

**MOVING TARGETS?:  
EXPLORING THE IMPACT OF CANADIAN IMMIGRATION AND SECURITY  
LEGISLATION AND POLICIES ON OTTAWA'S MUSLIM COMMUNITIES**

MOVING TARGETS?:  
EXPLORING THE IMPACT OF CANADIAN IMMIGRATION AND SECURITY POLICIES  
ON OTTAWA'S MUSLIM COMMUNITIES

By  
CHRISTOPHER LASER, B.A., M.A.

A Major Research Project  
Submitted to the Graduate School of Public and International Affairs  
In Partial Fulfillment of the Requirements  
For the Degree  
Master of Arts

University of Ottawa

© Copyright by Christopher Laser, November 2014

## ABSTRACT

The purpose of this study is to begin exploring the effects of security and immigration laws and policies that may have had an effect on Muslims in Canada since 9/11, specifically in Canada's capital city. Interviews were conducted in the summer and fall of 2014 to gather data on possible effects. The interview participants represented a range of roles within the Muslim community in Ottawa, including Imams, journalists, lawyers and non-profit workers. Each participant spoke to their understanding of the recent policies and laws and their impressions of effects that they might have on the community that they served or represented. The goal of this research is to conduct an exploratory study and begin to gather impressions of the effects of these policies in hopes that they can guide research that is ultimately aimed at reducing any experience of marginalization and discrimination felt by Muslims in Canada in relation to government security and immigration policies. The paper is divided into two main sections: **Part A** reviews key pieces of policy and legislation (pages 8-25), and **Part B** discusses some of the findings from the interviews (pages 25-36).

## TABLE OF CONTENTS

1: Introduction	1
2: Methodology	3
3: Why Now? Why These Policies?	4
<b>PART A</b>	
4: Legislative Context	8
a) <i>Immigration and Refugee Protection Act</i>	9
b) <i>Anti-Terrorism Act</i>	11
5: Highlighted Policies and Pieces of Legislation	13
a) Security Certificates	14
b) Passenger Protect List & Airport and Border Security	17
c) ‘Irregular Arrivals’ and Designated Foreign Nationals	19
d) The <i>Strengthening Canadian Citizenship Act</i>	22
e) State Surveillance	24
<b>PART B</b>	
6: Results and Discussion	25
7: Conclusion	36
8: Works Cited	41
<b>APPENDICES</b>	
Appendix A – Snapshot Profile of Participants	47
Appendix B – Copy of Interview Questionnaire	48
Appendix C – Copy of Ethics Approval	52



## 1: Introduction

Like most clichés, the idea that the world changed on September 11, 2001 has a certain amount of truth. The idea that a world-shifting change occurred on that day may have enough truth to explain Canadian political and policy decisions related to immigration and security since. At the same time, though the events of 9/11 were intensely significant, their significance has also meant that 9/11 becomes an explanatory trump card that can obscure the policies, details, motivations, trends and innovations that have driven Canadian immigration and security policies before and after that day. Rather than representing a clean break from prior challenges, policies, and pieces of legislation, in many cases 9/11 has “accelerated a number of pre-existing challenges already faced by Canada,”<sup>1</sup> as well as amplified policies and concerns that already existed in relation to immigration and security.

Though visible minorities and Muslims in Canada faced discrimination before 9/11, it is not an exaggeration to say that they are the groups that have been most affected by the laws and policy changes that apparently originate in the challenges of a post-9/11 world.

Although 9/11 led to heightened concerns about immigration and security among the Canadian public, even after popular concern ebbed visible minorities and Muslims in Canada have had to live with the structures that those concerns created. Erin Kruger, Marlene Mulder and Bojan Korenic write, for instance, that an EKOS poll from two weeks after 9/11 “found that half of the Canadian public supported increased policy and customs scrutiny of individuals of Arabic origin;” however, that support dropped to 36 percent after two months.<sup>2</sup> By 2004 other

---

<sup>1</sup> Roach, Kent. *September 11: Consequences for Canada*. (Montreal & Kingston: McGill-Queen’s UP, 2003), 15. In “Canadian Immigration Policies: Securing a Security Paradigm,” Rachad Antonius, Micheline Labelle and Francois Rocher similarly conclude that “the events of 9/11 brought questions related to security and border control to the forefront of public discourse. But these questions were already being debated by political authorities in Canada and the US. September 2001 thus permitted the acceleration of a process that was already in motion.” (206).

<sup>2</sup> Kruger, Erin, Marlene Mulder and Bojan Korenic. “Canada after 11 September: Security Measures and ‘Preferred’ Immigrants.” *Mediterranean Quarterly*. 15.4 (Fall 2004): 85. Kruger et al. do note that popular sentiment was not unconflicted and uncomplex, since “an IPSOS Reid poll found that 82 percent of Canadians ‘worried that people of

polls had found additional evidence that Canadians are less concerned about terrorism than government security policies may imply: 72 percent of Canadians “did not expect any terrorist attacks in Canada within the next two years.”<sup>3</sup> Whether this sense of security is due to or independent of the expanding ambit of government security and immigration policies is, however, difficult to determine. In any case, the security policies and pieces of legislation that expanded existing state powers have not contracted correspondingly when popular concern has declined. Indeed, there are many recent immigration and security policies and pieces of legislation that continue to pursue security goals with a potential human cost for Muslims in Canada. Exploring the effects of these recent policies and pieces of legislation on Muslims in Canada, specifically in Canada’s capital city, is the focus of this paper. Exploring these effects is accomplished by examining the data gathered in 10 interviews with leaders from within the Muslim community in Ottawa and one interview with a settlement worker. The interview subjects ranged from Imams to writers, lawyers and non-profit workers. Each subject spoke to their understanding of the recent policies and laws and their impressions of the effects that the laws and policies might have on the community that they served or represented. Some of the policies addressed here have already faced criticism from various civil liberties and Muslim community organizations. The goal of this research is to conduct an exploratory study and begin to gather impressions of the effects of these policies in hopes that they can guide later research aimed at reducing any sense of marginalization and discrimination felt by Muslims in Canada in relation to government security and immigration policies. The paper is divided into two main

---

Arab decent or Muslims in Canada may become the target of racism or personal attacks because of terrorist attacks” (85). Kent Roach cites polling that further complicates this picture. Roach cites an EKOS poll that found that 48% of Canadians supported increased policy and customs profiling a year after September 11. (*September 11: Consequences for Canada*, 70).

<sup>3</sup> Kruger et al. 86.

sections: **Part A** reviews key pieces of policy and legislation (pages 8-25), and **Part B** discusses some of the findings from the interviews (pages 25-36).

## **2: Methodology**

Potential interview subjects were selected based on their status as a representative of a community organization or community serving organization related to Muslims or visible minorities.<sup>4</sup> This was primarily to leverage their broad understanding of the issues that affect their communities, as well as to shield community members or clients of an organization from scrutiny. As the series of interviews conducted in Ottawa were also part of a larger research project occurring simultaneously in other cities in Ontario another member of the research project had assembled a preliminary list of organizations in Ottawa that had ties to Muslims, visible minorities, or immigrants and refugees. This preliminary list, made with reference to the Canadian Revenue Agency's list of registered charities, was supplemented by internet searches and recommendations from interview participants to form the full list of potential participants – approximately 40 organizations and representatives. These potential interview subjects were contacted by phone and email to set up interviews, resulting in 11 interviews. The two most cited factors for this low response rate were Ramadan activities, which occurred during the primary interview phase, as well as a general reluctance to discuss immigration and security issues. The implications of this latter reason will be explored more fully below. Because of the small sample size, this study cannot be generalized to the larger Muslim population in Canada. It is hoped that it may, however, provide preliminary analysis and clarify directions for further research.

---

<sup>4</sup> The original intent of the study was to include visible minority immigrants as a control to compare the experiences of Muslim Canadians and immigrants against; however, few representatives from the preliminary list of participants related to non-Muslim visible minorities could be secured.

The interviews were conducted as semi-structured conversations in person, with one interview over the phone. Questions in the interview script asked about general impressions of Canadian immigration and security policies, as well as questions that specifically targeted particular policies, such as the use of security certificates, airport and border security practices, designating some refugees as irregular arrivals, the *Strengthening Canadian Citizenship Act*, and state surveillance. The interview subjects were then asked a range of questions about the possible effects of these policies on their community or the community that they served, such as how the policies may affect feelings of trust, belonging and integration, and special attention was given to how these effects may be differently distributed according to gender, age, and ethnicity. At various points during the interview participants were also asked about how they thought policies with negative effects might be improved, if possible. The interviews were audio recorded and then transcribed for coding and analysis.

### **3: Why now? Why these policies?**

The importance of looking at the effect of these policies and pieces of legislation is twofold – first because of the ways in which laws and policies are changing, and secondly because of the groups of people that these changes may affect. The way that immigration and security policies have been changing since 2008 can best be described as rapid.<sup>5</sup> Even prior to 2008, changes to immigration policies have made them “increasingly complex, and sometimes contradictory.”<sup>6</sup> Moreover, security legislation and policies overlap significantly with immigration policies and legislation. Kent Roach observes that “consistent with the United

---

<sup>5</sup> Albiom, Naomi and Karen Cole. “Shaping the future: Canada’s rapidly changing immigration system.” Maytree. <maytree.com/wp-content/uploads/2012/10/shaping-the-future.pdf> Accessed 3 June 2014. 3-8.

<sup>6</sup> Antonius, Rachad, Micheline Labelle and François Rocher. “Canadian Immigration Policies: Securing a Security Paradigm?” *International Journal of Canadian Studies*. 36. (2007): 192.

State's initial reliance on immigration and military detention and the United Kingdom's use of indeterminate immigration detention without trial, Canada relied on immigration law as antiterrorism law in the aftermath of 9/11."<sup>7</sup> In sum, the rate of growth as well as its complexity and broad application merit attention to recent developments in Canadian immigration and security policy and law.

In and of themselves these changes are significant; however, the changes may also disproportionately affect certain segments of the Canadian population, specifically Muslims. The effect on the Muslim community in Canada requires special consideration for two reasons. First, Muslims are often discussed with concern about their ability to integrate into Canadian society,<sup>8</sup> either due to a 'clash of civilizations'<sup>9</sup> reasoning or due to specific issues, such as whether Muslim law, or sharia,<sup>10</sup> is acceptable in religious tribunals in Ontario<sup>11</sup> or the recently proposed Quebec Charter of Values. For those concerned about integration, disproportionate effects of state security and immigration policies on some groups more than others is of particular importance, since "experiences of discrimination and inequality" can cause racial minorities to integrate more slowly.<sup>12</sup>

---

<sup>7</sup> Roach, Kent. *The 9/11 Effect: Comparative Counter-Terrorism*. Cambridge: Cambridge UP, 2011. 395-6. See also Antonius et al. 207.

<sup>8</sup> Muslims are not the first group to be seen as difficult to integrate. Dhamoon and Abu-Laban note that the "Othering of Japanese-Canadians in the name of the 'security and defence of Canada'" included characterizing Japanese-Canadians as "'inassimilable' Asians" (171). Dhamoon and Abu-Laban argue that this process had "more to do with a re-nationalization project than the 'necessities' of war" (171).

<sup>9</sup> The phrase 'clash of civilizations' is most closely associated with Samuel Huntington who argued that "the world was now divided along *civilizational* lines – as opposed to the ideological ones of the Cold War – based on ethnic, cultural, and religious differences." (Arat-Koc, 228) Huntington hypothesized that "the most serious threats to 'the West' would come from the 'Islamic' and Chinese civilizations." (228).

<sup>10</sup> In an article for the Vancouver Sun, Douglas Todd reports between June 2012 and 2013 ten major Canadian newspapers published 1000 stories about sharia. The articles mostly address sharia in an international context; however, Todd found that "more than 82 per cent of the articles about shariah (also spelled 'sharia') took a 'negative' angle, about 16 per cent were 'neutral', and about two per cent were 'positive.'"

<sup>11</sup> For an overview of the issue and context, see Korteweg, Anna. "The Sharia Debate in Ontario: Gender, Islam and Representations of Muslim Women's Agency." *Gender & Society*. 22.4 (2008): 435-7.

