity of visions, interpretations, and ideas is necessary. Similar to the multifaceted discursive framework employed to conceptualize this project, a method must be equally fluid and malleable while grounded on solid theoretical underpinnings.

The power of the dominant to subjugate the “other” through history texts, travel guides, and ethnographic accounts has served to construct specific peoples as deficient and dependent (Miranda, 2003; M. L. Pratt, 1992; Tuhiwai Smith, 1999). Furthermore, these constructions continue to flourish through research projects that maintain ideas regarding inherent differences between races, “science” postulating that racism is natural, or culturalist arguments regarding a clash of civilizations and “the insurmountability of cultural differences” (Balibar, 1991). Such
works naturalize the racist, xenophobic, and ethnocentric dominant gaze employed to survey and judge the “other.”

If knowledge is indeed power then there is significant value attached to the tools that are employed to derive knowledge and meaning. As I stated earlier, research has often been employed to benefit and further projects that uphold dominant power relations. Because of this history and continued practices, researchers must be cognizant of the ways research methods facilitate repressive views. They must then design projects that support people’s ability to engage in community-making and active resistance. As such it is important to employ a method that permits (re)centering the marginalized even when engaging in research that includes those who are charged with maintaining and reproducing the bordering practices outlined by hegemony.

While knowledge is valuable and powerful, it means nothing without action. Thus, a critical method must spur action and provide avenues to transformative possibilities (Dei, 1996). These transformative possibilities must be embedded on a political agenda that works to deconstruct the structures and mechanisms that further oppressive practices. However, such a response must stem from the community rather than being prescribed by the researcher. A method must then include space for individuals to speak about what is needed to further their political agenda and how a research project may advance that work. Such a method must also remain responsive to the perspectives and actions that work to counteract and speak against the oppressive structures that order our society. Thus, what is needed is a method that is deeply embedded in a political project that works to resist hegemony. Such a process may include the centering of affected individuals, being responsive and flexible to participants, and providing possibilities for participants to edit, better define, or omit their words. Finally, the method must
allow for the telling of tales that are transformative while displaying a rigorous methodological and analytical approach.

As Audre Lorde (1984) famously stated, “the master’s tools will never dismantle the master’s house.” In this and the previous chapter I propose a discursive framework and method that are based on an understanding that while academia and research have a long history of operating as the master’s tools, a project based on critical theories that questions, critiques, and seeks to dismantle oppression is not part and parcel of the master’s tools. The tools of resistance, while embedded in an academic space that inherently furthers racist, classist, patriarchal, and colonial legacies, must, rather than forsake that space, claim it as our own and do so with tools that do not follow such agendas. It would be arrogant to believe that a single research project will fix a problematic. It would also be elitist to think that this project will somehow provide the people with the tools to resist. The attempts to prescribe are best left behind with the colonial legacies of academe. Instead, the goal for this project, and the method designed to facilitate it is to be another granito de arena, a grain of sand that is housed within a larger political agenda embedded in a community project that works from within to negate hegemony and continues to push for counter-narratives and alternative visions and imaginations. Finally, while this method has been conceptualized with resistance in mind, it is not infallible. For this reason, while I reflect on better ways to conduct research with marginalized communities (including my own), and aim to replicate the work of researchers whom I believe do this work well, this cannot be seen as an accomplished project. My hope is that it is a single step in the right direction while recognizing the need for further critique and reflection.

To better describe the nuts and bolts of the method employed I employ, this chapter is divided into five sections. The first subsection focuses on the methods of data collection. Here, I
discuss why interviews, experiential knowledge, and texts are valuable data sources and how they fit the discursive framework. Then I discuss my own subject location in relation to data collection and how the method was affected by it. After a discussion of data gathering, the second section provides an explanation of the interview guides used in individual and group interviews. This section covers how questions were constructed for participants in an open-ended format while centering undocumented migrants.

Following the interview guides, the third section highlights the selection of potential participants as well as recruitment strategies. Participants for this project were people who participated in the process of passing the Don’t Ask Don’t Tell policy at the Toronto District School Board as well individuals involved in its implementation. Finally, this subsection also addresses the importance of confidentiality and informed consent. To this end, it covers the different methods used to determine consent, including formal documentation and the making of transcripts available to participants to edit, as well as the mechanisms in place to ensure confidentiality.

The fourth section focuses on the process of data analysis and the power relations inherent in deciding what story to tell, how to tell it, and which voices to employ in the telling. It describes the power dynamics that were considered in the analysis of all data as well as how this process can be melded to have the same political underpinning of the discursive framework and the method for data collection. Overall, this discussion is based on one prominent methodological problematic: once data has been gathered, how is it translated, analyzed, and packaged for public consumption? After this discussion, the section turns to a description of how this process was deployed.
The next section provides brief background profiles on each of the participants who agreed to take part in the study. While maintaining confidentiality, these profiles serve to provide additional context to their subject positioning regarding the problematic as well as the value their contributions bring to the project.

Finally, the last section examines the limitations of this method. It includes a reflection on the type of data collected and the absence of an important population as well as the shortcomings of initial assumptions regarding the project.

**Data Collection**

Data for this project stems from individual and group interviews, my experiential knowledge, and two sources of textual data: published literature (including meeting minutes, pamphlets, and public memos, etc.) and personal communications between participants and other parties which the former made available after their participation in the project (mainly emails printed out by the participants). Furthermore, data collection for this project is shared with a CERIS\(^{17}\) and SSHRC\(^{18}\)-funded project. As a result, interviews included myself and up to three additional researchers. Questions in addition to the research guide were developed ahead of the interview as a collective effort between all researchers.

**Interviews**

Interviews can provide a limited glance inside a person’s frame of mind. This snippet is negotiated by space, time, and social location. According to Chase (2003), “we serve our theoretical interest in general social processes when we take seriously the idea that people make

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\(^{17}\) This project, entitled “Negotiating Access to Public Goods: Education and Health Care for Toronto Immigrants with Precarious Status,” was headed by Patricia Landolt and funded by CERIS-The Ontario Metropolis Center, 2009-2010.

\(^{18}\) This project is ongoing and headed by Patricia Landolt and Luin Goldring.
sense of life experiences by narrating them” (p. 292). This is not to say that only in research settings do individuals make sense of their world, instead it points to the ways language and narratives serve to provide meaning for our lives and experiences. In this sense, a researcher must be careful to listen to participants’ narratives and the insights they disclose. As Chase (2003) states, “our task as interviewees, then, includes listening for gaps, silences, or contradictions, and reiterating the invitation through questions that encourage fuller narration of the complexities of her story” (p. 289). With this in mind, all interviews were open-ended and questions often allowed participants space to direct and expand on their responses in a way they found useful. This proved incredibly helpful as themes previously not considered began to take up greater importance. For instance, in an interview with the manager of a department at the TDSB, the participant described a history of exclusion for undocumented migrants that predated our expectations and the collective knowledge of most of our participants. The depth and value of the narrative regarding this history became the impetus for a chapter in this dissertation.

Through it all, the flexibility within the method allowed for a greater degree of nuance in the understanding of the problematic as well as the possibilities for participants to determine where to focus their narration and what was valuable for them.

For this project, a total of fourteen people agreed to taped individual or group interviews. Seven were individual interviews and there were also three small group interviews, two consisting of two participants each (one included Michael, a board committee member and Gloria, a longtime grassroots organizer, while the second was made up of Sal and the Pink Panther, two union leaders) and the other of three participants (Danielle, Saul, and Lina, three grassroots organizers involved in mobilizations for access to schooling at different junctions of the DADT campaign and efforts to implement the policy). While space was made available at the
university, there was no central location for interviews. Instead they were held in accordance with participants’ desires. Sites included personal offices (Maggie, Quinn, Natalie), conference rooms within the University of Toronto Cities Centre (Drew, Dena, Michael, Gloria, Alex, Danielle, Saul, and Lina), a local library (Tanya), and a pub (Sal and the Pink Panther).

**On Objectivity, Generalizability, and Accuracy of Interviews**

It is important to recognize that the purpose of participant interviews in this project is to provide a better understanding of the ways membership is constructed, negotiated, and reconstructed by stakeholders involved with the TDSB and/or access to schooling for undocumented migrants. Thus, I do not claim that the data stemming from the interviews provide accurate or objective accounts of the events leading to and stemming from the passing of the Don’t Ask, Don’t Tell policy. I also cannot make any claims towards generalizations regarding the ways all trustees, administrators, local activists, or any other stakeholders define the boundaries of membership. Instead, interview data describes the perceptions, understandings, and beliefs of a few individuals, in key positions, who were asked to reflect on the process to pass the DADT policy as well as the difficulty in implementing the policy. The interviews then serve to provide situated narratives about access to schooling debates in Toronto and the development of the Don’t Ask, Don’t Tell policy. The social location of the participants and their testimony offer a glimpse into the ways hegemonic ideals are constructed and maintained in the Board, how individuals within the Board can work to reproduce them, and how grassroots activists perceive the Board and act according to the observed ideology while deploying a counternarrative.

In addition to not making claims towards objectivity or generalizability, I also cannot ensure that the excerpts from these narratives accurately depict the spirit under which they were
meant. All interviews were done under differing contexts and while I provide some background information about each participant, including the location of the interview, I make no claims to having a definitive understanding to the meaning of their words. What follows is my interpretation of how the interviews relate to the larger problematic as well as their fit with the discursive framework. As such, the interviews were not developed to find a conclusive “truth.” What I hope to demonstrate through the deployment of interview data is how various social actors mobilize their understandings of membership and access as well as the potential for transgression and resistance.

**Experiential Knowledge**

In this project, I employ my own experiential knowledge as valid and valuable data to include in the narrative. My experiential knowledge stems from my own work within the Education Not Deportation campaign as well as the Don’t Ask, Don’t Tell coalition. In this capacity, I have been often invited to meetings regarding the implementation of the DADT policy. These meetings ranged from gatherings with proponents to the policy aiming to develop materials to inform the community of the policy or finding ways to pressure the Board into implementation, as well as meetings with representatives of the Board regarding the implementation plan. I have also been part of many conversations regarding the difficulties in enrolling undocumented students and the lack of implementation of the DADT policy. I treat my understanding of these meetings and conversations as experiential knowledge that is vital to my comprehension of the topic and maintain confidentiality over the identities of people who
participated. Furthermore, at the time of these meetings and conversations I did not foresee writing about this topic for my dissertation\(^{19}\).

While my work with grassroots collectives has led me to attend numerous meetings, I fully recognize that memory is not accurate and to this end, when possible, I supplement my recollection of events with those of participants’ and through published materials. I also recognize that my subject positioning, as a graduate student, international student, previously undocumented migrant, and racialized person can affect the ways I perceive, translate, understand, and remember events. However, I argue that this is an important facet of knowledge and refuse to omit it from this project’s analysis. I have for over a decade worked on projects that center the needs and experiences of undocumented migrants. This work has been done as an active participant in the decision-making and collective endeavors to reach collective goals rather than as an unattached or observing investigator. Thus, it would be disingenuous to at this point (writing a dissertation) solely take up a “researcher’s hat” at the expense of the other roles I play in my everyday life. As Norma Smith (2002) states, “my role as a student/learner is a permanent one, as is my role as an active community member” (p. 122). Therefore, my own experiential knowledge is at times presented alone or alongside that of participants. This is not meant to supplement or discredit their accounts, instead, my experiential knowledge simply becomes an additional element to include in the larger narrative. To be clear, the purpose of this project is not to present an accurate representation of past events (even if it were possible), this dissertation is primarily interested in depicting the ways that borders are constructed and eroded through the deployment of hegemony and counter-narratives.

\(^{19}\) During the meetings that introduced and argued for the Don’t Ask, Don’t Tell policy my research topic was centered on the experiences of DREAMERS in the U.S. and while attending meeting about the implementation of the policy I had proposed a study on the experiences of undocumented families seeking to enroll their children into TDSB schools.
My experiential knowledge also affected the interviews. Through my activism I had already built a rapport with most participants and at times, the discussion led to events I had also attended and there were requests for clarification based on my recollections. As well, during interviews, I employed prompts based on my remembrance. The latter occurred primarily in the last group interview which was made up solely of organizers from No One Is Illegal and in the interview with Maggie, a TDSB senior Administrator. Overall, my lived experience and familiarity with many of the grassroots activist participants led to more relaxed interviews. At the same time, given our prior interactions and their knowledge of my standpoint, some participants from within the Board may have interacted in a more guarded fashion.

**Texts**

I collected grey literature through my attendance at several events and meetings. Participants also made numerous materials available during our interviews. Materials included pamphlets, media releases, callouts, public memos, and personal email communications. Of particular value was a binder compiled by a member of the Don’t Ask, Don’t Tell coalition containing a large amount of literature published or collected by the organization and employed to inform members of similar endeavors done elsewhere.

Several electronic conversations were also made available by participants who referred to them as important conversations at the time. These messages served three purposes. First, they detailed how the coalition mobilized across time. Secondly, they demonstrated the ways the Board engaged with the possible inclusion of undocumented students into their schools. Finally, the messages also serve to detail some of the methods employed to implement the policy once passed.
Another important source of textual data was the Toronto District School Board’s website. From here I was able to find not only the current policy regarding access to schooling for undocumented migrants, but also changes to procedures that affected enrolment practices. The website also provided meeting minutes for committees within the Board. As a whole, all the documents outlined above served to fill in some of the gaps from the interviews as well as at times provides a written example of the ways Board staff prepared arguments for wider consumption (primarily catering to trustees).

**Interview Guides**

While it is useful to ask some questions to all participants, my aim was to also allow for flexibility between individuals according to their unique or specific relationship to the topic. To this end, two distinct interview guides were developed. The first was for individuals positioned within the Board and the second was for all other individuals. This subsection is organized according to the ways participants were grouped. With this in mind, it is important to state that one group interview included a person from each of these two loose categories. In this instance, both interview guides were employed.

For public figures within the School Board, questions solicited a description of their job and the relevance to the policy regarding access to schooling for undocumented migrants. These participants were also asked about their understanding of the history of the campaign and the processes under which the policy was passed, as well as the current climate in the Board regarding the implementation of the policy. The questions highlighted the arguments made in favor and against the policy, as well as the informal ways in which it was received (outside of the
media’s coverage). Further questions included an update on the implementation process and their ideas regarding the problems of implementation and possible solutions.

The second group, composed of activists and allies, were asked to speak about their engagement within the DADT campaign to create access to schools for undocumented students. This included questions about their organizational belonging, when that organization took up the issue, and in what ways they, as well as their organization, became involved. While some organizations in the city are outspoken in proclaiming an anti-racist or anti-colonial perspective, not all organizations are as forthcoming. Similarly, the claim to adherence to a particular framework does not always result in its practice. Therefore, to determine what framework and strategies participants utilized I asked them a set of questions. The first was to explain their understanding of what should constitute access to schooling for undocumented students from the point of view of their organization. This answer was used as one way to determine how their organization positioned undocumented migrants in relation to membership in the community. The second question was about the methods participants utilized to bring attention to the issue of access, including media strategies, community consultations, printing of materials, and/or contacting of the Board, ministry, etc. The answers to these questions helped to understand the framing of the topic and strategies employed to mobilize and garner local support. The third question asked participants about their level of engagement with the work addressing access to schooling for undocumented migrants as well as any recommendations they may wish to make.

Participants, Recruitment, and Confidentiality

This project incorporates the stories of people are differently positioned in regards to the problem of study. It was not difficult to ascertain who had been involved in discussions
regarding access to schooling for undocumented students. Individuals contacted within the
TDSB served as leaders at different levels of the TDSB bureaucracy including trustees, heads of
departments within the Board, or long-time members of TDSB committees. As a result of their
location within the Board, these individuals had been the object of media exposure and were
considered contact people in relation to this topic. It was also not difficult to find allies and
activists working to further this agenda. Activism in this sector has been abundant for decades
and includes migrant-justice organizations, child-rights advocates and labor unions. All of these
groups have engaged in public campaigns designed to highlight the inequities built into decisions
of eligibility to schooling and have designed campaigns to address this issue.

Building a positive rapport between participant and researcher is not easy. It requires
earning the participant’s trust not just towards the individual researcher, but also towards the
political agenda. Having been part of migrant solidarity work, trust with many participants was
present prior to interviewing them. Through my involvement with the Education Not Deportation
campaign, I met a number of local organizers as well as TDSB officials. My recruitment of
participants through my activism is an instance in which the methods of this project mirror the
principles of anti-racism outlined above (Dei 1996). It constructs my academic work as
embedded within a community and aimed at furthering the needs and desires of said community.
Furthermore it addresses inequities inherent in the ways that people experience schooling, even
prior to entering the classroom.

As stated above, participants consisted of two different groups of people: TDSB officials,
and activists and allies engaged in the move to create access to schools for undocumented
migrants. Individuals identified as public figures either because of their position as TDSB
officials or as activists in migrants solidarity campaigns were contacted via email or in person
and asked about their possible interest in being interviewed as an individual or in a group. The email also included a copy of the consent form and detailed information about the study (see Appendix A). Those considered to be good candidates for a group interview given their collective positioning relative to the problematic then received another email with a link to online meeting booking software (Doodle) asking them to determine the best date for the interview. Those unable to attend the group interview were contacted again about the possibility of a one-on-one interview. Individual interviews were conducted at a site of the participant’s choosing. Group interviews took place according to collective availability in a central location. As a student at the University of Toronto and a part of the department of Sociology and Equity Studies in Education and of the Cities Centre, I had access to board rooms on campus where group interviews were held. All interviews were held in English.

**Confidentiality and Informed Consent**

Participating in research can be a dangerous undertaking for many individuals. To this end, it is vital that confidentiality be offered. All participants were given the choice of picking a pseudonym to identify them in the project or to allow the researcher to employ their name. For participants wishing the latter, the consent form included a check box that could be filled in and signify their wish to be identified by name (see Appendix A). In the initial conceptualization of this project, I did not want to impose pseudonyms on participants who may have spent significant portions of their lives either in the public’s eye through their location within the Board, or working to visibilize undocumented migrants through various forms of activism. Having said that, as will be evident in the participant profiles section of this chapter, all of the participants received pseudonyms regardless of how they checked the box in the consent form. I recognize that this looks like a theft of agency or a researcher believing they know what is best
for participants but I offer the following explanation. Given the nature of some of the comments made, I was concerned about the potential lash back on the participants and myself. Thus, the employment of confidentiality is also a way for me to protect myself from the possible consequences that may stem from publicizing the interview data. In short, I was concerned that the narratives discussed here could have unforeseen consequences such as the loss of a job or political position.

Far too often communities experience the mining of information from researchers, often without knowledge that such an unethical practice was taking place. For this reason, informed consent is of the utmost importance. This includes a thorough explanation of how data will be collected, making sure that participants understand their ability to stop an interview, a reminder of when the tape recorder goes on or off, and asking if something can be included in informal notes. In addition, a plan had been developed whereby the participant(s) would be asked if they wanted the interview paused, stopped, if they wanted to continue, omit a section, or to erase the recording. This occurred in only one occasion during the interview with longtime members of the Ontario Secondary School Teacher’s Federation when they became concerned that statements could affect their bargaining proposals at the time and chose to omit that segment of the conversation from the record. This section was subsequently not transcribed or used in the data analysis. Overall, as evident in Appendix A, all participants received a consent form detailing the purpose of the project, the rights of the participant, and the confidentiality measures developed to protect their identity should they choose. After discussing the consent form and confidentiality checkbox with participants, the forms were signed and kept in a secure location.

In addition to the confidentiality measures outlined above, to ensure a greater lever of consent to the sharing of their stories, once transcribed all participants received a full transcript
for editing purposes. As such, participants could decide what they wished to share with the project and what they wished to omit from the record and edit accordingly. This process was meant to allow space for participants to clarify statements or revisit a conversation. All participants were told about this process at the beginning of the interviews and received full transcripts within 30 days and had an additional 30 days to decide how best to edit their statements. All participants received my contact information to coordinate the transmission of transcripts and were given a choice to submit via email, in person, or through the mail. None of the participants decided to contact me regarding changes to the transcript.

**Data Analysis and Power Relations**

In order to engage in critical work, we must not only question the popular conception of data collection, but how that data is conceptualized and the process to derive meaning from it. This process must be problematized given that researchers have the power to determine interests and interpretation. As Philip Howard (2009) reminds us,

> while the researcher is open to hearing from the participants about what is most salient to them, the researcher delimits the discussion by setting the initial focus of inquiry and by creating the interview schedule which shapes the conversation. Second, and more importantly (if less obviously) the researcher’s interests, experiences, and training predispose her/him to focus upon certain issues, and make certain connections as opposed to others in the process of creating categories and isolating themes from the raw data (p. 77-78)

It is important to recognize that there are unequal power relations in this research project. This makes it imperative to answer a few questions that Tuhiwai Smith (1999) presents to researchers
attempting to engage in responsible research: “Who defined the research problem? For whom is this study relevant? Who says so? What are some likely positive outcomes from this study? What are some possible negative outcomes? To whom is the researcher accountable?” (p. 173). While the final decision regarding the development of the project was my own, this project reflects a number of frustrations in attempting to develop, share, and unfurl a counternarrative that works to erode illegalizing hegemonic constructions regarding undocumented migrants. As such, this project is accountable to a number of communities including undocumented migrants, and activists working towards social justice.20

Given the above discussion on power relations and research, the purpose of this project is twofold. First, to dispel the myths propagated by hegemonic discourse (deconstruct). Second, to propose alternative possibilities that are based on the recognition of the material consequences given the epistemological and categorical tools we employ21 (construct). The project takes up Gloria Anzaldúa’s (2002) call to not only denounce established paradigms but also “provide new narratives embodying alternative potentials” (p. 561). As stated above, alternative potentials told from a critical epistemological perspective can serve, not as the master’s tools, but as the tools for construction and deconstruction (Hurtado, 2003).

Too often immigration research has decentered undocumented migrants and focused on the nation-state. Such studies tend to focus on the economic impact of undocumented migrants, the “right” levels of migration (Thobani, 2000), and the legality of their presence. Such studies often dehumanize migrants (Villegas, 2008) or base understandings of prospective belonging based on earning potential or the economic benefit to national coffers (Li, 2001, 2003a). As

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20 Needless to say that these communities are not discreetly bounded spaces or that numerous people do not fit under more than one category.
21 Particularly when relating to concepts like “membership”, “deservingness”, and “access”
Mary Romero (2008) has stated, the lack of a race analysis serves to dehumanize migrants either by endorsing white supremacy or by ignoring a key facet of their daily life. Although this project is not centered on the experiences of undocumented migrants attempting to access Toronto District School Board schools, it still maintains undocumented migrants at the center of the analysis. Thus, undocumented migrants are centered, not through their experiences, but through three interrelated processes. The first is an analysis of how the presence and membership of undocumented migrants is conceptualized in relation to the TDSB. The second is an examination of the efforts migrants and their allies use to resist and expand ideas regarding belonging and access. Third, an analysis that centers undocumented migrants must recognize that in the current context migrants and migration serve as a proxy to race and that the anxieties regarding undocumented migrants’ inclusion to social goods are attached to discourses of race. In this way, my analysis also focuses on the saliency of race and the material consequences of racialization, particularly when intersecting with immigration status.

A concern arising from this project is that the framework and method so far discussed are centered on the counter-narratives developed to resist. However, what happens when interviewing not the affected or the ally, but those who have power to change policy, procedures, and practices? How does an epistemology that revolves around the inequitable context for people constructed as the “Other” engage with those who through their subject positioning could institute new ways of imagining? More simply, and in relation to this project, how can the methodology unfurled thus far be employed with trustees, senior administrators, and managers within the Toronto District School Board? Given that most critical methodologies take for granted working with marginalized peoples, how can those in power be included in order to critique, deconstruct, and demand a new imagination? To use Nader’s (1972) language, how do
we “study up”? Or, how do we “study power” (Becker & Aiello, 2013)? Methodologically, the framework and method used in this project serve to center the oppressed while inquiring about the ways that those in power reconcile their role in the institution. This process interrogates the institution and its prominent ideologies alongside the narratives of people who on a daily basis exert some modicum of control and power.

Becker and Aiello (2013) warn that “scholars studying the powerful have to worry about subjects’ attempts to control an interview, steer the research process, block access, or dictate findings” (p. 64). As such, the challenge becomes how to recenter and sometimes rewrite the most affected individuals when speaking to people who have power in relation to the topic at hand. This includes paying special interest during interviews to not just what is said by the participant but also what is taken for granted due to their relative privilege and alignment to institutional logic. This method can display the slippages that emerge from how some individuals understand their subjective positioning while still maintaining boundaries that concretize hegemonic beliefs regarding the deservingness of undocumented migrants to access schooling. At the same time we must recognize that power is not linear and that people in power can be differently positioned in relation to a particular phenomenon. Thus, it is important to note that some of the individuals “with power” interviewed for this project were also racialized and had a history of strong community presence in relation to other equity agendas. Overall, only one participant, Maggie, a senior Board administrator, demonstrated an overt attachment to the institutional logic of benevolence towards children and wariness of immigrant abuse. Thus, during the interview it was at times necessary to recenter the undocumented in order to work beyond hegemonic understandings of the School Board as charitable when following provincial policy and migrants as ineligible to receive schooling and likely to abuse a social good.
Accessing people in power is not always easy. Thus, the question of how we study power must also include how we speak about our ability to enlist individuals with power into the research project. As Gaztambide-Fernandez and Howard (2012) articulate, most researchers fail to discuss the availability of relative privilege and/or necessary networks to affect the recruitment and participation of individuals with power. Access to participants with power within the Toronto District School Board arose from my prolonged work within migrant justice projects, particularly access to schooling. In this way, I had already built a rapport with some of these participants through meetings regarding the passing of the Don’t Ask, Don’t Tell policy, implementation of DADT, and casework to enroll individual students. While Gaztambide-Fernandez and Howard (2012) rightfully point to the privilege position of being a member of academia and the prestige it can provide when speaking to the “elite,” within this particular project I would argue that being at the table with these individuals provided a stronger reason for participation. In fact, I believe that my association with OISE\(^{22}\) was more useful than making claims about the University of Toronto given the former’s reputation as a “lefty” place and the personal identities of these particular participants.

**Critical Discourse Analysis**

This project’s primary mode of data analysis is an examination of discourse and its materiality. To that end I employ a Critical Discourse Analysis (CDA) that focuses on the materiality of discursive practices as well as the material consequences of what, how, when, and why something is communicated. As Pimentel and Velazquez (2009), paraphrasing Huckin (1995) state, critical discourse analysis “focuses on analyzing written and spoken texts to reveal

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\(^{22}\) OISE is the Ontario Institute for Studies in Education. It is an institute that was merged into the University of Toronto in 1996 (OISE) but has often been seen occupying a different political space than the rest of the university.
discursive sources of power, dominance, inequality, and bias and how these sources are initiated, maintained reproduced, and transformed within specific socioeconomic, political, and historical contexts” (p. 8). Thus, “the goal of CDA is to analyze the assumptions hidden in text and oral speech in order to refute various forms of power” (Pimentel & Velazquez, 2009, p. 8).

Given the parameters of this project, I am particularly interested in the discursive dimensions of inclusion and exclusion (Wodak, 2008). Interviews, grey literature, and academic texts are more than words, they convey particular discourses about who are “deserving” of a social good and who are not. In this way, discourses are more than simple utterances or text but rather guideposts regarding political messaging. Through it all, it is important to remember that interactions and conceptualizations are embedded in power. As such, rather than remaining in the abstract, discourses have material consequences. As Menjivar and Kil (2002) explain, “discourse analysis exposes benevolent language as a strategy used by public officials to make their verbal claims more compassionate or apolitical, while protecting access to resources and thus effectively excluding poor migrants” (p. 161). In this dissertation, I am interested in the material effects felt by those constructed as existing beyond the boundaries of membership. Thus, as Wodak (2008) reminds us “we need to approach the processes of ‘inclusion/exclusion’ by carefully considering issues of power, in defining access to discourses and power in discourses” (p. 55, emphasis in original).

As an initial step to data analysis all individual and group interviews were transcribed. Further, as discussed in the confidentiality section, these transcripts were sent to the participants for possible edits or clarification. Once that process was completed, transcripts were entered into NVivo to facilitate with the identification and analysis of themes. Furthermore, texts were also
classified under temporal categories according to date of creation, the role they played in relation to the DADT policy, and their effect.

Every and Augoustinos (2007) describe CDA as a process that, examines both the broad patterns and themes within talk (interpretive repertoires or discourses), as well as the resources and linguistic tools through which accounts are imbued with the status of fact and truth. It also examines how accounts are organized argumentatively, i.e. how they are designed to compete with alternative versions of social reality (p. 416)

CDA is a useful tool for this project as it examines differential understandings and mobilizations of key concepts like “access” and “membership” across differently positioned individuals. As such, examining the ways discussions are organized to construct meaning or “common sense” is pivotal to this project. Particularly when taking considering that CDA “analyses how talk and texts are socially organized to achieve social actions, such as identity management, as well as ideological effects that rationalize and legitimate oppression” (Every & Augoustinos, 2007, p. 416).

The story told in the following pages is based on the discursive framework, the transformative possibilities, and the following of a political agenda that counters racist, xenophobic, and “illegalizing” discourse. Thus, the themes chosen to examine the data included conceptions of membership, deployment of a counternarrative, conceptions of “access”, bureaucracy and bureaucratic process, discretionary power, political strategies, and implementation. These themes were chosen because of their prevalence in the data and their connection to the project’s research questions. I analyzed discussions under each theme as a discreet unit to construct a story that was based on and fortified by the other data collected. I also
paid special attention to the similarities and differences between discourses employed by participants. These stories became the basis for the chapters outlined below. The outcome of this process allows for greater depth in the analysis of the ways events were understood and the discourses employed to inform social actors. Furthermore, this approach also allowed me to highlight the deployment of discourse that for participants, explained the basis of a complex relationship between a spectrum of membership and its relationship to access to schooling.

**Participant Profiles**

A total of 14 individuals participated in this study. The profiles provided in this section are meant to contextualize each participant’s positionality in relation to access to schooling for undocumented students. Also, I discuss why they were chosen to partake in the study and how I came to know them.

As explained above, all participants were asked if their identity could be released given the public role they played in relation to access to schooling for undocumented students. However, although some decided to waive confidentiality, given the nature of the narratives discussed I decided, without their consultation to employ pseudonyms to identify them. While, this certainly could have been discussed with them individually, I felt that it was not worth the potential risk and I did not want to be responsible for any possible lash back they could receive. All participants received a message explaining my reasoning for this change. Also, pseudonyms were employed to mask the names of other people or locations that would identify them. However, throughout the dissertation and in this section, in particular, I attempt to provide as much context as possible to describe how they are situated in relation to the problem of study while at the same time maintaining confidentiality. The imposition of assigning a pseudonym
was primarily done to individuals who worked within the Board. The choice to attach their identities to their narratives was not changed for grassroots organizers because their employment or civic office is not tied to the Toronto District School Board and many are employed within spaces where political organizing is part of their paid labor.

The following profiles are presented in the order in which the participants were interviewed. When participants did not choose a pseudonym, either gender ambiguous or commonly-associated female names are employed. This was done not only to increase participants’ confidentiality but also as a counter-hegemonic move against male protagonism that is so often employed in research and activism. Given that two trustees were interviewed for this project, their pseudonyms are also attached to Toronto geography. Since the city of Toronto is divided into 22 regional wards, giving geographic information about the trustees’ wards can prohibit confidentiality, thus for the purposes of this project they are identified as Toronto West TDSB Trustee and Toronto East TDSB Trustee. Given that the city of Toronto is divided along a y-axis by Yonge Street, the trustees are simply categorized in relation to the position of their ward and this street, rather than more well-common descriptors including “downtown” or more specific subsections like Scarborough, North York, or Etobicoke.

