Canadian Security: Security for all of us

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This briefing paper challenges current justifications for more restrictive immigration policies post 9-11, advocating for repeal of the Safe Third Country Agreement and improved protection of the rights of refugees and migrants.

Canada frequently justifies restrictive immigration policies and practices by invoking post 9-11 security concerns. If Canada is to meet its international obligations to asylum seekers and preserve its reputation as a welcoming nation, bureaucrats, politicians and voters need to rethink practices that separate the security of refugees and migrants from the security of Canadians. In particular, there is an urgent need to repeal the Safe Third Country Agreement, which has virtually closed our land border to asylum seekers, many of whom find themselves in a much more vulnerable position in the United States.

The global trend towards more restrictive immigration regimes began long before 9-11. In fact, the history of increasing migration controls closely parallels the evolution of free trade and globalization. Canada, for example, introduced its strategy for intercepting improperly documented travelers abroad in 1989, the same year it signed a free trade agreement with the US. Clearly, the move to increase migration controls is not simply about security against international terrorism, but rather about impeding movement between countries who are benefiting from glob-

alization and those who are steadily falling behind. The irony is that significant cross-border movement continues, feeding economic dependency on the exploited labour of illegal migrants.

The post 9-11 context has had minimal impact on overall migration numbers. However, it has undermined public support for asylum systems and facilitated policy changes like the Safe Third Country Agreement that make it much more difficult for vulnerable people to access protection.

Post 9-11: Justifying exclusion

Since 9-11, Canada has faced significant pressure from the United States to mirror rights-restricting changes to border and immigration policies. The Smart Border Accord, signed between Canada and the United States in December of 2001, included agreement on the expansion of integrated border enforcement teams, coordination of visa policies to control travel from specific countries, development of common standards for biometric identifiers for documents, augmented data sharing and integrated intelligence (Schoenholtz, 2003; Waller Meyers, 2003).

Canada's National Security Policy also mirrored the American focus on immigration enforcement, prioritizing new measures "to more efficiently identify and remove those individuals who may be attempting to abuse our refugee and immigration system" (*Securing an open society*, 2004). Canada instituted fingerprinting and front-end security reviews for all refugee claimants, allocated significant new funds to detention, and created its own version of the Department of Homeland Security - the Canadian Border Services Agency (CBSA), housed within a new Ministry of Public Safety and Emergency Preparedness (CCR, 2004; Gibney, 2004; Janik, 2004).

Post 9-11, Canada did not simply follow the US. It also took its own initiative in negotiating for a Safe Third Country Agreement. This agreement, by forcing most refugee claimants to North America to seek asylum in their country of first arrival, effectively closed Canada's land border to refugees. In recent years, about one third of refugee claimants to Canada have arrived via the United States. Geography, flight routes and Canada's reputation as a safe haven shaped these travel trajectories. By making those transiting through the US ineligible to claim refugee status in Canada, the Agreement interrupted this pattern and brought about a dramatic reduction in numbers.

Canada had pushed for such an agreement in the 1990s without success. By making a commitment by the US to Safe Third a condition for Canadian sign-on to the Smart Borders Agreement, Canada seized the political moment post 9-11 to further a pre-existing goal of reducing overall numbers of asylum claims. 9-11 made the strategies for achieving that goal easier to justify to the public. However, the closing down of borders did not represent a new trend.

Pre 9-11: Guarding the wealth

The protective walls around Europe and North America began to go up long before 9-11. As economic globalization favoured increasing concentration of wealth in the North and the West, new strategies were required to protect those profits. One of the key strategies involved new border controls reinforcing a "global apartheid" that divides humanity along race and class lines (Moussa, 2000). Workers from the South and East would not be allowed to take "our" jobs or to encroach on "our" profits. The US, for example, implemented harsh new controls along its southern border in anticipation of increased migratory pressures resulting from the negative impact of NAFTA on the Mexican economy. In Europe, the Schengen Agreement, which calls for harmonization and tightening of external European Union border checks, emerged in parallel with negotiations on a common European market.

In the Canadian context, the link between free market economics and increased border controls is less obvious but still clearly operative. Canada has been an international leader in imposing carrier sanctions on airlines and shipping companies found to be transporting undocumented migrants as well as in interdicting improperly documented travelers before they ever reach their destination. Canada inaugurated its interdiction strategy of placing "migration integrity" officers abroad in 1989, the same year it signed a free trade agreement with the United States.

This strategy has been widely borrowed by the US and other Western countries, and remains a key component of Canadian immigration enforcement practice. Its basic premise is that borders which remain open to trade are necessarily porous – therefore the best strategy for stopping unwanted migration is to intercept travelers before they ever reach the border. In a parallel to larger trends towards decentralization and privatization, it also relies heavily on local and non-state actors to carry out enforcement functions (Lahav & Guiraudon, 2000; Muller, 2004). Canadian migration integrity officers provide advice and training on false document recognition to airline staff and work with local authorities to combat smuggling and trafficking. As of 2005, the Canadian government had 45 migration integrity officers in 39 key locations worldwide (*Securing an open society,* 2004; Washington Canadian Embassy website).