<sup>12</sup> Reitz, Jeffrey G, Rupa Banerjee, Mai Phan and Jordan Thompson. "Race, Religion, and the Social Integration of New Immigrant Minorities in Canada." *International Migration Review*. 43.4 (Winter 2009): 706. Incidentally, Reitz et al. question the appropriateness of the 'integration debate' at all, since one of their findings is that "Muslims

Additionally, it is important to look at how Canadian security and immigration policies are affecting Muslims and Muslim communities in Canada because Muslims are sometimes discursively portrayed as ‘violent’ or ‘terrorists’ or ‘evil,’ and therefore apparent threats to security. One way that this occurs is through the “constant usage of Islam to qualify positions and political actions. We often hear about ‘Muslim extremists’ or ‘Islamic militants,’”<sup>13</sup> but religious qualifiers are absent when members of other religious groups perform similar actions. Since government law and policy is becoming more and more concerned with security, and the government is using immigration law and policy to pursue security goals, there may be a perception among the general population or within the Muslim community that these laws and policies are ‘for’ Muslims, due to the discourses of terrorism and threat that surround them. The effect of this potential targeting is, therefore, important when evaluating the overall effect of the immigration and security laws and policies in question.

It is also important to note that a segment of the Muslim population in Canada are particularly vulnerable to the use of immigration policy and law for security purposes because they are both immigrants and minorities. The Muslim population largely came to Canada in the 1990s, and so the Muslim community may have a larger proportion of recent immigrants than other immigrant groups.<sup>14</sup> Since security certificates are enacted under *IRPA*, Muslim refugees and permanent residents could be vulnerable to the application of a security certificate in a way that Muslims who are full citizens are not. At the same time, the recently passed *Strengthening*

---

tend to be higher than the other religious groups on many of the measures of social integration” (715). Reitz et al., following Carens and Williams, suggest that in light of this finding debates about integration are “rooted in the dominant society’s own bias and hold minorities such as Muslims to different, often stricter, standards” (721).

<sup>13</sup> Helly, Denise. “Are Muslims Discriminated Against in Canada Since September 2001?” *Canadian Ethnic Studies*. 36.1 (2004): 36.

<sup>14</sup> Helly, 39. This is also to say that ‘muslim immigrants’ are also a more diverse group than, say, Polish immigrants were in past waves of immigration. Muslim immigrants are not reducible to ‘Arabs,’ though they are often improperly conflated, but instead encompass, for example, South Asians, Middle Easterners, Arabs, and Africans (Poynting and Perry, 152).

*Canadian Citizenship Act* may allow for the effects of state security policies to have a broader reach and affect dual nationals.

Profiling and prejudice can affect which pieces of security and immigration legislation are applied to which groups. Profiling, prejudice and discrimination towards Muslims and other visible minorities from other areas of society, such as the public and the media, may also be enabled or discouraged depending on the laws, regulations and policies in force in a state. Scott Poynting and Barbara Perry argue that “practices within the state, at an individual and institutional level, which stigmatise, demonise or marginalise traditionally oppressed groups legitimate the mistreatment of these same groups on the streets.”<sup>15</sup> The media and the public are also capable of influencing government policy as well. All three may influence, but not determine, the others. However, the Canadian government always has an opportunity, and indeed a responsibility, to ensure that discrimination due to ethnic or religious background does not occur. Since previous security and immigration legislation and policies have had significant and, at times, disproportionate effects on visible minorities and Muslims in Canada, it is important to consider the effects of more recent policies and pieces of legislation as they are introduced. Some of these effects may include diminished trust in public agencies and a reduced sense of belonging within Canadian society. At the other end of the spectrum, non-discriminatory security and immigration policies and legislation could lead to better integration and a greater sense of well-being among Muslims and visible minorities.

Before providing a more detailed background on the key policies and pieces of legislation, it is important to define a term that aims to describe the kinds of changes that are occurring, and have occurred in immigration and security legislation and policies. That term is

---

<sup>15</sup> Poynting, Scott and Barbara Perry. “Climates of Hate: Media and State Inspired Victimization of Muslims in Canada and Australia since 9/11.” *Current Issues in Criminal Justice*. 19.2 (2007-2008): 161.

‘securitization.’ Securitization is the linking of an area of policy to security concerns. Linking immigration to security, such as through political rhetoric or by using immigration legislation to detain suspects, gives immigration issues a “sense of urgency” that they may not have had, and “emphasizes the need for strong executive action bypassing prolonged legislative debate.”<sup>16</sup> In the process, securitization often requires some threat to security, against which to circle the wagons. If that threat is a group of people, the result could be marginalization or discrimination.

## PART A

### 4: Legislative Context

Two events from 2001 have shaped the trajectory of immigration and security law and policy in Canada. Alongside the attacks of September 11<sup>th</sup> 2001, the other significant event was the passage of the *Immigration and Refugee Protection Act (IRPA)* in November 2001.<sup>17</sup>

Though *IRPA* has guided many of the changes that followed 9/11, it had been in development and was presented to the House of Commons before 9/11. While the “influence of securitization was already apparent” in the *IRPA*,<sup>18</sup> passage and implementation of the act was “hastened” after 9/11.<sup>19</sup> The securitizing elements of *IRPA* were also “reinforced” and “solidified” by other measures and laws,<sup>20</sup> above all the *Anti-Terrorist Act*.<sup>21</sup>

---

<sup>16</sup> Russo, Robert M. “Security, Securitization and Human Capital: The New Wave of Canadian Immigration Laws.” *World Academy of Science, Engineering and Technology*. 2 (2008): 568.

<sup>17</sup> Antonius et al., 193.

<sup>18</sup> Crocker, D., et al. “Security and Immigration, Changes and Challenges: Immigrant and Ethnic Communities in Atlantic Canada, Presumed Guilty?” *Status of Women Canada*. January 2007. <[www.isisns.ca/wp-content/uploads/2010/06/FinalReport-EnglishSecurityproject.pdf](http://www.isisns.ca/wp-content/uploads/2010/06/FinalReport-EnglishSecurityproject.pdf)>. 2.

<sup>19</sup> Antonius et al., 193.

<sup>20</sup> Crocker, 2.

<sup>21</sup> Crocker, 11.

### a) *Immigration and Refugee Protection Act*

The *Immigration and Refugee Protection Act* is, in many respects, a continuation of the immigration policy and legislation that preceded it, though there are significant divergences in relation to its approach to security. Robert Russo, for instance, argues that linking security to immigration, as under *IRPA*, is a trend that began under Prime Minister Mulroney, continued under the succeeding Liberal governments, and continues still under Prime Minister Harper.<sup>22</sup> Robert Vineberg has also traced how an evolving Canadian immigration policy, including *IRPA*, regularly frames immigration policy in terms of economic, familial and humanitarian objectives. These objectives, according to Vineberg, originated in William Lyon Mackenzie King's 1947 statement on immigration policy and reverberate through the 1962 *Immigration Regulations*, the 1966 *White Paper* and the 1976 *Immigration Act*.<sup>23</sup> The *Immigration and Refugee Protection Act* does, however, diverge subtly at first but significantly from the 1976 *Immigration Act* that preceded it. Where the 1976 *Immigration Act* aims to "maintain and protect the health, safety and good order of Canadian society,"<sup>24</sup> the *Immigration and Refugee Protection Act* aims to "protect the health and safety of Canadians and to maintain the *security* of Canadian society."<sup>25</sup> The *IRPA* continues, stating that it will "promote international justice and security by fostering respect for human rights and by denying access to Canadian territory to persons who are criminals or *security risks*,"<sup>26</sup> which may include refugee claimants.<sup>27</sup> In contrast, the 1976 Act only denied access to "persons who are likely to engage in criminal activity."<sup>28</sup> The changes in wording mark a shift that is clearest in the change from "persons who are likely to engage in

---

<sup>22</sup> Russo, 568.

<sup>23</sup> Vineberg, Robert. "Continuity in Canadian Immigration Policy 1947 to Present: Taking a Fresh Look at Mackenzie King's 1947 Immigration Policy Statement." *International Migration & Integration*. 12 (2011): 214.

<sup>24</sup> *Immigration Act (1976)* s.3(i).

<sup>25</sup> *Immigration and Refugee Protection Act (2001)* s.3(1)(h), emphasis mine.

<sup>26</sup> *Immigration and Refugee Protection Act (2001)* s.3(1)(i), emphasis mine.

<sup>27</sup> *Immigration and Refugee Protection Act (2001)* s.3(2)(h).

<sup>28</sup> *Immigration Act (1976)* s.3(j).

criminal activities” to “persons who are criminals or security risks.” Aside from the fact that the 1976 wording avoids labelling potential immigrants and refugees as criminals, IRPA both expands the grounds for refusing entry while also making those grounds less definitive by adding the category of “security risks.” Since a security risk is comparatively vaguer than criminal activities, the addition of this term also allows for more discretion in the implementation and enforcement of the Act. These two changes, a simultaneous broadening of application and discretion, are echoed in many of the other components of *IRPA* that mark its deepening concern with security and enforcement.

Before the *Immigration and Refugee Protection Act* became law, it was presented to parliament as a “tough bill”<sup>29</sup> that aimed to “stop criminals and illegal immigrants from getting into the country,” make it easier to remove entrants who were not supposed to enter, and expand the ability of the government to “detect and prosecute” human smuggling.<sup>30</sup> In order to accomplish these ends, the *IRPA* introduced “front end security screening for all refugee claimants, clearer grounds for detention, fewer appeals opportunities, suspensions of refugee claims for people charged with serious crimes and new grounds to refuse entry to Canada to foreign nationals,” such as “security, violence or terrorism, or membership in an organization involved in such activities.”<sup>31</sup> The *Immigration and Refugee Protection Act* also broadened the criminal grounds for inadmissibility, and allowed for exclusion based on crimes committed in other countries.<sup>32</sup> Other security focussed aspects of the legislation include reducing access to “protection-determination procedures for certain classes of refugee,” and restricting the reasons

---

<sup>29</sup> Qtd in Kelley and Trebilcock, 425.

<sup>30</sup> Kelley and Trebilcock, 425.

<sup>31</sup> Crocker, 11. The grounds for refusal can be found in s.34(1) of the *Immigration and Refugee Protection Act, 2001*.

<sup>32</sup> Kelley and Trebilcock, 427. The use of crimes and convictions from other countries is a legislative and policy strategy that is also used in some of the more recent policy changes, and is a strategy that was often identified by respondents as problematic.

for court review of removal and deportation decisions<sup>33</sup> while at the same time expanding the powers of the Minister and immigration officers. In the case of the latter, immigration officers gained expanded authority to detain refugees and immigrants, such as those who may be a flight risk, danger to the public or whose identity is in doubt.<sup>34</sup> In the case of the former, the Minister, critics of IRPA have argued that the Act “gave far too much undefined discretion to the minister [...] without due-process protections” when it comes to deporting or removing foreign nationals.<sup>35</sup> Indeed, this increase in security related provisions was augmented by the fact that the Act set out immigration policy in “broad terms” and left “the details to the executive to design and implement through regulation, with minimal parliamentary scrutiny.”<sup>36</sup>

#### **b) *Anti-Terrorism Act***

In December 2001, soon after the *IRPA*, the *Anti-Terrorism Act (ATA)* was passed. The *ATA* amended existing legislation to expand counter-terrorism tools. A few examples include expanded grounds for charging a person with terrorist activities under the Criminal Code, new executive powers to declare actions secret and new threat of espionage or terrorism offences under the *Security of Information Act*,<sup>37</sup> changes that protected classified evidence in court under the *Canada Evidence Act*, expanded powers to “protect government security networks” and “intercept communications” under the *National Defence Act*.<sup>38</sup> The Act was not without controversy. Some of the more controversial sections of the Act “extended the powers of the police to preventively arrest and hold for three days without charge those suspected of being

---

<sup>33</sup> Kelley and Trebilcock, 425.

<sup>34</sup> Kelley and Trebilcock, 426. Kelly and Trebilcock highlight a corresponding increase in the number of people detained under immigration law in Canada between 2000 and 2003. Over the period, detentions increased by 70%, from 8,000 to 11,500.