Finally, it is important to note that there has been a significant gap in time between the time of the interviews and the writing of this dissertation. As such, while the profiles presented describe the organizations with which participants were affiliated at the time of the interviews, some individuals may no longer hold membership in these institutions or organizations.

**Drew**, an Education Rights Taskforce member was the first interviewee. She is a lawyer and a long-time member of the Education Rights Taskforce. Drew is very well known in the

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23 Please refer to Appendix F for a graphic of the TDSB’s wards across the city of Toronto.
schooling arena and I heard much about her prior to meeting her. However, since our time working on access to schooling for undocumented students did not overlap, while we recognized each other during the interview we did not share a working relationship. Drew was known as a having played a pivotal role in the early efforts to ensure access to schooling for undocumented children. She was very involved in the lobbying of politicians to develop section 49.1 of the Ontario Education Act. She also participated in the development and calls for implementation of the TDSB’s Don’t Ask Don’t Tell policy through deputations and media work at rallies and press conferences. Her involvement with working to increase access for undocumented children to Ontario schools stemmed from work with the U.N. she stated,

I had been working for the UN at the time. I had come back from Guatemala where I worked on the truth commission there and as a result of that we did some interviews of Guatemalans living in Toronto that might want to contribute to the truth commission report on the violence of the armed conflict in Guatemala. And that’s how I got to know…Parkdale community legal services and…[I was] invited me to the meeting and I attended sort of various meetings over the first 3-4 years…I took a much more active role after that.

Her active role led her to become an icon relating to this issue. Thus, she was often referenced in other interviews as a key player in bringing the issue of access to schooling for undocumented students to the fore.

Maggie is a senior Board administrator. She worked with one of the smaller Toronto boards pre-amalgamation and had been with the TDSB since its inception. As a staff member of the Board she played a pivotal role in the development of the Don’t Ask Don’t Tell policy. She was also a contact person regarding the policy. She described her job by saying,
my job…is to provide system leadership for ensuring that we remain responsive to the needs to a diverse community of students and parents. Responsive in terms of the programs and the services and the supports that we need to put in place to ensure that there’s equity and opportunity for students who have challenges in their lives, whether those challenges relate to their status as groups who are outside of the dominant mainstream groups. Again, whether that be on the basis of race, ethnicity, language, culture, gender, sexual orientation, socioeconomic circumstances, disability and so on and so the board mission is to, its stated mission is to enable all students to achieve high levels of success.

Maggie was also present in meetings hosted by the Don’t Ask, Don’t Tell Coalition to receive input from community members. Furthermore, she worked with members of No One Is Illegal – Toronto to develop an implementation plan, although one had already been passed alongside the DADT policy. It was during this time when I, as a member of the Education Not Deportation Committee, first met her. I worked with Maggie to develop procedures to implement the DADT policy for over two years prior to the development of this project. As such, when Maggie was interviewed, we were already well known to each other.

**Gloria** was a member of the Don’t Ask, Don’t Tell Coalition and No One Is Illegal - Toronto. She was involved in the attempts to stop the deportation of Kimberly and Gerald Lizano-Sossa. She has worked in a number of solidarity city campaigns including Education Not Deportation and Shelter, Sanctuary, Status. She has conducted numerous workshops with teachers and students regarding the Don’t Ask, Don’t Tell policy and anti-deportation campaigns. In relation to her work within the Don’t Ask, Don’t Tell Coalition and its work in the schooling sector she stated,
in 2004 we launched a Don’t Ask Don’t Tell campaign at the city level so it was launched with a deputation to city council asking that they implement a city-wide policy ensuring access to all services in the city but as the campaign grew and had various organizations endorsing it, we began to realize that we needed to tackle the boards that implement policies and it wasn’t enough to ask for this policy at a municipal level because the city doesn’t run all of the services.

The city-wide policy was finally passed in 2012, but as Gloria stated it is largely symbolic as it does not include many social services outside of libraries and parks. For that reason, as well as the publicity brought on by the detainment of Kimberly and Gerald Lizano-Sossa, the Don’t Ask, Don’t Tell Coalition shifted to focus on the schooling sector. Gloria was responsible for laying much of the groundwork in the DADT campaign and given my involvement with the Education Not Deportation Campaign we had spent significant time working together prior to the group interview.

Michael is a longtime member of a community advisory committee to the Toronto District School Board. This committee is made up of community volunteers interested in a single theme. According to the TDSB’s website, as of 2013 there are ten community advisory committees that are active, they include: Aboriginal Community Advisory Committee, Alternative Schools Advisory Committee, Equity Policy Advisory Committee, Inner City Advisory Committee, and Safe & Caring Schools Advisory Committee (Toronto District School Board, 2013b). It was within this advisory committee that I met Michael when I served as a speaker to a meeting of this group. Within this meeting I learned about Michael’s long history of working in the schooling sector and having been part of advisory committees in a school board
prior to amalgamation. However, other than a short conversation after the meeting, Michael and I had not had any contact prior to the group interview.

**Dena** is a Toronto West TDSB Trustee. She has served in the schooling sector in various capacities for over thirty years. She is a well-known trustee and has served in high profile positions within the Board. When asked about the role of a trustee within the Toronto District School Board she stated,

> My opinion of a role of a trustee is to be an advocate for the parents and the community generally and the students in the ward as well as I have other groups that I advocate for, so equity groups, culture groups, language groups, across the city and we have other organizations outside of my role as trustee. Some of them are Board mandated some are not.

Dena considered herself an activist and reminisced with melancholy what she perceived as the losses that came with the amalgamation of the old Toronto school boards into the current Toronto District School Board. She said,

> I’m more on the community organizer end of spectrum and do a lot of in-ward community stuff and see myself as a bit of an innovator. I learned a lot in the 70s, it was the golden age of education in Ontario, no question about it, and in the city of Toronto. It was stunning the stuff we did and then amalgamation came a long and basically wiped everything off.

Furthermore, when asked about when she first heard about the difficulty of undocumented migrants to enroll in Toronto schools she remarked “oh I think we’ve always known about them.” This knowledge stemmed from her time working at different positions within the Toronto
Over the years Dena and I have developed a collegial relationship and she has been my primary point person when I learn about students being excluded from schools. As such, during the time of the interview, Dena and I had already spent some time working to address the lack of implementation of the DADT policy.

Sal and The Pink Panther are the pseudonyms for two longtime members of the Ontario Secondary School Teacher’s Federation, District 12. Both are heavily involved in the daily operations of the local and the Pink Panther is also employed as a teacher within the TDSB. According to Sal, their local represents three bargaining units, the big one is secondary teachers bargaining unit it’s about 80 percent of the total membership which stands around 6,000. The other two bargaining units are the occasional teachers bargaining unit and then professional student services personnel and they are each about 10 percent of total membership… we use the phrase education workers because not all of us are teachers. In OTBU the Occasional teachers bargaining unit, STBU secondary teachers bargaining unit would be pretty exclusively teachers and then the professional student services personnel would hold a variety of job classes in professional support for students; psychologists, speech pathologists, and variety of other social services.

Sal and The Pink Panther became involved in the dialogue regarding access to undocumented students through the local’s human rights committee. Sal was a key liaison during the development and passing of the DADT policy. She has also been a key ally to No One Is Illegal, the Education Not Deportation Committee, and previously to the Education Rights Taskforce. The Pink Panther began working on increasing access to schooling for undocumented students

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Pre and post amalgamation
after the passing of the policy. She represented union interests regarding the lack of implementation of the policy. To this end she attended a number of meetings alongside members of No One Is Illegal and myself as well as representatives of the Board to push for full implementation.

Natalie is a principal at a TDSB school whose catchment includes a large new-immigrant population. This school, according to the principal is a,

truly comprehensive school in that we offer a range of programming both a very strong traditional academic programming, we have a very rich technical program, tech studies program, we offer arts programming, strong supports for students with special needs as well as supports for students new to the country, our English language learners. And so I would be most proud of that, not only are we diverse but I think our programming reflects that diversity and meets the learning needs of our students.

In addition to serving as a principal, Natalie has also served in other roles within the Board and has a reputation among teachers and students (who were met outside the parameters of this project) as caring and protective of students. Natalie was chosen as a potential participant as a result of the demographics of students in her school and I first met her during our interview.

Alex is a TDSB Teacher and has been employed by the Board for three years. When interviewed, she was at a school located in a community consisting of a large migrant and racialized population. Given this context, she explained that the school is often perceived as “bad” and “dangerous.” According to Alex,

socially our school is seen and this is strictly off other people’s words, as one of the worst schools. I have a few friends that are from around the area and they hear that I teach at
[this school] now and they [are] just like “wow that’s just crazy.” It’s considered a really bad school
While a relatively new teacher, Alex has been very active in working to support undocumented and racialized students. For the latter, she has taken up developing student groups that have led to greater sense of belonging for students of color as well as an avenue to challenge the Board regarding racist inequities. This level of support has made Alex a very popular teacher and students have felt safe reaching out when troubled. Examples of such actions include phone calls regarding concerns with law enforcement as well as disclosures about their immigration status. To the latter, Alex has offered to give rides to and from school to students fearing detention from immigration enforcement. Furthermore, she has been very active in informing other teachers about the Don’t Ask, Don’t Tell policy. She has also devoted significant energy to developing avenues to increase access to schooling beyond K-12. Alex and I met while she was a student at the University of Toronto and working towards her bachelor’s degree. We have remained in constant contact since that time and have worked on a number of initiatives throughout the city including projects towards access to postsecondary schooling for undocumented students.

I first met Quinn at an event that recognized high school students’ involvement in equity-related projects and volunteerism. I was fortunate to sit next to her at this function and we spent a significant portion of the evening talking about the DADT policy and its limited implementation. This conversation was interesting to Quinn given her role as a manager of a department within the TDSB where she had, prior to 2007, received significant information from community members about the need to develop a DADT policy. Quinn has worked in the schooling sector for over a decade and focused on resolving equity-related problems throughout her career. Her
knowledge of the obstacles placed on undocumented students to enroll in schools spanned over thirty years. In relation to temporal shifts in enrolment policies, she said,

I guess the issues were very different and probably not as formalized as they are now. So that’s what I’m saying, that’s what [a grassroots collective’s work] was all about and we were all sort of community advocates so we would go with the mother to a school and they were taking their child, I think there was a lot more advocacy and therefore much more informal then it is now.

Following this quote, Quinn was dismayed by the lack of knowledge regarding the long history of resistance to the exclusion of undocumented students in Toronto schools, particularly work by racialized communities. She was particularly struck by my ignorance regarding this topic given my work as researcher and my role within the Education Not Deportation Committee. While Quinn had a high degree of knowledge regarding the history of this movement, her current position within the Board had placed her away from such a specific struggle.

**Tanya** served as a Toronto East TDSB Trustee during the time of the interview. She has been involved in the Board at different junctions in time. When asked about the role and purpose of trustees at the Board she said,

a trustee is whatever anybody wants to make of it. It’s everything from a community organizer to somebody who just is a rubber stamp for administration and everything in between. Any combination.

She did not see herself as a “rubberstamper” and was a key person in the development of different keynote schooling initiatives. Tanya was chosen as a participant for this project because of the continuous presence of her name in documents and emails regarding the passing of the
DADT policy. Prior to the interview I had not met Tanya and she had not remained as involved in the implementation process as she had been in the passing of the policy.

The final group interview consisted of three organizers from No One Is Illegal. While their membership within the organization overlapped, these participants were significant actors at different stages of the move to increase access to schooling for undocumented migrants. These temporal dimensions are “pre-DADT”, “passing of DADT”, and “post-DADT.” Although their presence in the organization overlapped, No One Is Illegal is often working in a number of different campaigns. Thus, while a participant may have been a member of the organization, it does not mean that schooling was the primary sector that they working to expand. Due to a mistake in the consent form, it was impossible to discern whether they wanted their real names included in the narrative or preferred a pseudonym. As a result, all three were assigned a non-gender specific pseudonym, or one that is often associated with as female.

**Danielle** is an organizer with No One Is Illegal-Toronto and was a member of the Don’t Ask, Don’t Tell coalition. She was involved in the development of the DADT policy for the Toronto District School Board as well as the Police Services Board as well as attempts to make Toronto a sanctuary city for undocumented migrants (a motion passed in 2012). She was actively involved with these issues and often provided information regarding similar policies passed in the United States as points of departure and hope to develop similar initiatives in Toronto. She stated,

[The] first Don’t Ask Don’t Tell meeting I went to was in 2004 and it was pretty much maybe about five or six meetings into this coalition meeting. It was a different form all together, Don’t Ask Don’t Tell was an autonomous space from No One Is Illegal pretty much and No One Is Illegal was just a part of it… folks tended to be a mixture of legal,
students, service providers, academics, and some community members particularly affiliated with the church St. Stephens. From about 2004 to maybe around 2008 I was fairly involved with that stuff and then in about 2008 to 2010 I was more peripherally involved and since that time I feel like there hasn’t been a lot of work and maybe a little bit in 2010 or 2011 before Don’t Ask Don’t Tell became deprioritized in No One Is Illegal.

While largely absent after 2010, Danielle was present in many of the Solidarity City meetings and community events including meetings at City Hall.

**Saul** is also an organizer with No One Is Illegal – Toronto and was primarily involved in the latter parts of the Don’t Ask, Don’t Tell coalition, as well as the work to demand the implementation of the DADT policy through NOII’s Education Not Deportation campaign. She was also involved in the preliminary attempts to construct a DADT policy for postsecondary schooling. She worked on a video funded by the Ontario Secondary School Teacher’s Federation- District 12 titled “Education Not Deportation (END)”25 that displayed the lack of implementation of the DADT policy. In relation to the chronology of her involvement, she said, “My involvement started around the summer of 2006 and I think I continued to be active until around the summer of 2010 and then maybe a little bit sort of slowing down from then.”

**Lina** began organizing with No One Is Illegal – Toronto after the DADT policy had been passed. Like Saul she worked with the Education Not Deportation campaign and aided in the construction of the END video as well as the initial attempts to develop a DADT policy for postsecondary students. Her initial engagement stemmed from work with a local agency and her desire to involve them in more grassroots initiatives, she said, “I knew Saul from student

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25 [http://www.youtube.com/watch?v=NK0A0iT-8-c](http://www.youtube.com/watch?v=NK0A0iT-8-c)
movements and I knew he was engaged in Education Not Deportation so I think I asked…when they met and I went to my first meeting then to kind of raise this issue. From then I guess I’ve been engaged on and off for a couple years after that.”

While I have known all three for a significant period of time, I only spent time working on access to school projects with Saul and Lina. As a result of our established relationships the group interview operated in a more informal manner where we collectively shared our experiences in relation to the interview guide and often supplemented our recollections. This process helped to refine my own memory of events as well as provided a platform to discuss my experiential knowledge with individuals who were present at the same events. Clearly, this did not mean that the purpose of this endeavor was to come to a consensus of a single narrative. Instead, it provided an avenue to collectively push our thinking while at the same time being able to disagree on our understanding or interpretation.

**Limitations**

Every study would benefit from greater depth of data and a greater data sample. Given the discursive framework employed in this project, I believe there are two large methodological limitations in this project. First, there is an absence of undocumented migrants’ voices in the study. While the purpose of the project was to understand how various decision makers and stakeholder comprehend and mobilize the limits of membership as deployed in relation to access to schooling for undocumented students, it would have also been helpful to understand how hegemonic constructions affect migrants and the consequences experienced beyond the inability to attend school. Furthermore, such an inclusion would have also allowed us to understand ways that resistance and navigation around these systems occurs beyond the organized tactics of
groups like No One Is Illegal or the discretionary practices of individuals placed in positions of sufficient power.

The second large limitation is the lack of frontline staff interviewed for this project. Unlike the first limitation, the conceptual design for this project did call for the inclusion of frontline workers, however, after contacting the union representing these workers several times, no one accepted the invitation for an interview\(^\text{26}\). Unlike most of the other participants, I did not have pre-established relationships with any frontline worker. Their inclusion would have benefited this project greatly because, until 2009, they were responsible for the enrolment of all new students in schools. Thus, interviews could have yielded information regarding whether they received any informal training within the school, as well as how much discretionary power they could exert in their position.

\(^{26}\) It is worth noting that their local was also absent from all Don’t Ask, Don’t Tell mobilizations, unlike that of secondary school teachers and elementary school teachers (the other two largest organized labor bodies employed within the TDSB).
CHAPTER 5: ACTIVE COMMUNITIES AND PRACTICES OF RESITANCE: BRIEF HISTORY OF UNDOCUMENTED MIGRANTS AND ACCESS TO SCHOOLS

This chapter shows that questions regarding immigration status and access to schooling had been discussed for a significant period of time. It proposes that this issue was important decades before the passing of the Don’t Ask, Don’t Tell policy. Given this history, the question becomes: what processes served to invisibilize the presence and needs of undocumented migrants to a point where collective memory was not available and caused the issue to seem new and potentially insignificant? While this project cannot answer the question fully, it tracks a number of narratives that debunk the myth that presents access to schooling for undocumented migrants as a phenomenon exclusive to today’s society rather than an ongoing struggle between “illegalization” and community activism. I argue that such a discourse continues to reproduce itself as new barriers are constructed and old fears resurface, regardless of the Don’t Ask, Don’t Tell policy.

Undocumented migration to Canada, or Toronto, is not a new phenomenon (Wright, 2013). Yet I propose that the history of activism by and for undocumented migrants has been largely invisibilized in Toronto. One manifestation has been the ways individuals within schools and at the TDSB head office have consistently acted surprised by the presence of undocumented migrants and the demand to be part of the schooling process. In order to trouble this invisibilization I draw on participant interviews documenting significant amounts of institutional history that predated the development of the current school board as well as numerous policies. For example one participant spoke about the presence and enrolment difficulties of undocumented migrants as long ago as forty years from the time interviews took place.
Furthermore, other participants spoke about concerted efforts and strategies employed to include undocumented students in the schooling process in the 1980s, demonstrating a history of activism that has been present, albeit fragmented, throughout time. Across different periods of time, organizations working on this issue have employed different strategies ranging from including undocumented status as an equity issue in Board policies, employing or advocating for the employment of personal discretion to enroll a student, and finding informal mechanisms to enrolment. Furthermore, these strategies spanned across a number of different jurisdictions from the local school site, to the board level, all the way to the employment of international law to change provincial policy. Regardless of this history, during the time the Don’t Ask, Don’t Tell (DADT) policy was introduced to the Toronto District School Board many individuals within the Board, across the media, and within the Don’t Ask, Don’t Tell Coalition treated the topic as something new.

This chapter begins with a brief discussion of the ways undocumented students were enrolled in schools before the passing of the Don’t Ask, Don’t Tell. The periods of time covered include the late 1960s (Harriet Tubman Center), the 1980s (Boards of Education in Toronto pre-amalgamation), 2002-2003 (Development of Section 49.1 of the Ontario Education Act), and post-2006 (Don’t Ask, Don’t Tell policy at the TDSB). The subsection describes the ways individuals within and outside the boards in question constructed the DADT policy or employed their discretion in the enrolment of students. Following this discussion, I conclude the chapter with a brief description of the genesis of the Don’t Ask, Don’t Tell Campaign as described by organizers. In doing so, I outline a student deportation case consistently believed to be pivotal to the development of this campaign, that of Kimberly and Gerald Lizano-Sossa.
Prior to unfurling the outline explained above, it is important for me to note that the narrative regarding the history of school boards described within this chapter is quite fragmented and while very interesting, not the primary focus of this project. The purpose of including it in this dissertation is to display a history of discussions, strategies, resistance, and advocacy regarding access to schooling for undocumented migrants in Toronto. Thus, this chapter serves to dispel the myth that the TDSB was the first school board to discuss this issue and “welcome” undocumented students. In addition, the latter part of the chapter serves to describe the impetus of the demand for a Don’t Ask, Don’t Tell policy at the TDSB as well as the mechanisms employed to visibilize undocumented migrants while mobilizing the community.

**A Historical Record**

While the Don’t Ask Don’t Tell policy was passed in 2007, participants referenced conversations about access to schooling for undocumented students that had occurred throughout a significant period of time. The earliest moment a participant described an experience with undocumented students needing to access schools was the 1960’s. When asked “Can you tell us about when you first heard about migrant children facing barriers entering schools?” Quinn a manager of a department within the TDSB said,

probably about 1967, 68, again I can just say that because I come from community. I started my work in community and there was a large influx of kids coming from the Caribbean…so I’m very aware of kids coming up here… whether it was the kids from the Caribbean, you know coming up to maybe a mother or father they haven’t seen, new siblings, and perhaps haven’t gone to school. Basically we would work, and it was basically with the Toronto Board at that time, for them to understand some of the issues
that these kids have… there would be times that when mothers who themselves weren’t landed but had been working for a long time would be bringing their children up or a grandmother would finally say “I’m sending them” and you know, these children would come up and depending on the school [and] the situation, all of a sudden the mother realizes that they can’t register their child because they don’t have landed status themselves. So again it would be working with schools or the Black Education Project or the Tubman Center.

Quinn’s detailed description above demonstrates the long history for undocumented migrants attempting to enroll in Toronto schools as well as the efforts by community actors to facilitate the process. Her quote also depicts a history of negotiation between community actors and schools or school boards. What is unclear from this interview is whether immigration status was an important aspect of enrolment prior to the 1960s. Given the temporal parallel with an end to explicit race-based immigration exclusions, such information may provide a stronger discussion regarding the link between race and immigration status as collectively constructing barriers to schooling. Sadly, none of the participants’ recollections reached far enough.

Facilitating access can include proving undocumented migrants’ eligibility to social goods. In her discussion, Quinn also described some of the strategies employed at the time to ensure students were accepted into a school. She said, “you did whatever you needed to do if there was an issue with that child getting into school because you [might] happen to have a…principal wanting the letter before they would register a child so certainly I was aware of the issue.” The letter in question was different from that required today for undocumented students to be enrolled in the TDSB. Whereas a letter today is required by the TDSB to describe the

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27 For this reason an archival search of this history is included in the conclusion as a recommendation for future research.
landing date of the student in question, a letter at the time was meant to sidestep questioning a family about their immigration status. According to Quinn, the letter was not about the student, but instead the parent,

    it was mostly for the mother or for the parent, that she was working so sometimes a letter from an employer would do it… I think it was related to the fear that if this person was working for this length of time at a company then obviously her or his immigration status had been checked so it would be the letter going to the school. Once in a while that’s what they would ask for, “can you get a letter from the parent to say that they’re working?”

The demand for a letter detailing gainful employment follows a discursive construction of the “good” migrant who benefits the state and the construction of the “bad” migrant as potentially abusing the communal goodwill through illegitimate demands to social goods (Li, 2001, 2003a). The latter is also often depicted as a “burden” (Thobani, 2000) and ineligible to receive a social good. This construction was also co-constituted through discourses of gender and race. We can problematize the types of labor that constituted sufficient employment at the time. As an example, Quinn described problems arising when many of the women needing such letters worked in domestic labor. Domestic work is gendered and is part of a history of feminized labor interpreted as not constituting “real work” (Romero, 1999). At the time, a proportion of domestic workers coming to Canada originated from the Caribbean. In this way it is not surprising that domestic workers would experience additional difficulty in proving their standing as “good” migrants, particularly as their labor did not follow gendered expectations of societal contribution through labor. Furthermore, it may have been more difficult to obtain a letter of employment
given their immigration status, the possibility of being paid under the table, and the precarity of their labor.

Only one participant spoke about this period of time and she did not specify whether the procedures discussed above stemmed from policy. It is also unclear whether policy was ever established or how many times it changed until the development of the Don’t Ask, Don’t Tell policy in 2006. Regardless of the questions arising from this discussion, it is evident that nearly forty years prior to the introduction of the DADT policy, school boards in Toronto were engaged in dialogue regarding access to schooling for undocumented migrants and grassroots organizers were developing strategies to ensure their enrolment.

There is a large historical gap from the time frame discussed above to the nineties. However, it is important to recognize that prior to amalgamation in 1999, boards had consistently faced requests and/or demands from undocumented families to enroll in school. According to Tanya, a Toronto East TDSB trustee,

The old city of Toronto [Board] dealt with that. Actually, there were two or three downtown trustees…who took that on in the very early ‘70s. They were right out of the university and…were movers and shakers and they were in their early 20s and so they started working on that very early and Toronto had policies on how immigrants [accessed school] and it wasn’t called “Don’t Ask Don’t Tell” then but…it was much more bold. Which is better? To have a kid hiding out at home and learning nothing or being in school and the Board, it was slightly better times. We pretty much said we’d rather have them in schools and so we had not only a policy but an understanding that it would be better for them to be there than hiding out.
Similarly, Dena, the Toronto West TDSB trustee interviewed, when asked about the first time she heard about undocumented students needing access to schooling stated,

"oh I think we’ve always known about them….Most of the ones that we were originally involved with were, would be called Romani and they would sort of come and go so they’d just arrive and then they’d disappear but they knew they could come back… we always knew that Kensington and down at the bottom of Ossington, etc. etc. tended to be places where people would congregate and they usually used to travel a fair distance to come to us.

Both of the trustees cited above speak to a recognition of the presence of undocumented migrants in the city. Furthermore, they speak to concerted efforts to develop policies and procedures to enroll such students. It is important to note that both trustees were part of the pre-amalgamated Toronto District School Board that encompassed the city’s downtown area. This area was identified by many participants as a community where many recent migrants lived and where discussions about undocumented migrants and schooling had been ongoing for a number of years. While one trustee alludes to the presence of a policy, all other participants spoke to informal procedures put in place rather than a policy. Thus, it is unclear whether the old Toronto Board of Education had a policy regarding access to schooling for undocumented students. However, regardless of the presence of a policy, it is clear that individuals within at least the pre-amalgamated Toronto Board of Education and the North York School Board were aware of the presence of undocumented students and the need to enroll them in schools.

The Toronto Board of Education and the North York Board of Education employed various tactics to enroll undocumented students. Quinn, the manager of a TDSB department described a North York Board of Education that employed discretion in the enrolment of
undocumented students. According to the manager of a TDSB department, “it was in 1998 when I started with North York. Again, I would just remember getting calls and knowing that there were certain principals that were pretty good about not asking a lot of questions and letting students register for school.” At the same time as these strategies were employed at North York, Dena, a TDSB trustee who was part of the Toronto Board of Education, albeit at a different capacity, discussed discretionary power at the school-level,

we always knew that there were you know [undocumented students], but I would say because the Board was much smaller then and because it was more informal situation and particularly because when I was at the west end…they had their own way of dealing with the situation which was basically, we’re not going to have anybody not be part of school and actually it was probably much easier for people to feel that they were welcome because it was a smaller organization and I think it’s a little better and a little easier to get a personal aspect than I think maybe then it is now

These discretionary practices demonstrate that despite a lack of a policy for enrolling undocumented students there was a willingness to enroll students at a single school. In the case of the latter school, Dena alluded to the fact that this informal practice was not the norm across all Toronto Board of Education schools when she stated that students would come from different places in the city to enroll at the school where she worked.

While there appeared to be some mechanisms in place to enroll students in some of the schools before amalgamation, this discretionary power was removed post-amalgamation. As Dena, the Toronto West TDSB trustee stated,

certainly once the TDSB came in to place, probably within the first year that the TDSB [was created], so that was 1999, there was actually quite an active discussion amongst
administrators, [the] visa student department, and some of us, about the place of people without status and it was quite clear that some people did not believe that they should be in school. That they were visitors

That the issue of enrolling undocumented migrants in the newly formed TDSB was approached at such an early stage of the Board’s development shows that it was present in people’s minds. Furthermore, it is also important to examine the relevant actors discussing the issue. The fact that the visa student department was present and that undocumented students would ultimately be registered as “visitors” speaks to the belief that such students were considered revenue-generating subjects. Therefore, their exclusion from the schooling process as a result of their immigration status and possible inability to pay tuition fees were considered acceptable. Finally, it also stands to reason that proponents for access lost this argument since the Board did not have a clear policy towards accessibility for the next eight years and demanded proof of immigration status.28

Decision makers regarding access to schooling for undocumented migrants appear to have been divided along geographical and ideological lines. Those representing areas outside the downtown and North York, as well as individuals in charge of business generation within the Board appeared to reject the idea of enrolling undocumented students free of charge. As Toronto West TDSB trustee Dena stated,

They (a pair of bureaucrats) have very detrimental opinions about who should go to school and who shouldn’t… just the fact that if you didn’t have your papers and you couldn’t fill out the forms completely then you were a visitor…I think the opinions were much clearer [from] people from North York and Scarborough in particular. I think,

28 However the presence of a policy has not proven as useful as initially imagined
although not from everywhere in Scarborough because certainly once you get closer to the lake you have no choice and the same thing in Etobicoke. In the south of Etobicoke you really don’t have a choice, you’re confronted with it so you have to decide what to do.

The quote above delineates ideological understanding of access for undocumented students. Thus, individuals living Toronto’s suburbs, outside of specific migrant hubs in those areas, displayed, according to Dena, more exclusive ideas regarding schooling. This claim was further corroborated by Tanya, a Toronto East TDSB trustee who identified Scarborough as a zone that was unfriendly to undocumented students and remained heavily entrenched in xenophobic ideals.

As I stated above, the division among individuals from old boards aware of the presence and needs of undocumented migrants and those from boards outside the city and members of the TDSB’s business office demonstrated a geographic rift. In the context of a new amalgamated board, it appears that this divide affected the procedures to enrolling undocumented students as well as the development and deployment of an equity agenda for years to come.

The ability to practice discretion in the enrolment of students was also present post-amalgamation. In describing when she first learned about the needs of undocumented students as well as her response, Maggie, a TDSB Senior Board Administrator stated,

I began to learn about this issue before it became a public issue, a media public issue. It was still an issue with community groups because we dealt with the Education Rights Taskforce... I went to several meetings way back then and began to dialogue and began to service that issue and our response at that time was not at the policy level but more as a resolving individual situations that came up that were brought to my attention that in the absence of a policy I would resolve as a staff person on an individual basis and sign
admission papers for the students and so on because while it was clear it was a systemic issue it was really raised as an individual. But I began to see where in fact it was a systemic issue to resolve in terms of a policy. I don’t even think that back in 2001 it was actually raised at the ministry level. I don’t think we had 49.1, not sure when that came to be…because I remember that I had to more-or-less wing it without the strength of a policy in the board or at the ministry.

Maggie offers a historical narrative post-amalgamation that speaks to the lack of policy and procedures. In this context, she explains that as a senior member of the Board she had the discretionary power to sign a student’s enrolment application but this practice was limited to an individual basis. Thus, we can see that even post-amalgamation, key individuals within the Board were aware of the presence of undocumented migrants and their needs to enroll in school. Furthermore, we can see the actions of community organizations to address this policy gap in the development of community consultations that ultimately would result in Section 49.1 of the Ontario Education Act. While Maggie’s employment of discretionary power ultimately resulted in the enrolment of some or all students referred to her, it is important to think about those who did not have access or knowledge of this avenue. As I will discuss later, enrolling an undocumented student still necessitates knowing someone who may have the power to enroll them, knowledge of the policy, and the ability to cite it without fear of the consequences of divulging such information. Both of these options carry dangerous consequences and function counter to the historical demands of migrants and their allies.

As I have shown in this section, narratives from participants who have been part of the schooling bureaucracies in the city indicate a long history of discussions regarding access to schooling for undocumented migrants. While most of the early tactics speak to a legacy of
resistance practices, the strategy of finding friendly individuals willing to employ their discretionary power to enroll a student also displays the limited possibilities available when a prevalent discourse that criminalizes and dehumanizes undocumented migrants is present. There then appears to be a significant disconnect between this history and the prevalent belief by activists involved and bureaucrats at the time Don’t Ask, Don’t Tell was introduced at the TDSB that the issue was a new phenomenon. The lack of institutional history readily available to organizers as how the Board operated in relation to this topic signal to a consistent process of invisibilizing the presence and needs of undocumented migrants in the city. It also displays a practice that readily conceives the denial of schooling as an acceptable practice. In this way, we can see how an institution such as the TDSB can invisibilize the material effects of being undocumented (in relation to access to services and ability to pay international tuition) and dehumanize this population as either absent or ineligible to receive a social good, in order to classify them under a revenue-generating category.