Border controls: Exclusion without or within?

In the industrialized world, globalization has resulted in deliberate efforts to keep borders open to capital and goods, but closed to people. The difficulty of doing both at the same time has led to the emergence of a growing underground economy based on human smuggling and trafficking. Governments have responded by negotiating international agreements to combat trade in persons. Canada took a leading role in the development of the UN Convention against Transnational Organized Crime, and two supplemental protocols dealing with human smuggling and trafficking (Department of Justice website). The focus of these protocols, as of their implementation in national legislation, has been on criminalization. In Canada, the Immigration and Refugee Protection Act introduced harsh new penalties for those convicted of human smuggling or trafficking.

Critics point out that such an approach does nothing to address the root causes of migration and simply raises the stakes, pushing those engaged in smuggling and trafficking to use more dangerous routes and charge higher fees. Evidence from the US suggests that militarized borders and criminal penalties for smugglers and traffickers have been largely ineffective in curtailing the flow of migrants across its southern border with Mexico. Increased enforcement has little effect on overall migration, but serves to maintain a highly exploitable migrant workforce. In other words, it is not about physical exclusion, but rather about social exclusion.

Partly because of geography, the number of undocumented migrants entering Canada is far less than the number of clandestine entries into the United States. Most of our strategies to reduce unsolicited migration, like the Safe Third Country Agreement, focus on refugee claimants. Recent evidence, one year after implementation of the Agreement, suggests that a more restrictive policy, together with border vigilance, has in fact reduced the number of refugee claims in Canada. Claims at the Canada-US border are only 50% of what they were prior to implementation. Border claims are such a significant proportion of overall numbers that Canada received in 2005 the lowest number of claims since the mid-1980s (CCR, 2005).

Drop in claims after implementation of Safe Third				
	Inland	Airport	Border	Total
Jan-Nov 04	12,137	3,146	7,151	22,434
Jan-Nov 05	11,282	3,038	3,612	17,932
Drop 04-05	7%	3%	49%	20%
Source: CCR (2005). *Closing the door.*				

What remains uncertain is how many of those who are no longer eligible to make a claim at the border are now making clandestine crossings, either to make an inland claim or disappear underground. Inland refugee claims increased over the last quarter of 2005, suggesting that people may in fact be starting to find other, more dangerous routes into Canada (CCR, 2005).

Even as Canada closes its land border to most asylum seekers and focuses efforts to reform its refugee determination system on measures to more rapidly identify and deport non-refugees, it is expanding programs for temporary workers. The real issue is less one of security, or restricting migration, than of restricting access to permanent status and its associated rights (Sharma, 2003: 56). The mass media increasingly identifies those offering cheap labour as a welcome resource to fuel economic growth, while portraying those making a claim to protection and rights as potential security risks.

From exclusion to inclusion

Security concerns post 9-11 have been widely cited by the Canadian government and mainstream media as the reason for new immigration restrictions. Yet security concerns seem to be much more of a justification than a cause for measures designed primarily to protect the economic gains of globalization against poor migrants and refugees. The new walls exclude both literally and metaphorically, by denying entry but also by denying access to status and rights for those whose cheap labour is readily embraced by the Canadian economy.

KAIROS advocates for an immigration policy based on inclusion and respect for the rights of all, especially disadvantaged migrants and refugees. A key advocacy priority is repeal of the Safe Third Country Agreement. In December

2005, Canadian churches joined Amnesty International and the Canadian Council for Refugees in launching a legal challenge to the Safe Third Country Agreement. Our position is that the United States is not in fact a safe country for refugees and that this designation puts Canada in violation of our international obligations to refugees. Many asylum seekers are disadvantaged by having to make a claim in the US. For example, the acceptance rate for Colombian claimants is much lower in the US than in Canada. Furthermore, the Canadian system has been more sensitive to gender-based persecution claims. KAIROS also stands against other strategies designed to evade our responsibility to asylum seekers, such as interdiction. If such migration management strategies are to be used at all, there is an urgent need for screening procedures and a mechanism to allow travelers intercepted overseas to make a refugee claim, where that was their intent in coming to Canada.

Finally, an equitable immigration policy must cease to discriminate between skilled and unskilled labour. All those who contribute to our economy and society merit access to the rights associated with permanent status in Canada. KAIROS therefore calls for a revision of the immigration points system to genuinely reflect Canadian labour and demographic needs, including needs for caregivers, agricultural workers and others currently restricted to temporary migration programs.

The human security of refugees and migrant workers is threatened by policies that close down borders and restrict access to permanent status in Canada. A secure Canada must be secure for all of us.

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KAIROS: Canadian Ecumenical Justice Initiatives unites eleven churches and religious institutions in work for social justice in Canada and around the globe.

This policy briefing is drawn from a longer paper entitled *Globalization, security and exclusion,* http://www.yorku.ca/crs/Publications/CRS%20Working%20Paper%203.pdf

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