<sup>35</sup> Kelley and Trebilcock, 426.

<sup>36</sup> Kelley and Trebilcock, 425.

<sup>37</sup> Formerly the *Official Secrets Act*.

<sup>38</sup> Kelley and Trebilcock, 424.

linked to terrorist activities, that facilitated the use of electronic surveillance, and that broadened the power of the judiciary to compel a person to testify.”<sup>39</sup> The criteria for determining if a group is a terrorist organization was also expanded.<sup>40</sup> The *ATA* has also been criticized by Kent Roach for including motive in the definition of terrorism. Under the *ATA* a prosecutor must “prove beyond a reasonable doubt that a terrorist activity was committed ‘in whole or in part for a political, religious or ideological purpose, objective or cause.’”<sup>41</sup> The inclusion of motive in the definition of terrorist activity means that religion or politics will take on central importance in terrorism trials.<sup>42</sup> Although the *ATA* does allow for political, ideological or religious expression, Roach notes that the definition as it stands is broader than the definition used in the 1970 October crisis.<sup>43</sup> This broad, motive-based definition opens the possibility of targeting individuals and groups based on their religion or political views. The *ATA*, furthermore, is silent on protections about racial profiling.<sup>44</sup>

Although the *ATA* raises a number of concerns, it is notable that for a period immediately after 9/11 it had been rarely used. Starting in 2004, with the arrest of Momin Khawaja,<sup>45</sup> it has since been employed in three other cases to secure arrests and sentencing.<sup>46</sup> Kent Roach has contrasted the procedural stringency of the two pieces of legislation. The stricter limits on prosecutions within the *ATA* in comparison to the *IRPA* may account for an early reliance on *IRPA* to prosecute security threats. The *Immigration and Refugee Protection Act* “allows the

---

<sup>39</sup> Kelley and Trebilcock, 423-4.

<sup>40</sup> Kelley and Trebilcock, 424.

<sup>41</sup> Roach. *September 11: Consequences for Canada*. 25.

<sup>42</sup> Roach. *September 11: Consequences for Canada*. 27.

<sup>43</sup> Roach, Kent. “Canada’s Response to Terrorism.” *Global Anti-Terrorism Law and Policy*. Eds. Victor V. Ramraj, Michael Hor, Kent Roach and George Williams. Cambridge: Cambridge UP, 2012. 517.

<sup>44</sup> Roach. *September 11: Consequences for Canada*. 74. Roach notes that the US *Patriot Act* does, in contrast, condemn “discrimination against Arab Americans, Muslim Americans, and Americans from South Asia and affirmed that ‘the concept of individual responsibility for wrongdoing is sacrosanct in American society and applies equally to all religious, racial, and ethnic groups’” (72).

<sup>45</sup> Roach, Kent. “Canada’s Response to Terrorism.” 519.

<sup>46</sup> “About the *Anti-Terrorism Act*.” Department of Justice. 12 September 2013. Accessed 05 January 2015. <<http://www.justice.gc.ca/eng/cj-jp/ns-sn/act-loi.html>>.

removal of non-citizens on the basis of secret evidence not disclosed to the deportee.”<sup>47</sup> The *ATA*, in contrast, initially set a limit on the number of days that a person can be preventively detained, a provision that has now expired, and prohibits the use of secret evidence.<sup>48</sup>

Importantly the *ATA* also has a higher standard of proof, requiring “proof beyond a reasonable doubt.”<sup>49</sup> Since Momin Khawaja’s arrest in 2004, however, the *ATA* has been more frequently applied than before, and “no new security certificate has been issued in a terrorism case since 2003.”<sup>50</sup> This step towards working within the *ATA* and its stricter judicial requirements is an improvement. Both *IRPA* and the *ATA* represent an inclination towards greater security, though their effects may be felt differently. The recent policies and laws examined in the interviews are in many ways, therefore, rooted in the context that *IRPA* and the *ATA* provide.

## **5: Highlighted Policies and Pieces of Legislation**

There are a variety of security and immigration policies and pieces of legislation that may, or be perceived to, target Muslims in Canada. The following section will examine a few of the major recent changes with a focus on how the policy or legislation may have a disproportionately negative effect on Muslims in Canada. The policies and laws examined in the interviews were the usage of security certificates, the Passenger Protect Program as well as general airport and border security practices, designating irregular arrivals, the *Strengthening Canadian Citizenship Act*, and state surveillance practices.

### **a) Security Certificates**

---

<sup>47</sup> Roach, Kent. “Canada’s Response to Terrorism.” 516.

<sup>48</sup> Roach, Kent. “Canada’s Response to Terrorism.” 516.

<sup>49</sup> Roach, Kent. “Canada’s Response to Terrorism.” 516.

<sup>50</sup> Roach, Kent. “Canada’s Response to Terrorism.” 529.

Security certificates are administered under immigration law in Canada, and were introduced in 1978. Either the Minister of Citizenship and Immigration or the Minister of Public Safety is able to issue a certificate that can result in the detention and eventual removal, without appeal, of a permanent resident or foreign national if the person is found to be inadmissible on security grounds. These grounds “include ‘engaging in terrorism’ or ‘being a member of an organization that there are reasonable grounds to believe engages, has engaged or will engage’ in acts of terrorism.”<sup>51</sup> These grounds are broader than the grounds in the *ATA*, primarily because criminalizing membership in a group for citizens might be vulnerable to challenge under the Charter.<sup>52</sup> Security certificates are notable because they can require the person named in the certificate and their counsel to be absent while a judge hears secret evidence to determine the reasonableness of the certificate.<sup>53</sup> The ultimate goal of a security certificate is the removal of the named person.<sup>54</sup>

In 2007 the Supreme Court ruled in *Charkaoui v. Canada* that aspects of the security certificate regime were unconstitutional. Most notably, the process for determining if a security certificate is reasonable was found unconstitutional because it was “based on secret material without providing for an independent agent at the stage of judicial review to better protect the named person’s interests.”<sup>55</sup> In 2008, after *Charkaoui v. Canada*, the government of Canada has implemented a special advocate position during hearings to “protect the interests of the person subject to a certificate during closed proceedings” but they cannot reveal evidence to the person

---

<sup>51</sup> Roach. *The 9/11 Effect*. 396.

<sup>52</sup> Roach. *The 9/11 Effect*. 396.

<sup>53</sup> Roach, Kent. “Canada’s Response to Terrorism.” 525.

<sup>54</sup> “Security Certificates.” Public Safety Canada. 4 March 2013. Accessed 22 October 2014. <[www.publicsafety.gc.ca/cnt/ntnl-scrtr/entr-trrrsm/scrtr-crtfcts-eng.aspx](http://www.publicsafety.gc.ca/cnt/ntnl-scrtr/entr-trrrsm/scrtr-crtfcts-eng.aspx)>.

<sup>55</sup> *Charkaoui v. Canada* (Citizenship and Immigration), [2007] 1 S.C.R. 350, 2007 SCC 9. <<http://scc-csc.lexum.com/scc-csc/scc-csc/en/item/2345/index.do>>.

named in the certificate.<sup>56</sup> The special advocate is also able to challenge government claims that certain information cannot be disclosed in the interests of national security or due to endangering the safety of any person. The advocate is also able to cross examine witnesses and make submissions to the court. However, once the confidential information behind the security certificate is revealed the special advocate can no longer communicate with the person named in the certificate.<sup>57</sup> Since the introduction of special advocates, they have successfully challenged “the government’s claims of secrecy and the accuracy and significance of the secret evidence,” such as having evidence based on torture excluded.<sup>58</sup> These special advocates have Some other protections for the person named under the security certificate include an opportunity to give evidence and testify on their own behalf, and receiving an “unclassified summary of the case,” which “must include sufficient information to reasonably inform the individual of the circumstances giving rise to the certificate.”<sup>59</sup> The summary, of course, excludes information that a judge thinks will harm the interests of national security or the safety of another person. A more recent case before the Supreme Court (*Harkat v. Canada*, 2014) upheld the use of security certificates in this revised form.

Although there have been some changes to the use of security certificates after *Charkaoui*, there may still be issues that enable racial and religious profiling and targeting to have a negative effect. A lack of transparency is one such issue: without knowing the full evidence against themselves a person named in a certificate has limited means to contest the procedural fairness and fundamental justice of their security certificate proceedings. Judges are also not able to stay the proceedings, such as in the interests of a right to a fair trial, once a

---

<sup>56</sup> “Security Certificates”

<sup>57</sup> “Security Certificates”

<sup>58</sup> Roach, Kent. “Canada’s Response to Terrorism.” 526.

<sup>59</sup> “Security Certificates” Public Safety Canada. 4 March 2013. Accessed 10 November 2014. <[www.publicsafety.gc.ca/cnt/ntnl-scrct/cntr-trrrsm/scrct-crtfcts-eng.aspx](http://www.publicsafety.gc.ca/cnt/ntnl-scrct/cntr-trrrsm/scrct-crtfcts-eng.aspx)>.

security certificate has been deemed reasonable. Security certificates affect a relatively small group of people, since only 37 security certificates have been issued since 1991.<sup>60</sup> However they have most recently been primarily applied to “Muslim men from the Middle East and North Africa,”<sup>61</sup> with “five of six security certificates” issued since 2001 applying to Muslim men.<sup>62</sup> The effects for each of these individuals and their families can be significant. Three men are currently named in security certificates – Mohammad Mahjoub, Mahmoud Jaballah and Mohammad Harkat<sup>63</sup> – and they have been variously incarcerated or under house arrest under their security certificates since 2000,<sup>64</sup> 2001<sup>65</sup> and 2002,<sup>66</sup> respectively. Furthermore the constitutional restrictions against deporting a person to a territory where they will face torture could mean that someone detained under a security certificate could face indefinite detention or restrictions on their liberty, potentially without any charges.<sup>67</sup>

### **b) Passenger Protect Program/No-Fly List & Airport and Border Security**

The Passenger Protect No-Fly List is a list of individuals created by the Minister of Public Safety, and was introduced June 18, 2007.<sup>68</sup> Individuals are added to the list when the

---

<sup>60</sup> Kestler-D’Amours, Jillian. “Security Certificates’ Ruling Ignites Debate.” *AlJazeera*. 4 November 2013. Accessed 10 November 2014. <[www.aljazeera.com/indepth/features/2013/11/certificates-ruling-ignites-debate-201311441447175337.html](http://www.aljazeera.com/indepth/features/2013/11/certificates-ruling-ignites-debate-201311441447175337.html)>.

<sup>61</sup> Kestler-D’Amours. “Security Certificates’ Ruling Ignites Debate.”

<sup>62</sup> Antonius et al., 194.

<sup>63</sup> Kestler-D’Amours. “Security Certificates’ Ruling Ignites Debate.”

<sup>64</sup> The Canadian Press. “Mohamed Majoub’s security certificate upheld by court.” *CBC News*. 25 October 2014. Accessed 10 November 2014. <[www.cbc.ca/news/mohamed-mahjoub-s-security-certificate-upheld-by-court-1.2252249](http://www.cbc.ca/news/mohamed-mahjoub-s-security-certificate-upheld-by-court-1.2252249)>.

<sup>65</sup> Shephard, Michelle. “Terror suspect ordered freed.” *The Toronto Star*. 7 March 2007. Accessed 10 November 2014. <[http://www.thestar.com/news/2007/03/07/terror\\_suspect\\_ordered\\_freed.html](http://www.thestar.com/news/2007/03/07/terror_suspect_ordered_freed.html)>.

<sup>66</sup> Gollom, Mark. “Mohamed Harkat could remain in ‘immigration limbo’ for years.” *CBC News*. 15 May 2014. Accessed 10 November 2014. <[www.cbc.ca/news/canada/mohamed-harkat-could-remain-in-immigration-limbo-for-years-1.2643111](http://www.cbc.ca/news/canada/mohamed-harkat-could-remain-in-immigration-limbo-for-years-1.2643111)>.

<sup>67</sup> “Submission on Bill C-3 *Immigration and Refugee Protection Act* Amendments (Certificate and Special Advocates).” Canadian Bar Association. November 2007. Accessed 10 November 2014. <[www.cba.org/cba/submissions/pdf/07-59-eng.pdf](http://www.cba.org/cba/submissions/pdf/07-59-eng.pdf)>.