**Failure of policies**

While the deployment of informal practices and procedures to enroll undocumented students has left much to be desired, the development of policy, across a number of jurisdictions, has also proven to be largely ineffective. Prior to Don’t Ask, Don’t Tell, there have been at least two instances in which policy has been constructed to ensure access to schooling for undocumented students. These examples include the lack of implementation of Section 49.1 of the Ontario Education Act and the TDSB’s equity policy. These are just two examples that display a division between policy and practice on the ground. In relation to the former policy, the Ministry has done little to ensure that school boards adhere to the demands of the Education Act beyond the sending of memos from time to time. For the latter, there is an equity policy that
considers immigration status but it has not transferred into practice for the inclusion of undocumented students.

An equity policy within a school board theoretically serves to prompt a consideration of equity when developing and implementing policies and procedures. Equity policies however are not as binding as other policies (like budgets) and can fall by the wayside when confronted with personal and institutional discretion. While the TDSB has an equity agenda in place, Quinn, Michael, and both trustees interviewed, Dena and Tanya considered it a weak version compared to that of some of the smaller boards pre-amalgamation. According to Quinn, manager of a TDSB department and past employee of a pre-amalgamation board,

I think it’s safe to say that certainly Toronto Board of Education and North York Board of Education, and I’m saying this in a positive manner, competed as far as equity and human rights. I would say that Toronto Board probably had a lot more staff doing curriculum and a number of different issues where North York did a lot more developing of documents

The amalgamation of six school boards did not result in the strengthening of these equity agendas or even their maintenance. Instead, people found that the equity-based curriculum and documents developed were not transferred to the new board. The same manager said,

I think what happened is that, you know when you have six boards and you have two where human rights, equity, were sort of a priority and again with all due respect to all other boards who certainly acknowledged it, but I think given the diversity of our two boards there was a need to acknowledge and work so that the kids that were sitting in the classroom were acknowledged and programs and curriculum were put in place in order for them to succeed whereas the other boards probably didn’t put as much [emphasis on
such work]. So when you have as much of a mixture, it’s not at the same level when you’re mixing boards that did a lot with those who didn’t and then tried to get everybody on board with the same focus on equity human rights. It’s taken a lot of work and I’m still not sure whether we’re there or not.

The meshing of six distinct boards with different politics, demographics, and priorities, resulted in bureaucratic procedure that Quinn, Dena, and Tanya felt marginalized equity and human rights. Participants who were involved in the schooling sector prior to amalgamation agreed with Quinn, identifying the Toronto and North York Boards of Education as the two boards that were most proactive and progressive in their attempt to engage in equity practices, including the provision of access for undocumented students. At the time of amalgamation, the devaluing of concepts like human rights and equity carried wide repercussions for individuals engaged in this work as rather than addressing new phenomena, they were left to pick up pieces of old policies to develop an initial baseline policy.

In relation to undocumented students, Michael, a member of an advisory committee to the TDSB described the ways that members of an old board had discussed the construction of an equity policy that recognized immigration status as a mode of oppression,

the whole conversation around access for non-status had been an ongoing issue around the equity policy advisory table and its predecessors…[Before] amalgamation back in 1999…some of us helped craft the equity foundation statement which is the benchmark theoretically of the defined equity in education policy at the Board and within that issues of immigration status were identified as a shared concern of a basis of exclusion. In terms of the different dimensions of most of what is there, [it] is corresponding to the legislative
grounds within the Ontario human rights code but it didn’t end there…we wanted to make sure that equity informed the work and the process of the Board.

The goal in developing an equity statement was to go beyond that which the Ontario Human Rights code covered and conceptualize as equity. However, what remains to be seen is how effective this policy has been. In terms of access to schooling for undocumented migrants, the Equity Policy Advisory Committee introduced Don’t Ask, Don’t Tell to the TDSB. However, the committee has no power beyond access to a few trustees and staff members. Overall, it may be naïve to believe that an equity statement will be revisited every time a policy is introduced and passed at the Board. However, it is important to recognize that this equity statement is often employed to garner the Board positive media coverage while, at least in the context of undocumented migrants, it appears to fall short of ensuring equitable access to schools.

In addition to an equity statement, the Board created a position for an Executive Officer of Student and Community Equity in 2005. This position under the TDSB’s bureaucratic map had a direct link to the Director of Education who serves as the officer’s immediate supervisor. According to Maggie, the senior Board administrator interviewed, prior to 2005 the head of the department of Student and Community Equity was always at a lower level of staffing and so for the first time in September 05, the Board agreed to establish an executive position for executive officer for equity, student and community equity and to ensure that [at] the highest levels of the board administration…there was an individual responsible for leadership in that area and so it was a reflection not only of the traditional commitment to equity but also to ensure that it occupied a place of priority in the TDSB.

29 The Executive Officer for Student and Community Equity position at the TDSB appears to have been discontinued and replaced with a Superintendent of Equity and Inclusive Schools.
To Maggie, while the Board charges all individuals within it with responsibility to ensure equity, the office is meant to act in as a leader in being,

   Responsive in terms of the programs and the services and the supports [needed]…to ensure that there’s equity and opportunity for students who have challenges in their lives, whether those challenges relate to their status as groups who are outside of the dominant mainstream groups. Again, whether that be on the basis of race, ethnicity, language, culture, gender, sexual orientation, socioeconomic circumstances, disability and so on… the Board mission is to… enable all students to achieve high levels of success. Since that’s our mission and we already know that not all students achieve high levels of success then it becomes our business, our obligation as a public school board to ensure we provide the services and the supports necessary to, on one end, remove any barriers that exist, and on the other end, to make sure that students who have challenges in their lives are supported in meeting those challenges the best way they can…that’s in essence what our equity policy is, [it] directed to ensure the level of playing field so to speak for students who operate on uneven surface

While the narrative above recognizes the ways that modes of oppression can affect schooling outcomes, it is disappointing to see that immigration status continues to be invisibilized. This may speak to a small overburdened department charged with educating and implementing numerous equity policies, often in conjunction with other departments. It is impossible to know how priorities were delineated within the department. However, as I discuss in the next chapter the fact that eight years later implementation has yet to occur speaks to a deprioritization of this issue.
Although there was a policy directive and a Board office that recognized immigration status as a barrier to accessing school, these directives did not stop the Board from shutting undocumented students out of school and demanding fees (the TDSB equity statement included immigration status as a mode of oppression and was meant to act as a benchmark under which all policies and procedures were addressed and the department of Student and Community Equity is charged with leading the Board in equity issues). For example, Dena, a TDSB trustee stated,

There’s some feelings I think, that some people don’t really have the right to it [schooling]. I would say that it was not a huge number [of trustees] that were against. We knew we were going to be able to get it past but did I think that it was going to be unanimous? No. it takes a bit of work to get them to agree and I wonder what would happen if you talked to some trustees even today about whether they think that the policy was, not necessary, but whether it was appropriate… You know, “They’re not contributing to the system, they’re a drain to the system, they’re not at this point heading towards being citizens.” …Somebody with immigration status has that, people see that as being moving towards being responsible citizens. I think the question for some people are whether or not people without status, are they just here because it was easy, did they just do that because it was easy.

In this way, we can see that regardless of the presence of an equity statement that recognized immigration status as an equity concern, dominant discourse constructed undocumented communities as ineligible for a social good.

In addition to the internal policies of the TDSB, there are also provincial policies to which the TDSB is bound that have historically been ignored. At the same time, policies believed to come from above the board level have been used to exclude undocumented migrants.
Prior to the development of Section 49.1 of the Ontario Education Act, schools in Toronto were demanding study permits, according to Drew, a longtime member of the Education Rights Taskforce,

provincial boards were saying to kids “you have to get a federal permit, study permit in order to get into our schools.” And of course the federal study permits wouldn’t be available. I mean the act has been changed since that, but that was always …what education boards insisted on, the study permit. And given that that would not be available for kids whose parents had no immigration status…[that] really was an effective bar to that. And, I recall specifically then the immigration minister, Eleanor Kaplan, came out and said, “you know study permits were never intended to be a bar to students from attending school.”

Referring of federal and provincial policy to bar undocumented students from schools has been a consistent phenomenon. Furthermore, undocumented migrants were unable to receive a federal study permit because such an application would presumably go to Citizenship and Immigration Canada and place a family in a dangerous situation. Other impossible demands have also played a role in barring access for undocumented students to schools. For instance, Drew stated,

at the time, sort of early on, a lot of work and maybe it’s still the case but I think much less so is that schools would insist on certain documents like they would insist on proof that you were paying to the Catholic or public boards or they would insist on proof of application to the immigration department. Or proof that you had a social insurance number.

Similar to the demand for a study permit, the demands to provide proof of an application to the immigration department or providing the school board with a social insurance number are both
difficult and dangerous for undocumented migrants. Furthermore, given the high costs of paying international tuition within the school boards, it may also have been difficult for undocumented parents to afford that.

What is clear through these examples is that school boards have at least since the late 1960s developed mechanisms to keep undocumented migrants out of the school boards. The reconstruction of border zones effectively determined that undocumented students are outside the parameters of membership as designated by the hegemonic perspective that all legitimate recipients of schooling must have one of the documents outlined above. Overall, what can be seen is a consistent effort to exclude undocumented migrants from the school site, often by employing demands that in dominant discourse delineate membership status and may be believed to be readily available to all individuals who deserve to receive a social good.

In addition to the structural level barriers imposed on undocumented migrants, individuals within the Board also deployed hegemonic discourse to keep undocumented migrants out of schools, as Drew stated,

when kids went in to sort of meet the secretaries, or administrators or so on, once there was a letter from a lawyer or some other community member group, that always changed things. And I remember specifically going in with one particular child, a couple of us went in to the school and you know the answer they gave at the front is often the easy one, “you know you just have to go to the education department” or in that particular case they gave the parents a number to phone, “and so all you have to do is phone this number” and it was the number of the immigration department. So that sort of, you know the types of things kids were up against, either because people were, you know
administrators can be lazy or because they just want, they don’t want to deal with the issue or they don’t understand.

It is clear that in many instances, beyond the limits placed by the school boards to keep undocumented students out of school, school actors were also party to their exclusion. Whether their actions are the result of apathy, ignorance, or xenophobia, the material consequences were the reification of the school site as an unachievable goal for an undocumented student. The role of the office administrator as a gatekeeper can then display the ways that single individuals can reinforce and deploy “illegalizing” procedures. Thus we can see how beyond the structural ideologies of protecting the school site from students constructed as “illegitimate” recipients or non-members, individuals are also a part of this complex phenomenon of bordering sites away from the border and determining the basis of membership and as such the basis of access to a social good.

Given the continuous deployment of strategies to maintain the school site as a border zone, in the eyes of the Education Rights Taskforce, what was needed was a change in the overarching legislation. Such a change would presumably require all boards within the province to include undocumented migrants in the schooling process. However, the process to change provincial policy was not simple. According to Drew,

we lobbied the provincial ministry first for, you know for quite a long time, you know we lobbied them to number one deal with this issue the fact that schools were still denying access to kids who had no status when the act was clear that they could not do that…And the second issue being the visitor status issue. Then when Gerard Kennedy…when he became the minister, we continued to push because I recall specifically him standing with us outside of the legislature and saying, “this would take ten seconds to change.” And of
course when he got a job, it took a bit longer…but he ultimately came through…we got changes that we were happy with…[including] the memorandum sent to school boards making it clear to them that they had to allow kids. They couldn’t deny kids whose parents had no immigration status. And what was specifically useful in that document, [was that] it said specifically you cannot be insisting on social insurance numbers or proof of payment of property tax or applications for immigration status [to enroll children]. You couldn’t insist on any of those documents as a prerequisite to putting in play this section which said you, section 49.1 which said you cannot deny access to kids.

The change in the Ontario Education Act was seen as victory on the part of migrant rights workers. ERT members had effectively challenged the legality of keeping undocumented students out of schools and won. However, while the development of Section 49.1 was seen as a demolishing of a barrier, in practice it did little to erode it. Regardless of the change to the Act, school board practices did not change and undocumented students were still systematically kept out of the schooling process. Furthermore, the Ministry of Education, while charged with ensuring the deployment of the Education Act, has to this date done little more than issue memorandums to school boards about the existence of Section 49.1 and the rights of undocumented migrants. In this way, I argue that given the lack of political will and the possibility of boards to maintain xenophobic practices, borders can be reconstituted through a lack of action. This remains the case even when bordering practices are challenged effectively according to the law. In this instance, responsibility lies on the shoulders of the Ministry for not implementing the Act as well as on the school boards for willfully ignoring it. This practice also shows how undocumented migrants face rampant invisibilization because even in the process of changing the largest overlying framework in the schooling field, their presence, rights, needs,
and activism can be addressed through law but ignored through a lack of implementation. Thus, while the challenging of hegemonic structures is a possibility, it is important to recognize the ways that border-zones and bordering practices can be reconfigured and reconstituted to maintain a hegemonic understanding of membership and eligibility to receive a social good.

The testimonies presented above display a history of discussions regarding access to schooling for undocumented students. Participants described the TDSB as not having the same commitment to equity as some of the pre-amalgamated boards. The lack or limited amount of equity language and practice in the policies and procedures within the TDSB had material consequences on the peoples they claim to serve. In the context of undocumented migrants, as mentioned above, it meant resorting to informal mechanisms in order to enroll students and necessitated the availability of networks that included gatekeepers willing to do this work. Thus, the loss of policies in the process of amalgamation also increased the precarity of access for undocumented students given the likelihood of exclusion from schools or the demand for funds in order to enroll. As a result, the loss of equity language and policies affected the “illegalization” and forced invisibilization of undocumented migrants. Overall, a lack of ministerial oversight to the implementation of the Education Act and the ability of boards to ignore the law, resulted in affirming bordering process that effectively invisibilized and “illegalized” undocumented migrants.

While the efforts outlined above worked to ensure access to schooling for individual undocumented students who had access to these social actors, overall, the efforts did little to change the structural deployment of the school as a border zone. The next phase of activist push to ensure access to schooling in Toronto would not come until 2006.
**Development of a Campaign**

The Don’t Ask, Don’t Tell Coalition was not initially involved in a campaign to ensure access to schooling. Prior to its work in schooling, the campaign had worked to develop a DADT policy at the Toronto Police Services Board\(^{30}\) and another for services delivered by the city of Toronto\(^{31}\) (neither schooling nor policing fall solely within municipal jurisdiction). At the time, the counternarrative (Don’t Ask, Don’t Tell) had received moderate support within community agencies but a high degree of reluctance by the targeted institutions.

One incident was believed by most participants to be the primary catalyst to the Don’t Ask, Don’t Tell Coalition. The case of Kimberly and Gerald Lizano-Sossa was not the first time that students faced deportation in the city of Toronto, but according to participants, it was the first time people had heard of immigration enforcement entering the school site to apprehend students. This case served as a platform for members of the coalition to construct and deliver a counternarrative to the hegemonic ways undocumented migrants were discussed in dominant discourse. This new discursive formation visibilized undocumented migrants’ presence, contributions, and needs in a way that did not criminalize or dehumanize.

The detainment of the Lizano-Sossas was an unexpected occurrence. As Gloria, a member of No One is Illegal and the DADT Coalition recounted,

I was working with no one is illegal in 2006 when Kimberly and Gerald Lizano-Sossa, two students, originally from Costa Rica were arrested in their high school, it was Dante Alighieri Academy, and we were contacted by a student who wasn’t even a friend of

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\(^{30}\) This work would continue for several years and end in disappointing fashion with the development of a weak “Don’t Ask” except for “bonafide” reasons policy and a the maintenance of ties with immigration enforcement if an officer learns of a person’s undocumented status (Hanes, 2008).

\(^{31}\) This policy made Toronto the first “sanctuary” city in Canada, was finally passed in February 21, 2013(Keung, 2013) and will be revisited before year’s end to develop an implementation plan
theirs had just hear that this had happened and he asked that we come to their school to meet with teachers and students to talk about it. The next day was a PD day or some sort of holiday so they weren’t supposed to be in classes and we went to the school, we met with the principal, with the teachers, with the students who were in complete shock, they told us that Kimberly had been arrested in her classroom, her art class. Gerald had been arrested in the lunch room and they were taken through their school in front of their fellow classmates some of the students were told “you’re not going to be seeing them again” and outside of the school there was a van waiting for them. Immigration enforcement had already rounded up their grandparents, their mother and their 2 and a half year old Canadian born baby-sister. Kimberly and Gerald were put in the van as well and taken to the Rexdale immigration holding center in Rexdale Blvd. during the meeting at the school, students and teachers, the chaplain, wanted to mobilize and have a rally outside of the detention center. And we were shocked that arresting students in school was being used as a tactic. This wasn’t something we had seen in the past so we supported the students, their role in organizing the rally was very much to mobilize their school so they got on the phone they called their friends they made sure teachers came out to it they made signs and banners we mobilized trade unions teacher unions, other community groups, got the word out within left organizations and community organization in the city and at the demonstration every news outlet in the city was covering it from radio to print to tv and a lot of attention was brought to the case. The detention of Kimberly and Gerald brought a large amount of media exposure as it betrayed a number of liberal ideals including ideals about the innocence of children and the safety of the school site. No One Is Illegal –Toronto had previously partnered with other community
organizations to develop a Don’t Ask, Don’t Tell policy within the City of Toronto and the Toronto Police Services Board. However, given the public outcry to the arrest of students on school property, the organization saw an opportunity to engage a larger number of organizations as well as increased access to the media that would facilitate delivering their messaging. According Gloria, “we had spoken, No One Is Illegal, members who went to the school, spoke about our previous work, doing public campaigning around cases and we thought this was something we could draw a lot of attention to.” Case work in this instance included attempting to stay the deportation order for the Lizano-Sossa family through large rallies outside the detention center and during the May Day demonstration. It also included the development of the Don’t Ask, Don’t Tell policy that would increase access to schooling for undocumented migrants while also pressuring school Board representatives to distance themselves from immigration enforcement and bar them from entering schools. The need for the latter part of this policy was highlighted when another student was arrested by immigration officials in school, according to Gloria,

at the first rally we were contacted by I believe it was OCASI\textsuperscript{32} and they had informed us that they got a phone call reporting that two more students had been picked up, two sisters, in another school and both the schools were catholic, part of the Catholic School Board. So we publicized that that had happened though we didn’t have contacted with that family.

Given the working relationship between the DADT Coalition and the Lizano-Sossa family as well as the lack of contact with the second family detained in a school, Kimberly and Gerald became the poster children for the campaign. It must be said that there was a high degree of

\textsuperscript{32} Ontario Council of Agencies Serving Immigrants
strategy employed in the decisions made by the organization. No One Is Illegal, and during this time the DADT Coalition, became involved in casework that was believed to have real possibilities to change larger structures. Thus their involvement with the Lizano-Sossas was believed to extend beyond the rights of children. Solidarity work with this family was also believed to contain the possibility of achieving a number of desired effects including stopping a radical new way of apprehending undocumented migrants and making schools safe from immigration enforcement. The latter would apply to not just for children but also for adults who may be attempting to enroll their children, waiting to pick them up, or enrolled in school themselves. Also, having many media outlets available for this case and the subsequent battle within the Toronto District School Board provided a platform to deliver a larger counternarrative not bound by the limits of the school site or a person’s age, namely that no one is illegal.

In the case of the Lizano-Sossas, the organizing efforts of the coalition yielded some results. According to Gloria,

At the second rally Kimberly and Gerald were released from detention but the mother and the rest of the family were still inside, and the father was at large. Kimberly, who was 15 when she was released said to the media and all the cameras that were pointed at her that she was kind of horrified to see that there was a detention center [and] that it was full of other people, families, kids, that what happened to her and her brother wasn’t fair and it shouldn’t happen to other people, and Kimberly, Gerald, the mom, the whole family they really wanted to take this issue to the school board. And at that point we made a strategic decision even though the arrests happened at a catholic school we decided that it would

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33 The Lizano-Sossas were also used as bait to detain their father
make more sense to go to the Toronto District School Board because it is the largest in the country.

While the Lizano-Sossa children were released from the detention center, the adults in the family as well as their baby sibling remained in custody. In addition to the release of the Lizano-Sossa children, the campaign also resulted in structural change. As recounted by Gloria,

shortly after those rallies, the Canada border services agency issued a statement saying that they would not enter schools to do immigration enforcement and we believe that is because they were shamed in a very public way and so many organizations spoke out against it.\(^34\)

While this may have appeased some individuals who saw children as innocent and adults as responsible for their undocumented status and thus legitimate recipients to the violence of detention and deportation, the DADT Coalition employed this small victory to further mobilize the community. The fact that Kimberly’s first words out of detention were to express the deplorable and inhuman conditions of immigration detention served to further galvanize the Coalition and mobilize a humanizing counternarrative. Sadly, the plea to stay the family’s deportation was denied and on Canada Day in 2006 they were deported to Costa Rica.

The case of the Lizano-Sossas does not only serve to display the development of an activist campaign, it also highlights the ways in which schooling institutions have served as bordering spaces that attempt to reject the undocumented through exclusionary policies as well as facilitate their removal. Thus, while the school site (in this instance in Toronto) was positioned far from the physical border, making students available to immigration enforcement highlights the constant precarity (in relation to not only access, but also a continued presence) of

\(^34\) This policy shift is also displayed in appendix A as a communication between the TDSB chair and a representative of the CBSA although not surprisingly, it provides a different story to that recounted by participants.
undocumented students and the ways that borders as site of exclusion and expulsion can be reconstituted throughout the nation. The case also displays the discursivity of the border and the limits of liberal discourse. While numerous community members worked tirelessly to stop the deportation of these students by proclaiming their “innocence” as children and exalting their qualities as model students, these attempts proved insufficient to sway the relevant politicians and the family was removed from the nation.

The Don’t Ask, Don’t Tell policy was finally passed with an implementation plan in 2007. While the policy was received as a great victory by organizers, it is important to recognize that the people who spurred this campaign were effectively disappeared from their communities. Furthermore, as I will discuss in the next chapter, the passing of a policy was only the beginning of an arduous process to ensure entry to the TDSB. Furthermore bordering practices, while at first believed demolished by the passing of the policy were reconstructed by a lack of implementation and the development of new mechanisms that would invisibilize undocumented migrants and reconstruct the school site as a border-zone.

**Conclusion**

In this chapter I have argued that a lack of institutional history of resistance serves to invisibilize undocumented migrants. A legacy of activism that dates back to the 1960s displays that undocumented migrants and their allies have not been passive in their demands for access to schooling. The invisibilization of this history then serves to make the current iteration of active resistance (through the passing of the DADT policy) as a new phenomenon. It also invisibilizes the degree to which racialized undocumented migrants have perceived schooling to be vital to their children. In this way, the fight for recognition has been present in Toronto for over fifty
years. As Rudy Acuña (1998, 2000) reminds us, erasure from history serves not only to portray the dominant as active it also serves to erase collective memories of the presence and struggles of the oppressed.

In addition to the Board failing to recognize that the struggle for undocumented migrants to access schooling has been ongoing, there is also a failure in the ways policies are drafted and implemented. Through interventions at different school boards as well as the Ministry, the limited modes of implementation have done little to alleviate the problems on the ground. That 50 years of activism have been devoted to this work displays that the structures in charge have found a myriad of ways to sidestep the efforts of the community. It also highlights the devaluing of undocumented migrants as members of the communities that these structures are meant to serve.

Finally, in this chapter I have detailed the ways that the most current period of activism regarding access to schooling for undocumented migrants has been deployed. The development of a campaign that is not based on criminalizing or dehumanizing discourse and centers the material consequences on the most affected has shown promise in developing a productive counternarrative. However, as I will discuss in the next chapter, the bureaucracies involved in the schooling sector have proved apt at dismissing progressive policy and instituting procedures that derail such interventions and reproduce hegemony.
CHAPTER 6: BUREAUCRACY MONSTER: INTERNAL LOGIC, IMPLEMENTATION, AND THE (RE)DEVELOPMENT OF SCHOOLING AS A BORDER-ZONE

The Toronto District School Board is a massive bureaucracy charged with directing over 500 schools. To add to its complexity, The TDSB falls under the purview of another large bureaucracy, the Ministry of Education. Bureaucracies are important sites of analysis because of the intimate role they play in our everyday lives despite the impersonal and often sluggish nature of the bureaucratic method. Furthermore, the sheer levels of unquestioned power left to the disposal of these bureaucracies makes them significant as sites of study.

Max Weber is credited as a foundational theorist on the study of bureaucracy. He is known for discussing the divergent possibilities of bureaucracies as ideal-types or “iron cages.” To Eisenstadt (1958), Max Weber considered

The bureaucracy to be the epitome of rationality and efficiency, the most rational means of implementing a given goal. From his standpoint it follows that the bureaucracy is directed by those who can set the goals…On the other hand, however, he frequently alludes to and analyzes the bureaucracy as a powerful, independent body which advances and conquers new areas of life in modern society, monopolizes power, and tends to rule over and regulate the life of the individual.

While bureaucracies can be seen as sites of “rationality and efficiency,” a number of scholars have argued that today’s versions most closely resemble monopolizers of power (Farazmand, 2010; Herzfeld, 1992; Heyman, 1995).

Under the guise of rationality and through the deployment of bureaucratic procedures, the bureaucracy is constructed as the most efficient and effective option. That is, the bureaucracy
often explains itself and its procedures, allowing for possible modifications, as the best and most efficient solution. However, this is not generally how they are perceived regardless of the pretense of efficiency of any particular bureaucracy. As Hoag (2011) states,

For many people, *bureaucracy* signifies slowness and delays, unnecessary paperwork, complicated protocols, and other measures or conditions that generally constrain the individual. These organizations’ rules and hierarchies are often clearly spelled out, and yet bureaucracies are always at some level opaque, inscrutable, and illogical to both ‘insider’ and ‘outsider’ alike (p. 82, emphasis in original).

Furthermore, as Heyman (1995) states, “bureaucratic work is internally conflictive but appears, in the single-stranded relationship to the exterior, to be definitive and rational” (p. 264).

Regardless of this perception, it is undeniable that bureaucracies are vested with high degrees of power. As such, it is important that we develop the tools to examine not only how bureaucracies like the TDSB function, but also how power emanates from the bureaucratic space, and the effects on marginalized communities.

To examine an institution’s values and priorities as well how they pass and implement policies, we must remember that bureaucratic procedure masquerades as coherent but is more often messy, redundant, and invested in its own survival (Herzfeld, 1992). In particular, bureaucracies and bureaucrats must be conscious of the possibility of their redundancy and develop methods to appear both indispensable and faultless concerning any potential errors. Considering this, we can see the creation of bureaucratic mazes of accountability as a response to the structure and function of the institution.

Bureaucracies are often constructed as sentient and in need of the protective custody of bureaucrats (Ahmed, 2009). In the context of public institutions, the perceived threat is she/he
whom is not readily eligible under bureaucratic logic. This is often the “other” who through their social location, for example the intersection of their class, race, gender, and/or immigration status, embodies the possible abuser capable of exploiting or endangering the institution. To this end, Herzfeld (1992) conceptualizes belonging and access to bureaucracy as contingent on the metaphor of blood or kinship. That is, those who are believed part of this constructed family and a lesser threat to the institution’s wellbeing can reap the benefits of a social good.

Many bureaucracies are tasked with responding to the members they purport to serve. Who constitutes this group is often defined within mission statements and parameters regarding catchment populations. It is also influenced by nationalist ideas regarding membership and eligibility. As Herzfeld (1992) writes, “Nationalist ideologies usually lay claim to some kind of constructed ‘national character.’ Their bureaucracies have the task of calibrating personal and local identity to this construct” (p. 3). As such, bureaucracies can be seen as functioning to the benefit of the nation through advancing its will. They are microcosms of the nation and often engage in the same power relations as nation-states. Therefore, like nation-states, only those who fit the boundaries of belonging can lay claim to their services and benefits.

There is power embedded in bureaucracies and the ways they function. To Heyman (1995) “concrete organizations employ techniques of power for specific ends in contexts wider than the bureaucracy itself” (p. 262). Similarly, and specifically in relation to undocumented migrants, Shannon Gleeson and Roberto Gonzales (2012) articulate that “while immigration policies are pivotal to shaping immigrant outcomes, it is institutions that mediate these policies in their implementation. The ways in which they do so has much to do with specific organizational cultures and broader societal ideologies” (p. 3-4). As such, bureaucratic

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35 Herzfeld (1992) also employs Anderson’s (1991) language of “imagined community.”
hierarchies, procedures, policies, and the interpretation of these aspects operate under the auspices of larger discursive formations regarding institutions and subjects. Thus, Heyman (1995) reminds us that studying power within bureaucracies is not enough, we must also consider “the play of power above the bureaucracies that we study” (p. 264). This power is exhibited through the functions of a bureaucracy. To Farazmand (2010),

the role of bureaucracy in society…is manifest through policy implementation, role clarification (defining citizen-government relations), class rule (those who control and those being controlled), regulatory function, development (economic, social, etc.), destruction (military and wars), and political system maintenance or enhancement. (p. 248-249).

We must then consider the ways bureaucracies themselves are ordered along hierarchical lines and work in conjunction with other bureaucracies. Furthermore, since they do not operate in a vacuum, we must also examine how hegemony operates within various bureaucracies.

An important location to examine power in bureaucracies is through policy construction and implementation. Hasenfeld and Brock (1991) citing the work of Elmore (1987) and Sabatier (1987) specify that

a theory of implementation needs to focus on the interaction between policy-making, policy instruments, and the organizational systems that respond to them. Such a theory acknowledges that the actions of organizational systems in implementation are bounded and constrained by policy instruments but also reflect organizational interests (p. 463)

Change within bureaucracies can be a difficult, time-consuming, and often painful phenomenon. As Mountz (2010) states, “[b]ureaucracies are inherently large, slow, complex administrative networks that compartmentalize the division of labor in such a way as to sometimes complicate
the sharing of knowledge and the taking of action” (p. vii). Changing policies, or constructing new ones, represents just the first obstacle when dealing with bureaucracies; implementation is also a challenging endeavor. To Farazmand (2010) “bureaucratic politics also means internal organizational politics of bureaucracy by those in key positions favoring particular policies, programs, or ideas.” (p. 210). This process, also called the “politics of implementation” affects how, when, and if policies are put into action. As such, individuals with the power to determine the speed at which policies are put into place can employ “bureaucratic rules to slow down or expedite certain ideals and programs through policy ‘implementation’” (p. 248). Given the gargantuan size of the Toronto District School Board, the disconnect between policy and practice can at times appear insurmountable. Despite the size, however, it is clear that some initiatives are immediately implemented while others are constructed as a “work in progress.” Recognizing and identifying which initiatives receive immediate attention and which lack implementation speaks to the priorities of the board and the ways power operates within it. Furthermore, as mentioned previously, the Board is also intertwined with other bureaucracies. The entanglement of jurisdictions and overlapping procedures can affect the deployment of policy, particularly when implementation must be negotiated across a number of different institutions. Thus, analyzing bureaucratic procedures can tell us not only about the values of individual institutions but also their prioritization within larger structures (in this instance, the provincial Ministry of Education).

This chapter argues that given the dynamics of bureaucracies outlined above and the specificities of the TDSB discussed below, the Board functions as a border for undocumented migrants. This border is experienced through the procedures that define privileges and penalties of membership and non-membership. Specifically, these systemic processes are present in the
imagination of “legitimate” recipients of schooling, procedures that limit participation in the decision-making process, and practices that can cause fear of deportation.

My discussion in the following section begins with an examination of the ways jurisdiction affects the schooling of students in the province. Schooling in Toronto is made up of several bureaucracies that often overlap. Thus, I delve first into the connection between the TDSB and the Ontario Ministry of Education in relation to schooling for undocumented students. In the second section, I examine the implementation plan that was passed alongside the Don’t Ask, Don’t Tell policy. Here, I problematize the ways the Board has undertaken implementation and the limitations of their approach. In the final section, I address the ways the school site, even with the passing of DADT, functions as a dangerous border zone for undocumented migrants. Given the limitations of the policy and the continued demands for immigration documentation, I argue that the school site is still not a safe space for undocumented families. I address two exclusionary practices that prevent the enrolment of undocumented students. First, through the development of an operational procedure, undocumented migrants can no longer enroll in TDSB schools (they must go to the head office). Second, undocumented migrants are required to prove that they are indeed undocumented. I argue that these hurdles were created as institutional safeguards from criminalized and “illegalized migrants and as a result of provincial demands to disburse funds.

**Overlapping Bureaucracies**

Jurisdictional issues and the overlap of power across bureaucracies and offices is a feature of bureaucratic logic. As Heyman (1995) writes,
Max Weber shaped the study of bureaucracies by positing a series of characteristics of an ideal rational bureaucracy—a firmly ordered hierarchy of offices, delimited jurisdictions for those offices, exclusion of irrelevant tasks and interests, and so forth (p. 262). However as articulated earlier, ideal-type bureaucracies are not the norm. Thus, we have numerous bureaucracies that affect the process of policymaking and policy implementation and have limited contact with each other despite overlapping jurisdictions. This process facilitates “buck passing” where bureaucrats are able to “blame ‘the system,’ excessively complicated laws, their immediate and most distant superiors, and ‘the government’” (Herzfeld, 1992, p. 5) while appearing to remain indispensable to the institution.

Since the TDSB is part of a larger bureaucracy within the Ontario Ministry of Education, community organizers for a long time believed that change had to happen at the provincial level. It was believed that this would ensure a trickling down effect to all boards within the jurisdiction. This belief motivated the push for section 49.1 of the Ontario Education Act. However, this Section has yet to be enforced. A document from the Elementary Teachers’ Federation of Ontario (the provincial labor representative body) states that,

On June 17 [2008], NDP Education Critic Rosario Marchese referred to two teenagers who were arrested while at school and deported. He asked Education Minister Kathleen Wynne why the government wasn’t enforcing legislation passed in 2005 that was designed to ensure immigrant and refugee children had access to school…While refusing to comment on a specific case, the minister responded: ‘In December 2004, we sent a policy memorandum to all school boards, and what we said was that all school boards must allow children to come to school, whatever their immigration status.’ …‘The fact is that there may be incidents and there may be situations where a student is denied access.
That is not the policy of this government. Certainly, I will continue to make it clear to boards of education that the law must be enforced and children must be allowed to enter school.’ (Elementary Teachers’ Federation of Ontario, 2008, emphasis in original)

As the quote demonstrates, the Ministry of Education had been aware of a lack of adherence to the Ontario Education Act as it related to undocumented students. Furthermore, at that point in time the Minister chose to send another memo to remind school boards of the policy. Needless to say, the memo did not change conditions for undocumented students. Sal, an Executive member of the Ontario Secondary School Teacher’s Federation (OSSTF), District 12 spoke about the frustration that stems from the lack of implementation of provincial law by stating,

we thought with that particular result [the addition of Section 49.1 into the Education Act] the problem would go away but it’s very difficult to change practice. You can create at the ministry level, an understanding, and it can be sort of distributed down into the system, but for many reasons it’s just more language. So what? So practices continue, certainly the TDSB just didn’t change. They would maybe adjust protocols…but they would still be trying to determine status and those barriers would remain so we had work to do after.

This narrative speaks to the disconnect between bureaucratic policy and policy implementation. In this case, a portion of the Ontario Education Act, the guiding legal document for schools, is rendered invisible by both the Ministry of Education and the Board and responsibility is passed from one to the other. As is characteristic of bureaucratic procedure, through the issuing of a memo directed at schools, the Ministry of Education shifted responsibility away from itself and on to the school boards. Through the interplay of the two bureaucracy monsters, the inclusion of
Section 49.1 of the Education Act was made null as school boards continued to turn away undocumented students.

The lack of implementation of Section 49.1 and the apprehension of the Lizano-Sossas in 2006 while in school led to the development of the Don’t Ask, Don’t Tell policy. However, the creation of a comparable policy within the TDSB did not immediately end the failure in implementation of Section 49.1. Overlapping jurisdictional concerns continued to be an issue between the TDSB and Ministry of Education affected its implementation.

I propose that barriers to the inclusion of undocumented student to schools “illegализе” them, making schools and their associated bureaucracies border-zones. As Jean McDonald states, “the border exists wherever non-status immigrants may come into contact or confrontation with institutional settings— whether enrolling children in school, stopped for a traffic violation by police, or asked for a SIN card when applying for a job” (McDonald, 2009 p. 73). Thus the school site becomes a border-zone when immigration documents are requested, questions about a person’s immigration status are asked, and when undocumented migrants’ vulnerabilities are not considered.

Enrollment is a procedure that involves both the TDSB and Ministry of Education. While school boards, subject to specific criteria, have the ability to design their own enrollment form,36 the Ministry demands the collection of sensitive information in order to disburse funds. Changes to the enrollment form that would remove these invasive questions were a priority for the DADT Coalition since the information requested could deter undocumented students from registering. However, over a year after the passing of the policy, the TDSB registration form had not

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36 In my experience working with the TDSB this process included review by Board lawyers as well as at least one other office.
changed and continued to demand information about students’ immigration status. According to participants employed or voted into the TDSB this demand stemmed from two important requirements, both tied to financial resources. The first, originated from concerns about the potential loss of revenue gained through international tuition if some families were to enroll their children under a category that would not charge fees. The second was based on the monies the Board receives from the Ministry of Education for ESL programming.

Section 49.1 of the Ontario Education Act specified that students could not be excluded from schooling on the basis of their undocumented status. However, the Act did not prevent, and in fact mandated, that school boards demand information regarding migrants’ date of arrival to the country in order to receive ESL funding. For many within the TDSB, this order could only be met through demands for official immigration documentation. Thus, the registration form served as a gatekeeper since undocumented migrants hoping to enroll as students were forced to trust the individuals handling a form that contained personal information that increased their vulnerability. Furthermore, during the course of our interviews we were told that even after the passing of Don’t Ask, Don’t Tell, the disclosure of undocumented status often led to demands to pay international tuition or an outright denial of schooling; a practice that clearly conflicts with the provincial and school board policy. As Gloria, a member of the DADT Coalition and No One Is Illegal stated, “we were receiving report after report from community agencies…letting us know that students were unable to register.” These findings mirror those found by Sidhu (2008) in a study done the year after the passing of the DADT policy where school administrators expressed a lack of knowledge about the policy when they stated they would charge fees to enroll undocumented students.

37 Please see appendix I
Although the enrolment form has been changed and no longer requires the applicant to write in their family’s immigration status, there is still a demand for immigration-related information,\(^{38}\) including proof of date of entry to determine their eligibility to the DADT policy and status as either a fee or non-fee paying student. Furthermore, as discussed below, undocumented students must now prove that they are indeed undocumented and may have to do so more than once and with different people. This has resulted in the production of a dangerous border zone where a migrant family must attempt to navigate a bureaucratic procedure that demands documentation\(^ {39}\) and is naturalized as “common sense” while facing the possibility of staff contacting immigration authorities regardless of policy.

The collection of information is a constant feature of bureaucracies. As Heyman (2004) states, “files are records to track people and places, rules allow reference to legitimate and consistent standards beyond personal or kin relations to justify what is often, in fact, raw political calculation” (p. 488). Hull (2012), describes that documents are “not simply instruments of bureaucratic organizations, but rather are constitutive of bureaucratic rules, ideologies, knowledges, practices, subjectivities, objects, outcomes, and even the organizations themselves” (p. 253). In this way, the collection of copious amounts of information in the context of a bureaucracy is a facet of “common sense” in two ways. First, it follows a mindless gathering of documents. Second, it follows the power dynamics that determine who is considered a legitimate recipient of a social good and who is not. As such, the bureaucracy becomes a policing body that excludes those not afforded the benefit of membership.

\(^{38}\) Please see appendix J
\(^{39}\) Both in terms of the amount of paper work that is produced and in relation to demands for immigration documents
There are specific guidelines regarding the information necessary to enroll a student in the TDSB. According to Maggie, a Senior Administrator of the Board, as a school you become responsible for your students, you need to know their name, their legal name, you need to know their parent or their guardian, you need to know their date of birth, these are essentials for school, you need to know where they live, you need to know whether they’ve had any immunizations. You need to know because you can’t run a school if you don’t know any of those things because they are under your care. So the question is, for schools, in the absence of other discretionary evidence, documents, how do you determine those details if people don’t have actual documents to show you?

In this quote Maggie demonstrates how the collection of information about students is naturalized as “common sense.” Her comments also make a number of assumptions about the availability of documents to satisfy this demand. While collecting the type of information she outlined appears benign, normalizing this demand snowballs into a collection of mandatory information to register a student, regardless of how intrusive or dangerous. Through the naturalization of immigration-related data as necessary to commence the schooling process, staff personnel as well as Board management become gatekeepers holding the keys to enter the school space and potentially to remain in the country given the sensitive information they may have learned about a student and her/his family. This process then produces “illegality.”

Adding to the risk taken by parents enrolling their children is the inability to access the registration form in advance since it is neither online nor given out at schools. Furthermore, at most schools, parents do not fill out the enrolment form. Instead, they are asked to hand over documents that provide the information required by the Board to an administrator to be filled out on site at the TDSB head office. Thus, many parents do not have the option of filling out the
application at their leisure and in a place where they are more comfortable. Instead, they must stand in front of a staff person and perhaps warily hand over documentation that highlights their vulnerability or, alternatively, leave the office without completing the process. The necessity of on-site enrollment and the inability to access the form in advance can make the procedure unduly stressful for a family that fears divulging their immigration status, or would rather do so under different terms.

While the enrollment form itself is not online, the TDSB’s website’s section on “Admissions & Registration” does outline the information required to enroll a child (Toronto District School Board, 2012). Within this website there is a paragraph devoted to “children without immigration status.” It states:

Children not born in Canada who are living in Toronto without Canadian immigration status are welcome and eligible to attend TDSB schools without payment of admission fees. Any document which verifies the student's legal name, date of birth, home address, custody papers where applicable, and date of entry to Canada (required for ESL funding purposes), is acceptable for TDSB school registration. A passport (travel document) may be used to verify the student's name, date of birth and date of entry to Canada, in the absence of an immigration document or birth certificate. Where there is no official document to verify the required information, the TDSB accepts written signed letters of confirmation of the student's information from lawyers, notary publics, medical doctors, or other persons of recognized standing in the Toronto community. (Toronto District School Board, 2012).

While the website does a better job of describing the types of information necessary for enrolment, it is important to question three points: 1) the assumptions made about the availability
of the documentation requested 2) whose access is facilitated and 3) who experiences boundaries in engaging in the schooling process. As De Genova (2005) reminds us, laws, as well as policies, are socially constructed. Thus, policy makers could have as easily determined that no such documentation was necessary given the fears and vulnerability that may result and the dissonance between that and the idea that “education is a right”; a theme we heard often from individuals affiliated with the board. However, the way that TDSB policy is mobilized, the undocumented migrant and her/his real fears of vulnerability are invisibilized and DADT, while attempting to be more inclusive in the enrolment of students, simultaneously concretizes a more onerous process to access the schooling process.

The requirements outlined above are reflective of the increasing bureaucratization of schooling. The need to prove a date of arrival, included as of 1998 (Don’t Ask, Don’t Tell Coalition, 2006), is deemed necessary since ministerial guidelines regarding English as a Second Language (ESL) funding dictate that students are only eligible for the first four years of residence regardless of need or want (Ontario Ministry of Education, 2012). The ministry’s website does not explain the rationale behind four years as the standard length of time to provide ESL instruction, or the reason why the TDSB was charged with collecting this information. It is important to note, however, that this does not necessarily mean that a student will not receive ESL courses beyond the first four years of being in Canada. It does however mean that the Ministry is not responsible for funding the program beyond the specified time period and the Board must find the resources to make a course available.

Because school boards need to know a students’ date of arrival in order to determine eligibility for provincially-funded ESL classes, a process considered “rational” regarding criteria for the disbursement of funds becomes integrated into a system of unintended consequences, in
this instance, producing border-zones for undocumented migrants. According to Drew, a long-
time member of the Education Rights Taskforce (ERT), the province’s ESL funding system is
flawed and can have a negative effect on undocumented families. It relies on the demand for
documentation that may not be available or that people may not be as willing to provide given
their relative vulnerability. She said,

[ESL] depends on your date of arrival… it has nothing to do with your language
skills…but the problem is that they were asking for your date of arrival on the application
form simply to determine ESL funding and the ESL system doesn’t seem to, well it’s not
a rational system, it’s not based on the need of a child but the funding is based on asking
questions that can be quite intrusive and intimidating to parents who have ambiguous
status so that’s something that the minister really should deal with in collaboration with
the boards.

As Drew stated, the protocol for doling out ESL funding demonstrates how bureaucratic
practices can participate in the production of “illegality,” even if that was not their intended
purpose. This policy has ripple effects as the TDSB, given the current culture of austerity and
decreased funding, finds it necessary to comply with the requirements of the province in order to
receive ESL monies. This example displays how policy is affected by the overlap of various
bureaucracies and jurisdictions and functions to invisibilize the presence and vulnerabilities of
undocumented migrants.

Though the stated intent of these bureaucratic practices may not be the exclusion of
undocumented students, requiring information related to legal status as well as date of entry is
not only a question of economics. The securing and budgeting of funds also has to do with the
construction of the “legitimate recipient” in relation to a number of factors including race, class,
and immigration status. In the interview with Maggie, the Senior Board Administrator, the intersection of these modes of oppression as well as budgetary concerns emerged. When talking about the ways ESL funds are handed down from the ministry and the inability of some families to provide documentation regarding their date of arrival, she said,

the ministry requires some verification of date of arrival for students for whom we claim ESL funding because we have to have special ESL teachers and special ESL programs and so on. So the question is how does a school, what does a school do if there is no documents to show date of arrival? The parent says you know my child is not born in Canada, my child is born in Mexico for example, the next question would be, “and you know I’m here to register my child in grade two” or whatever it is, “you living here?” fine we have established the family lives here, we have an address, “were you born in Canada?” “No, born in Mexico” “when did your child arrive? Can you show me?” “no” “do you have something to show me the date of arrival because I need to record so I can get funding for it” and if the family doesn’t have any documents or is unwilling to produce a document which may be expired or whatever it is in case they’re outed [as undocumented], the school is in a quandary.

This quote provides a number of insights into the TDSB. First, it illustrates the Board’s fear of losing a source of funding. Second, it also speaks to a distorted sense of priorities in the Ministry as it places its constituents, both the school board and parents, in difficult situations. On the family’s side, demands for date of arrival documentation may force a migrant family to decide between supplying an expired immigration document (therefore identifying themselves as undocumented) and not enrolling a student in school. Similarly, school boards, often underfunded and overextended, are motivated to mandate documentation as a prerequisite to
enrolment and direct staff to only register students who can furnish such papers. This quandary notwithstanding, there is something to be said about the ways Maggie discussed an “unwillingness” to furnish documents. Here, and in many other discussions with Board officials, I identified a naturalization of the procedures set in place by the Board and a minimization of the fear experienced by undocumented families of disclosing their immigration status. This process demonstrates a lack of understanding or refusal to recognize how deportability affects every facet of undocumented families’ lives. The belief that undocumented migrants should readily trust school board officials invisibilizes the power dynamics at play and dismisses practices of exclusion in relation to immigration status. Migrants are often aware that students have been taken out of schools by immigration enforcement40 and that schools have often refused to enroll undocumented students. This then speaks to a lack of awareness, or willful ignorance of the ways undocumented families experience their daily life and the invisibilization that occurs when such demands are placed on a population that must remain vigilant regarding information concerning status.

Finally, in relation to Maggie’s quote above, while Mexico may have been the first country that came to her mind, particularly given the ways in which my body (as the person asking the question in the interview) is read, it is telling that being Latina/o was linked to an undocumented family. While the argument could be made that the racialization of migrants in the above quote may be accidental, later in the same interview, Maggie reiterated this conflation of race and migration, stating,

40 While the example of the Lizano-Sossas happened in the Toronto Catholic District School Board instead of the TDSB, one must remember that migrants may not be familiar with the differences between the boards and that any instance of vulnerability will be received warily.
If they’re not required to show anything…and this is what the fear is, that it is known that you can actually, if you ordinarily would be a fee-paying student, and you now know that you don’t have to show under any circumstances any travel documents any immigration documents to demonstrate your status as a fee-paying student the fear is that people will simply use that route and they will just come to Canada from China or wherever they are. Well, most of the students are from China, many, fairly affluent I suppose. Their parents want to send their kids to Canada to learn English. [They] could see this as a route to get their children educated but without having to pay the fee so that’s the area of ambiguity that [not demanding immigration documentation] creates,

Racist discourse has real effects in the ways that policies are designed, implemented, and modified. In the Canadian context, as Jiwani (2006) reminds us, the term immigrant is highly racialized and often employed as a proxy to relate to people of color. Thus, the conflation of immigrants and racialization facilitates the employment of two sets of damaging narratives that serve to dehumanize a population. In this way, racist discourse that portrays people of color as uncooperative, irrational, and abusive, coupled with discourses regarding undocumented migrants as illegitimate recipients of a social good and not being contributing members of society, further the invisibilization faced by these communities and displaces them from a policy agenda, even after a policy has been passed.

**Implementation**

The TDSB’s Don’t Ask, Don’t Tell policy was designed by its supporters to change mechanisms within the Board in two large ways. First, it intended to abolish a working relationship between the TDSB and immigration enforcement. Secondly, it purported to
construct a mechanism that would facilitate and ensure the enrolment of undocumented children. While the development of the policy and its accompanying implementation plan were believed to be an effort to erode the bordering effect of enrolment procedures, the subsequent lack of implementation displays an adherence to sluggish bureaucratic process. Furthermore, the development of additional procedures to circumvent the policy point to the reproduction of hegemonic thinking and the construction of new barriers for undocumented students. Through it all, a myriad of memos and incomplete implementation invisibilize undocumented migrants while masquerading as implementing “actions.”

In this section I analyze a few points from the TDSB’s implementation plan for the DADT policy (Toronto District School Board, 2007) as well as the steps taken, if any, to fulfill them. I also highlight some of the narratives that showcase the personal reluctance that social actors may have in regards to this policy. I argue that the length of time it has taken to implement the policy signals a deprioritization of undocumented families and a process that invisibilizes their presence and vulnerabilities. Finally, the lack of implementation sets the stage for new ways for the Board to circumvent the policy it passed. As explained further below, the development of procedural documents further highlights an increased deprioritization of undocumented migrants and a bureaucratic context that works to maintain hegemony through their exclusion from schooling.

The implementation of policy can be difficult and often involves judgment calls. Colin Hoag (2011) writes that,

bureaucracies are confounding because their laws, rules, and regulations all fundamentally prescribe or proscribe behavior of an ideal, universal, and abstract sort.
Given that these idealized rules are never specific enough to fit a local context, bureaucrats’ work is to interpret them (under a range of constraints) (p. 82)

For Maggie, a Senior Board Administrator there was a broad difference between the processes of constructing policy, informing stakeholders of it, and seeing it carried to action. She said, the challenge of making sure that everyone fully understands the policy and how to implement... those are two different things... policy is often easy to understand because it’s a statement of intent and a statement of commitment, and a statement of value, what you value and unlike many things, it’s like ok how do you actually implement?

The TDSB has now gone through eight years of not fully implementing the DADT policy. While it is true that implementing words into actions and procedures can be challenging, the passing of the DADT policy, or “Students Without Legal Immigration Status” as it was formally named by the Board, included a very specific implementation plan. This was done with recognition of the bureaucratic procedure, particularly as witnessed in the Ministry of Education’s belief that memos constituted implementation and the lack of change on the ground.

Given the overlapping bureaucracies outlined in the previous section, even a detailed implementation plan can be hindered when there are competing policies and the collecting of sensitive information is tied to financial support. Thus the challenge of implementation, in the eyes of some Board administrators was to find ways to fulfill the policy directives while ensuring minimal disturbance of other TDSB procedures. As Maggie explained, you got to now look at different ways of getting the information [to] put the policy in place [but the Ministry] says we still require [it]... So it’s not always a cut or dry situation. You have to go through figuring out now how do you get to what you need to

41 See Appendix B
…[know] if you can’t ask for this information, and so that’s that continued challenge and often, as I said the paper communication is not enough. We’ve done some things that were absolutely critical, we removed the reference to immigration status and…so after you remove that, that made it a little bit easier but the…[issue] of requiring some evidence for date of entry if you’re not born in Canada and it’s for ESL funding purposes, we don’t need to know other than that. Well, I think you still have a need to know in a sense of overall sensitivity to the child and knowing about them in terms of the overall approach to serving kids. It helps to know…because then how you interact with the child and family is a little bit different, you become more sensitive and so on and you need to know something more about the context of the child so often just knowing where the child has come from and when they arrived is helpful in terms of the overall climate of receptivity and response to the needs of the child but other than that I think the ESL information is important, well date of entry information is important and often parents may not necessarily know where to get a letter, that’s the other problem, they don’t know where to get a letter, they just recently arrived in the country, ‘where do I go to get a letter that is accepted by the school authorities’ and then the other issue is being able to preserve the right to have information that allows us to collect fees from students who are fee paying students because they are not resident in the country. They are resident in another country.

In this quote, Maggie recognizes the limited implementation of the DADT policy, the conflicts that come from the overlapping bureaucracies, and the possible difficulty in an undocumented family fulfilling the requirements to enroll a student. Furthermore, she counters the demands that some sensitive questions not be asked and frames this request for information as being in the best
interests of students. In this way, hegemonic thinking is supported by disposition that appears to advocate for child welfare while excluding or endangering undocumented students and their families through inquiries about their immigration status.

Appendix B shows the nine “specific directives” included in the DADT policy. They detail the policy’s mode of implementation and the approved changes to the enrolment process. The first states

The policy [P.061 SCH: Students Without Legal Immigration Status] and section 49.1 of the Education Act regarding the obligation to admit students without full immigration status will be communicated annually to all school administrators and school office staff and school will implement admission procedures in accordance with these requirements.

(Toronto District School Board, 2007; addition in brackets mine, emphasis in original)

In relation to this directive and as mentioned in the previous chapter, school administrators and school office staff have primarily been informed of the presence of the DADT policy as well as section 49.1 of the Education Act through the deployment of memos. These memos according to Maggie, were sent every August. The timing was considered strategic as it is a period “when the school secretaries… face their first major wave of new registrations to school, so they get this ahead of time. They get a memo and they will again this year as we have been doing every year” (Maggie). However, while the policy directive was fulfilled through the delivery of institutional memos, it must be considered the bare minimum method of dissemination, particularly given the second directive of the implementation plan.

The second directive agreed upon by the TDSB relates to the first but is broader in scope, it states,
All staff involved in admission of students will be provided with orientation and training regarding the policy and implementation plan in order to promote expertise and the appropriate degree of sensitivity required concerning the admission of students without immigration status in Canada who find themselves in vulnerable circumstances (Toronto District School Board, 2007)

To this date, the Board has not implemented a Board-wide training procedure to disseminate information about the DADT policy including the changes to the enrolment process. In a brief phone conversation with a union representative for school staff at TDSB schools, I was told that given the large turnover of staff within TDSB schools, training about Board policies can be difficult to achieve. Maggie echoed such concerns by stating,

we have to keep telling the staff what the policy is but we know that many, every year our school’s staff changes. Many schools have new teachers, they may have new principals who weren’t previous, they may have been vice-principals and they have office staff who are new and some retire and they might not be familiar with the background to the policy so they have to rely to this and sometimes they don’t get to this. They may not get to this when they start that last week of august. They might not quite get to this, it’s just one of those zillion of documents because they all certainly face their office for parents coming to register at the school

However, regardless of the recognition of the need to better train staff and administration, the Board has not mobilized to fully implement this policy. It must also be noted that sending the new procedural forms to school staff follows the practice of implementation through mailed directives
Implementation appears to be uneven across the Board. Overall, it appeared like the downloading of responsibility regarding implementation from the Board to superintendents, principals and vice-principals had occurred unevenly and only succeeded in some schools. For instance, Natalie a principal at a TDSB described the mode of implementation at their school by stating,

Every time new policy rolls out it will be through our superintendent…it comes to us through principal meetings, each quadrant of the school board would have that information so we got it at a variety of venues and that happens with any policy that rolls out… my broader staff in terms of my teaching staff wouldn’t have been informed, they don’t register [students] so they wouldn’t have been informed. My guidance staff, every year as we embark on the new year registration process I do actually print out the admission policies of the board and we sit and go through, just a refresher for everyone from the guidance secretary who is typically the new first point of contact for any new student to my guidance team, vice-principal, we all…[go over] what it looks like from the rudimentary things to how are we setting up appointments or referring students to assessment to these are our policies and it’s just a review of paper documents and this is how we’re rolling it forward and it’s worth it to me to do it every year because sometimes there’s new members of staff, sometimes it’s just a reminder.

While in this quote the principal signals a consistent approach to implementation and dissemination of Board enrolment policy, this did not appear to be the case in all schools. In fact, various members of the Ontario Secondary School Teacher’s Federation District 12, spoke to the lack of knowledge many staff members had in relation to DADT.
Regardless of the unanimously approved implementation plan passed by the Board, to some administrators, training office staff was not seen as feasible. According to Maggie,

One of the things that we’re committed to doing was to hold training sessions with school office staff, there’s really no easy way to do that. School office staff, they’re on school offices. How do you actually bring them out for training? I mean there’s so many things that they need to be trained on. This is only one of the things, we rely on principals to provide them with instructions and so on because unlike teachers, you can get supply teachers when you want to bring teachers out for equity training or any training. School office staff, there’s no supply office staff to run a school office, if you pull people out and they’re ten-month employees you can’t bring them over the summer so it’s really hard to figure how to do that, honestly, so we have to actually rely on principals to provide the information to the office staff. So we haven’t figured out how to organize that training ourselves quite frankly because it’s very difficult for us to do that with school office staff.

This statement demonstrates the limitations and bureaucratic procedures of the Board. It also highlights the limited vision of Board administrators to fulfill this goal. Organizers with the Education Not Deportation campaign recognized these possible limitations and proposed possible alternatives that were ultimately rejected. In 2009, organizers, having expertise in developing videos, offered to produce a training video that would be obligatory for all office staff and administrators. The video, according to the organizers, could be streamed online and be under five minutes. Furthermore, a login mechanism could maintain a record of who watched the video and send periodic reminders to those who had not. At the meeting where the proposal was made, Maggie appeared interested and stated the Board could undertake this endeavor and
engage students in the development of a script and acting in the video. However, regardless of the initial interest, the video has not been made and staff remain untrained in regards to DADT.

Office staff were placed in the difficult position of receiving a new registration form while receiving no training in a new registration procedure. To this end, the TDSB produced a “tip sheet” that would help administration staff. This “tip sheet” was intended to advice staff on a better way to register students. To this end, Maggie stated,

Our advice would be...initial advice anyway, to school secretaries, [a directive] under the policy was don’t ask “do you have any immigration”, well first of all they know you can’t ask “what is your immigration status” but don’t ask “do you have any immigration documents.” Ask “do you have any documents that would show your legal name? Your date of birth? Or if you were not born in Canada, what was your date of entry” so you’re not asking them specifically for [immigration documents], you’re asking for any documents and those documents would include a letter from a doctor, faith person, other prominent person of credibility so that’s the advice.

While these recommendations were to be disseminated to registration staff at the beginning of each school year, during our interviews, no one outside of Maggie knew about the “tip sheet.”

Overall, the Board has attempted procedures that do not follow the implementation plan and have yielded minimal results. At the same time, undocumented families have felt the material consequences of border zones that remain standing or are newly erected when the Board does not implement policy or constructs new procedures that make the enrolment process more arduous and dangerous.

42 It remains to be seen whether office staff receive operational procedure PR 518 as a memo on a yearly basis and if all are aware of it or if this is another moment of bureaucratic dissonance where staff are untrained and not knowledgeable of procedure. Most importantly, this appears to be a problematic solution as both the trained staff in this new procedure as well as the untrained can present new boundaries to schooling for undocumented students.
Overall, the culture of issuing numerous memos within schooling institutions can be described as a perpetual downloading of responsibility that is symptomatic of a bureaucracy. As such, it operates as the proverbial “passing of the buck” that works to place blame outside of a specific person or office but rather in a different element of the bureaucracy either above or below their own positioning (Herzfeld, 1992). Thus, in relation to section 49.1 of the Education Act, the Ministry of Education has appeared content with sending periodic memos to school boards reminding them of the section and clarifying its implications. However, as can be seen in the case of the Toronto School Boards (Bejan & Sidhu, 2010; Sidhu, 2008) the sending of memos has not yielded results and the Ministry has not gone beyond this mechanism to ensure implementation of the Education Act. Similarly, within the TDSB, the culture of memos has downloaded the responsibility of educating all office staff from the school board to each specific school and the top administrators within them 43. According to Maggie, the individuals who need to learn about the DADT policy within each school are “the principal, the vice-principal and the office staff.” However, as mentioned previously, the method of dissemination is not through training from the Board but instead downloaded to the very people expected to employ the policy, mainly the principal and vice-principal of each school.

At the same time that the Board places the responsibility of adhering to new policy at the feet of schools, these memos blame the provincial ministry for some of the inefficiencies that require additional bureaucratic paperwork including the demands for information necessary for ESL grants. Alternatively, the teachers interviewed blamed the Board and Ministry for the excessive number of memos sent to school-level administrators and inability to ensure proper

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43 This is still the case with the advent of operational procedural 518 as the responsibility of knowing the new process for enrolment is downloaded to staff while they are then charged with uploading it back to the Board’s head office.
training of all Board employees who play a part in the enrolment process. There are a number of problems with this dynamic. First, the Board places the people responsible for unrolling the policy as also responsible for learning about DADT and ensuring it is followed. All, without prior training from the head office or through limited training in the form of a memo. This is exemplified by a comment from Maggie when she said,

we expect our principals to provide the information to the office staff, or at least to try to provide more context around the [policy], because the office staff can read the policy but it takes more than the document on paper to get them to understand how to deliver the policy. It takes someone explaining to them, particularly in the case where some of them may not understand why if they have no papers at all, why they should be admitting them and to saying “ok, I understand but tell me what to do if I need to have certain information but they don’t have it, what do I actually do? What can I ask for? Can I ask for this or that?” it’s up to the principal to offer that kind of guidance but also to say that if you’re really stuck, just call me.

This statement, while holding true within the school presided by Natalie, a TDSB principal, downloads responsibility to individuals who may not be equally invested in the policy’s implementation.

As Herzfeld (1992) has described, bureaucrats often blame the institution for shortcomings. As an example, Maggie blamed the size of the TDSB as the logistics required as the reason for non-implementation. She said, “the director of education could not have even one meeting with all principals and vice-principals in one building because we don’t have a building that’s large enough for that, plus all the senior staff.” Thus, according to bureaucratic logic, as a result of the Board being too large and having too few resources, the preferred method of
disseminating information about this policy, the issuing of memos, is substantiated. Furthermore, regardless of the fact that this practice has not yielded returns the TDSB has rejected new proposed modes of dissemination. Through this inaction we see an invisibilization of the affected community, which, even in the presence of a policy presumably working on their behalf, cannot safely enroll children given bureaucratic processes that lead to uneven implementation.