<sup>68</sup> “Passenger Protect Program (No-Fly List)” Office of the Privacy Commissioner of Canada. June 2007. Accessed 22 October 2014. <[www.priv.gc.ca/resource/fs-fi/fs\\_20070627\\_e.asp](http://www.priv.gc.ca/resource/fs-fi/fs_20070627_e.asp)>.

minister has “reasonable grounds to suspect that the individual poses a threat to aviation security.”<sup>69</sup> The list is then reviewed at least every 30 days by the minister or their delegate.<sup>70</sup> Once on the list, an individual will not be able to board a flight to or from Canada.<sup>71</sup> The Office of the Privacy Commissioner has outlined a few of the privacy concerns that the list creates, such as the possibility of the list being shared with foreign governments, difficulty removing an erroneous addition, and that no-fly lists are only as reliable as the information that they are based on, which may engender deeper privacy violations.<sup>72</sup> Along with a lack of transparency in its application, the Passenger Protect Program allows for false positives and racial profiling based on sharing a name with someone on the list.<sup>73</sup>

Profiling and discrimination are also concerns in airports and when crossing borders. In her discussion of racial profiling and Canada’s war against terrorism, Reem Bahdi notes that “employees of commercial airlines and airport security personnel have some discretion” when deciding the level of attention to give to a passenger or their belongings, even though racial profiling is not officially supported by Transport Canada.<sup>74</sup> In a look at border control practices Anna Pratt and Sara K. Thompson have also documented the ways that “racialized knowledges shape border control decision making” in a context where border control officers exercise a certain amount of discretion.<sup>75</sup> They caution that the ways that ‘racialized knowledges’ shape decision making are not reducible to “‘a racial profile’, to the discriminatory beliefs of individual

---

<sup>69</sup> “How Passenger Protect Works” Public Safety Canada. 4 March 2014. Accessed 22 October 2014. <[www.publicsafety.gc.ca/cnt/ntnl-scrnt/cntr-trrrsm/pssngr-prtct/hw-pssngr-prtct-wrks-eng.aspx](http://www.publicsafety.gc.ca/cnt/ntnl-scrnt/cntr-trrrsm/pssngr-prtct/hw-pssngr-prtct-wrks-eng.aspx)>.

<sup>70</sup> “How Passenger Protect Works”

<sup>71</sup> “Passenger Protect Program (No-Fly List).”

<sup>72</sup> “Passenger Protect Program (No-Fly List).”

<sup>73</sup> “The Problems with Canada’s No-Fly List.” Editorial. *The Globe and Mail*. Published 1 Sept. 2014. Accessed 22 Oct. 2014. <<http://www.theglobeandmail.com/globe-debate/editorials/the-problems-with-canadas-no-fly-list/article20284034/>>.

<sup>74</sup> Bahdi, Reem. “No Exit: Racial Profiling and Canada’s War Against Terrorism.” *Osgoode Hall Law Journal*. 41. (2003): 298-9.

<sup>75</sup> Pratt, Anna and Sara K. Thompson. “Chivalry, ‘Race’ and Discretion at the Canadian Border.” *British Journal of Criminology*. 48. (2008): 635.

officers, nor to the racist intentions of authorities,”<sup>76</sup> but that the discretion afforded to border officers, as Bahdi notes in relation to airport security, in conjunction with what they call ‘racialized knowledges’<sup>77</sup> can lead to profiling. The discretion exercised by border officials combined with the political and religious motivation included in the *Anti-Terrorism Act* definition of terrorism creates a real concern that police, security officers in airports and border agents will “target those whose politics and religion they find to be extreme, or those who are associated with terrorism by means of widely held stereotypes.”<sup>78</sup> For their parts the RCMP and CSIS have rejected racial profiling, with Giuliano Zaccardelli, the former head of the RCMP, calling profiling “clearly unacceptable behaviour, that is contrary to our charter, that is contrary to operational [policy], that is contrary to our values”<sup>79</sup> Finally, in addition to the straightforward negative effects that profiling may have on Muslims and other visible minorities in Canada there may also be a problem of “intersecting inequalities” that would create “an even greater risk of discrimination” for people like non-citizen Muslims.<sup>80</sup>

### c) ‘Irregular Arrivals’ and Designated Foreign Nationals

---

<sup>76</sup> Pratt and Thompson, 636.

<sup>77</sup> Pratt and Thompson argue that these ‘knowledges’ are “constituted through knowledges of race, nationality, culture and ethnicity” (631) and can be transmitted through “specialized training sessions, lookouts, special alerts, office postings, newsletter items and word of mouth” (632). Other modes of transmission include photographs (632), “briefings on emerging enforcement trends” (633), “on-the-job experience” (635) and, ironically, “cultural sensitivity trainings” (635). Pratt and Thompson describe these ‘knowledges’ as producing “dynamic and heterogeneous configurations and effects” that interact with the discretionary environment at the border.

<sup>78</sup> Roach. *September 11: Consequences for Canada*, 27.

<sup>79</sup> Roach. *September 11: Consequences for Canada*, 74. Giuliano Zaccardelli resigned as RCMP Commissioner after admitting to mistakes in his testimony before a House of Commons committee in relation the case of Maher Arar. Arar is Syrian-Canadian dual citizen who was falsely deported to Syria, where he faced torture, by US officials due to accusations of links to al-Queda (“RCMP’s Embattled Chief Quits Over Arar Testimony”).

<sup>80</sup> Qtd. In Crocker et al., 20.

In the summer of 2012 the *Protecting Canada's Immigration System Act* came into force.<sup>81</sup> While also the basis for a new system of Designated Countries of Origin,<sup>82</sup> this legislation also established changes to Canada's refugee system. The changes allow the Minister of Public Safety to designate individuals who arrive as a part of a group if they think that "examination, particularly relating the identity and admissibility of the persons involved in the arrival, and other investigations, cannot be conducted in a timely manner" or that the Minister has reasonable grounds to believe that "the arrival involves organized human smuggling activity for profit, or in support of a criminal organization, or terrorist group."<sup>83</sup> Once identified as designated foreign nationals, the individuals are subject to mandatory detention if they are over 16.<sup>84</sup> If the person has been listed as a designated foreign national, and even after they have been determined to be refugees, they face a longer timeline for receiving permanent residency – a minimum of five years.<sup>85</sup>

An additional concern with the increased barriers that this legislation creates for refugee applicants who arrive in a group is a coinciding shift in discourse that identifies 'irregular arrivals' as threats to Canada. By highlighting the possibility that group arrivals are associated with criminal organizations or terrorist groups, the legislation identifies these kinds of arrivals as

---

<sup>81</sup> "Protecting Canada's Immigration System" Government of Canada. Citizenship and Immigration Canada. 15 July 2013. Accessed 14 November 2014. <[www.cic.gc.ca/english/refugees/reform.asp](http://www.cic.gc.ca/english/refugees/reform.asp)>. The Act received royal assent on June 28, 2012.

<sup>82</sup> "Designated Countries of Origin." Government of Canada. Citizenship and Immigration Canada. 10 October 2014. Accessed 14 November 2014. <[www.cic.gc.ca/english/refugees/reform-safe.asp](http://www.cic.gc.ca/english/refugees/reform-safe.asp)>. If a person claims refugee status and is from a Designated Country of Origin – a country that has been listed for respecting human rights, offering state protection, and not usually producing refugees – they receive a shorter period of time before their refugee hearing and they are unable to appeal the decision with the Refugee Appeal Division. The stated goal is to speed processing, but the expedited process may not allow time to prepare for the hearing, and the lack of appeal may allow erroneous decisions to stand.

<sup>83</sup> "Backgrounder: Designating Human Smuggling Events." Government of Canada. Citizenship and Immigration Canada. 16 February 2012. Accessed 14 November 2014. <[www.cic.gc.ca/english/department/media/backgrounders/2012/2012-02-16a.asp](http://www.cic.gc.ca/english/department/media/backgrounders/2012/2012-02-16a.asp)>.

<sup>84</sup> Albiom and Cole, 32.

<sup>85</sup> Albiom and Cole, 33. This has practical consequences, like delaying family reunification, since the refugees would not be able to sponsor family members until they are permanent residents. Albiom and Cole estimate that claimants could be "separated from their family for six to eight years from the date their claim is accepted" (33).

a threat to Canada's security. Claimants who the Minister deems designated foreign nationals are also negatively characterized as “‘queue jumpers’ or ‘bogus refugees’.”<sup>86</sup> As a case in point, in a backgrounder on the *Protecting Canada's Immigration System Act*, the government of Canada claims:

The *Protecting Canada's Immigration System Act* would help to end the abuse of Canada's immigration system by human smugglers. It would ensure the integrity and fairness of Canada's immigration system, the security of Canada's shores, and ensure that those who apply to come to Canada legitimately and play by the rules are not penalized by those who try to jump the queue.<sup>87</sup>

The backgrounder implicitly asserts that Canada's immigration system is being abused by smugglers, and that group arrivals, typically by boat, are the primary instance of abusing the system. Alex Neve and Tiisetso Russell estimate that, in truth, the number of claimants who arrive by boat is only 0.2% of the total refugee claimants. They base their estimate on eight boat arrivals in the last 25 years that have brought a combined total of 1500 people.<sup>88</sup> Albiom and Cole count seven ships carrying 2,780 people between 1914 to 2011 that have landed on Canada's long coastline.<sup>89</sup> These numbers are low for systematic abuse. The backgrounder highlights that the legislation is meant to ensure the “security of Canada's shores” while also drawing a distinction between people who come to Canada “legitimately” and those who “try to jump the queue.”<sup>90</sup> In a case study of ‘Chinese Boat People’ that arrived on four boats in 1999, Maggie Ibrahim demonstrates that these kinds of negative characterizations are part of a larger discourse about ‘irregular arrivals.’ Ibrahim notes that the newspapers, politicians and the RCMP expressed concern about the migrants on the four boats in relation to infectious diseases and their

---

<sup>86</sup> Albiom and Cole, 31. An additional concern is that this piece of legislation significantly increases Ministerial power and discretion over the outcomes of refugee claimants (12).

<sup>87</sup> “Backgrounder: Designating Human Smuggling Events.”

<sup>88</sup> Neve, Alex and Tiisetso Russell. “Hysteria and Discrimination: Canada's Harsh Response to Refugees and Migrants Who Arrive by Sea.” *University of New Brunswick Law Journal*. 62. (2011): 39-40.

<sup>89</sup> Albiom and Cole, 33.

<sup>90</sup> “Backgrounder: Designating Human Smuggling Events.”

potential criminality. Preston Manning, then the leader of the federal Reform Party, opined that if people were able to get around proper immigration screening then you “expose yourself to all those dangers [...] criminal elements and people with violent political habits and communicable diseases.”<sup>91</sup> The RCMP also, Ibrahim notes, assumed the involvement of organized crime and the likely presence of criminals in the first boat before the claimants were identified:

Our investigation has already started...organized crime is certainly involved in the smuggling operation and there are likely criminals included among the people aboard the ship. We don't know what kind of criminal element is on board but we do know it's not necessarily good for the country because if it was, they would apply through the legal channels (21 July 1999, *Toronto Star*).<sup>92</sup>

Although there have been groups of Tamils and Sikhs from Southeast Asia who have arrived in Canada in larger groups, it is rare for Muslims to arrive by boat. It is still possible, however, that Muslims arriving in groups of two or more could be affected by the *Protecting Canada's Immigration System Act*. Additionally it may be a concern for the Muslim community when other visible and religious minorities are negatively characterized as related to criminal or terrorist organizations. Furthermore, the discourse that portrays ‘irregular arrivals’ as a security threat may have roots in a larger discourse that identifies immigrants in general as security threats. This larger discourse may then also be part of the web of discourses that contribute to negative portrayals of Muslims in Canadian society.

#### **d) The *Strengthening Canadian Citizenship Act***

The *Strengthening Canadian Citizenship Act*, which received royal assent on June 19, 2014, was introduced to Parliament in February 2014 by the Minister of Citizenship and Immigration Chris

---

<sup>91</sup> Qtd. in Ibrahim, Maggie. “The Securitization of Migration: A Racial Discourse.” *International Migration*. 43.5 (2005): 174.