Through it all, during interviews grassroots organizers and Board employees recognized that dissemination information about the policy to parents and staff members would go a long way in implementing the policy. Thus, another method of dissemination was proposed during a meeting with the TDSB. At this meeting, members of the Education Not Deportation campaign, including the Pink Panther, a member of the Ontario Secondary School Teachers, District 12, and myself, proposed ways to inform the community and Board employees while keeping the cost low.44 At this meeting we discussed creating a poster that would be present at every school enrolment office. The poster would include information in different languages about the DADT policy. The Board representative agreed to the idea and it was subsequently taken to the TDSB’s Equity and Policy Advisory Committee for further feedback. According to Maggie, at this meeting,

The suggestion made at last Equity and Policy Advisory Committee would be that in addition to this we need something a little bit more visible that you can have at the school office, you know we’re committed to working with the group on something that has some nice words that say we will welcome students without legal immigration status and some words to that effect and maybe quote something from the policy, something that says the school statement to the parent, that they don’t have to be concerned about, so we’ll work

44 During these meetings Board resources were also cited as a reason for inactivity.
on that. Our issue is how do you do something that can appear in different languages, that schools would like in different languages. You have to do something with very limited words in many languages.

While the poster was ultimately developed, very few of participants had heard of such an initiative and even fewer had seen them.45

In addition to dissemination materials, the implementation plan also called for the TDSB to develop a new enrolment form. Changes to the form included the removal of questions regarding a family’s status as well as an “office-only” section where a staff person would write the documents employed to determine a student’s name, age, date of arrival, etc.46 Furthermore, the mode of verification for date of arrival was changed from official travel documents to an affidavit system where “leaders” in the community could write a letter affirming migrants’ claims of their date of arrival. According to Maggie, the Senior Board Administrator,

> the financial issues become important, so that’s the question, how do you tell [who is eligible for ESL subsidies]? Well to kind of fast forward a bit [to DADT] what we have said is you can produce an affidavit or a lawyer statement that says whoever arrived at such and such date but prior to that [DADT] the accepted evidence was a travel document.

Community leaders who could write an affidavit include religious leaders, doctors, and social workers. Through the process of discussing the DADT policy, members of the Coalition wanted the list to be as broad as possible to ensure greater ease of use. On the other hand, the Board, wary of the specter of the “abusive migrant,” wanted a list that would only include people who would be believable judges of character and would risk their own reputation in writing such a

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45 Please see Appendix G for a prototype of the poster
46 Please see appendix J
letter. In this way, one can see the classist undertones of the list of acceptable referees and the construction of the migrant as a potential cheat. As Leo Chavez (2008) among others (De Genova, 2005, Calavita, 1998) has stated, the law and policies are socially constructed and policy makers could easily decide on a more accessible mode of employment than an onerous and suspicious method. While outside the scope of this project, the belief that crime is solely a feature of the poor served to develop the list of accepted people who can write an affidavit. Such concerns then served to mobilize protective safeguards even while developing what was touted as more “accessible” policy. In this instance, “leaders” in the community, read as people classed in the higher echelons of society as well as Board members who are entrusted to run schools, are charged with ensuring the protection of collective goods. The enrolment form and the requisite supporting documents necessary to enroll a student are then deployed as a mechanism to ensure the “right” delivery of social goods and are designed as a hindrance to those who are considered, because of the intersection of race and class, likely to infringe on or abuse rights and benefits.

Undoubtedly, it is difficult to change long-established practices within a large bureaucratic system. As shown in the quotes above, there is a culture in place within TDSB schools to ask for a document with a parent’s ID, address, etc. There also appears to be a culture that naturalizes the asking of immigration documents to establish identity and satisfy registration-forms. Maggie, stated,

see the thing is too, what creates the problem of getting those antennas to be keyed in is the fact that many parents, most parents who were not born in Canada willingly produce immigration documents because that has all their information. It’s not that they don’t want to, they want to “here’s my passport, here’s my permanent resident card, my documents” … so schools are used to people offering up their immigration documents
without being asked with the information because in their mind it legitimizes them for admission or for access to anything so they are used to seeing these documents and the vast majority of parents who are not born in Canada who come to school, come with immigration documents and put them on the table…and so on, it’s the very few who don’t, that’s the issue that they’re trying to accommodate.

In this quote we can see a different iteration of “passing the buck.” This time it is parents that are constructed as the problem, particularly when so many readily present a passport. This action is then taken as reason for lack of implementation and dispels blame for not training staff on other enrolment processes that does not privilege immigration documents.

In addition to the high-level bureaucratic failures of policy implementation, undocumented migrants must also contend with the personal beliefs and attitudes of street-level bureaucrats, in this instance school staff. As Graham (2003) reminds us, “the meaning of the word bureaucrat (one who rules from a desk) immediately conjures up a vision of barrier between the office holder and the member of the public” (p. 209, emphasis in original). In this space “meetings are still between the relatively powerful bureaucrat and the relatively powerless client” (Graham, 2003, pp. 209-210). While these street-level bureaucrats may have limited power within the bureaucracy itself, there is still a large power differential between them and the undocumented migrant.

Finally, the passing of a policy does not necessarily change the possibly xenophobic preconceptions of staff. For example, in one interview, Sal, a longtime member of the Ontario Secondary School Teacher’s Federation, District 12, described some of his peers’ beliefs about undocumented migrants by stating
I think we had some P.D. (Professional Development day) early on…for our teachers.
And we soon encountered what I would call a kind of bias in the system that was not only institutional but it belonged to the sensitivity of many teachers who were also gatekeepers whether in the guidance office or just while they’re teaching because we noticed that when we did the workshops there was this sort of “well they’re illegal” and this not very well thought through negativity that acted quite clearly as a prejudice not only in my mind for newcomer students in this position but for student who weren’t “Canadian.”
There was this kind of generalized lazy perception between these teachers who were willing to share their views… and challenging what we were trying to simply educate them for, that we have kids out there who have a right to go to school regardless of the problem that their parents may, and we need to be able to [teach them] safely and they have a right to education.

This quote reminds us that the social location and conceptualization of the street-level bureaucrat is also important. As Hoag (2011) states,

Similar to the way that anthropologists interpret and author social worlds according to formal and informal codes of conduct (e.g., ethical guidelines, methodologies), so too do street-level bureaucrats scrutinize their clients’ appearance, statements, and actions in determining whether or not to provide services according to laws, regulations, and professional norms.

In this instance appearance relates to the discursive understanding of belonging. Through this example it is easy to see the ways in which nationalist ideas regarding membership can result in what Herzfeld (1992) calls “bureaucratic indifference.” The perceived of migrants as outside the fabric of the nation alongside discourses of criminality can result in exclusion by bureaucrats. In
this way we can see the reproduction of hegemony through the dehumanization of undocumented migrants. One material consequence is the reification of the school as a border-zone and as such a dangerous space to enter.

**Schools as Border Zones and Limitations of the DADT Policy**

While the DADT Coalition attempted to construct as inclusive a policy as possible, there are several parameters that limit the eligibility of potential students to access schools. In the process of developing the DADT policy, two distinct populations were rejected by the TDSB. They consist of migrants who have a valid visa, regardless of their intended stay beyond its expiration, and adults. Furthermore, enrollment of students covered by the policy requires a large degree of navigating bureaucratic structures and the demand for proof of undocumented status. In addition, while most students can register at a school near their place of residence, enrolment for undocumented migrants can no longer happen at the school site and must be done at the head office. The ways in which specific portions of the undocumented population in Toronto were excluded from the DADT policy, as well as the procedures to enroll undocumented students, speak to their invisibilization and the deployment of hegemonic discourse based on “illegalization.” The result is a border zone that is violent and dangerous to undocumented families while appearing benevolent and humanitarian.

**Circumventing DADT and Erecting of New Border-Zones**

While the spirit of Don’t Ask, Don’t Tell was to make enrolment for undocumented migrants easier in a school near them, it does not appear that the implementation of the policy has taken this into consideration. Under the policy, the school site was to be a haven for undocumented migrants who would be able to enroll in TDSB schools under a process that
would be easy, recognize stressors associated with undocumented status, and happen with individuals trained on the population’s vulnerability. However, not only has the Board come short of fulfilling the promises made to organizers and undocumented migrants, it has also instituted an additional hardship in the enrolment of undocumented students. According to Board operational procedure (PR 518) disseminated in 2009,

Schools should directly register students new to Canada who are Canadian citizens, permanent residents or refugee claimants. All other students new to Canada must be referred to the International Programs and Admissions Office, 5050 Yonge Street, to verify their eligibility for admission as fee-paying or non fee-paying students, and for receipt of an Admission Approval letter, where applicable…Students new to Canada, who are living in the community without immigration status, are entitled to admission to school as per policy P061, Students Without Legal Immigration Status. These students (and their parents/guardians) are to be referred to the Admissions Office prior to enrolment for consideration of their request for admission and for receipt of an Admission Approval letter, where applicable, for subsequent presentation at the school office (Toronto District School Board, 2009).

This operational procedure was instituted in September, 2009, only two years after the passing of the Don’t Ask, Don’t Tell policy (May 2007) and while perhaps not deviating from the written policy, is widely divergent from its intended purpose as it constructs additional boundaries for undocumented students. If an undocumented student is allowed to register at the Board’s head office they receive a “School Admission Letter.” This letter provides the staff member at a school the necessary information to enroll a student including date of entry and the signature of

47 Please see Appendix E
Why this requirement was instituted is unclear, although it may be conceptualized as a distorted implementation tool. Ultimately, it demands that families disclose their immigration status to at least two individuals. First, to the registration staff person at the school who upon reviewing their documents, or lack thereof, would advise them to go to the TDSB head office to be enrolled. Then, to a second individual at the admissions office who may be qualified to register them or pass them along to yet another person. This game of hot potato can carry huge consequences for undocumented families who would rightfully be wary of disclosing their immigration status to even one person. Furthermore, in a busy Board environment, the undocumented migrants must not only trust the individual they are currently speaking to, but also everyone around them who may overhear. This degree of insensitivity to undocumented migrants’ lived reality as well as the demand for proof of undocumented status serves as a deterrent to migrants’ enrolment in the TDSB and constructs multiple border zones. Therefore, while the policy supposedly constructed a safer environment for undocumented children to be enrolled in school, the construction of this operational procedure betrays that ideal. Finally, in a conversation with a community worker, I was informed that some families had believed the TDSB head office to be an immigration detention center. In this way sending undocumented migrants to this office may in itself be a difficult boundary to cross for migrants who are not familiar with the ways the Board operates.

In addition to the effects on undocumented migrants, there is also a question about the possible dissonance between this demand and the DADT policy. According to Sal, one of the two OSSTF, District 12 members interviewed, the protocols within the TDSB’s Admission

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48 According to the form in Appendix E the signature required is of a high ranking executive within the Board
Eligibility Requirements document revised in September 16, 2009 are vastly different from the ways that social actors understood the spirit of the DADT policy. She said,

I don’t like the idea that these families would be sent to the central office because when you look at, that’s a very heavy…extra step. Makes you wonder why am I going there?... the policy is supposed to work at the school level and you should only have to go elsewhere if you run into a very unusual situation that requires problem solving at a higher level and I’m not even sure that the families should have to go up there

As stated in this quote even individuals who knew how to navigate the Board were flabbergasted by how much the new procedures diverged from the objectives of the DADT policy. The guidelines signaled a higher degree of sanctioning than initially believed necessary, particularly as it related to efforts to implement the policy.

**Proving Undocumented Status and the Effects of Unexpired Visas**

As previously stated, the DADT policy only applies to children who do not have “legal” immigration status in Canada. This means that migrants who will become undocumented but still have a valid visa (student, work, tourist, etc.) and adults are not eligible under the policy and must pay international tuition fees. Furthermore, in order to be enrolled in school, an undocumented student must prove that they are undocumented. According to an email communication between different members of the Board, shared by one of the participants, the demand for migrants to prove that they are out of status does not conflict with the Ontario Education Act. One such message states

Subsections 33(5) & 36(8) of the Education Act which set the requirements of the person or their parents or guardians to submit evidence that the pupil has the right to attend school...(5) It is the responsibility of the parent or guardian to submit evidence that the
child has a right to attend an elementary school, including proof of age. 1997, C. 31, S. 14. Evidence as to right to attend (8) It is the responsibility of the person or the person’s parent or guardian to submit evidence that the person has a right to attend a secondary school. 1997, C. 31, S. 17

As stated above, bureaucratic processes demand the keeping of records and documentation through demands for proof (of belonging, or completion of a task, etc.) (Herzfeld, 1992; Heyman, 2004; Hull, 2012). However, in this case, the undocumented migrant must undergo the dangerous task of disclosing their immigration status in order to receive free schooling. Failure to do so would result in a fee of up to $12,000 for international tuition.

The need to prove undocumented status does not only affect the undocumented, it also has far reaching effects on many who will become undocumented. As it is written and deployed, the DADT only includes children who are currently undocumented. This means that migrants who have a valid visa but will plan to remain in the country past its expiry date are not eligible for free enrolment in TDSB schools. As Maggie, a Senior Board Administrator stated, tourists are different, tourists is someone who comes in a tourist visa for a visit, it’s usually six months or so, ok and you have papers to show that you are a tourist and some tourists come and do attempt to get their kids, even if it’s for six months or so but under the policy they’re required to pay and some do, say “ok, is there a provision for me to pay half of the fees if I’m going to be here six months?” and we allow that.

As can be seen in this quote, the DADT policy does not apply to individuals who still hold a valid visa. Maggie went on to state “there’s no assumption that people who are visitors are going to stay.” This assumption adheres to bureaucratic understandings of concrete categories, however, this becomes yet another instance of dissonance between bureaucracy and lived reality.
Thus, it does not include the possibility that a family may fall out of status but need to enroll a child prior to the expiry of the visa.

I asked Maggie what would happen in such a case, that is, if a family fell out of status after entering Canada through a visa.

Many of the cases that I personally have dealt with was cases in which you know the family is not, their visitor status has not expired but in confidence, in the confidence of my office they have told me that they’re not going to return to their former country and that wouldn’t be, how can they get their child in the school. My official answer is that I can’t get you in school because you are a visitor and the only reason I can is if you pay fees, however and I know, I said that if you were, under our current policy, if you were without status, i.e. if your visitor visa has expired and you can demonstrate to us that you are actually living and you are considering enrolling but that would be under your status of not having legal status

Maggie’s response demonstrates both the official policy within the Board as well as the discretionary power held by a person in such a position of power. Thus, when attempting to enroll a child while holding a valid visa, individuals who do not have access to a bureaucrat with similar authority and the willingness to act on their behalf would be met with a demand to pay fees or a negation of access until their visa expired. While many tourist visas are granted for a period of six months, given the ways the school year operates (September to June), waiting for a visa to expire can mean the loss of an entire year of schooling. For example, a student that arrived in November would not be eligible to receive free schooling until May, near the time of final exams for the school year. While none of the participants spoke about students missing large periods schooling, in my work within activist circles I hear stories about schools
demanding payment of fees to enroll in school when a family still holds a valid visa or outright rejecting them.

While most undocumented migrants in the United States can link their status to an expiration of a visa (Passel & Cohn, 2010) there is no such data for people in Canada. What we know however, is that the TDSB receives a portion of their budget from students who pay fees in order to attend school. These students can be classified as international students who apply for a study permit abroad or students whose parents or guardians hold a study or visitor’s visa and are excluded from receiving free schooling.

Attempts to increase the TDSB’s coffers through the charging of fees to migrant students have a long history. In fact, according to Sal, an executive within the Ontario Secondary School Teachers Federation, District 12, a reason why the union local, one of the largest allies of the DADT Coalition and Education Not Deportation campaign, first decided to engage in this work was because,

[A prominent TDSB staff person] was trolling so to speak for foreign student tuitions and preying on these newcomers without status who had overstayed for example so she was protecting a very rich source of income for the Board and sometimes receiving 10 or 11 thousand dollars tuition for some of these students so that was one of our targets was to try to expose this particular practice and shake it down through our access to some progressive trustees.

The demand for money to attend school was not always this way however. According to Maggie, the TDSB senior administrator interviewed, in 2004 the admissions office was moved from the office of student and community services to a position under the umbrella of the business office. This may point to a shift in bureaucratic priorities, particularly in the neoliberal context. In this
way, undocumented students became trapped under a structure where the office responsible for enrolling them was primarily concerned with increasing the Board’s finances.

According to Sal, an OSSTF District 12 Executive Member, the demand to make students who fit within the boundaries of DADT pay for schooling have diminished. She said, “I think they did get away from trying to shake down these students for money. That hasn’t come up in quite a while. What remains is the lack of fulsome access and the lack of strong messaging.” While the demand for undocumented students to pay for schooling appears to have lessened, there is a strong indication that the Board is still quite concerned about the prospect of migrants abusing the DADT policy and the potential loss of revenue from fee-paying students. In the interview with Maggie, she was asked whether “the concern that people who pay fees will escape from the business officers is one of the reasons that there’s a stumbling block in the implementation of DADT?” She replied,

yeah and that has occasionally happened, now the vast majority won’t because the vast majority of people apply from abroad. All I’m saying is the concern is, how do you prevent a situation where if it were known that you don’t have to show any under any circumstances, any travel documents at all, what would happen if it were widely known? We still obviously, I think as a system want to take people on faith and so on, but we don’t know how to answer that question. What would happen if people who normally would pay as fee-paying students should simply find that “oh you know in Toronto you don’t have to show any documents, you don’t have to pay 10,000 dollars to educate our children in a Toronto school, we just send them to Toronto on a visit and enroll them in a school because a school won’t ask them” so I just want to tell you that that is an issue.

This response shows how discourses of criminalization and abuse construct a boundary to
receive schooling. Furthermore, the prevalence of employing the category “migrant” as a proxy for race, allows for the deployment of widely employed metaphors regarding undocumented and racialized migrants including ideas of large calculated and abuse-driven migrations. Otto Santa Ana (2002) has tracked a number of dehumanizing metaphors regarding undocumented migrants as floods, waves, national disasters, or as animalized migratory swarms. These tropes often imagine a global beacon signaling a weakness in a system and numerous racialized individuals abroad receiving a communication to commence migrating. Such an example became evident when Maggie stated,

I’m just saying, how could you tell in the future, if everybody out there knows that in Toronto you don’t need to [provide information regarding your immigration status], how would you manage that situation? We’re not agonizing about it, but what I’m saying is the concern about having a policy that doesn’t ask anybody for a travel document, what would happen if it became common knowledge where instead of a thousand students that we’re currently dealing with now [there is a large increase in migrants]… because I got to tell you it wouldn’t take much for the word to spread because people look at policies, they know what the entrance requirements are and so on from different countries and many students, you know, come whose parents are able to send their children away for an education, do so

In this context, the parents of potential migrants are not described as resourceful individuals with large degrees of knowledge and agency when looking at the requirements of the school boards prior to migrating. Instead, they are constructed as engaged in a calculating effort of determining the weakest location by finding deficiencies in policy. Thus, in the minds of the people charged with making and/or implementing policy, it becomes necessary to establish mechanisms to
protect the institution’s resources from those who actively seek to exploit a “welcoming” environment.

Conclusion

In this chapter I have shown some of the ways a bureaucracy such as the TDSB’s can be conceptualized as a border-zone for undocumented migrants. While the ideal behind a local school board is for communities to have closer contact and effect on the ways schooling is done in their communities (Noguera, 2006), the massive bureaucracy serves as a deterrent to such efforts. Furthermore, the inability or unwillingness of the Ministry to implement the Ontario Education Act as it relates to undocumented students displays ways that bureaucracies “pass the buck” and elude responsibility in such failures. Furthermore, bureaucratic process at every step of policy development (explanation of problem, introduction of policy alternatives, passing of the policy, and implementation) reintroduces or reproduces hegemony. This process is also then replicated at every level of schooling jurisdiction including the local school, the school board, and the ministry.

The fact that demands for immigration documentation that can place an undocumented migrant in danger are framed as operating within the boundaries of the law displays the ways that border-zones continue to be mobilized regardless of a “welcoming” policy. Thus, the bureaucratic procedures and jurisdictions between the Board and the Ministry continue to reify borders that are difficult for undocumented migrants to navigate. In this way, the school site remains a site of “illegalization” whereby the legal, social, and discursive constructs of undocumented migrants serves to remove from a social space readily available to those with access to full membership (De Genova, 2005).
The limited or absence of implementation of Equity policies in the Toronto District School Board is nothing new. As Michael, a member of the Equity Policy Advisory Committee commented, even the implementation of a Board-wide equity statement has been lacking. According to this him,

the equity foundation statement which is the benchmark theoretically of the defined equity in education policy at the board; and within that issues of immigration status were identified as a shared concern of a basis of exclusion in terms of the different dimensions of most what is there is corresponding to the legislative grounds within the Ontario human rights code, but it didn’t end there in terms of- we wanted to make sure that…[it] informed the work and the process of the board…[that the] inclusive policy framework informed all dimensions. Of course that’s the theory that’s the word on the page, that’s what’s on paper…[but] even though that’s the stated policy, the senior staff leadership and certainly the political leadership [and] the present iterations of the board of trustees have not been very supportive of that policy statement or do the best to skirt around issues as they arose…so it reflects an ongoing challenge at the institution.

Through this narrative we can learn at least two things. Firstly, immigration status had, for a significant period of time, been recognized as a barrier to equitable access to schooling. However, regardless of the equity statement, the Board had done little to address this issue prior to the mass efforts of the Don’t Ask, Don’t Tell Coalition. Furthermore, after passing the policy, it was only through subsequent pressure including negative media exposure, rallies outside the head office, and politicians’ statements that implementation meetings were initiated. As Heyman (2004) reminds us,

Substantial change often comes after disruptive popular action that frightens power
holders, who then set up new programs and organizations (such as welfare programs affiliated with local political machines) to calm the situation down (p. 495)

As one Senior Board Administrator told us, “it’s the squeaky wheel and so we would have just solved on a one on one basis but [passed the policy]… because it became a media issue.” Thus, the policy was passed and implementation talked occurred only because of the pressure felt by the Board, not because of a previous commitment to equity as per its Equity statement.

Through my engagement in migrant justice work in relation to schooling I have learned that policy change can require significant amounts of learning about bureaucratic procedures and strategies to pressure the bureaucratic body into action. However, this line of thinking can be counterproductive because a community organization, rather than moving on to a different important intervention in constructing an equitable society is instead forced to stagnate as it continues to work on ensuring that the promises made with the passing of policy are kept.

Finally, this work can come at a cost as the energies spent on bureaucratic interventions may be better spent on grassroots approaches.
CHAPTER 7: A FIGHT FOR VISIBILITY: ENGAGING WITH THE BUREAUCRACY MONSTER

Frames shape people’s perception of the world and how they imagine possible solutions to social problems. In other words, they set the terms of reference as well as the conceptual boundaries of any given topic. As Tuhiwai Smith (1999) states, “the framing of an issue is about making decisions about its parameters, about what is in the foreground, what is in the background, and what shadings or complexities exist within the frame” (p. 153). Many scholars have considered the ways framing affects social action and understandings of particular phenomena. For example, some have focused on the ways frames are employed in knowledge construction (Tuhiwai Smith, 1999), how political elites deploy “information” (Helbling, 2014), how it is manipulated in public relations (Dan & Ihlen, 2011), and how social movements work to assemble alternate constructions to affect change (Benford & Snow, 2000; Dove, 2010). Many of these theorizations emanate from the work of Erving Goffman (1974) and his conceptualization of frames as “a scheme of interpretation” (Helbling, 2014).

The framing of a topic and the social actors considered relevant affect public responses to an issue and subsequent calls for change. In this chapter I analyze how conceptualizations of membership affect undocumented migrants and how they influence the possible processes of engagement and range of solutions for relevant actors. I begin by analyzing the different ways the undocumented population is framed by three groups of social actors: those embedded within the bureaucracy of the TDSB, members of the Education Rights Taskforce, and individuals who worked with the Don’t Ask, Don’t Tell Coalition or No One is Illegal. In this chapter I describe how the framing of undocumented migrants produces specific logics that affect how communities are imagined, treated, and engaged as well as the possible resolutions.
The framing of undocumented migrants and their claims to membership, while often contextual, also relate to broader national discursive constructions. These discursive formations although often considered symbolic, have clear implications to the daily lives of migrants. As Li (2003b) states, “the objectified social world is presented through ideas, language, symbols, and culture, and in turn, the representation provides the meaning of the social world” (p. 2).

According to Li, two sets of actors that uphold and reproduce belonging are institutional actors and “old-timers.” The latter include those who believe themselves to inhabit the established norm of the country and because of that, are able to judge the “quality” of migrants. 49 They also affect how new migrants experience the context of reception and the development of frames for who is considered a worthy member of the nation and a recipient of social services.

We live in a context where migration is predominantly discussed as detrimental to the nation. Race plays an important role in this process given that the category of “migrant” is conflated with racialization (Jiwani, 2006; Li, 2003b). For example, Canadian media often constructs migrants as involved in violence, disease, and/or terrorism (Li, 2003b). In doing so they utilize tropes that do not extend to white migrants. 50 For example, Li (2003b) states, during the outbreak of SARS….the Chinese-Canadian community in Toronto reported experiencing hostility and discrimination from the general public, as the Chinese were being blamed for having brought the disease to the city and devastating its economy. However, concerns over Britain’s mad cow disease were not translated into blaming immigrants originating from Britain (p. 6).

49 These old-timers would all assumedly be white given their positioning in Canadian society as legitimate members of the nation while racialized peoples often experience a precarity of belonging (Arat-Koc, 2005)

50 Linked to this is that white migrants are already understood as part of the nation. At the same time, people of color often receive inquiries regarding their “place of origin” that construct them as the other (James, 2009)
This example demonstrates the ways the conflation of race and category of “migrant” facilitates a hostile context of reception as well as precarity of positioning such that even a racialized group depicted as a “model minority” can become the propagators of disease. Furthermore, as discussed above, racialized migrants are often constructed as a problem, one that is often embedded in the discourse of diversity. As Li (2003b) reminds us, “the notion of ‘diversity’ in the immigration discourse has become a standard term used to refer to ‘non-white’, and sometimes to the problem of having too many ‘non-whites’” (p. 8). As such, the framing of migration as a “problem” is related to the discourse of “the problem with diversity” as both emanate from anxieties regarding racialized peoples within the national landscape (Croucher, 1997; Li, 2001, 2003a, 2003b; Thobani, 2000).

While the dominant discourse for racialized migrants is hostile, there is a still a more malicious and punitive space reserved for undocumented migrants. As noted in previous chapters, undocumented migrants are constructed as being present within the nation in spite of state efforts to dissuade or remove them. This discourse is fueled by the idea that the Canadian immigration system functions under objective criteria and is equitable to all peoples across the globe. Undocumented migrants are then subsequently described as circumventing the “right” process to enter the nation. In addition, given their construction as living outside the boundaries of membership, undocumented migrants are constructed as abusing social services.

A key aspect of this discourse involves the ways that undocumented migrants and their children are constructed and how their rights and belonging are framed. In relation to children, the employment of a western bourgeois ethics that presupposes their innocence is often assumed. This conceptualization often operates by “advocating” or requesting access for children who fit within a specific age-range while criminalizing adults or those transitioning into adulthood. At
the same time, it is important to recognize that, as Orellana and Johnson (2012) remind us, discourse regarding children, particularly those that are racialized has been undergoing a change. Drawing from the work of Giroux (2004), Orellana and Johnson (2012) state that racialized children “are increasingly portrayed as a danger to society, and the old ideology of public investment in the future of children has been replaced by a public rhetoric of fear, where the role of the state is one of surveillance, punishment, and incarceration” (p. 75). Within these new conceptions, we cannot take for granted the assumption that services for children will remain available to all, particularly when complicating this construction with immigration status. Orellana and Johnson’s (2012) work examines bloggers’ comments to an article posted in the Huffington Post. The article called for greater access to social goods for undocumented children. Responses varied from pitying the children while criminalizing parents, to rejecting the belief that children must be protected. As the authors state, “these were the most vitriolic of the commentators, and they took up an overtly hateful, anti-immigrant stance. A number invoked the term ‘anchor baby’…and that indexes a larger movement to deny birthright citizenship to the children of undocumented immigrants” (Orellana & Johnson, 2012, p. 80). Such a move complicates the liberal conception of children as valuable and innocent. Instead it displays a dehumanization based on immigration status that constructs the migrant, child or not, as dangerous to the nation.

At the same time that dominant discourse deploys a particular understanding of undocumented migrants, these migrants and their allies are not passive. Instead they engage in the development of alternate framings that contend with dominant perceptions. These frames can

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51 It is important to note that the Huffington Post article referenced here relates to the U.S. However, calls for an end to the practice of awarding citizenship on the basis of birth and the employment of the “anchor baby” or “passport babies” references are now prevalent in the Canadian context and have seen a surge spearheaded by the new Minister of Immigration Chris Alexander (Cohen, 2013).
include problematic conceptions that pursue short-term goals that illegalize segments of the population, possibilities for solidarity, or resistance to processes of domination. Lara, Greene, and Bejarano (2009) argue that the use of “immigrant advocacy tropes” “cultivate a norm-oriented movement…In structural and systemic terms, the movement does not contest historically rooted, hegemonic social norms…in short, the social movement reinforces the very structure it aims to combat” (p. 23). In order to avoid utilizing problematic tropes, it is important to critically analyze the ontological basis for our understanding of the phenomenon in question. On the other hand, resistance-based practices can highlight new innovative ways of constructing membership that center the most affected and do not further criminalizing and dehumanizing tropes. Finally, these critical perspectives can shed light on the ways concepts like membership and access are premised on colonial constructs. Thus, examining a frame includes analyzing the taken-for-granted assumptions and solutions as well as the presumed pathway to a suitable response. Furthermore, we must also scrutinize how the framing of such an issue may reinforce hegemonic constructions or diverge or retract from ongoing struggles against oppression.

**The Value of Framing**

In attempting to understand why different organizations develop divergent answers for the issues they seek to address, it is important to take into account the ways that framing affects engagement and imagined possibilities. In the process of developing a useful strategy, one must interrogate how hegemony affects our understandings of practice and resistance. Hegemonic discourse affects not only what is constructed as “common sense” but also what is understood as possible. Furthermore, the degree to which we are attached to hegemony may speak to our positionality and subjectivity. After all, the assumptions, interrogations, and prescriptions that
are involved in the process of understanding are affected by our social location. As such, it is important to recognize that positionality and subjectivity are steeped in power. Decisions to work within legislative boundaries, engage in passive mobilization, or construct communities of resistance may be affected by individuals’ sense of urgency, efficacy, and vulnerability. (Monforte & Dufour, 2011).

Given this need to attend to differential understandings, Benford and Snow (2000) organize the process of framing into three stages: diagnostic framing, prognostic framing, and motivational framing. According to White (2013) “diagnostic framing identifies problems and attributes responsibility. Prognostic framing identifies proposed actions, solutions, or policy alternatives” (p. 1366). Finally, motivational framing refers to the action-oriented facet of engagement.