<sup>92</sup> Qtd. In Ibrahim, 175.

Alexander.<sup>93</sup> Some notable changes introduced by the Act are changes to residency requirements, which increase to four years, or 1460 days, of physical residence out of 6 years as a permanent resident in order to be eligible for citizenship. Aside from extending the required time from 3 out of 4 years, previously time as a non-permanent resident could count towards the residence requirements for citizenship. The requirement that a permanent resident must be physically present in Canada, and for a minimum of 183 days per year in four of the six year, is also a new feature.<sup>94</sup> Other changes include increasing the departmental role in granting citizenship. What had previously been three step process involving citizenship judges and citizenship officers is now a single step that gives responsibility to citizenship officers.<sup>95</sup> Alongside these changes are others related to language requirements and resolving issues with citizenship by birth that had resulted in ‘lost Canadians’; however, there are also more controversial changes related to barring and revoking citizenship. Previously, people could be barred from citizenship due to Canadian criminal charges or convictions, but the *Strengthening Canadian Citizenship Act* allows people to be barred from citizenship for foreign criminal charges or convictions.<sup>96</sup> The conditions for revoking citizenship have also been expanded. Previously citizenship could only be revoked if it was obtained fraudulently, and the potential loss of status entitled the person to a hearing before a Federal Court judge.<sup>97</sup> The new act allows for the ability to revoke citizenship from dual nationals and deny citizenship from permanent residents “who were members of an

---

<sup>93</sup> “House Government Bill: C-24 An Act to Amend the Citizenship Act and to make Consequential Amendments to other Acts.” Parliament of Canada. Legisinfo. Accessed 11 November 2014.

<[www.parl.gc.ca/LegisInfo/BillDetails.aspx?Language=E&Mode=1&Bill=C24&Parl=41&Ses=2](http://www.parl.gc.ca/LegisInfo/BillDetails.aspx?Language=E&Mode=1&Bill=C24&Parl=41&Ses=2)>.

<sup>94</sup> “Backgrounder: Strengthening Canadian Citizenship Act: A Comparative View.” Government of Canada. Citizenship and Immigration Canada. 6 February 2014. Accessed 11 November 2014. <[news.gc.ca/web/article-en.do?nid=832259](http://news.gc.ca/web/article-en.do?nid=832259)>.

<sup>95</sup> “Backgrounder: Strengthening Canadian Citizenship Act.” Government of Canada. Citizenship and Immigration Canada. 1 August 2014. Accessed 11 November 2014. <[news.gc.ca/web/article-en.do?nid=872659](http://news.gc.ca/web/article-en.do?nid=872659)>.

<sup>96</sup> “Backgrounder: Strengthening Canadian Citizenship Act: A Comparative View.”

<sup>97</sup> “Bill C-24, *Strengthening Canadian Citizenship Act*.” The Canadian Bar Association. April 2014. Accessed 11 November 2014. <[www.cba.org/cba/submissions/pdf/14-22-eng.pdf](http://www.cba.org/cba/submissions/pdf/14-22-eng.pdf)>. 16.

armed force or an organized armed group engaged in armed conflict with Canada,” and to “revoke Canadian citizenship and deny it to [permanent residents] who are convicted of terrorism, high treason, treason, or spying offences.”<sup>98</sup> Moreover, if someone is subject to revocation there is no longer a Federal Court hearing. Instead the Minister of Citizenship and Immigration issues written notice, which allows for the person to respond, but then the final decision is made by the Minister.<sup>99</sup>

The changes to the citizenship regime embodied in the new Act may be concerning for Muslim immigrants, and particularly for immigrants that are dual nationals. First, the residence requirements could add to the strain experienced by recent immigrants as they negotiate the transition between their former country and Canada. They may still have business and family ties to their former country and the residence requirements may make it difficult to maintain those ties. More significantly though are the broader conditions in relation to barring and revoking citizenship. There is the potential that dual nationals, though they are Canadian citizens, would be exposed to a risk of losing Canadian citizenship that Canadians with only one citizenship would not face. The emphasis on terrorism and armed forces offenses could also result in a disproportionate application of the Act upon groups of people who have been discursively linked to terrorism, such as Muslims in Canada, whether a particular individual actually has any links to terrorism or not. I noted above that the *Anti-Terrorism Act* had been used less than the *Immigration and Refugee Protection Act* in response to security concerns, and that the ATA has only been applied once, to a Canadian citizen. Security certificates under the *Immigration and Refugee Protection Act* create concerns about targeting specifically for non-nationals, since they cannot be applied to citizens. However, the changes made by the *Strengthening Canadian*

---

<sup>98</sup> “Backgrounder: Strengthening Canadian Citizenship Act: A Comparative View.”

<sup>99</sup> “Bill C-24, *Strengthening Canadian Citizenship Act*.” The Canadian Bar Association. 17.

*Citizenship Act* would allow for security concerns to affect certain classes of Canadian citizen, which might allow for broader targeting of Muslims in Canadian society based on security and terrorism concerns.

#### **e) State Surveillance**

Scott Poynting and Barbara Perry, in their comparison of Canadian and Australian victimization of Muslims after 9/11, find that “patterns of surveillance and harassment are apparent in both countries,” especially after events such as terrorist attacks.<sup>100</sup> They cite a 2004 report by CAIR-CAN<sup>101</sup> where 8% of Muslims surveyed, most of whom were Canadian citizens, had been “contacted” or “approached” by law enforcement or an intelligence agency. The report also found that 43% of the respondents knew of a Canadian Muslim who had been approached, and that those who had been approached were often approached multiple times.<sup>102</sup> Poynting and Perry go on to describe the questionable practices that sometimes accompany visits from law enforcement or intelligence agents. A few examples of the tactics used include discouraging legal advice, threatening arrest, asking suggestive questions, and attempting to recruit individuals as informants.<sup>103</sup>

There are multiple effects that may occur as a result of targeted surveillance towards Muslims in Canada. The first effect is that regular investigation may create or increase a sense of alienation felt by Muslims in Canada.<sup>104</sup> The second effect may be to reduce the trust between

---

<sup>100</sup> Poynting and Perry, 163.

<sup>101</sup> Now the National Council of Canadian Muslims (NCCM), which has recommended some of the interview subjects.

<sup>102</sup> Poynting and Perry, 163.

<sup>103</sup> Poynting and Perry, 164. Suggestive questioning included “attitudes toward or knowledge of such things as jihad, al-Queda, or loyalty to Canada *as opposed to* loyalty to their religious faith” (164, emphasis given).

<sup>104</sup> Poynting and Perry, 164.

Muslims and law enforcement agencies<sup>105</sup> since they are regularly entering an oppositional relationship instead of a cooperative one. A third effect may be that regular investigative contacts “create suspicion in people’s minds about the presence of Muslim extremists in Canada and the Muslim population’s failure to report their existence to the authorities.”<sup>106</sup> The souring effect of intelligence investigation and surveillance on the perceptions of other Canadians can have very practical effects for Muslims who are contacted, especially since, according to the CAIR-CAN report, “many” visits from law enforcement agents “occurred in the respondents’ workplaces.”<sup>107</sup> The effects of surveillance are also particularly concerning given that surveillance powers have been expanded under the *Anti-Terrorism Act*.<sup>108</sup>

## **PART B**

### **6: Results and Discussion<sup>109</sup>**

One organizing principle for these results was stressed by three participants. They stressed that it is difficult to speak of ‘the Muslim community’ because of the diversity within the community. And although the respondents, as community leaders, legal advocates and media representatives, tended to share many aspects of their perspectives and thinking, the diversity of perspectives was also clearly evident, even within this small, preliminary sample. In many ways the key points of divergence represent the most interesting points for further research. There were also often streams of thought where some respondents overlapped with the perspectives of a few others and put forward analyses that can be brought into conversation with one another. These points, too, provide fertile ground for further research. Although the sample is small the diversity contained within it provides a surplus of information, all of which bears further

---

<sup>105</sup> Poynting and Perry, 164.

<sup>106</sup> Helly, 32.

<sup>107</sup> Poynting and Perry, 164.

<sup>108</sup> Roach. *September 11: Consequences for Canada*, 46-7.

<sup>109</sup> Throughout the discussion respondents are identified by a number from 1-11.

analysis, and more, perhaps, than can be developed in this short space. I have tried instead to highlight what I think are the key points of agreement about the policies and then draw out some important themes that run throughout the interviews – those streams of thought that ran deep even within this small sample. Before continuing it is important to again emphasize that because of the small sample size this study can only serve as a preliminary guide for further research, but one which might, I hope, do so effectively.

The theme of diversity within the Muslim community is important for understanding the data that these interviews have so far produced. For instance there were a few key points of division that seemed to be associated with particular streams of thought. The way that these points of division intersected may also produce interesting fodder for analysis. One example of a point of division was whether the respondent was a representative of a service or advocacy group.<sup>110</sup> Which group the person represented seemed related to their perspective of law enforcement and intelligence agencies, their consciousness of how their activities might be perceived, as well as their involvement in ‘responding’ to policy changes. I will expand on these below, but as a general rule, for instance, representatives of service groups tended to have more positive views of law enforcement and intelligence agencies,<sup>111</sup> though not necessarily of the activities of these agencies. As well, service group representatives tended to be less involved in ‘responding’ to policies, which was usually due to concern about appearing too political (7) or, relatedly, because of charitable status (3). Their differing roles in responding to policy also

---

<sup>110</sup> Service groups are primarily devoted to meeting the needs of their community, or ‘building bridges’ between various communities, while advocacy groups were more focussed on representing the community in some form, either to the government, to the rest of Canadian society, or back to the Muslim community. The distinction is necessarily loose, since advocacy is also an activity that serves a particular need within the community and there is considerable overlap in terms of perspectives.

<sup>111</sup> Representatives of service groups tended to emphasize that the RCMP, CSIS and the police have been making efforts to reach out to the community, and a few respondents have sat on ‘advisory committees’ for the RCMP and have helped educate them about the community (2, 7, 10). Advocacy group representatives tended to emphasize that outreach efforts by the RCMP and CSIS had been limited, ineffective and even potentially damaging to relations with the community (6,11).

tended to produce different consequences. Representatives of advocacy groups, due to the nature of their work, sometimes felt themselves out of government favour, a prospect that service group representatives consciously tried to avoid. Of course, in many ways there was also considerable overlap between the two groups, especially when it came to their perspectives on and analysis of policies.

Another point of division that overlapped with the division between service and advocacy groups was the division between ‘academic’ and ‘grassroots.’ In some ways this division was not evident in the sample, since most were university educated professionals, but the division was referred to by one respondent that highlighted how the sample leaned towards an ‘academic’ stream of thought. Exploring the extent to which there is consistency within the respective ‘academic’ and ‘grassroots’ streams would be very important for further research. Moreover, since this sample is more reflective of ‘academic’ perspectives, any policy analysis that aims to speak of the views of ‘the Muslim community’ must first also dig deeper into how well the ‘academic’ approach, largely the approach of the representatives who were interviewed, actually represents the feelings of the ‘average’ Muslim. When referring to the different ways that community members respond to terrorism related arrests, one respondent described the divide in this way:

When you ask your average mom on the street, she might be like, "Yeah, arrest them! Don't even bother. They're bad people!" She doesn't think about Habeas Corpus, she doesn't think about due process, so she doesn't think about that. The idea that anyone would want to attack Canada would make her very mad, because she loves Canada!

And then there's the academic response, which is like, "This is against their rights, and dadadada" Which often sometimes doesn't address the fact that people, even in the Muslim community, are incredibly creeped out that our young people would be engaged in some of these activities. (6)

Although many of the ‘academic’ respondents also were clearly concerned about the possibility that someone in the Muslim community might be involved in terrorism – and they were quick to both condemn terrorism and emphasize that they defended civil rights and not the alleged activities – the respondent here is highlighting a difference in emphasis. The average person, as characterized by the respondent, is quicker to side with law enforcement. This different response is partially because of a lack of contextual information, such as knowledge about standard judicial procedure, but also because there is a visceral reaction against terrorism: the community is “creeped out.” Why the average Muslim reacts so strongly may also be complex, but future research may need to explore this different emphasis and how that different perspective might affect ‘grassroots’ reactions to government policies. This study did attempt to determine whether some policies were a concern among the people that the respondents represented through pointed questions; however, the data gathered in that respect is necessarily limited.

One other point of division that highlighted the diversity within the Muslim community were different experiences based on ethnic and racial lines, though these also often overlapped with class lines. Although the respondents were from a variety of ethnic backgrounds, and multiple participants mentioned that the country that one immigrates from has an effect on how you perceive government surveillance,<sup>112</sup> one respondent highlighted that the experiences of the Somali community are often different than other parts of the community. The different experiences were rooted in the Somali community facing more discrimination than other Muslim demographics before 9/11. The respondent emphasized the importance that race plays:

Any discussion [about belonging and loyalty] has to look at the generational aspects, it has to look at race, because the reality is that, people before 9/11, a lot of people in our community were a model minority. They saw themselves up there with the Chinese and

---

<sup>112</sup> A few respondents noted that people coming to Canada from countries where intelligence agencies and the police are corrupt are primed to distrust police and intelligence agencies (6, 10, 11).

Indians who weren't Muslim. But if you were Somali you didn't see that, because you lived through the 90s, and you lived through racial profiling. (6)

The respondent continued by noting that much of the discourse around these policies seems to be from a “middle/upper-middle class South Asian Muslim perspective” and that “it’s going to be very different for a black Muslim kid. It’s going to be very different for a Palestinian Muslim kid” (6). It is important here to note that the sample was not skewed towards South Asian respondents, but there was still a consistency in many of the responses. The sample included respondents from South Asian and Middle Eastern countries, as well as a number of respondents who were born in western countries but who maintained some ties to countries of family origin. Further research would help disentangle the extent to which race and ethnicity shape the experiences of Muslims in relation to government policies, and particular emphasis should be given to groups the groups highlighted by the respondent – Black, Palestinian, and Somali – since it seems possible that different forms of marginalization could intersect. However, it may also be important to examine the role of class in shaping experiences. The consistency of responses in the interviews may be more attributable to the educated, professional nature<sup>113</sup> of the this sample than their country of origin and ethnic identity; however this can only be determined through further research.

Based on the responses gathered from this sample, it is possible to divide the policies examined in this study into three groups. The first group is policies that seemed to affect respondents and their communities more personally and regularly. Policies in this first group would include state surveillance and intelligence gathering, and airport and border controls. The second group includes policies like security certificates, the No-fly/Passenger Protect List, and

---

<sup>113</sup> This point of division also overlap with the possible break between ‘academic’ and ‘grassroots’ perspectives mentioned above.

the *Strengthening Canadian Citizenship Act*. These policies affected a limited number in the community directly, but could produce a significant amount of unease because people in the community are unsure when a policy might affect them (3, 4), especially since the application of the policies seems to operate on the basis of ‘guilt by association’ (3). The last group contains a single policy: ‘irregular arrivals and refugee policy. This policy did not provoke as much concern or recognition from the respondents in comparison to the other policies in the study.

Although it did not provoke as much response from interview subjects, some of the themes that did arise surrounding refugee policies and irregular arrivals echoed the perspectives on other policies. For instance, one respondent questioned whether ‘irregular arrivals’ is really such a big issue that needs to be dealt with in this manner (9). The respondent compared the policy to a “sledgehammer” or “brain surgery” when “two aspirins work” (9). This kind of response mirrored other respondents who saw security and anti-terrorism legislation as creating unnecessary duplication of the existing criminal code, which already has provisions to deal with crimes (2, 4, 6, 7, 9, 11). One respondent described the difference this way: “Terrorism is a crime, it's just on steroids. If I blow up a building and I'm not motivated by ideology, well that's a crime. And then if I do it and I'm motivated by it, that's a crime that's treated more severely. I mean it's the same action.” The implication seems to be that anti-terrorism and security legislation in the guise of immigration legislation is equally ‘pumped-up’ and is not necessary to deal with the real threat of terrorism. Another respondent raised the issue radicalization and the proportionality of the government response in comparison to other issues of serious criminality:

These cases, I mean really, statistically they're very small. You have these cases of young people going to fight overseas. You have about a million Muslims in Canada, and you have, according to CSIS, 100 or 130 young men who have gone overseas, you have .0002% or .0003% of the community. You actually have more – a higher percentage of

Ontarians who are involved in youth gangs, compared to the percentage of Muslims who actually fight overseas. (7)<sup>114</sup>

Related to the principle of proportionality was a frequently invoked principle that the same crime or the same situation should have the same outcome regardless of who is involved. Only one respondent identified this as an issue with refugee policy; however, it was a frequently invoked principle in relation to the *Strengthening Canadian Citizenship Act*. In relation to refugee policy, respondent 6 noted that decisions made by the Refugee Board were not required to follow precedent, unlike other courts in the common law system. This discretion allowed judges to make decisions coloured by prejudice, and that included Muslim judges.<sup>115</sup> The respondent continued that the issue of irregular arrivals and refugee policy is an opportunity for the Muslim community to work with other communities, such as the Tamil community, since multiple communities are targeted by government policy in this area (6).

When it comes to the *Strengthening Canadian Citizenship Act* there were frequent concerns that it could lead to a two-tier citizenship regime, which is to say that citizenship would not be equal, or that the Act would apply “different standards to people that are born here, who can’t lose their citizenship, and those that are born abroad and may have citizenship somewhere else” (4, see also 7, 11). There might be practical effects of that double standard as well.

Respondent 4 brought up the case of Maher Arar, a frequent touchstone in many of the interviews, and wondered how the government would respond to the case under the new Act:

And then there's people like the Mahar Arar [...], those kinds of individuals that were detained abroad under, kind of, specious circumstances, and they see now, if this had

---

<sup>114</sup> Drawing a comparison with gangs and the conditions that drive youth to join gangs was a common theme in the interviews. Government policies were often seen as alienating and marginalizing youth by targeting them. Some of the possible consequences of this marginalization was the radicalism that government policies, ostensibly, aim to root out (2, 4, 6, 7, 10).

<sup>115</sup> The respondent gave an example of a refugee case where a Muslim Pakistani-Canadian judge had dismissed the case of a Christian Pakistani applicant based on the judge’s perception of majority (Muslim) – minority (Christian) relations in Pakistan.

happened now, perhaps the government, rather than actually bringing them home, would have just withdrawn their citizenship and said, "We have no obligation toward these individuals anymore." So, definitely there is concerns about how that may be used, depending on the political context at the time. (4)

The possible effects of the *Strengthening Canadian Citizenship Act* may also be more symbolic as well, with one respondent noting that revoking citizenship would not have much of an effect on the community since so few within the community are involved in terrorism, but the legislation does send a message about people being treated differently (9). This description seemed to apply to most of the policies in the second group that I described above that have limited direct effects but diffuse symbolic effects. Security certificates, the Passenger Protect/No-fly list, and the *Strengthening Canadian Citizenship Act* tended to be met with 'higher level' objections. I have already shown how the citizenship stripping provisions of the *Strengthening Canadian Citizenship Act* were primarily criticized for breaching the inherent equality of citizenship. A few other examples include concerns that security certificates violate the rule of law, habeas corpus, or other democratic principles by holding a person in indefinite detention without laying charges or giving the person a chance to defend themselves (2, 3, 7, 11). Other concerns with security certificates include a "very decreased level of procedural fairness" that could allow biases to affect the decision (4) and a general lack of transparency surrounding the evidence supporting the certificate (9, 10). The direct impact of security certificates is, in a way, limited, since few have been issued since 9/11, and so some respondents referenced the naturally high profile cases of Mohamed Harkat, Adil Charkaoui, and Mohammad Mahjoub (4, 7, 11). The No-fly/Passenger Protect list also faced criticisms on a more abstract level, since few respondents knew of a member of their community affected by the list. Criticisms ranged from a lack of transparency similar to security certificates (10), to their seemingly arbitrary application and a lack of a mechanism to remove oneself from the list (3, 4, 11). Although the Passenger

Protect list may not affect a large number within the community, like the *Strengthening Canadian Citizenship Act*, it sends a message. People within the community are concerned about getting on the list and not being able to be removed from the list:

Because nobody's being taken off the list and there's nothing more we can tell them to do. So that's definitely something that, I think, affects people, and people are worried about it, like, 'Oh somebody from CSIS spoke to me, what if I get on the No-Fly list. This idea that this is something that could happen to them is, I think, present in people's minds, even if they're not people that are involved in anything that should restrict their access to aviation. (4)

The list has an effect in the community, due to the fear that it creates, that may actually be larger than the group of people who have been actually added to the list from within the community.

In contrast to this group of policies with a combination of numerically limited but severe primary effects and broad secondary effects, the policies surrounding state surveillance and border control have quite broad primary and secondary effects. It was quite common for instance for respondents to have experience with difficult border crossings and knowledge of others with similar difficulties within the community (2, 3, 4, 7, 9, 11). These difficulties included when returning to Canada (4, 7, 11). A few respondents expressed the idea that, when it came to searches at the border or in the airport, 'random' does not mean random (3, 9). Similarly, responses when asked if people in their community felt that they were being watched by the government the responses ranged from emphatically affirmative (3, 7, 9 11) to critical of the idea (10). One respondent stated that they believed that surveillance activities are widespread:

I am almost certain that most Muslim Organizations in Canada have been infiltrated by CSIS. [...] I'm not the kind of person to be overly suspicious, but I think it's very clear that there has been a concerted effort to get that in place. I'm not sure if people realize the extent of it, but I think it's quite far reaching. (7)

Another respondent confirmed that widespread surveillance activities are the presumption within the community, though it is difficult to say for sure:

Yeah, well yes, people think that. They think that there is always, like, informants or CSIS agents that visit places where Muslims gather. So like in mosques and, I guess, other settings like that. *It's almost like people take it for granted*, if we're here for Friday prayer and there's 300 people here, there's probably at least 2 or 3 people here that are working with CSIS. This is what people assume. Whether it's true or not who knows. But there is this underlying assumption that there's always, that there's, there are activities, especially as a community are always being monitored, and then there's individuals that also think that their activities are being monitored. (4, emphasis mine)

Though the precise surveillance practices are difficult to describe, because they are by nature secret, a visit from CSIS, as a form of intelligence gathering, is a “regular topic” (11) within the community. And as respondent 11 describes it, the practice likely disproportionately affects Muslims:

It would appear that there's a disproportionate amount of focus on the Muslim community. That said it's very hard to prove it, because we don't know what else they're doing. But what we can say is that if you ask a room full of Muslims, "How many have been visited by CSIS or contacted by CSIS?" You'll probably get a higher percentage than you would if you went to, let's say, Canadian Tire Place and asked at any random hockey game, you know "How many people have been visited by CSIS?" So, you know, there's no real hard evidence on that, but I think it's understood, and I think it's pretty much accepted that, at least within the community, that Muslims are definitely disproportionately affected. (11)

These visits have problematic aspects in that legal counsel is often discouraged in the meetings and they may place immigrants in position where they feel that they are unable to refuse a meeting without harming their immigration application (11). Furthermore, these intelligence gathering meetings also sow distrust within the Muslim community:

If it is revealed somehow that that person is regularly meeting with CSIS that can have an effect on them in terms of a chilling effect within the community. People will then be more apprehensive of that person, more concerned about it. (11)

A similar effect might occur if it is discovered that CSIS has actually recruited a person as an informant, which is one reason why they may approach a person (6). The contact might also feel

uncomfortable “being called upon to [spy on their community] without having officially been asked to do so” (11).