In this chapter I make use of Benford and Snow’s (2000) model to examine discussions about access to schooling for undocumented students in the Toronto District School Board. I divide my analysis into three subsections. The first takes up diagnostic framing and examines the ways the topic of study is framed in relation to the concept of membership and eligibility to accessing social goods. Here my central question becomes: how is a topic understood in a particular site given the myriad of possible interpretations? The second subsection analyzes the effect of prognostic framing particularly in relation to how engagement was conceptualized and who was considered a possible partner or ally. Finally, the third subsection is interested in motivational framing. It examines how possible actions were undertaken according to the frame employed to understand the topic and the possible solutions considered. Each subsection examines the diagnostic, prognostic, and motivational framings of three relevant stakeholders: the Education Rights Taksforce, the Toronto District School Board, and the Don’t Ask, Don’t
Tell Coalition/No One Is Illegal. I argue that the TDSB generally maintains hegemonic thought, the ERT diverges from some hegemonic ideals but reinforces others, and the DADT Coalition/No One Is Illegal employs a counternarrative. As such, through interrogating different framings we may better determine how concepts like membership and borders are understood by different organizations and relevant social actors.

Finally, I would like to briefly discuss my use of counternarratives in this chapter. While hegemony drives dominant perspectives, there is room for resistance and alternate formulations that diverge from the framing and its prescribed range of solutions (Tuhiwai Smith, 1999). To Benford and Snow (2000) framing refers to “an active processual phenomenon that implies agency and contention at the level of reality construction. It is active in the sense that something is being done, and processual in the sense of a dynamic evolving process” (p. 614). Furthermore, it is “contentious in the sense that it involves the generation of interpretive frames that not only differ from existing ones but that may also challenge them” (Benford & Snow, 2000, p. 614). As such counterframing refers to the development of divergent understandings. However, the concept of framing, although widely used in social movements literature is not premised on a politics of social justice (Benford & Snow, 2000). For this reason, I employ the concept of counternarratives from LatCrit as it explicitly centers affected individuals, refuses deficiency theorems, and is diametrically opposed to perspectives based on dominance and oppression. A counternarrative, by this definition, cannot be mobilized in the production of borders and boundaries, rather it provides a formulation to construct equitable solutions.

**Understanding a Problem: Diagnostic Framing**

In a general way, we can understand membership through a continuum of access and exclusion. One’s position along the continuum depends on definitions of access as well as who is
considered a legitimate recipient to a social good such as schooling. One way to identify how organizations frame membership is through their mission statements, directives, actions, and other literature they publish. In relation to access to schooling for undocumented migrants, the framing of membership operates along a spectrum that ranges from directives that purport the superiority of the “host” nation to the “sending” nation (Lawston & Murillo, 2009), to selective or partial criminalization and alternatively to formulations that construct all individuals as “members” (No One Is Illegal -Toronto, 2004). These formulations of membership are affected by the intersections of race, class, gender, and immigration status.

In what follows, I offer three different framings. I argue that the first two—those from the Education Rights Taskforce and Toronto District School Board—diverge from some elements of hegemony while simultaneously concretizing other aspects. Alternatively, the third—from the Don’t Ask, Don’t Tell Coalition/No One Is Illegal—can be understood as a counternarrative given its conceptual opposition to hegemonic viewpoints and it proposal of transformative solutions that do not marginalize or alienate undocumented migrants.

As mentioned above, the Education Rights Taskforce (ERT) was established in 1999, primarily by members of the legal community. In an interview, Drew, a member of the ERT described it as “as an umbrella group for other groups: legal aid clinics, parents, children and educators to advocate for kids whose parents have ambiguous immigration status.” According to Drew, the group had a “very defined agenda.” Relying on conceptualizations of membership based on legal rights, including international law, the group focused their efforts exclusively on children, and more specifically on undocumented children.52 Furthermore, while their target population did not have full immigration status, the ERT worked solely on the right to schooling,

52 Rather than children under a refugee claim or children who were still covered by a visa and whose families were instructed to pay tuition fees to enroll in school.
not migrant rights. This is not to say that members were not involved in migrant rights struggles, but the ERT defined their agenda as “ensuring that schooling is a universal right” and “every child should go to school.”

Because they worked under a juridical frame where membership and access to school were based on legal rights, it was necessary for the ERT to attach themselves to a definition of membership that was formalized in law. However, prior to the time that the ERT was most active, there was little policy recourse at the provincial level regarding the enrolment of undocumented students. As a result of this absence, the U.N. Convention on the Rights of the Child became a guiding document. Using the Convention, the ERT understood children as having full membership rights to attend school. Similar rights, however, were not extended to adult learners or visa holders.

The efforts of the ERT led to the creation of Section 49.1 of the Ontario Education Act, which stipulated that undocumented students could not be barred from enrolling in schooling because of their immigration status. However, the policy was not enforced beyond the issuance of memos by Ministers of Education and undocumented students continued to be excluded from local schools. This example demonstrates how law and policy can frame a discourse of membership that, while diverging from the norm through demands to extend rights to an often-excluded group, can still reinforce or uphold hegemonic parameters by which ‘legitimate’ membership is constructed. It also displays the limitations of such strict legal framing as the construction of new provincial law did not materialize into implementation or examination of adherence to the policy by school boards.

53 This was the case despite at least two meetings with two different Ministers of Education where proof was provided regarding the non-adherence to this policy.
A second framing emerged from the TDSB’s policies for enrolling undocumented students. The DADT policy was introduced to the Board by two sympathetic trustees, (Keung, 2006) who worked with community organizers to engage with the Board strategically. However, many TDSB trustees disagreed with the policy. During Board discussions, despite the presence of Section 49.1 of the Ontario Education Act, various trustees expressed concerns about passing the DADT policy. These discussions resulted in framing of membership that was based on a tension between four concerns: legal rights as stipulated by the Ontario Education Act; questions regarding the wellbeing of children; criminalizing ideas about undocumented migrants; and concerns over the potential loss of revenue by the Board. Trustees raised questions about the overall eligibility of undocumented students to accessing social goods, the possibility of enrolling children with communicable diseases, the loss of international tuition revenues, and concerns about possible abuse and fraud. Some trustees worried that current international visa students would decide to opt out of status to receive free schooling. Furthermore, Board administrators and trustees were concerned that the policy would act as a “global beacon” to all migrants regarding free schooling in Toronto. These concerns revealed how institutional stakeholders within a purportedly liberal institution articulate notions of membership and draw the boundaries of membership in ways that exclude individuals constructed as non-citizens from public entitlements. Furthermore, suggestions that migrants would rush to give up their status to take advantage of free schooling reflect a long history of criminalizing tropes associated with border crossing, immigration, and precarious-status migrants in particular.

In the context of TDSB administrators and trustees, during committee and Board-wide meetings, trustees voiced discourses that signaled reluctance to enrolling undocumented students based on tropes regarding undocumented migrants as well as racialized peoples. Danielle, a
member of the DADT Coalition and No One Is Illegal at the time the DADT was presented to the Board, described the frame employed by trustees regarding the “granting” of access to enrolment into TDSB schools for undocumented students. According to her,

nobody said ‘we don’t want Jamaicans coming to my school’ right? But you know, it also depended on what part of the city the trustees were from and what part of the political spectrum they sat on, but you know it was a weird mish mash of trustees who ended up being vocal supporters. I remember folks who we didn’t really have a read on but in the meetings spoke very positively about this [the policy]… and then there was a whole bunch of others even within the chairs of the meetings. The ideas of the questions were always about the worthiness. Where did these people fit in the spectrum of a service-charity model which wasn’t this conception of access to education for all but “ok, there are some people that we feel sorry for and so we will let in to our schools and there are others who are just trying to cheat the system and we need to make sure we charge them as international students because that’s good, and then there are further others who we’re really not talking about but we really wouldn’t want them to be in our school” and that tended to be several hints…about, like poverty, about disease, about regions that were always left very vague.

The collective construction of the “undocumented migrant” by TDSB trustees included racist, classist, and sexist ideas about migrants’ perceived criminality, diseased bodies, and legitimacy to a free social good (particularly in relation to international students). These discourses have long trajectories and in relation to the policy, served as a starting point in considering the legitimacy of undocumented migrants to a social good and the potential impact on everyone else.
To Danielle, the discourse employed as the Board meetings relating to DADT had a familiar tone, she said

Their fear, and I think to an extent it says something about how we value education in this province more generally, but their fear that people would thieve education and they had this idea that there was this massive thieving of education that was going to be happening. It really had underlying notes of the same white people who look weary at young Black kids when they enter a store thinking they’re going to shoplift.

The analogy presented above points out the anxieties present in TDSB trustees regarding undocumented bodies, particularly as they are read in relation to race.

During the interview, Dena, a Toronto-West trustee was asked about the assumptions made regarding undocumented migrants, she said,

about 20 years ago that group would have been the Vietnamese because somehow or another they were getting into the country and there was a lot happening. I would say now and it has been for some time and I think it’s because they’re not organized…so they’re seen as being kind of in the fringes is the Somali families and the Tamil families and it changes from time to time depending on who’s disenfranchised…I would say that if you are to say that we have in the Toronto District School Board a number of people who are here without status, I would say that about half the trustees would immediately think of a racial or ethnic group

While it is important to recognize that the trustee can only speak for herself, we must also remember that trustees are not isolated and can develop opinions and understandings about their peers based on numerous pieces of information. Dena’s discussion demonstrates that discourses of race were present in the minds of a significant number of trustees and framed their
discussions. As Razack (2002) and Arat-Koc (2005) have discussed, these discourses, serve to identify who is considered as a good and trustworthy migrant and who is considered a “bad” migrant. As such, in relation to the latter, we can see a number of anxieties regarding their inclusion into not just the national space, but also locally-serving institutions.

Anxieties about the local geographic space became more apparent at the end of an interview with Tanya, a trustee from Toronto-East. During the interview I asked her about the demographics of her ward and any insight regarding the needs of undocumented students. However, prior conversations caused her to pause and rather than engage with the question, she discussed the ways in which the language I used in my query was often employed towards disingenuous and racist motives. She said,

do you understand what demographics means now? It’s got a new [meaning]…[a school], was being expanded…because the ground won’t hold them but it would be so expensive as to be stupid. So we’ve had to cut off [the school], where they were grade k-6 and then k-5, now they’re k-4 because of all the kindergarteners coming and there’s no room. And so the grade 4s have to go someplace next year and we have to decide where to go and it looked like they were going to go pretty much to [two schools in the neighboring area]. So we had to have this process in the community and the strangest areas came that were very worried about this because it is going to change the demographics of the area and I didn’t get it and my assistant sort of gave me an elbow in the ribs and said “there are going to be brown kids”, “oh I get it”, so demographics generally means brown kids or black or yellow or just not pink.

Within this quote we can see at least two things. First, while trustees may already have preconceived ideas regarding undocumented migrants and racialized people, they may still
undergo additional learning through meeting with constituents. Particularly within wards divided across class and racial lines, constituents and their representatives within the School Board may describe their fears of migrants not only “transgressing” national boundaries but also local spaces, include the places where white people live. With these fears in mind, the basis of understanding about undocumented bodies affected not only the debates regarding the passing of the policy, but as described in chapter six, the subsequent efforts to translate policy to practice. The fear of a “demographic” shift, or the browning of the local space, can thus be traced to a discourse that emanates not only from the TDSB bureaucratic space but mirrors that which is also present in Toronto; racist anxieties that construct spaces of belonging and exclusion (Razack, 2002).

The DADT policy was passed unanimously, but the policy has yet to be fully implemented despite the existence of an implementation plan voted on by trustees. This plan, as discussed above, has encountered a number of difficulties, including continued concerns that “excessive” publicizing of the policy will have negative consequences. The concerns voiced about undocumented migrants before and after the passing of the DADT policy display a resilient framing that is based on criminalizing and racist discourse. As such, while the unanimous vote displays a minimal divergence from hegemonic views prevalent at the time—complete exclusion from schooling—the lack of implementation and the various mechanisms constructed to erect new modes of exclusion addressed in chapter six serve to reify the construction of schools as a border that cannot be accessed by undocumented migrants.

Both frames addressed above, one limited to legal discourse and the other based on bureaucratic principles, work through the invisibilization of undocumented migrants. The ERT’s legal framing pursues a paternalizing or humanitarian model that while advocating for those
constructed as “helpless” or “innocent”—undocumented children—still excludes and
criminalizes adults. It also purposefully does not challenge dominant understandings of
membership. As such, the frame employed describes not only the mission for an organization but
also the population prioritized as “deserving” of a social good based on widespread liberal
discourse regarding the rights of children. The second frame, dominant within the Board,
displays a willingness to construct policy that at face value diverges from hegemony but is
betrayed by the maintenance of hegemonic constructions of membership mobilized through
delayed implementation and procedures that serve to further exclude undocumented migrants. In
this way, while the DADT policy was lauded as a move to accessibility, the dominant framing
present within the Board serves to invisibilize both the ways that the DADT policy lacks
implementation as well as the needs and vulnerabilities of undocumented migrants.

As a contrast to the frames discussed above, I describe an alternative; one mobilized by
grassroots activists that recognized all people as members and eligible to receive any public
good. While previous mobilizations had occurred at the provincial level with the Education
Rights Taskforce’s successful development of Section 49.1 of the Education Act, they changed
little on the ground. This process informed some of the work of the Don’t Ask, Don’t Tell
Coalition, particularly relating to the need for actions that employed language that did not vilify
migrants. In addition, the Education Act did not address the deportability of students as it did not
prevent immigration enforcement from entering the school site. It was this limitation that would
prove to be the catalyst to increased activist engagement.

The removal by immigration enforcement of Kimberley and Gerald Lizano-Sossa from
their classrooms marked an important moment in history. Their apprehension energized a
segment of the population that had previously been uninvolved or less critical of immigration
enforcement and immigration-status-based inequities. This primarily manifested in a collective outrage that stemmed from the removal of children from schooling and the perception that the school site was no longer a learning haven. In short, the actions directed at the Lizano-Sossa children betrayed liberal ideology that constructed children as innocent, schooling as vital to children, and the school site as a safe space to all. According to Danielle, a long-time organizer for No One Is Illegal –Toronto and the DADT Coalition, the Coalition had not built up sufficient name recognition within the schooling sector to be broadly considered a “go to” when immigration-status related issues appeared within Toronto. She said,

it’s an interesting story in terms of how we got contacted with respect with the Lizano-Sossa apprehension. [An individual] from the Ontario Coalition Against Poverty had presented at a human rights forum, the Catholic School’s Human Rights Forum, about a week or two before their apprehension had happened. Just talked about issues of poverty and resistance and why that matters. But at that same forum the students were, and this was a story told to me by Kimberly Lisano-Sossa, and at the same forum the students were taught and were told about the U.N. Declaration on the Rights of the Child which says that all children, no matter what their status, should have access to education. When students saw Kimberly and Gerald get apprehended in the school they felt like it was a complete violation of everything they had learned the weekend before and so when they start to get involved and when the apprehension happened, they talked to some of the clergy at the school and some of the teachers and principals and they were like “we need to do something, education is a right for all people” and so it was actually in that spirit that they contacted OCAP and then we got a phone call from OCAP about what was going on and then we just called them and immediately got involved in organizing with
this community. But what was interesting I think was that notion that education is a right for all people came from them, from the ground up.

This narrative brings up an important point. The case of the Lizano-Sossas may have been treated differently had a member from the Ontario Coalition Against Poverty not presented at this particular forum and framed it according to the organization’s logic. Obviously, I do not mean to say that students, teachers, and other members of the community would not have organized against the apprehension of Kimberly and Gerald but it is important to recognize that had a different organization, employing a different frame, orchestrated the campaign, the tenor and processes of engagement may have differed. Subsequently, the imagined possibilities for change might have also diverged.

The DADT Coalition was multi-sectoral and drew on a wide-ranging set of resources, ways of doing politics, political skill sets, and agendas. The breadth of perspectives made it necessary to organize a collective vision and to a large extent No One Is Illegal set the terms of reference for the Coalition. This included a frame that decriminalized undocumented migrants and called for a stop to all deportations (Fortier, 2013). For No One Is Illegal -Toronto, the name of the group is as much a counter-narrative as a group philosophy, it sets out how undocumented migrants are conceptualized and counters the predominant perception of that population as ‘illegal.’

The Coalition mobilized a counternarrative to hegemonic conceptions of membership. This alternative was based on residence, rather than legal policies or immigration status. According to this new conceptualization the only basis for membership and the subsequent right to accessing all social goods including formal citizenship was residing in the community. At the same time, it also recognized that migrants arrive daily into the country and many are pushed
into precarious immigration status because of the racist, classist, and sexist elements that underpin immigration policies. With this framing in mind, the Coalition recognized all attempts to exclude on the basis of immigration status as illegitimate. This counternarrative is centered on the lives of undocumented migrants and based on a conceptualization whereby membership is not exclusive but rather must be readily available to all residents of the community (Villegas, 2013b). In this way, access to schooling was not constructed as a humanitarian request but rather as a social justice demand and an issue regarding rights. According to Gloria, a member of the Coalition and No One Is Illegal –Toronto,

We were told that this policy [DADT] might create a loophole for students and that kind of thing. We don’t think any access policy is a loophole, [we think] that access to education is a right that all residents should have.

Given this framing, the construction of the policy was a very small step in addressing the grievances of members of the community that experienced discrimination and “illegalization” through policy construction and deployment. This framing was not interested in a reduction of barriers to those constructed as legitimate (children); it was interested in a process whereby the mobilization of communities would lead to the erosion of all border-zones and recognition of undocumented migrants’ humanity. The latter could only occur through a conceptualization of all individuals present as residents and by extension, as “members.”

In order to construct a better context of enrolment and accessibility, No One Is Illegal mobilized a diagnostic frame of the school board as an institution that must take a more active role in the wellbeing of their students. Therefore, they charged the Board with the responsibility to advocate for increased access to social services and rights in addition to schooling. They were

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54 There are also the numerous peoples that are denied entry based on the same criteria.
aware that Toronto schools are severely underfunded, and that the environment for racialized and poor students is violent and consistently pushes students out of the schooling process. Thus, they saw the solution as improving social services for precarious-status migrants and pushing for comprehensive immigration reform from a number of diverse arenas (healthcare, postsecondary schooling, shelters, food banks, etc.). This solution aimed to improve the life of the migrant while maintaining the end goal of decriminalizing and de-illegalizing all migrants. In this way, the range of solutions offered by No One Is Illegal –Toronto included broad and specialized elements. The latter are understood as necessary in order to minimize the violence experienced by undocumented families and to maximize feelings of belonging and safety. These sectoral approaches were premised on the idea that while bettering the context of reception for undocumented families, work can be done to resist a racist, classist, and sexist immigration system premised on colonial logic. In this way, a diagnostic frame that is constructed to visibilize undocumented migrants while focusing on a single social arena is understood as an additional step to a larger goal.

**Thinking of a Solution: Prognostic Frame**

A prognostic frame speaks to the range of possibilities imagined that can solve a problem (White, 2013). By extension, the prognostic frame also situates who is considered as valuable stakeholders and contributors in thinking through possibilities. As such, the prognostic frame speaks to who is invited and what interventions are considered viable and useful given the dynamics of each organization. Examples of prognostic framing can include framing individuals as powerless and maintaining a paternalistic relationship where decisions are made for a community. On the other end of the spectrum, a community may be framed as active and
resistance conceptualized as a joint proposition. Finally, the framing of possible actions and who can be considered a “partner” can have short and long-term material outcomes as they inform the actions taken to address a particular topic.

As previously noted, the Education Rights Taskforce used the U.N. Convention on the Rights of the Child as the basis of their work. Given the particular expertise of its members, it sought to influence policy makers in order to generate legislative changes regarding how access to schooling is configured for undocumented migrants. ERT focused on highlighting the dissonance between international law (to which Canada is a signatory) and what was happening on the ground. Their primary strategy involved lobbying the government through formal channels. Through it all, the prescribed message was based on the conflict between the exclusion of students on the basis of their immigration status and the law.

Given the discourse of law, membership in the context of schooling was understood as encompassing those with a legal entitlement. Therefore, the ERT envisioned strategies that informed and pressured legal and institutional bodies to enforce policies that recognized children as entitled to schooling. This process is severely limited given the ways in which the law produces individuals as “illegal” (Calavita, 1998; De Genova, 2005) and as such, as non-members and illegitimate recipients of social goods.

As a result of this prognostic frame there was little room for the inclusion of people without expertise in law. This is not to say that community members were not part of the ERT. However, when a single legal document is employed as the informing premise regarding the extent of demands and the parameters of belonging and legitimacy, there is less room to expand on such discourse. As such, the ERT was not interested in a process that would broaden the U.N. Convention in a way that would critique who was excluded from it or the inability for it to
translate to schooling past the K-12 level. Its purpose was solely to ensure that provincial law reflected the Convention, not to guarantee it was broadened to facilitate a greater degree of equity. The prescribed role of community members, outside of arguing for provincial law to mirror international law was to collect signatures, write articles, and otherwise pressure lawmakers, albeit exclusively in relation to the aforementioned parameters. Furthermore, the primary request for community engagement was to contact policy makers and engage in civic participation to ensure the development of new law. In this way, engagement by the community was only perceived as necessary until a satisfactory provincial policy that allowed undocumented students in schools was passed. Unlike the DADT Coalition, this was not meant to be a movement that would grow beyond its intended purpose and expand into other arenas. Overall we can see prognostic frame limited the processes of engagement to achieve the organization’s goal.

The TDSB has a number of limitations involving engagement and imagination of possibilities regarding access to schooling for undocumented students. As described in chapter six, the TDSB is a large bureaucracy that prevents many stakeholders from engaging and making changes. As such, the process of engagement within the Board operates as a façade where community members can dictate the future of the Board and elected officials represent communities’ wishes. However, the prognostic frame within the TDSB is confined to bureaucratic means wherein only those familiar with it can participate and where interventions need to be highly focused. This frame is mired in paternalistic bureaucratic procedures in which administrators can claim to know what is best for the communities in question and how to address such needs.
In relation to the TDSB we can examine a prognostic framing of two interrelated problems; first, the inability for undocumented students to enroll in TDSB schools, and second, the lack of implementation of the DADT policy. Roles within the Board are well defined; trustees make policy and administrators are charged with carrying it out. In both instances we see possible solutions limited by a diagnostic frame that criminalizes and illegalizes undocumented migrants as well as institutional logic that prescribes bureaucratic processes as solution. During the various Board meetings regarding the passing of the DADT policy, trustees and administrators exhibited wariness regarding the possible, and in their minds likely, abuse of the school board at the hands of undocumented migrants. As such, safeguards were imagined including proving that a migrant was indeed undocumented. Furthermore, in relation to implementation, administrators were interested in a process that would fulfill policy obligations without appearing to “encourage” migrants to “opt out” of status, or to “set a global beacon” of free Canadian schooling to a world full of potential undocumented migrants eager to pounce at the possibility of abusing Canadian charity. We need only remember the recollections of Board employees and individuals present at Board meetings concerning the reasons why implementation was limited and the efforts to “protect” the Board as evidence of this.

The prognostic framing employed by the TDSB limited the possible solutions because of the bureaucratic process that removed many stakeholders from decision-making spaces as well as a diagnostic frame that constructed undocumented migrants along criminalizing and illegalizing discourse. Thus, it is no surprise that the range of actions proposed by the TDSB, discussed in the following section, were equally constrained and have resulted in the construction of new barriers.

55 Please see the section on school as border zones and limitations of the DADT policy in chapter 6 for a fuller discussion.
In contrast to the Education Rights Taskforce and the Toronto District School Board, the prognostic frame utilized by the DADT coalition and No One Is Illegal understood working on various campaigns (schooling, Violence Against Women shelters, police services, city services etc.) as contributing to a wider agenda of redefining membership and mobilizing for comprehensive immigration reform. Furthermore, the work of imagining solutions involved a higher degree of community consultation as well as the inclusion of individuals from diverse arenas (Fortier, 2013). Following the arrest and deportation of the Lizano-Sossa children, No One Is Illegal -Toronto and the DADT coalition created a separate campaign on access to schooling. However, while members of the Coalition had previously attempted to bring DADT policies to City Hall and the Toronto Police Services Board, the intricacies of these bureaucracies differed from that of the TDSB and organizers had to learn first how to engage this institution in order to develop a strategy.

With a new focus on schooling, different voices and organizations began to participate, particularly those already involved with schooling advocacy. Some campaign participants were engaged in strategizing a variety of facets of the campaign while others played specific roles according to their profession and skill sets. Those from the legal community prepared a legal opinion explaining the autonomy of the schooling sector (outside the immigration system), and cleared up misinformation regarding the supposed responsibility of Board employees to report people to immigration authorities. Individuals from teachers’ unions helped create spaces where the group could present its platform for a DADT policy. Members of non-school-related labor unions presented deputations at the TDSB explaining the need for their constituents’ children to attend school. Finally, numerous people from each of these groups planned rallies outside of the TDSB Head Office to bring additional pressure to the Board via community presence and media
attention. These mechanisms were combined to deliver a coherent message based on the framework employed and mobilized by the collective. The prognostic frame also included determining who shared a similar diagnostic frame and as such was a suitable partner and who was not. Finding the right allies was important to the Coalition and at different occasions, there were incongruences too big between groups in relation to basis of understanding and processes of engagement that some decided not to join. Furthermore, the prognostic frame also included space for organizations that did not want to appear at the front of the campaign but were interested in providing support. As recounted by Danielle,

I think for groups that would be, maybe we call them more institutionalized, sort of NGO’s or charities, health centers or school boards, they saw working with No One Is Illegal as risky. Whereas, I think folks in the general sense from No One Is Illegal, we saw working with them as kind of dirty, as kind of compromising, but that [we] should be able to effectively do [that].

While some “institutionalized” organizations decided to join the mobilization, there were still fears that being linked to a “radical” group could have a negative institutional impact. To this end a strategy was developed whereby No One Is Illegal would engage in the actions constructed as “radical” while institutionalized group would engage in more formal ways such as letter writing campaigns and deputing in front of the Board. As such, Danielle stated,

What was happening required the coming together, partly because within institutional settings rocking the boat is a very difficult thing and so it’s much easier if a bunch of outsiders are framed as sort of radicals or trouble makers…[and] rocking that boat but rocking it in a way that is advantageous…[There were people] that were either not

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56 In the context of public institutions this could mean a withdrawal of funding or angering a board of trustees or the institution’s executive director.
knowing at all that this was an actual problem that existed, or were sympathetic and understood but didn’t know how to deal with it. [They] saw it as a benefit but [there is] the risk and the cost,… the political shaming and blacklisting that comes from working with a group like No One Is Illegal for various reasons, and over time that’s gotten more and more risky for institutional people because of how the media frames, because the minister of immigration considers the group a terrorist group and talks about it and badmouths it on twitter, that it makes it very risky to form very strong partnerships

Although the latter portion of Danielle’s narrative (Jason Kenney’s framing of No One Is Illegal) was not a factor at the time DADT was debated, this narrative shows that No One Is Illegal was prepared to imagine multiple interventions. Furthermore, the organization was also willing to work with partners who did not want to risk institutional alienation and collectively worked to develop strategies for greater engagement.

Overall, the DADT Coalition’s prognostic frame differed greatly from the prior two discussed above. For the DADT Coalition, the construction of a gameplan included a variety of skillsets and strategies that were focused on a single goal. However, where the Coalition failed was in imagining non-implementation and the need for a prolonged campaign beyond the passing of the policy.

Once the DADT policy, including an implementation plan, was passed, members of the Coalition awaited the translation of a paper policy into results on the ground. When this failed to materialize, a new committee sprung out of No One Is Illegal –Toronto. This group reimagined old tools from the work to pass the policy as well as developed new ways to relay the DADT message. This consisted outlining research projects on the implementation of the policy,
developing independent media support, and planning rallies and mobilizations. Overall, the prognostic framing again included a diversity of voices and possible engagements.

**Range of Actions: Motivational Frame**

As Benford and Snow (2000) explain, “frames help to render events or occurrences meaningful and thereby function to organize experience or guide action” (p. 614). As such, diagnostic and prognostic frames shape the motivational frames and as such the actions taken to achieve a goal. This section analyzes how the three groups under analysis considered the range of possible actions to undocumented students being excluded from the schooling process. Given the framing of this topic, one can discern that the ability to imagine new possibilities was defined by individual’s conceptualizations of “access” and “membership”, as well as the ways the affected communities were constructed. Furthermore, such framings carried material consequences for undocumented migrants in terms of who was included, how migrants’ vulnerabilities were taken into account in the development of interventions, and how implementation was conceptualized.

Because the ERT understood the situation in terms of legal discourse, the actions taken to reconcile the problem offered mirrored this approach. As such, the diagnostic frame employed in these instances required a legal body to award certain membership rights to the population in question – in this case, undocumented children. Furthermore, the prognostic frame prescribed that the proposed solution to the lack of implementation of policy was to further inform individuals, who were already not listening, about the presence of existing policy and the need to follow it.
As such, the motivational framing dictated necessary actions to achieve their goal; in this instance achieving governmental intervention through the implementation of existing legislation. To this end, they wrote articles in local media and implemented letter-writing campaigns targeting Ministers of Education. The letters asked the ministers to write policy and inform school boards of their non-compliance with provincial and international law should they deny access to undocumented students. These efforts resulted in the development of Section 49.1 and the issuance of memos explaining how it applied to undocumented migrants. This process did not extend into further action. As such, all actions were aimed at lobbying government officials and change was understood as occurring from the top down.

There are political implications attached to the ERT’s motivational frame. The frame remained within the realm of legal work and while successful in legalizing access to schooling for undocumented migrants, it also concretized modes of illegalization that may not have been present before. In constructing “beneficiaries” as children who did not have a visa, the policy also excluded and further “illegalized” adults and children with valid visitor’s permits. The policy’s definition of a legitimate or deserving member also served to construct or reinforce definitions of non-members. Thus, the motivational frame in this instance, given its adherence to law and lack of imagination of necessities beyond the word of law, held consequences to subsequent attempts to increase access for those constructed as “non-members.” Finally, within the conceptualization encompassing a passive following of law, members of the ERT did not appear to imagine the possibility of non-compliance at the local school level and a provincial Ministry that would offer little follow-through. This limitation can be linked to the initial understandings of the problem.
By the time the DADT policy passed at the TDSB, the ERT was less involved in advocating for access. The remaining parties, the TDSB and the DADT Coalition, employed very different motivational framings regarding the plan for implementation.

Given the bureaucracy at the TDSB, individuals within the Board understood the process of policy implementation in terms of efficiency and impact and did not consider it a high priority. The sending out of annual memos on the DADT policy was deemed an effective mechanism of implementation and many individuals within the Board continued to adhere to the idea that a family having difficulties enrolling their children could simply contact them or ask a legal aid worker to act on their behalf. Similarly, trustees expected migrants to understand how schools are configured and to communicate with them if problems occurred. This approach presupposed that if at any time a mistake is made, it was the responsibility of the affected party to report it despite the possible stress and fear associated with doing so. In this way, the Board’s motivational frame has vacillated between a highly formalized system of policy adoption and a highly informal mechanism for addressing the gaps between policy and practice.

As seen in chapter six, the range of actions for individuals within the Board has included the downloading of responsibility unto undocumented migrants and a larger degree of structure in the enrolment of undocumented students, demanding they go to the head office to do this, regardless of the possible impacts on their sense of safety. Furthermore, it is difficult to believe that even this motivational frame would have been present without a heavy push from community organizers. As part of the interview with Maggie, a senior administrator at the Board, I asked if the Board would have, on its own, taken up the project of developing a DADT policy

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57 Although a member was present at a press conference to speak to the lack of implementation of the DADT policy
and whether it was “something that the TDSB was moving towards or do you think that it’s something that the campaign, the activists really pushed you to that position.” Maggie responded, probably not, I think, well first of all it would not have been viewed as a systemic issue if the advocacy work hadn’t actually raised it and gave the sense that really this was something that was not just happening at one or two isolated schools because often we don’t hear about it. I mean the advocacy groups hear about it because folks go to them and secondly it would have been just something that we would have done on a one on one basis and responded to as best as we can knowing that it could not have worked in a hundred percent of the cases because the one on one situations are only the ones that somebody brings to our attention downtown.

As can be seen, the exclusion of undocumented students from TDSB, while a known problem, was not considered significant to warrant a Board response. Furthermore, individuals within the Board saw an individualized response that clearly could not reach all undocumented migrants who were rejected from enrolment, as a satisfactory solution. To this end, a frame that began by invisibilizing undocumented migrants’ presence and vulnerabilities and centered around concerns of potential abuse, led to a context where migrants must face difficult situations to enroll their children.

There is little work on the effects of precarious immigration status. Goldring and Landolt (2011) describe a stickiness to precarious immigration status whereby precarity is experienced long-term even if an individual receives permanent status. Given the context of this project, I argue the concept of precarity takes on an additional dimension—the precarity of undocumented people to be a part of institutions’ or organizations’ imaginaries. By this I mean that undocumented migrants experience a precarious condition in the construction of mission
statements, catchment populations, or the development of an understanding of who stands to receive benefits. Thus, as a consequence of their invisibilization they may not be considered or taken into account. This exclusion can be linked to an exclusion from membership and thus a relegation to the boundaries, if present at all, of key directives and policy making. In relation to schooling this can be seen in the exclusion of undocumented migrants’ voices in policy decisions and within conceptualizations that further “illegalize” them. As can be seen in the two examples above, this “stickiness” within the context of DADT has been present since before the passing of the policy and continues to be a barrier.

Prior to outlining the processes of engagement employed by the DADT Coalition when addressing, working, and resisting against the Board, I believe it is useful to see how two different individuals can come to see the process of working with the TDSB. During the interview with Maggie, a Senior Board Administrator, she stated,

Well I think this incident (addressing the Board about DADT) happened in 06 and the…chair of the Board received communications from No One Is Illegal I believe who requested the opportunity to speak to the trustees about this through our formal process which is the programs and school services standing committee. They made what we call a deputation, and after having circulated their suggestions about how we should change the policy, the Board, as it normally would, requested a staff report and based on that report the Board came to a decision that we should implement a Don’t Ask, Don’t Tell policy and staff came back with a draft policy. We didn’t call it Don’t Ask, Don’t Tell, because that’s kind of a popular term, we call it “Admission to Students Without Immigration Status.”
The process outlined above, while accurate, does not provide much information about what was required for organizers from No One Is Illegal and the Don’t Ask, Don’t Tell Coalition to navigate the Board’s intricate bureaucracy in order to put forth a counternarrative that would ultimately be passed. Thus, in order to better understand the difficulties associated with such a process, I juxtapose Maggie’s recollection of events with that of Gloria, a longtime member of NOII and the Coalition. She stated,

[First] we were told by the lawyer at the TDSB that implementing such a policy would in fact be asking administrators to break the law, we were told by most trustees that this was not feasible and there wasn’t a lot of interest. Then it was diverted to various committees and we participated in organizing deputations around making arguments about why this policy should exist.

The difference in narrations of the process necessary to pass the policy speaks to the ways Board activities can be alienating to community members while simultaneously be read as “common sense” to individuals within the Board. To this end, the construction of a counternarrative necessitated not just an alternate imagination to the problematic, but also a steep learning curve to a procedure that is inherently invisibilizing and whereby organizers had to legally and discursively argue for a new framing of access to schooling for undocumented migrants.58

In order to make initial inroads within the TDSB, Coalition members had to craft a legal opinion that demonstrated how the enrolment of undocumented students did not counteract federal law. This demonstrates that the coalition, similar to the ERT before it, also employed a legal process of engagement to legitimize their claims to the TDSB. However, to the coalition, 

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58 As I argue in the conclusion, some organizers within No One Is Illegal are wary of employing the word “access” outside of strategic purposes because the policy passed relates more to the “entry” or enrolment of undocumented students to TDSB schools rather than a larger conceptualization of what may constitute “access” and “accessibility” within an educational environment.
the legal opinion did not create the diagnostic frame regarding the problem; instead it became a strategic tool amongst its motivational frame. The legal opinion was only to be the first obstacle in the bureaucratic process however, as the same NOII activist stated,

So the lawyer at the TDSB said we would be asking administrators to break the law. We got legal opinions drafted and lawyers to present on the existence of the Education Act and the section within that stipulates that non-status children should have access to education

While the work of the DADT Coalition included a large number of voices, the bureaucratic processes of the TDSB only allowed for a few individuals to speak at committee meetings and none at all at board meetings. In response, members of the Coalition employed non-verbal strategies to make their presence felt and communicate their goals. As a member of the coalition stated, “In larger board meetings, not the committee meetings, where we didn’t have speaking rights we went in wearing t-shirts, buttons, stickers and that kind of thing and the presence of the community was strongly felt in all of these meetings.” This effort, as well as the deputations of a myriad of organizations signaled to trustees (who are publically elected) that their decisions were being scrutinized and evaluated. In this way, the campaign was able to shift the predominant discourse to frame opposition to DADT as an argument ‘in favor of keeping children out of school’ – a decision no public figure considering a future in politics could make.

In an effort to turn up the heat on the Board, the DADT coalition developed a media strategy to inform the public about the issue in a strategic manner that did not further criminalize or marginalize undocumented migrants\(^{59}\). The coalition used the media and public demonstrations as a backdrop to its formal discussions with the school board. This was a learning

\(^{59}\) Please see chapter four for a fuller description of this strategy
process: members of the coalition had to learn how to engage the media in a way that reinforced their counternarrative, while still being able to appeal to the public. This method yielded results including a document from Canada Border Services Agency announcing they would not sanction the entering of schools again as well as public proclamations by a few trustees regarding the value of this endeavor and their support.

After the passage of the DADT policy at the TDSB, members were too quick to claim victory and the DADT coalition was largely disbanded. However, given the lack of implementation of the policy and the continued rejection of students at the TDSB (Sidhu, 2008), No One Is Illegal -Toronto took the lead in pushing for implementation of the policy through the Education Not Deportation campaign.

No One Is Illegal differed from the TDSB in their reading of the implementation plan. First, because migrants arrive in Toronto daily, they believed it imperative that the TDSB advertise their policy on an ongoing basis. In this way, school staff and the public would have a clearer sense of their rights and obligations. No One Is Illegal also rejected TDSB rhetoric that pushed responsibility for student enrolment onto undocumented families. As mentioned above, the TDSB often assumes that faced with obstacles, families will advocate for themselves – by contacting legal aid workers, school trustees, or the equity office who can make a call or write a letter – but this reveals a profound unwillingness to recognize the fear and uncertainty associated with living without status. Faced with perhaps well-intentioned questions from frontline workers in a school, many undocumented migrants may walk away. Some students have even been explicitly told that they will not be registered without immigration documents (Sidhu, 2008). This all can create a pervasive barrier to the enrolment of precarious-status students.
Because the organization believes that training and dissemination must extend beyond the sending of memos, they developed a video describing the need for policy in all school boards and calling for its implementation at the TDSB (Education Not Deportation, 2009). The video was screened at a local TDSB high school and subsequently made public through YouTube and Vimeo. Further actions included a press conference, back-to-school functions, and maintaining schooling as a priority during rallies and mobilizations around other issues. In this way, while the TDSB was tardy in the implementation of the policy, organizers were quick to remind administrators that they would employ a number of tactics to ensure access to schooling for undocumented migrants.

Overall, given the motivational frame, the range of actions for the DADT Coalition were only limited so far as to ensure they did not engage in the criminalizing, invisibilizing, or “illegalizing” of undocumented migrants. Unlike the ERT they were not constrained by frames that privileged policy or juridical process and were not limited by legal precedent. Furthermore, in contrast to the TDSB they did not operate under a frame that conceptualized undocumented migrants as potential threats and developed interventions based on that perspective regardless of wording of an implementation plan passed by trustees. As such, we can see that the ways organizational logic was constructed depended on diagnostic and prognostic frames used to understand this phenomenon and possible solutions. Furthermore, the subsequent actions were limited or broadened according to such conceptualizations.

Finally, while the Don’t Ask Coalition and No One Is Illegal achieved much in relation to the problem of study not all members were happy with the motivational framing. In chapter five I outlined how strategic involvement with the media served the Coalition to accrue greater local involvement through the collective anger of members of the community upset by the removal of
children from a school. However, this process was not without critique, even when considered alongside the larger counternarrative mobilized. As such, engagement with the media and the types of stories demanded by these outlets resulted in what was considered a missed opportunity by some organizers. To a certain extent, it appears as if the strategic method of disseminating a counternarrative was diluted by the media’s over-emphasizing the Lizano-Sossas as a “model family.” To Danielle, a member of the Coalition and No One Is Illegal –Toronto at the time the policy was debated,

what was interesting is, as the campaign began to unfold, the media depiction and the way we as organizers began to depict the family as a “model migrant family”, you know, nuclear family, kids were “A” students, and the father is working and the mother is working and all this type of thing, it actually produced, I think, a discourse within the mainstream society who was now getting engaged with this thing that was like “yeah, all students should have access to school, but mainly all students who fit this model of a migrant family” and there was definitely, I feel, something interesting that took place.

In attempting to stop the family’s deportation and the subsequent effort to ensure there was no repeat event within the school boards, organizers employed narratives that worked counter to the framework they mobilized. This was seen as a strategic move that would allow for a prolonged discussion where the organization’s counternarrative would be deployed. As such, the idealized framing of a “model migrant family” served to increase public support but also facilitated room for discussions regarding “good” migrants, “bad” migrants, and the boundaries to social services that stem from these frames. We can then see one major contradiction in this work: being strategic and playing to dominant narratives may advance a particular campaign but the cost may be the reification of constructs that can further exclude other individuals. At the same time, the
immediacy and urgency of intervention\textsuperscript{60} may dictate the need to highlight the “worthiness” of a family or individual in order to secure their welfare, especially when mediums and individuals will not participate to the same extent in the absence of such narratives. Participants were well aware of this fact and were reflexive in thinking about the difficulty in reaching a balancing point. Saul a member of No One Is Illegal and the Education Not Deportation campaign stated, it’s interesting because we mentioned the model minority evokes this idea of an informal point system for good will, a type of political economy of that that we’re kind of forced to play or engage with whether we want to or not and it’s similar, a lot of us don’t have legal backgrounds and might not even care about what a particular law or one jurisdiction versus another, where it’s ok in one and not another but if there’s something that says all children under the age of 18 have the right to access schooling when they are residents, that’s something that we’ll think about using to our advantage but it does bring up that question at the beginning sometimes if you’re not careful you can lose sight of some of those broader values and principles

Gloria, in a separate interview stated, going through the process of lobbying just for a year at the school board level really took energy away from doing grassroots organizing in schools doing education because so much of the work we recognized had to be focused on media at that time because of the TDSB. We felt like the heat had to be placed on them, and in hindsight we often talk about that as a mistake, having placed so much energy into media and into lobbying that we weren’t able to spend that time in schools. We weren’t able to do the outreach that we really wanted to be doing.

\textsuperscript{60} As in the case of a pending deportation
In both of these excerpts we can see the ways that two members reflect on the need to balance the proposed process of engagements, in this case media work and the “model family” narrative, with the further deployment of a productive counternarrative. At the same time, this reflective exercise can point to a large process of fine-tuning methods of delivery and the processes under which tools at hand, including the media and dominant discourse, are employed.

Finally, it must be stated that as of late, schooling has dropped in the list of priorities of No One Is Illegal –Toronto. Part of this has to do with the many other pressing needs of undocumented migrants and the changes in interests and priorities of those currently among the membership. This may speak to the need for broader and stronger prognostic framing that takes into account a prolonged process. It may also require the enlisting of broader coalitions that can provide additional supports. However, what cannot be understated is that through framing that works to counteract hegemonic ideas regarding undocumented migrants and their place in Toronto society, many local organizers are open to a myriad of methodologies to ensure social justice rather than having limitations placed on them through ideologies that restrict collective imaginations and new conceptualizations of key ideas.

**Conclusion**

In this chapter I have discussed the ways framing can reify or resist the hegemonic construction of undocumented migrants. As such, the diagnostic and prognostic frames of Toronto District School Board administrators dehumanized and deprioritized undocumented migrants through the employment of criminalizing and illegalizing discourse. This led to identifying such migrants as non-members and illegitimate recipients to a social good. Thus, the passing of the Don’t Ask, Don’t Tell policy was constructed as a benevolent event and the
implementation of this policy received minimal attention. The Education Rights Taskforce displayed a narrow focus in diagnostic framing that was based on non-adherence to the law. Within this formulation the exclusion of undocumented children was interpreted as the problem to be addressed and the prognostic framing dictated that a response come from the construction of policy to address this grievance. However, this framing did not take into consideration the potential for a disconnect between policy and practice. Furthermore, in identifying children as the rightful recipients to school, the illegalization of migrant parents was reconstituted. Finally, since the law is constructed to benefit the dominant, a legal approach did not question the validity of larger structural inequities such as the illegalization of undocumented families and the presence of a colonial immigration regime. In contrast to these approaches, the Don’t Ask, Don’t Tell Coalition and No One Is Illegal deployed a diagnostic framing that constructed all individuals as rightful recipients of a social goods, challenged the illegalization of communities, and worked under a process that facilitated community input and guidance. Thus, the compilation of these frames served to center affected individuals, challenge hegemony, and visibilize undocumented migrants as active and human. Furthermore, the prognostic frame facilitated the advancement of a counternarrative at strategic moments. Thus, strategic frames that followed the logic of exceptionalism were supplemented with logic countering the illegalization of undocumented migrants. Finally, while the DADT policy remains to be fully implemented, the framing discussed in this chapter has facilitated a number of victories aimed at making the city of Toronto a space of non-compliance to immigration officers. As such, while this approach may seem similar to that of the ERT, the DADT Coalition and No One Is Illegal have engaged in the act of resistance through a process informed by the lives of affected
individuals and not been hampered by the strictness of law, instead working to change by imagining new transformative possibilities.
CHAPTER 8: ACCESS NOT FEAR: A RESISTANCE AND THE BROADENING THE MEANING OF “ACCESS”

This dissertation is informed by the work of anti-racism and LatCrit. Both discursive frameworks argue that there is a need for the inclusion of transformative possibilities in our research. Within this conclusion, I focus on the value of redefining key concepts and employing them as the basis of mobilizations. Our communities have never been passive and words have been crafted to not only explain our condition but also to resist through shared struggled (Sandoval, 2000). However, we have consistently witnessed a cooptation of terms by the dominant (Ahmed, 2006, 2009). In light of this, we must ensure not just the creation of new terms to define and describe our resistance but also reclaim ideas that have been diluted to the point of meaningless. In order to better propose an alternative, I employ the voices of migrant justice activists and the definition of terms they employ and juxtapose such meanings to “common sense” interpretations.

The value of language cannot be understated. Words, and their conventional meanings, determine our frames of reference as well as the range of possible understandings and actions. At the same time, words can also be limiting as the conceptual parameters around them can fall within hegemonic paradigms. Thus, in relation to the development of a successful counternarrative, I argue that “meta-ideologizing” (Sandoval, 2000) can be of vital importance. To Chela Sandoval, “meta-ideologizing” refers to the “operation of appropriating dominant ideological forms, and using them whole in order to transform them” (p. 100). This process challenges the accepted conceptual and practical parameters of words and provides new ways of defining and eroding borders imposed by partial definitions. While meta-ideologizing occurs in the space of hegemonic terminology, this is a strategic move to decenter the dominant. To
Sandoval (2000), “this self-conscious production of another level of signification parasitically based on the level of dominant ideology serves to either display the original dominant ideology as naïve—and no longer natural—or to reveal, transform, or disempower its signification in some other way” (p. 126-127). There is a level of pragmatism in this endeavor as rather than developing new terms, this process speaks to the retooling of old hegemonic ideologies in order to broaden spaces of resistance. As such, in this conclusion, I discuss the importance of challenging, redefining, and remobilizing the concepts of “access” and “membership” to construct a safer and more equitable context for undocumented students within the Toronto District School Board.

Throughout this dissertation I have discussed the different barriers that affect the enrolment to schooling at the TDSB for undocumented students. I have also highlighted the ways a counternarrative redefines key concepts in order to facilitate the demands of migrant justice organizations. Thus, I argue that working against the constraints of diluted key concepts such as “access” and “membership” can lead to broader possibilities for organized resistance. Critical theorists have argued that while the process of deconstruction is important, it is not enough. We must deconstruct while constructing new possibilities (Hurtado, 2003; Sandoval, 2000). Thus, the process of redefinition, while deconstructing broad understandings of a concept, also provides new ways of interpreting ideas that include transformative solutions.

The ways that concepts are understood and mobilized has proven to be a significant barrier for undocumented families. To many social actors within the Board, the idea of access in the context of schooling for undocumented students was solely understood as the ability to enter or be registered into the school space. Thus, contextually, the concept of “access” was often employed as synonymous with “enrolment.” This definition then can lead to a severe over-
simplification of the population and their vulnerabilities. As such, through a hegemonic perspective, individuals can understand the problem within the TDSB as occurring solely in relation to a fixed moment in time: during school registration. Therefore, under such a rubric, this problem can be solved if and when undocumented migrants can register into a TDSB school. Put another way, many participants exclusively defined access as the construction and implementation of a policy that did not prohibit undocumented students from enrolling. By discursively linking the concepts of “access” to “entry” or “enrolment” the former was constrained by the conceptual parameters of the latter. Such restrictions invisibilize the structural boundaries that limit or exclude undocumented migrants from schooling.

Defining “Access” beyond “entry” or enrolment” is important. Fortunately, not all participants employed the same limited definition of this term and instead opted for increased conceptual clarity. In the section that follows, this conceptual clarity is elaborated.

**Access as a broad interconnected concept**

The Don’t Ask, Don’t Tell Coalition had two interrelated political projects, one internally discussed and one widely communicated beyond the confines of the organization. In the latter, the Coalition supported the development of DADT policies that would expand levels of access to services for undocumented migrants. Internally, members of the Don’t Ask, Don’t Tell Coalition understood their work as mobilizing a political strategy of non-compliance that would theoretically make the work of immigration enforcement impossible within specific localities. The demands and political organizing behind the Coalition worked to mobilize “access” as a broad notion that demanded increased commitment and engagement by numerous institutions. Included within this conceptualization was the belief that the work of local institutions like the
Board should center the material conditions of their students and how they affected learning. As such, the Coalition also worked to broaden the working definition of “responsibility” as it related to the schools and their members, including teachers, trustees, and administrators. Redefining the conceptual boundaries of “access” and “responsibility” was meant to be replicated beyond the confines of schooling so that immigration enforcement would be unwelcomed in every corner of the city and migrants could lead lives with fewer status-related anxieties. Finally, while this political plan has yet to materialize, the recent move within the city of Toronto to label itself as a “solidarity city” shows that this work and its political goals are ongoing.

The political agenda of the Don’t Ask, Don’t Tell Coalition behind proposing a policy like DADT displays a project that is based on the erosion of barriers through a broad conceptualization of citizenship. This method widely differs from projects that are limited to a single purpose and within the context of a specific social institution.

The mobilization within the Toronto District School Board was initially imagined as a mechanism to organize for change from the grassroots up, rather than a policy-driven top-down approach. This tactic visibilized the presence and collective power of undocumented migrants and their allies while remaining grounded on their material needs. It bears keeping in mind that the work within the Toronto District School Board was the third iteration of a campaign by the Coalition and all were occurring simultaneously. Thus, in the minds of organizers, victories at the police board, municipal level, and the TDSB would have meant a proclamation by the largest city, the largest school board, and the largest municipal police department in the country to not assist immigration enforcement. This level of non-compliance or non-assistance would have compelled immigration enforcement to operate outside of three very important social service

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61 Work within Violence Against Women shelters and food banks is still ongoing and recently postsecondary schooling has become a greater priority.
institutions in the city and as a result, constructed a safer context for undocumented migrants in Toronto. Unfortunately, as stated above, the police board to a large degree rejected the proposition, City Hall would take another seven years to formally vote on a policy, and the Toronto District School Board has not only failed to fully implement DADT but has developed new barriers to the enrolment of undocumented students.

The Coalition’s and No One Is Illegal’s mobilization of “access” challenges bureaucratic hegemony in three ways. First, as discussed above, they mobilize a concept of “access” that spans beyond the mere possibility of enrolment. This includes recognizing that “access” must be linked to academic success and is also dependent on numerous structures beyond schools. As such, the Coalition argues that the responsibility of the school board must expand past enrolling and teaching students and include working on their behalf beyond the confines of the school site. Secondly, the relationship between the school board employees and the students is understood as spanning beyond the time spent within the school. It must also include after school hours, the summer, and post-graduation. Overall, these reconceptualizations see the relationships between students, school employees, community members, and all other relevant social actors as occupying temporal and spatial dimensions beyond hegemonic limitations. Finally, “access” is seen as dependent on actual and perceived safety. To that end, members of the Coalition charge the Board with developing processes that consider and address migrant’s status-related anxieties.62

In relation to the first expansion of the concept of “access,” Gloria, a long-time migrant justice organizer stated,

62 It bears mentioning that organizers are also aware of the myriad of problems occurring within schools including a colonial curriculum and the criminalization and streaming of racialized bodies. To this end, members have also supported the work of grassroots collectives such as No Cops (working towards the removal of police officers from schools) and Indigenous Sovereignty movements.
I think access to all services shouldn’t be based on immigration status and I think it’s the school board’s responsibility [to work on behalf of their students]. You know, we shouldn’t be at a point now where the school board is starting to talk about some of the implementation steps they agreed to years ago. We should be at a point where the school board is saying it’s not enough for our students to just have access in the door to education, they don’t have access to health cards, that means they can’t have the quality of education that students with citizenship have. The school boards should be pressuring the ministry of health around OHIP, the school board should be looking at access to other services and be playing an active role, being a leader as the largest school board in Canada, and advocating, not dragging its feet when media spotlights are on them.

Gloria’s holistic argument takes into account that students require more than the ability to enroll in school to succeed. As such, her reference to the need for a health card recognizes that students must have healthy bodies to learn. This discourse also takes into account other social services that are essential to students but exclude them through bordering practices. As Pedro Noguera (2006) reminds us, “employment, housing and health care may not be regarded as educational issues, but in urban areas where poverty is concentrated and the poor are isolated, such issues invariably affect schools and learning” (p. 130). With such a formulation in mind, the initial demands by the Coalition around a DADT policy included that the Board recognize these inequities and work alongside community activists to expand the rights of undocumented migrants to these services.

As a whole, the counternarrative employed by the Don’t Ask, Don’t Tell Coalition recognized that students’ lives are affected by numerous structures and that workers in schooling must work to improve the overall context of reception. This then presents a shift in the
conceptualization of “responsibility.” Whereas individuals within the TDSB’s bureaucracy constructed the Board as responsible to the governmental and ideological constructions of citizenship, belonging, and deservingness, through policies and procedures, the Coalition demanded a directive that placed the Board as responsive to a community. For the Coalition, this community included undocumented migrants. In this way, the Coalition worked to reconstruct the prevalent definition of “access” and “responsibility” as they related to the Board.

While it may appear unfeasible or unfair to expect the Board to advocate on behalf of all migrants’ needs, the Coalition did not see the Board as operating within a bubble. Members recognized that the Board has a long list of needs that must be addressed. At the same time, the Board occupies an important place in our communities and carries a significant level of prestige and power. As such, the Coalition was interested in the Board working alongside numerous community partners to develop strategies that would help undocumented students. These relationships could then also be employed by the Board to aid in the advancement of other institutional equity agendas. Furthermore, if sufficient community partners could be found and a reconceptualization of “access” could be effectively broadened, the processes of pushing for a better context of reception for undocumented students could become less onerous for each particular institution. However, the bureaucratic logic nullified many of these proposals as the DADT policy worked its way through the Board. Individuals within the Board argued they could not become involved in issues outside their jurisdiction and resisted ideas regarding an expansion to the parameters of their “responsibility” from beyond the entry of students to schools and their safety while in the classroom. This displays another glimpse into the problematics that stem from neoliberal and bureaucratic thought; the isolation of responsibility along specific rigid directives. Individuals within the Board argued that they were in the business of schooling and other entities
were responsible for social needs such as housing and personal safety. Their unwillingness to work beyond the confines of hardened institutional boundaries is thus a significant point of dissonance from a political imaginary that recognized the interconnectedness of various local institutions and the need for solidarity across social spheres.

**Access and Safety: “Access not Fear!”**

Safety has always been at the forefront of campaigns initiated by the Don’t Ask, Don’t Tell Coalition and the subsequent work of No One Is Illegal –Toronto. As such, No One Is Illegal –Toronto initiated a number of campaigns under the headline “Access without Fear.” This slogan challenged the hegemonic understandings of access in at least two ways. First, the discourse demanded that all people feel safe in their communities and “membership” should not be conferred on the basis of immigration status. Secondly it highlighted the ways immigration-status-related fears affect the perception of a social service as “accessible.” That is, regardless of the “access” policies in place or any other feature that stipulates that undocumented migrants can make use of a particular social service, if the population in question cannot feel adequately safe in entering such a space and requesting service, then the space cannot be understood as accessible. As such, forms or individuals demanding information about immigration status limits accessibility and instead serves to reinforce border zones.

In the context of schooling and undocumented students, the inability to feel safe has material effects including sporadic attendance and limited engagement. These effects are enhanced in periods where immigration enforcement is understood to be more active or when deportation orders have been issued for a particular family. Alex described the story of a student who had recently gone “underground,” she said,
So this student…I think it was her best friend who got deported. I think it was the best friend or the best friend’s mom or the landlord who basically said there are these other people who are also here in the building who are also here undocumented and so the student, with her mom, was forced to leave and go to an aunt’s house and then that started a whole bunch of issues with her… same situation where she didn’t see school as a place where she was safe. She just wouldn’t come to school she’d say “I can’t come to school today” she was scared of coming to school because she was scared of immigration coming in and finding her there….I remember she was talking about the way she would get to school and she said she would come in through the back or take some smaller streets so it impacted everything. After I talked to her she understood that school was a more safe zone. Now she is in school all the time, everyday. But she still doesn’t have, I guess, the motivation to go to class. She skips a lot of classes because she understands, now again this is my fault so it’s kind of bad, but she understands that postsecondary is difficult to get into with her situation

Within this narrative Alex describes the inability for many students to feel safe within the school site given the limited information available regarding the DADT policy. It is important to note however, that regardless of the DADT policy, there is nothing stopping immigration enforcement from detaining undocumented students outside of the school or while students are on their way to school. In fact, Natalie a principal in a TDSB school, described a neighborhood context around her school in which students often encounter immigration enforcement. Alex’s narrative also describes the necessity for undocumented migrants to change their everyday routines when facing the possibility of deportation as immigration enforcement will often look for them in places they have worked or lived. As a whole, undocumented migrants experience greater
degrees of precarity when going “underground” because they must find new places to live and work and these choices can affect their ability to develop a sense of community.

While safety within a classroom is addressed to a limited extent within the DADT policy, there is little evidence of this being considered in its implementation or in the efforts to disseminate information about it. This discrepancy demonstrates dissonance between the goals of organizers in mobilizing around the DADT policy and the perceptions of bureaucrats within the Board. As Saul, a member of No One Is Illegal –Toronto stated,

as I started to get involved in No One Is Illegal one of the key discussions was, “ok this policy has been passed but how do we make it real?” and always having in the back of minds, knowing that these deportations are happening every day so there is getting in the door but also keeping people in communities as being an important thing that we’re committed to

As such, to Saul, “access” should also encompass safety. She said,

I guess the interesting thing about that piece is thinking about access not just in terms of paperwork and having a seat in the classroom but knowing you’re not going to be pulled out of the classroom or that you know, changes in your immigration, often that you are totally ignorant of, but you get a letter in the mail and that sort of being a basis for being pulled out of the community.

The expansions of the concept of access by members of No One Is Illegal are radically different from the ways it is often mobilized.

Outside of the Toronto District School Board, local organizations have worked to develop new ways to increase the safety of undocumented students and their families. For

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63 Safety is limited to not telling authorities about students’ immigration status and not making students available to immigration enforcement.
instance, OSSTF District 12 has brought a resolution to the Annual Meeting of the Provincial Assembly (AMPA). According to the OSSTF website,

The Provincial Assembly is the supreme legislative body of OSSTF/FEESO and is responsible for establishing or amending Federation policies, bylaws, constitutions, budgets, the annual Action Plan and for the election of the Provincial Executive and OTF Governors (Ontario Secondary School Teachers' Federation, 2013).

Within this body, the local introduced a motion. According to the Pink Panther, “the motion was to basically… not to deport students during the academic school year so to allow them to complete that academic school year.” While this motion only seeks to protect students and only during the school year, it can be seen as an expansion of the understanding that educators’ responsibilities should expand beyond the teaching of material. The Pink Panther recognized some of the inherent limitations in the motion’s demand by stating “I don’t want students deported, not deported throughout the year, I’m just saying until the end of the year, that’s the problem, I just say don’t deport anybody. Second [motion] would be maybe don’t deport them until they finish their education.” While still fraught with a problematic understanding that the only temporal dimensions under which teachers can advocate for their students is while enrolled in school, we must recognize this move, albeit limited, as significant progress from the idea that “teachers are only there to teach.”

Including a safety dimension to the ways we understand the concept of access is important. As such, the proposed conceptualization from No One Is Illegal can serve to further the labor of community workers and social institutions. Furthermore, this reconceptualization can also serve to disrupt the assumption that access to social goods and that responsibilities to a community are only present within the boundaries of institutional space.
Residency and “Membership”

Many social services have specific residency and citizenship eligibility requirements. Some are based on geographical catchment areas while others require a certain amount of time living in a particular location or proof of state-approved immigration documentation. These formulations are meant to determine the legitimacy of an individual to a social good and in some cases can be meant to dissuade those who are constructed as potential abusers from access. Such paradigms are present in many service provision spaces including those that are constructed through so-called “progressive” initiatives meant to cater to the marginalized. For example, Paloma Villegas (2013b) details the ways borders are constructed within a health clinic for the uninsured (including the undocumented) in Toronto when procedures are put in place to obstruct “medical tourism.” As this example shows, even within the context of a discourse that argues that health care is a human right, there are specific boundaries to “membership” and eligibility. As such, particular individuals, given the types of documentation they can furnish, are constructed as marginalized but deserving, while others can remain marginalized as a result of being labeled illegitimate.

Beyond the conceptual boundaries placed on a term like access, members of the DADT Coalition and No One Is Illegal -Toronto also challenge the ways membership and belonging are employed to determine the rightful recipient of a social good. These critiques display the structural inequities that occur when segments of a population are constructed as a non-member and dehumanized. Suzanne Oboler (2009) in her introduction to a special issue in Latino Studies on undocumented migrants cites a quote from Alexander Bickel (1975) that states, “It is easier to view an individual as a non-citizen than as a non-person” (p. 1). To Oboler (2009), “to treat people politically as ‘non-citizens,’ that is, as ‘stateless’, in practice often signals the
first step on the horror-strewn road to dehumanization.” (p. 4, emphasis in original). In this way, defining people as non-citizens or non-members can lead to numerous draconian and punitive measures as individuals not only then carry the label of non-members but are also conceptualized as sub-human.

Members of No One Is Illegal have worked to discursively redefine the concept of residency from having state-sanctioned immigration documents to being part of community. This new conceptualization, they argue, must be the mechanism to determine eligibility to social goods. The idea follows that all members of communities provide numerous valuable services (including financial contributions to the social welfare programs from which they are barred) and as such should have access to collective benefits. According to Gloria, a member of No One Is Illegal -Toronto,

people who are residents here should have access to those things we have. All of our demands and asks are around access to essential services. It’s not recognized the huge contributions that people also make to this economy, undocumented economies providing cheap exploitable labor and being treated as second class residents in a city where they are doing these jobs for less than minimum wage, they’re paying into taxes on everything they purchase some people are even filing income tax because they want to show that they are worthy of citizenship or hoping that they will comply with those kinds of things if they are granted status and at the same time they are being denied access to these services they are in essence maintaining a social security system that they are barred from ever having access to and education is one component of it but I think access to all services shouldn’t be based on immigration status.