Beyond a lack of trust of law enforcement and intelligence agencies multiple respondents also referred to the sense of fear and distrust within the community that widespread surveillance and a regime of ‘guilt by association’ can engender (6, 7, 9, 11). On an individual level this distrust may lead to “chatter about that person behind their back” and questions about “whether or not they can be trusted any time they’re in a meeting or they’re at a mosque” (11). However, the fear and distrust engendered by surveillance and guilt by association also have effects on the institutional arrangements within the community:

Yes, absolutely, especially things like surveillance, and so forth, makes people very cautious about who they work with and what they say and what group we work with because somebody said something about this group, even if they're people that they know, so it definitely creates tension within the community, and people feel less comfortable or they need to be more cautious about what they do. (4)

Even beyond the organizational level, the fear and distrust created within the community by surveillance has a sadly ironic ripple effect. A few respondents in particular lamented the way that important conversations about radicalization and “the J-word” (7) could not be pursued (2, 7, 9). Muslim communities want to be able to discuss the issue of radicalization and the concept of jihad with their youth to dispel misinformation. According to respondent 9, “we don’t want to talk about these things, but our kids are talking about it.” The alternative is that youth in the community get their information from the internet (7). However, these conversations, which might reduce the risk of radicalization, are hampered by the fear of surveillance. An example of this effect exists within this study, where many Muslim organizations were contacted but declined the invitation to participate, often citing the security focus of the interview. How to proceed is unclear because of the distrust of government involvement, but there needs to be a

conversation about how to create a safe space for these kinds of conversations (9). A potential effect of state surveillance is a deep fragmentation of the community that is the subject of surveillance. The sad consequence is that surveillance robs the community of the tools to support their youth effectively, and therefore remove one of the causes of government suspicion. Further research and analysis could pursue with government and community leaders the kinds of arrangements that may allow space for the community to be a community; that is, to provide support to those within it. Further analysis will also be required to determine ways that other policies may have deeper effects than they first appear to have.

## **7: Conclusion**

In early October, when talking about the kinds of assumptions that guide government interactions with the Canadian Muslim community, one of the interview respondents speculated about what would happen if, heaven forbid, there were some kind of violent attack in Ottawa. He wondered aloud about how the public and government reactions would differ if the person who committed the attack had a name that sounded like mine compared to the reaction if the person had a ‘Muslim sounding name.’ The respondent predicted that the Muslim name would provoke immediate assumptions about a connection to terrorism, while a non-Muslim name would draw assumptions about the mental state of the attacker, that he would be assumed to be “deranged” or a “kook” (11). The presumptions made about the motivation behind the attack, and the nature of the attack, seemingly depend on whether the perpetrator can be identified as a Muslim or not.

In an eerie coincidence, just over two weeks later, there was a shooting in Ottawa that began with the gunman shooting one of the ceremonial guards of the National War Memorial and then entering Centre Block of the parliament buildings, where he was killed by Kevin

Vickers, the Sergeant-at-Arms of the House of Commons. Rumours of multiple shooters during the incident eventually gave way to confirmation that there had been only one person involved in the two locations. The incident was genuinely shocking to many Canadians, and in the immediate aftermath news outlets, journalists and politicians were characterizing the event as a ‘loss of innocence’<sup>116</sup> In the days that followed articles in *The National Post* and *The Toronto Star* questioned the narrative of a ‘loss of innocence,’ or that ‘things would never be the same.’<sup>117</sup> But the respondent’s prediction about the kinds of assumptions that will be made about the perpetrator seem to be prescient. In his statement following the shooting, Stephen Harper characterized the shooter as a terrorist and the shooting as a terrorist attack,<sup>118</sup> a designation that Prime Minister Harper did not assign to a shooting in Moncton, New Brunswick earlier in the year.<sup>119</sup> As it turns out, both perpetrators seemingly had ideological motivation for their shootings. The Ottawa shooter, Michael Zehaf-Bibeau, allegedly created a video before the Ottawa incident in which he refers to Canadian foreign policy and “praises Allah.”<sup>120</sup> According to the prosecution at his trial, Justin Bourque, who shot three RCMP officers in Moncton, New

---

<sup>116</sup> “Editorial: The End of Innocence.” *Calgary Herald*. 22 October 2014. Accessed 16 November 2014. <[www.calgaryherald.com/news/Editorial+innocence/10315620/story.html](http://www.calgaryherald.com/news/Editorial+innocence/10315620/story.html)>.

Iverson, John (@IversonJ). “Canada has just lost her innocence.” 22 October 2014, 10:13am.

<[twitter.com/IversonJ/status/524926424638312448](https://twitter.com/IversonJ/status/524926424638312448)>. John Iverson is a political columnist for the *National Post*.

Johnson, Alex. “Ottawa Shootings: The Day ‘Canada Lost Its Innocence’.” NBCNews.com. 23 October 2014.

Accessed 16 November 2014. <[www.nbcnews.com/storyline/canadian-parliament-shooting/ottawa-shootings-day-canada-lost-its-innocence-n232056](http://www.nbcnews.com/storyline/canadian-parliament-shooting/ottawa-shootings-day-canada-lost-its-innocence-n232056)>. Senator Jim Munson is cited stating that “It’s a day, I feel, where Canada lost its innocence.”

<sup>117</sup> Kay, Jonathan. “Did one man’s attack on parliament really change Canada ‘forever’?” *The National Post*. 24 October 2014. Accessed 16 November 2014. <[fullcomment.nationalpost.com/2014/10/24/jonathan-kay-did-attack-on-parliament-really-change-our-lives-forever/](http://fullcomment.nationalpost.com/2014/10/24/jonathan-kay-did-attack-on-parliament-really-change-our-lives-forever/)>.

Salutin, Rick. “We didn’t lose our innocence. We never had it.” *The Toronto Star*. 23 October 2014. Accessed 16 November 2014.

<[www.thestar.com/opinion/commentary/2014/10/23/we\\_didnt\\_lose\\_our\\_innocence\\_we\\_never\\_had\\_it\\_salutin.html](http://www.thestar.com/opinion/commentary/2014/10/23/we_didnt_lose_our_innocence_we_never_had_it_salutin.html)>

<sup>118</sup> “Stephen Harper: ‘Canada will never be intimidated’” *Macleans*. 22 October 2014. Accessed 16 November 2014. <[www.macleans.ca/politics/parliament-hill-shooting-stephen-harpers-address-to-the-nation/](http://www.macleans.ca/politics/parliament-hill-shooting-stephen-harpers-address-to-the-nation/)>.

<sup>119</sup> “Statement by the Prime Minister of Canada on the Death of Three RCMP Officers.” Prime Minister’s Office. 5 June 2014. Accessed 16 November 2014.

<sup>120</sup> “Ottawa Shooting: Michael Zehaf-Bibeau made video, police say.” *CBC News*. 26 Oct 2014. Accessed 16 November 2014. <[www.cbc.ca/news/politics/ottawa-shooting-michael-zehaf-bibeau-made-video-police-say-1.2813798](http://www.cbc.ca/news/politics/ottawa-shooting-michael-zehaf-bibeau-made-video-police-say-1.2813798)>.

Brunswick, targeted the officers “specifically because of who they were, what they did, the badge they carried, the flash on their shoulders, the uniform they wore,”<sup>121</sup> and was, according to his sentencing hearing, “trying to start a rebellion against what he considered to be an oppressive corrupt government.”<sup>122</sup> How much does it matter that both were baptised Catholics but Zehaf-Bibeau converted to Islam? To rephrase the question asked by the interview respondent: how much does the ‘Zehaf’ in Zehaf-Bibeau matter when we call a crime terrorism?

Soon after the shooting in Ottawa, Justice Minister Peter MacKay announced that security laws would be toughened by a forthcoming bill that had been in development before the shooting.<sup>123</sup> On October 27, 2014, Bill C-44 was introduced as An Act to Amend the Canadian Security Intelligence Service Act and other Acts, or the Protection of Canada from Terrorists Act. This Bill, if passed, would empower CSIS to “conduct investigations outside of Canada” and similarly clarifies the Federal Court’s authority to issue warrants for investigations that occur outside Canada.<sup>124</sup> The Bill would also “protect the identity of CSIS human sources from disclosure,” which may reduce the ability of people accused under Canadian security laws to hear the case against them. This provision adds an additional layer of transparency to the security intelligence apparatus that is such a concern of the respondents in these interviews. Furthermore, in addition to Bill C-44 Minister of Public Safety Stephen Blaney has said that “further reforms

---

<sup>121</sup> Taylor, Christopher Stuart. “Why is Zehaf-Bibeau a Terrorist but not Justin Bourque?” *Huffington Post*. 29 October 2014. Accessed 16 November 2014. <[www.huffingtonpost.ca/christopher-stuart-taylor/canadian-terrorism\\_b\\_6064542.html](http://www.huffingtonpost.ca/christopher-stuart-taylor/canadian-terrorism_b_6064542.html)>.

<sup>122</sup> Gollom, Mark. “Ottawa Attack: Was Michael Zehaf-Bibeau’s Attack a Terrorist Act?” *CBC News*. 30 October 2014. Accessed 16 November 2014. <[www.cbc.ca/news/canada/ottawa-attack-was-michael-zehaf-bibeau-s-attack-a-terrorist-act-1.2818329](http://www.cbc.ca/news/canada/ottawa-attack-was-michael-zehaf-bibeau-s-attack-a-terrorist-act-1.2818329)>.

<sup>123</sup> Palmer, Randall, Richard Valdmanis and Leah Schnurr. “Canada vows tougher laws as citizens worry in face of attacks.” *Reuters UK*. 24 October 2014. Accessed 16 November 2014. <[uk.reuters.com/article/2014/10/24/uk-canada-attacks-shooting-idUKKCN0IB1QQ20141024](http://uk.reuters.com/article/2014/10/24/uk-canada-attacks-shooting-idUKKCN0IB1QQ20141024)>.

<sup>124</sup> “The Government of Canada Introduces Protection of Canada from Terrorists Act.” Government of Canada. Public Safety Canada. 27 October 2014. Accessed 16 November 2014. <[news.gc.ca/web/article-en.do?nid=897129](http://news.gc.ca/web/article-en.do?nid=897129)>.

to protect Canadians from terrorism will be presented in a second forthcoming piece of legislation.”<sup>125</sup>

This forthcoming legislation, which expands on the policies of concern to this study, indicate that government policy is continuing in the same direction of the policies explored in these interviews. Some of the interview respondents admitted that there is still some optimism within the community that policies will not continue to disproportionately apply to the Muslim community, but Bills C-44 does not seem to provide much support for that optimism. Additionally, this study is only a preliminary exploration of the impacts of policies that have been in place since September 11, 2001. The pace of change in immigration and security policies continues to be quick. These new pieces of legislation will add to the complexity and contradictions within Canadian immigration and security policy noted by Antonius et al.<sup>126</sup> The effects of these policies will similarly be complex. They may, simply, represent an intensification of the impacts that current policies have, or their impacts may be quite different. The importance of examining the real consequences of these policies in the lives of Muslim Canadians, begun in preliminary form here, is all the more important and takes on an urgency proportional to the urgency ascribed to Canada’s pursuit of security itself.

In light of the forthcoming legislation, many of the comments and insights of the interview participants hold true. Many respondents for instance welcomed legislation that would make Canada safer, since they were also Canadians (2, 3, 7, 10); however, support for government security initiatives was always quickly followed by a concern that security legislation could disproportionately affect members of their community. As multiple participants also noted, the Muslim community is a diverse one, and government efforts to engage with that

---

<sup>125</sup> Mas, Susana and Chris Hall. “CSIS powers beefed up under new bill tabled by Stephen Blaney.”

<sup>126</sup> Antonius et al., 192.

community cannot ignore the communities within the community. Haphazard efforts to engage may indeed do more harm than good to government relations with the Muslim community. And so as the Canadians and the federal government move forward in light of the most recent shootings in Ottawa the perspectives of the interview participants become even more important. It is hoped that this preliminary study and the collection of interviews that it produced can contribute to better understanding how to secure Canada and reduce the experiences and feelings within the Muslim community of being targeted by security legislation.

## **8: Works Cited**

“About the *Anti-Terrorism Act*.” Department of Justice. 12 September 2013. Accessed 05 January 2015. <<http://www.justice.gc.ca/eng/cj-jp/ns-sn/act-loi.html>>.

“Afghanistan” *Social Institutions & Gender Index*. OECD Development Centre. Accessed 17 November 2014. <[genderindex.org/country/afghanistan](http://genderindex.org/country/afghanistan)>.