Similarly, Saul, also an organizer with No One Is Illegal –Toronto stated,
access should be granted to anyone who is a resident and the question of residency is a question that has come up a number of times and we think that residency… shouldn’t have to require people providing proof of their immigration visas and passports and immigration documentation.

Gloria, speaking to the reformulation of a concept like “residency” stated,

access should be granted to anyone who is a resident and the question of residency is a question that has come up a number of times and we think that residency should be determined, it shouldn’t have to require people providing proof of their immigration visas and passports and immigration documentation but that there’s other so we think that a doctor could write someone a letter or a lawyer could write someone a letter indicating that they are in fact a resident

The quotes above demonstrate the foundational inequities within a system that demands migrants pay “their fair share” in taxes while disallowing the utilization of goods funded through such monies. Furthermore, rather than making the economic argument for social membership, the organizers argue for a social justice approach that recognizes the value of belonging to a community and the need to take care of community members. As such, shifting the basis of “membership” from immigration documentation to “residence,” as a broad term that does not necessitate a physical address or a predetermined period living within a space, is a discursive tool to recognize undocumented migrants as valuable members of community who continually engage in acts of citizenship.

Finally, the reformulation of “membership” carries interesting nuances. First, it does not challenge the idea of membership as a required construct to service provision to a social good. In fact, it may reinforce this ideal. At the same time, redefining the term in an open-ended fashion
can lead to disregarding boundaries as social containers. These borders, both between nation-states and within them would then more fully reflect an additional ideology within No One Is Illegal, that is the right to remain, the freedom to move, and the right to return (No One Is Illegal, 2012).

For a group like No One Is Illegal, highlighting the limitations of the DADT policy, particularly when it is touted as an “accessible” policy, can display new ways of imagining an accessible environment and its connection to immigration status. To be clear, there are many boundaries that migrants experience in accessing schooling. To Saul, an organizer from No One Is Illegal –Toronto, “accessibility” had clear linkages to self-actualization, she said,

when I think about access I think about the ability to make choices and to be able to impact decisions as they affect your life… I think it’s reflective of the work that we do so it’s not just limited to access to education

The ability to engage in decision-making in relation to one’s life is important. However, policies that delineate membership according to immigration documents place boundaries on such endeavors. Furthermore, “the ability to make choices” must exist within a context of relative safety, rather than a choice between less risk and a worse option.

Finally, organizing for this cause must be seen as a social responsibility. As Gloria, a member of No One Is Illegal –Toronto described,

I think access to education for non-status students of all ages isn’t a request for charity from the school board. I think it recognizes the school board’s place in a larger socio-political structure and I think certainly Canada is responsible for creating the kinds of conditions that force students that force families, that force learners, to move in search of education elsewhere
Achieving “access” to schooling for undocumented students must be seen as part of a larger social justice project that recognizes the inequities that forcibly remove migrants around the globe, how we are implicated in such endeavors (through purchasing practices, inaction, etc.), and the recognition that undocumented migrants are valued parts of our communities. By centering undocumented migrants in the politics of our organizing, the frameworks that we employ, and the definitions of the terms we avow, we can erode the border-zones that aim to exclude and stop the invisibilization and dehumanization of such individuals.

The DADT policy, as it was passed, should be seen as an initial document to engage undocumented migrants in a larger process towards equity. It should not be seen as the final solution. Given the recomposed definition of access outlined in this chapter, we can determine that the Toronto District School Board, regardless of the Don’t Ask, Don’t Tell policy, is not accessible to undocumented migrants. This is primarily evident given the numerous barriers deployed in the enrolment process as well as the lack of work to benefit students’ other needs in their daily lives. As such, the lack of implementation of the policy as well as its limited scope and stringent demands affect the possibility of undocumented migrants fully accessing this social good.

**FUTURE IMPLICATIONS**

While this project has endeavored to provide a fuller picture of the ways access to schooling is affected by the dehumanization and invisibilization that stems from hegemonic ideology, there is still much to do. To this end, this section is divided into four possible directions future research may undertake. They are as follows

1) Reframing this project through an anti-colonial lens.
Future research might take up the issue of access and schooling for undocumented students through an anti-colonial perspective. Such a framework would allow for a fuller understanding of the ways that immigration policies as well as hegemonic models of citizenship and belonging are part and parcel of a white settler colonial project. Such a project operates through the displacement of Indigenous peoples within and outside of Turtle Island. In this way, we may understand the bordering practices that exclude undocumented bodies from state services as an appendage of colonial legacies that designate both what is bordered and how bordering happens in order to install the colonial state as the legitimate ruling force. The imposition of immigration legislation within indigenous lands functions as a facet of colonization since it implies ownership, particularly as the concept of borders as constructed in today’s policies and practices, may not mesh well with indigenous understandings of movement across spaces and places. There are a multitude of ways in which an anti-colonial approach could add to our understanding of the connections between immigration policy, schooling and colonial state.

2) deploying historicizing tools to unearth archives and narratives that link schooling policy to immigration policy

As described in chapter five, there has been a long history of community involvement in work to ensure access to schooling for undocumented migrants. Within this project I described some of the efforts emanating from the Harriet Tubman Center in Toronto. However, I was surprised that in my years doing work with the Don’t Ask, Don’t Tell Coalition as well as the Education Not Deportation campaign, nobody brought up such history. Furthermore, during the interviews for this project, no participant aside from Quinn spoke to knowledge of work prior to the 1980s. Access to such history may facilitate a greater degree of recognition to the links
between increased numbers of racialized migrants in Canada and their “illegalization.” More complete historical analysis may also facilitate discussions regarding the construction of the “non-member” across time and space. It would also be useful to map out a trajectory of exclusionary policy. That is, at what point does immigration status become salient in the construction of the legitimate recipient of schooling? Finally, such a project would allow for a reclamation of histories of resistance, particularly if centering affected individuals and their roles in subverting hegemony

3) linking research regarding schools and inaccessibility to the work regarding racialization and criminalization of students

While entry to school is necessary, as I have demonstrated in this discussion, we must consider access as a broader concept. To this end, future implications for this project include looking at the experiences of undocumented students once they are in school. We know that schools are not “safe” spaces for undocumented students. Furthermore, we know that schools are often sites where racialized students experience ontological, epistemological, and spiritual violence (Carranza, 2009; Dei, 2011; Dei & Kempf, 2013; Dei et al., 1997; Dei, Zine, & James-Wilson, 2002; Gaztambide-Fernandez & Guerrero, 2011; Hookimaw-Witt, 1998; Howard, 2009; James, 1995, 2009; Schugurensky, 2009a, 2009b). It is important to examine the ways that immigration status and race affect entry to schools, but also how immigration-related stressors as well as the curriculum, pedagogy, and other processes embedded in the schooling process may “push out” undocumented students.

4) researching spaces of possibility for the inclusion of students into postsecondary schooling
Finally, and related to the last recommendation, this study may also be expanded to consider what happens to undocumented students after high school graduation. A more recent move towards broadening of the concepts of “access” and “responsibility” has been employed regarding the opening of space for postsecondary education. This is particularly important as the Ontario Education Act is only applicable K-12 schooling so entry to colleges and universities is based on different legislation. This area of work is relatively new and No One Is Illegal –Toronto and some allies have worked to develop some of the ground work for a new campaign and area of study. In 2011, the Elementary Teacher’s Federation of Ontario passed a resolution aimed at lobbying for the inclusion of undocumented students at postsecondary institutions. The motion states,

That ETFO, through OTF, lobby the Ministry of Education to implement a private and confidential school registration policy with regard to immigration status;

AND

That ETFO, through OTF, lobby the Ministry of Education to provide training for such a registration policy for all district school board employees.

The registration policy in question within this motion relates to the inclusion of undocumented students and to a process that would include safety from immigration enforcement. There have also been other attempts to work on this project. Individuals within OSSTF District 12 have communicated privately with a Member of Provincial Parliament regarding the development of a policy initiative. Overall, this appears to be a new space for community organizing as well as a site that necessitates further research. This line of inquiry may then borrow from the ways undocumented access to schooling has been imagined and practiced within the U.S. (Abrego, 2008; Roberto G. Gonzales, 2010; Olivas, 2009), as well as the implementation of such programs
and the experiences of students (Abrego, 2006; Abrego & Gonzales, 2010; Gleeson & Gonzales, 2012).
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Appendix A Informed Consent Form

Informed Consent Form
Key Informant Interview

Project Title: The politics of education: students with precarious immigration status in Toronto

Principal Investigator:
Francisco Villegas
Doctoral Candidate
OISE/UT,
villegasf@gmail.com

Purpose of Study:
You have been invited to participate in a research project whose objective is to examine the ways in which the Don’t Ask, Don’t Tell policy was passed at the TDSB and how it is implemented as well as the experiences of migrants in enrolling their children. We will study the intra-institutional and inter-institutional discussions and negotiations that have produced changes in the policies and social service delivery procedures that determine access to schooling within the TDSB for migrants with precarious status.

Participation in the Study:
Your participation in the study consists of a face-to-face interview in which we will discuss how access to schooling in the TDSB was negotiated as well as your understandings regarding implementation of the Don’t Ask, Don’t Tell policy.

Your rights as an interviewee
If you have questions about your rights as a research participant, please contact the Ethics Review Office, University of Toronto, at (416) 946-5806.

I understand that:

1. My participation is completely voluntary and I can withdraw at any time without any consequences.

2. I have the right not to respond to any question.

3. My decision to participate or not to participate will be kept confidential.

4. The interview will be audio taped. The audiotapes will help the researchers to keep a consistent account of the issues identified throughout the focus group and to record these on an accurate basis. The tapes will be transcribed into written format. Both the tapes and the transcriptions will be kept under lock and key. Except for the researcher no individual will have access to the data. The tapes and will be destroyed after transcription. Transcription will occur no more than 30 days after the interview.
5. All of my responses will be kept confidential. My name will be kept secret unless I explicitly request to be quoted on the record. Some of my comments may be included in the study reports and publications under an alias for me and/or the institution I represent. My organization and I will not be individually identifiable, unless I explicitly approve my or my institution’s identification.

6. I will receive an electronic copy of the study findings and final report.

I consent to participate in the study:
I have had an opportunity to ask questions and my questions have been answered to my satisfaction. I am being given a copy of this consent form for my own records.

☐ I agree to allow the use of my name and the name of my office in reports and publications generated for this study.

_________________________  _______________________
Printed Name of Participant        Signature of participant

_________________________
Chosen Pseudonym

I have received and reviewed the consent form. To my knowledge, the participant is voluntarily and knowingly giving informed consent.

_________________________
Name of Investigator

Date: _______________________
(Email introduction to project)  
The politics of schooling:  
Students with precarious immigration status in Canada

Background
There are an estimated 500,000 residents with precarious immigration status in Canada. Publicly funded institutions like schools face a number of organizational challenges when they work with migrants with precarious status. Migrants with precarious status may distrust service providers and avoid institutional situations in which questions about their status may arise. There are also inconsistencies in the policy and legislative directives that frame the rights of precarious status migrants, for instance between provincial and federal policy, and across provincial government institutions. This puts additional pressure on the capacity of public institutions to work effectively with precarious status migrants.

Where policy directives exist in terms of providing services for precarious status migrants, these policies are often subject to considerable variation of interpretation and discretionary decision-making on the part of local institutions and frontline staff. Such inconsistencies can put migrant families with precarious status at risk, and can undermine the effectiveness of public institutions. This project looks at the education sector as a site where many of these challenges take place on a daily basis.

The purpose of this project is to examine the ways in which the Don’t Ask, Don’t Tell policy was passed at the TDSB and how it is implemented as well as the experiences of migrants in enrolling their children. We will conduct focus groups and key informant interviews with senior and middle management, frontline workers, and advocates to map organizational and policy changes in health and education.

Access to Schooling
Section 49.1 of the Ontario Education Act ensures the ability of students with precarious immigration status to enrol in primary and secondary schools. The policy has not been uniformly implemented throughout the province or across schools. Through conversations with the Minister of Education, we know that in many districts children without status are outright excluded from public schools. In 2007 sustained political pressure from activists and social service agencies led the Toronto District School Board (TDSB) to pass a Don’t Ask, Don’t Tell Policy (DADT). The DADT policy is meant to enable children with precarious status to attend public schools. However, there is a gap between the formal policy and its practice on the ground, in 2008, the Community Social Planning Council of Toronto released a report displaying the uneven implementation and dissemination of information regarding the TDSB policy.

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Appendix B TDSB Students Without Legal Immigration Status Policy

Toronto District School Board

Policy P.061 SCH

Title: STUDENTS WITHOUT LEGAL IMMIGRATION STATUS
Adopted: May 16, 2007
Revised:
Review:

1.0 OBJECTIVE

To establish the Board’s commitment to providing a safe and welcoming environment for its students regardless of immigration status.

2.0 RESPONSIBILITY

Executive Officer, Student and Community Equity

3.0 POLICY

3.1. All children who are qualified to be resident pupils of the Board, including those who are without immigration status in Canada, shall be entitled to admission to school.

3.2. All children shall be welcomed, regardless of immigration status, and information about them or their families shall not be shared with Immigration authorities.

4.0 SPECIFIC DIRECTIVES

4.1. The policy and section 49.1 of the Education Act regarding the obligation to admit students without full immigration status will be communicated annually to all school administrators and school office staff and school will implement admission procedures in accordance with these requirements.

4.2. All staff involved in admission of students will be provided with orientation and training regarding the policy and implementation plan in order to promote expertise and the appropriate degree of sensitivity required concerning the admission of students without immigration status in Canada who find themselves in vulnerable circumstances.

4.3. Where there is a need to verify a student’s name, home address, or date of arrival in Canada, and where the usual documentation is not available, the Board will accept letters from lawyers, notary publics, and medical doctors confirming their personal knowledge of this information pertaining to the student.
4.4. Schools will continue to comply with current Ministry of Education requirements for verification of date of entry to Canada for all students whom ESL funding claims are made; staff will work with the Ministry of Education to establish a procedure for ESL grant eligibility for students without immigration verification documents, who would otherwise be counted for such grant claims.

4.5. The student registration form will be amended to specify that Date of Arrival information is required for ESL grant purposes only and that the absence of this information on this form will not prevent admission to school nor limit the student's access to ESL school resources. The section of the form on Status in Canada will be deleted.

4.6. Schools will be instructed not to provide information about a student or his/her family to Immigration authorities, but rather to refer such requests to the Director of Education. Furthermore, the Director shall inform Immigration enforcement agents of the TDSB policy that opposes access to students while in school.

4.7. Schools will continue to require verification of temporary status or possession of a study permit from visitors to Canada when they apply for admission to a school in order to determine whether school fees are applicable.

4.8. The appropriate instructions for staff and public information materials concerning admission procedures will be revised to reflect the above policy and implementation plan; such revisions will also be included in all training and orientation programs for staff and community agencies who have responsibilities in this area.

4.9. The Director is authorized to issue operational procedures to implement this policy.

**REFERENCE DOCUMENTS**

Operational Procedure PR.518: Admission Eligibility Requirements
Appendix C DADT Meeting Minutes November 8, 2006

Don't Ask, Don't Tell Meeting
At the Toronto District School Board
November 8, 2006

Introduction: Lloyd McKell – Student and Community Equity, Tony Brown – Board Counsel, Paula Vity, Javier Davila, Craig Fortier, Ryan Hayes, Albert Koehl, Don Higgins

Minutes of the Meeting

- The Board motion asked that “staff report to the board” – beginning of 06/07 school year – after consultation with city of Toronto, appropriate city agencies and other relevant stakeholders.
- This meeting is designed to give them the input that they can consider to use to develop the policy to bring to the board.
- Commitment to consult with other stakeholders.
- Consult with focus group of principals to ensure that they pass a DADT policy.
- Other people who would like to consult.

Where the TDSB Staff is At

- The fact that we aren’t more ahead in the timeline has to do with the budget issues that have shifted the timeline.

Moving Forward

- Sima: acknowledges that we need to determine who is a fee paying student – ways in which we can use residency information to isolate that.
- We need to explore that and develop the form and confirm with the ministry that this is the type of documentation that they will accept.
- What happens to youth who don’t have documentation?
  - The student can become a registered student with the board.
  - On a compassionate basis 49.1 trumps everything else (if there is no documentation)
  - They don’t get an ESL grant for kids with no documentation.
- As long as we are satisfied that a person is not in a fee paying structure, are of school age then they should be admitted under 49.1.
- Common interest in terms of the way the Ministry gives the ESL grant.
- Could there be a general policy across all schools to allow the student without documentation to attend without forcing the family to produce document.

1. Is the student eligible to attend a particular school?
2. Issue of ESL grants?

Area to Be Covered As We Develop a Policy
○ Training of Staff and strong process for registration of non-status students
○ Solution around Ministry Requirements for ESL grants
○ Solution around undocumented students
○ Residency question

**ESL**
 ○ Prior to 1998 it did not matter what the status of any child was because we weren’t grantable. In 1998 with the new model, that we had to pay attention.
 ○ Information gets loaded into Trillium and it spits the number of students (1, 2, 3, 4 years in Canada) and we collect the grant based on those years.
 ○ Enter title in the box “For ESL Grant Purposes Only”
 ○ Short Term & Long Term solution
 ○ In S/T Add a sentence to the box and to rethink the “Status in Canada” line
 ○ In L/T we need to work towards having the province to implement a better bureaucratic policy for ESL grants
 ○ Ask whether the “Status in Canada” box can come off of the ESL box

**How can we move forward for this to be a policy?**

○
### Appendix D Operational Procedure PR 518

#### RESIDENCY STATUS: Detailed Requirements

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>DOCUMENTS</th>
<th>REGISTRATION GUIDELINES</th>
<th>RESPONSIBILITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Refugee Claimants</td>
<td>- Acknowledgement of Intent to Claim (Form IMM 1442), issued by Citizenship and Immigration Canada</td>
<td>- Each claimant must have his/her own Form IMM 1442</td>
<td>School</td>
</tr>
<tr>
<td></td>
<td>- Consideration of Eligibility (IMM 1442) ISSUED BY Citizenship and Immigration Canada</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Refugee Claimants or dependents who have submitted an application and have not received any documentation from CIC.</td>
<td><em>Student does not have documentation from Citizenship and Immigration Canada</em></td>
<td>- Refer student/family to International Student and Admissions Office</td>
<td>International Student and Admissions Office</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Pending review, school will receive a TDSB School Admission Letter (see Appendix E) from International Programs and Admissions Office</td>
<td></td>
</tr>
<tr>
<td>Convention Refugees</td>
<td><em>Notice of Decision letter from Immigration and Refugee Board confirming that the student/family are Convention Refugees</em></td>
<td><em>Register student</em></td>
<td>School</td>
</tr>
</tbody>
</table>
**RESIDENCY STATUS: Detailed Requirements**

**OTHER**

The majority of students in the following categories **ARE REQUIRED TO PAY FEES TO THE TDSB**, and must have all the required documents including Study Permit. All students who fall into these categories must be referred to the International Programs and Admissions Office at 5050 Yonge Street, **prior** to registration in a TDSB school.

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>DOCUMENTS</th>
<th>REGISTRATION GUIDELINES</th>
<th>RESPONSIBILITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Visa/International Student</td>
<td>Immigration Documents</td>
<td>• School will receive confirmation of acceptance from International Programs and Admissions Office</td>
<td>International Student and Admissions Office</td>
</tr>
</tbody>
</table>
| Foreign student who holds a Study Permit without the other required immigration documents | Immigration Documents | • Students who request admission to a school directly with only a Study Permit must be referred to the International Student Services and Admissions Office  
• These may be fee-paying students | As above         |
| Visitor to Canada                             | Immigration Documents | • Individuals and dependents who come to Canada on a Visior Record are not eligible to attend school without payment of fees | As above         |
| Dependents of Religious Clergy                | Immigration Documents | • School will receive a TDSB School Admission Letter (see Appendix E) from the International Programs and Admissions Office | As above         |
| Dependents of a Non-Resident parent with a Study Permit who is enrolled in a post-secondary institution. | Immigration Documents | • School will receive a TDSB School Admission Letter (see Appendix E) from the International Programs and Admissions Office | As above         |
| Dependents of Diplomatic Personnel (non-fee-paying) | Immigration Documents | • School will receive a TDSB School Admission Letter (see Appendix E) from the International Programs and Admissions Office | As above         |
| Dependents of Work Permit Holders (non fee-paying for the duration of the Work Permit) | Immigration Documents | • School will receive a TDSB School Admission Letter (see Appendix E) from the International Programs and Admissions Office | As above         |
### RESIDENCY STATUS: Detailed Requirements

**OTHER: STUDENTS WITHOUT IMMIGRATION STATUS**

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>DOCUMENTS</th>
<th>REGISTRATION GUIDELINES</th>
<th>RESPONSIBILITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pupils who are not Canadian Citizens nor Permanent Residents nor Convention Refugees and who have no proof of immigration status in Canada.</td>
<td>Student/family has no documents from Citizenship and Immigration Canada confirming immigration status nor documents from CIC confirming that a legal immigration process is in place. In some cases, the student/family may have submitted an application for Landing or Refugee Claim to Citizenship and Immigration Canada but has not received a response.</td>
<td>The Board passed a policy in May 2007 that students without immigration status shall be welcomed in our schools and information about them or their families shall not be shared with immigration authorities. Please refer these students to the International Programs and Admissions Office.</td>
<td>International Programs and Admissions Office</td>
</tr>
</tbody>
</table>
Appendix E Sample Admission Letter

Toronto District School Board
School Admission Letter (SA 001)

Date: ___________________________ School: ___________________________

Name: ___________________________ (first or given name and middle names)
(last or family name)

Home Address: ___________________________

Postal Code: ___________________________ Telephone No.: ___________________________

Date of Birth: ___________________________ Parent/Guardian: ___________________________
_____ year _____ month _____ day

Country of Origin: ___________________________ Date of Arrival in Canada: ___________________________

Trillium Category: ___________________________

Permission is given for the above-named student to attend a school in the Toronto District School Board.

Valid to: ___________________________

______________________________
(signature required)
Dr. Smita Sengupta
Senior Manager, International Programs and Admissions Office
(416) 395-8109

File: Student's OSR
Appendix F TDSB Ward Map
All children, including those who are without immigration status in Canada, are entitled to admission to school.
Appendix H DADT Coalition’s Don’t Ask, Don’t Tell Policy Draft

Toronto District School Board

12. Don’t Ask, Don’t Tell Policy re Immigrant and Refugee Children (as amended by the Board)

The Committee considered a notice of motion from Trustee Bolton concerning recent incidents involving other school boards and the Canada Border Services Agency. On a motion of Trustee Bolton, amended by Trustee Telfer, the Program and School Services Committee RECOMMENDS (as amended by the Board, see page 451):

(a) That the principle of Don’t Ask, Don’t Tell be endorsed in order to protect the rights of children and their families as follows: Not asking for reporting or sharing information about any student’s or a student’s family’s immigration status;

(b) That staff report to the Board, for the beginning of the 2006-07 school year, presenting a policy based on the principle in (a) above after consultation with the City of Toronto, appropriate City agencies, and other relevant community stakeholders;

(c) That staff be apprised of, through communication from the Director’s Office, the implication of a Don’t Ask, Don’t Tell policy;

(d) That all staff be notified that if they are asked about the immigration status of individual students that they confer with the Safe Schools department for support on the issue;

(e) That communication be sent to the system advising that all inquiries or approaches to schools from federal authorities concerning the immigration status of students be referred to the Director.

Note: With regard to the report referred to in Part (b), staff undertook to clarify issues raised in system communications to principals, the publication School Matters, the Board’s Web site, and Business Services (which has responsibility for the International Students Office).

Note: Part (b) of the Committee’s recommendation that was replaced by the Board read: “That after consultation with the City of Toronto and appropriate City agencies, staff report to the Program and School Services Committee on the implementation of the Don’t Ask, Don’t Tell policy for the beginning of the 2006-07 school year.”
TDSB Policy Draft

"The Toronto District School Board is committed to meeting its obligation under the Canadian Charter of Rights and Freedoms and the Ontario Human Rights Code by providing safe schools and workplaces that respect the rights of every individual. Every student, employee, trustee, parent and community member has the right to learn and work in an environment free of discrimination and harassment."

TDSB Human Rights Policy

The purpose of this policy is to ensure that all learners, regardless of their immigration status, have full and equitable access to both the curricular and extracurricular programs of the TDSB, as per other TDSB equity seeking policies in addition to the Ontario Education Act and the UN Convention on the Rights of the Child. All TDSB materials will be designed to ensure that staffs are at no point required to request that a learner reveal her/his immigration status. If such information were to become known, it would remain confidential (i.e. Don't Ask, Don't Tell).

Staff development programs will be put in place in a timely manner in collaboration with local community groups to ensure that all personnel in the TDSB schools and offices gain a comprehensive understanding of the implications of these principles (outlined in detail below). Furthermore, TDSB staff will work with these community partners and representatives of teacher's federations to assess the implementation of this policy and evaluate its effectiveness on an ongoing basis. Finally, in order to ensure all learners experience an environment free of harassment, discrimination and fear when on TDSB premises, any Canadian Border Services Agency or Canadian Immigration personnel will only be dealt with at the TDSB head office.

Pre-Registration

1. All materials, protocol and information with respect to pre-registration procedures (especially with regards to placement exams) must be changed to reflect a Don't Ask, Don't Tell Access Without Fear policy at the TDSB.
2. Immigration status will not be asked in order for a learner to take placement exams prior to registering with the Toronto District School Board (especially for adult learners).

Registration

1. TDSB will not require immigration documentation when registering learners. Instead they will require proof of residence, this can be obtained through:
   a. A letter from a shelter/transitional house/settlement house/community centre (social worker)/medical doctor/legal advocate
   b. A letter from a landlord/property manager
   c. A bill (hydro, telephone)
   d. Any other form of identification that provides proof of residency
2. No status documentation (i.e. citizenship card, health card, social insurance card, permanent residency card, immigration/refugee documentation) shall be required for registration.

3. Any questionnaires should ask the following:
   a. If someone is a temporary visitor (i.e. on vacation; travel; foreign student)
   b. Residing permanently in Canada (with or without full immigration status)

4. Separate the business department from Student Admissions (see Javier’s deputation for points)

Once Fully Registered

1. If at any point a student’s immigration status is revealed to teachers, administrators or other school staff, this information must remain confidential (according to TDSB confidentiality policies). In particular, if immigration enforcement agents (CIC, GTEC, CBSA) enquires into a student’s immigration status (or the status of the student’s family) the cooperation of the staff will be limited to referring these agents to the Director of the Toronto District School Board.

2. If there is any requirements for health information/services schools should make arrangements with community health providers to ensure the safety of the student while prioritizing full access, inclusiveness, confidentiality and privacy of immigration status.

3. Learners should have access to all school programs/activities/resources/services without discrimination based on immigration status including: (social activities, extracurricular activities; athletics; co-op; school trips; special needs resources; etc)

4. All TDSB documentation and resources should reflect the new policy. All materials that contradict the new policy must be changed and workshops/educationals for staff, teachers, principals and administrators should be made available.
## Appendix I Old TDSB Application for Student Registration Form

### Application for Student Registration

The information collected on this form will be protected under the Municipal Freedom of Information and Protection of Privacy Act.

### For Office Use Only:
- **Trillium Student No.:** [ ]
- **Grade:** [ ]
- **Minutes of Instruction:** [ ]
- **Homeroom:** [ ]
- **Admit Date:** [ ]
- **Track:** [ ]
- **Program:** [ ]
- **Ministry Id. No.:** [ ]
- **Ontario Education No.:** [ ]

### Admit Code:
- [ ] Beginner
- [ ] From Care/Treat/Corr Facility
- [ ] From This Board
- [ ] From Outside Canada
- [ ] From Native Ed. Auth. School
- [ ] From Other School Board
- [ ] From Province Outside of Ontario
- [ ] Returning from Exchange
- [ ] Returning after non-attendance
- **Adult: Yes [ ] No [ ]**
- **Verified by:** [ ]

### Student Information:

#### Legal Name:
- **Surname:** [ ]
- **First Name:** [ ]
- **Middle Name:** [ ]

#### Preferred Name:
- **Surname:** [ ]
- **First Name:** [ ]
- **Middle Name:** [ ]

#### Gender:
- [ ] Male
- [ ] Female
- **Date of Birth:** [ ]
- **Month:** [ ]
- **Day:** [ ]

#### Birth Date Verification Document:
- [ ]

#### Does the student have siblings in the school: Yes [ ] No [ ]

#### If student has siblings in the school, please list them:
1. **Surname:** [ ]
   - **First Name:** [ ]
2. **Surname:** [ ]
   - **First Name:** [ ]
3. **Surname:** [ ]
   - **First Name:** [ ]

#### Health Card or Private Insurance Policy Number:
- **Version No.:** [ ]

#### Immunization Record Received:
- [ ] Yes
- [ ] No

#### Does student have life-threatening allergies (e.g. Anaphylaxis):
- [ ] Yes
- [ ] No

#### Medical Alert Information or Disability:
- [ ]

#### Birth Country:
- [ ] Status in Canada:

#### Arrival Date in Canada (if Birth Country is not Canada):
- **Year:** [ ]
- **Month:** [ ]
- **Day:** [ ]

#### Verification Document:
- [ ]
- **and, if applicable, Expiry Date:** [ ]
- **Year:** [ ]
- **Month:** [ ]
- **Day:** [ ]

#### First Language:
- [ ] Language(s) Spoken at Home:
  1. [ ]
  2. [ ]

#### Home Address:
- **Street No. and Name:** [ ]
- **Apt. #:** [ ]
- **City:** [ ]
- **Postal Code:** [ ]

#### Mailing Address:
- **Street No. and Name:** [ ]
- **Apt. #:** [ ]
- **City:** [ ]
- **Postal Code:** [ ]

#### Proof of Residency Verification Documents:
1. [ ]
2. [ ]

#### Home Phone No.: [ ]
- **Area Code:** [ ]
- **Listed:** [ ]
- **Other Phone No.: [ ]**
- **Area Code:** [ ]
- **Listed:** [ ]

#### Previous School Information:
- [ ]
- **Type:** [ ]
- **Language of Instruction:** [ ]
- **Last Date Attended:** [ ]
- **Year:** [ ]
- **Month:** [ ]
- **Day:** [ ]
## New TDSB Student Application

### Personal Information

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
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</table>
| First Language of Student: | English as Second Language

### Language

<table>
<thead>
<tr>
<th>Language</th>
<th>English as Second Language</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

### Type of Program

<table>
<thead>
<tr>
<th>Program</th>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Yes</td>
<td>No</td>
<td></td>
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</tbody>
</table>

### Previous School

<table>
<thead>
<tr>
<th>Previous School</th>
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<th></th>
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<tbody>
<tr>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

### Medical Factors

- **Physical Limitation:**
  - Yes
  - No

### Home Address

- Street Address:
  - 123 Main St., Toronto, ON M1A 2B3

- Postal Code:
  - M1A 2B3

### Parent(s) or Guardian(s)

<table>
<thead>
<tr>
<th>First Name</th>
<th>Last Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>John</td>
<td>Smith</td>
</tr>
</tbody>
</table>

### School Information

- **School:** John Smith Public School
- **Grade:** 9
- **Date of Birth:** January 1, 2005
- **Parent or Guardian Signature:**
  - John Smith

### Additional Information

- **Special Education:**
  - Yes
  - No

- **Income Eligible:**
  - Yes
  - No

### Verification

- **Teacher Signature:**
  - John Doe

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Appendix J

New TDSB Student Application