Albiom, Naomi and Karen Cole. “Shaping the future: Canada’s rapidly changing immigration system.” Maytree. <[maytree.com/wp-content/uploads/2012/10/shaping-the-future.pdf](http://maytree.com/wp-content/uploads/2012/10/shaping-the-future.pdf)> Accessed 3 June 2014.

Antonius, Rachad, Micheline Labelle and François Rocher. “Canadian Immigration Policies: Securing a Security Paradigm?” *International Journal of Canadian Studies*. 36. (2007): 191-212.

- Arat-Koc, Sedef. "Whose Transnationalism? Canada, "'Clash of Civilizations' Discourse and Arab and Muslim Canadians." *Transnational Practices and Identities in Canada*. Ed. Lloyd L. Wong and Vic Satzewich. Vancouver: UBC Press, 2006.
- "Backgrounder: Designating Human Smuggling Events." Government of Canada. Citizenship and Immigration Canada. 16 February 2012. Accessed 14 November 2014. <[www.cic.gc.ca/english/departement/media/backgrounders/2012/2012-02-16a.asp](http://www.cic.gc.ca/english/departement/media/backgrounders/2012/2012-02-16a.asp)>.
- "Backgrounder: Strengthening Canadian Citizenship Act." Government of Canada. Citizenship and Immigration Canada. 1 August 2014. Accessed 11 November 2014. <[news.gc.ca/web/article-en.do?nid=872659](http://news.gc.ca/web/article-en.do?nid=872659)>.
- "Backgrounder: Strengthening Canadian Citizenship Act: A Comparative View." Government of Canada. Citizenship and Immigration Canada. 6 February 2014. Accessed 11 November 2014. <[news.gc.ca/web/article-en.do?nid=832259](http://news.gc.ca/web/article-en.do?nid=832259)>.
- Bahdi, Reem. "No Exit: Racial Profiling and Canada's War Against Terrorism." *Osgoode Hall Law Journal*. 41. (2003): 293-317.
- "Bill C-24, *Strengthening Canadian Citizenship Act*." The Canadian Bar Association. April 2014. Accessed 11 November 2014. <[www.cba.org/cba/submissions/pdf/14-22-eng.pdf](http://www.cba.org/cba/submissions/pdf/14-22-eng.pdf)>.
- "Bill S-7." Parliament of Canada. <[www.parl.gc.ca/HousePublications/Publication.aspx?Language=E&Mode=1&DocId=6761929&File=30#2](http://www.parl.gc.ca/HousePublications/Publication.aspx?Language=E&Mode=1&DocId=6761929&File=30#2)>.
- Charkaoui v. Canada* (Citizenship and Immigration), [2007] 1 S.C.R. 350, 2007 SCC 9. <<http://scc-csc.lexum.com/scc-csc/scc-csc/en/item/2345/index.do>>.
- Crocker, et al. "Security and Immigration, Changes and Challenges: Immigrant and Ethnic Communities in Atlantic Canada, Presumed Guilty?" *Status of Women Canada*. January 2007. <[www.isisns.ca/wp-content/uploads/2010/06/FinalReport-EnglishSecurityproject.pdf](http://www.isisns.ca/wp-content/uploads/2010/06/FinalReport-EnglishSecurityproject.pdf)>.
- "Designated Countries of Origin." Government of Canada. Citizenship and Immigration Canada. 10 October 2014. Accessed 14 November 2014. <[www.cic.gc.ca/english/refugees/reform-safe.asp](http://www.cic.gc.ca/english/refugees/reform-safe.asp)>.
- Dhamoon, Rita and Yasmeen Abu-Laban. "Dangerous (Internal) Foreigners and Nation-Building: The Case of Canada." *International Political Science Review*. 30. (2009): 163-183.
- "Editorial: The End of Innocence." *Calgary Herald*. 22 October 2014. Accessed 16 November 2014. <[www.calgaryherald.com/news/Editorial+innocence/10315620/story.html](http://www.calgaryherald.com/news/Editorial+innocence/10315620/story.html)>.

Gollom, Mark. "Mohamed Harkat could remain in 'immigration limbo' for years." *CBC News*. 15 May 2014. Accessed 10 November 2014. <[www.cbc.ca/news/canada/mohamed-harkat-could-remain-in-immigration-limbo-for-years-1.2643111](http://www.cbc.ca/news/canada/mohamed-harkat-could-remain-in-immigration-limbo-for-years-1.2643111)>.

Gollom, Mark. "Ottawa Attack: Was Michael Zehaf-Bibeau's Attack a Terrorist Act?" *CBC News*. 30 October 2014. Accessed 16 November 2014. <[www.cbc.ca/news/canada/ottawa-attack-was-michael-zehaf-bibeau-s-attack-a-terrorist-act-1.2818329](http://www.cbc.ca/news/canada/ottawa-attack-was-michael-zehaf-bibeau-s-attack-a-terrorist-act-1.2818329)>.

Helly, Denise. "Are Muslims Discriminated Against in Canada Since September 2001?" *Canadian Ethnic Studies*. 36.1 (2004): 24-47.

"House Government Bill: C-24 An Act to Amend the Citizenship Act and to make Consequential Amendments to other Acts." Parliament of Canada. Legisinfo. Accessed 11 November 2014. <[www.parl.gc.ca/LegisInfo/BillDetails.aspx?Language=E&Mode=1&Bill=C24&Parl=41&Ses=2](http://www.parl.gc.ca/LegisInfo/BillDetails.aspx?Language=E&Mode=1&Bill=C24&Parl=41&Ses=2)>.

"How Passenger Protect Works" Public Safety Canada. 4 March 2014. Accessed 22 October 2014. <[www.publicsafety.gc.ca/cnt/ntnl-scrtr/cntr-trrrsm/pssngr-prtct/hw-pssngr-prtct-wrks-eng.aspx](http://www.publicsafety.gc.ca/cnt/ntnl-scrtr/cntr-trrrsm/pssngr-prtct/hw-pssngr-prtct-wrks-eng.aspx)>.

Ibrahim, Maggie. "The Securitization of Migration: A Racial Discourse." *International Migration*. 43.5 (2005): 163-187.

*Immigration Act (1976)*. Asylumlaw.org. <[www.asylumlaw.org/docs/canada/canada85\\_immigrationact.pdf](http://www.asylumlaw.org/docs/canada/canada85_immigrationact.pdf)>. Accessed 17 July 2014.

*Immigration and Refugee Protection Act, Statutes of Canada 2001*. <<http://laws-lois.justice.gc.ca/eng/acts/I-2.5/FullText.html>>.

Iverson, John (@IversonJ). "Canada has just lost her innocence." 22 October 2014, 10:13am. <[twitter.com/IversonJ/status/524926424638312448](https://twitter.com/IversonJ/status/524926424638312448)>. John Iverson is a political columnist for the *National Post*.

Johnson, Alex. "Ottawa Shootings: The Day 'Canada Lost Its Innocence'." *NBCNews.com*. 23 October 2014. Accessed 16 November 2014. <[www.nbcnews.com/storyline/canadian-parliament-shooting/ottawa-shootings-day-canada-lost-its-innocence-n232056](http://www.nbcnews.com/storyline/canadian-parliament-shooting/ottawa-shootings-day-canada-lost-its-innocence-n232056)>.

Kay, Jonathan. "Did one man's attack on parliament really change Canada 'forever'?" *The National Post*. 24 October 2014. Accessed 16 November 2014. <[fullcomment.nationalpost.com/2014/10/24/jonathan-kay-did-attack-on-parliament-really-change-our-lives-forever/](http://fullcomment.nationalpost.com/2014/10/24/jonathan-kay-did-attack-on-parliament-really-change-our-lives-forever/)>.

- Kestler-D'Amours, Jillian. "'Security Certificates' Ruling Ignites Debate" *AlJazeera*. 4 November 2013. Accessed 10 November 2014. <[www.aljazeera.com/indepth/features/2013/11/certificates-ruling-ignites-debate-201311441447175337.html](http://www.aljazeera.com/indepth/features/2013/11/certificates-ruling-ignites-debate-201311441447175337.html)>.
- Korteweg, Anna. "The Sharia Debate in Ontario: Gender, Islam and Representations of Muslim Women's Agency." *Gender & Society*. 22.4 (2008): 434-54.
- Kruger, Erin, Marlene Mulder and Bojan Korenic. "Canada after 11 September: Security Measures and 'Preferred' Immigrants." *Mediterranean Quarterly*. 15.4 (Fall 2004): 72-87.
- Mas, Susana and Chris Hall. "CSIS powers beefed up under new bill tabled by Stephen Blaney." 27 October 2014. Accessed 27 October 2014. <[www.cbc.ca/news/politics/csis-powers-beefed-up-under-new-bill-tabled-by-steven-blaney-1.2814314](http://www.cbc.ca/news/politics/csis-powers-beefed-up-under-new-bill-tabled-by-steven-blaney-1.2814314)>.
- Neve, Alex and Tiisetso Russell. "Hysteria and Discrimination: Canada's Harsh Response to Refugees and Migrants Who Arrive by Sea." *University of New Brunswick Law Journal*. 62. (2011): 37-45.
- "Ottawa Shooting: Michael Zehaf-Bibeau made video, police say." *CBC News*. 26 Oct 2014. Accessed 16 November 2014. <[www.cbc.ca/news/politics/ottawa-shooting-michael-zehaf-bibeau-made-video-police-say-1.2813798](http://www.cbc.ca/news/politics/ottawa-shooting-michael-zehaf-bibeau-made-video-police-say-1.2813798)>.
- "Pakistan" *Social Institutions & Gender Index*. OECD Development Centre. Accessed 17 November 2014. <[genderindex.org/country/pakistan](http://genderindex.org/country/pakistan)>.
- Palmer, Randall, Richard Valdmanis and Leah Schnurr. "Canada vows tougher laws as citizens worry in face of attacks." *Reuters UK*. 24 October 2014. Accessed 16 November 2014. <[uk.reuters.com/article/2014/10/24/uk-canada-attacks-shooting-idUKKCN0IB1QQ20141024](http://uk.reuters.com/article/2014/10/24/uk-canada-attacks-shooting-idUKKCN0IB1QQ20141024)>.
- "Passenger Protect Program (No-Fly List)" Office of the Privacy Commissioner of Canada. June 2007. Accessed 22 October 2014. <[www.priv.gc.ca/resource/fs-fi/fs\\_20070627\\_e.asp](http://www.priv.gc.ca/resource/fs-fi/fs_20070627_e.asp)>.
- Poynting, Scott and Barbara Perry. "Climates of Hate: Media and State Inspired Victimization of Muslims in Canada and Australia since 9/11." *Current Issues in Criminal Justice*. 19.2 (2007-2008): 151-170.
- Pratt, Anna and Sara K. Thompson. "Chivalry, 'Race' and Discretion at the Canadian Border." *British Journal of Criminology*. 48. (2008): 620-40).
- "Protecting Canada's Immigration System" Government of Canada. Citizenship and Immigration Canada. 15 July 2013. Accessed 14 November 2014. <[www.cic.gc.ca/english/refugees/reform.asp](http://www.cic.gc.ca/english/refugees/reform.asp)>.

- “RCMP’s Embattled Chief Quits Over Arar Testimony.” CBC News. 6 December 2006. Accessed 14 November 2014. <[www.cbc.ca/news/canada/rcmp-s-embattled-chief-quits-over-arar-testimony-1.615927](http://www.cbc.ca/news/canada/rcmp-s-embattled-chief-quits-over-arar-testimony-1.615927)>.
- Reitz, Jeffrey G, Rupa Banerjee, Mai Phan and Jordan Thompson. “Race, Religion, and the Social Integration of New Immigrant Minorities in Canada.” *International Migration Review*. 43.4 (Winter 2009): 695-726.
- Roach, Kent. “Canada’s Response to Terrorism.” *Global Anti-Terrorism Law and Policy*. Eds. Victor V. Ramraj, Michael Hor, Kent Roach and George Williams. Cambridge: Cambridge UP, 2012. 514-40.
- Roach, Kent. *September 11: Consequences for Canada*. Montreal & Kingston: McGill-Queen’s UP, 2003.
- Roach, Kent. *The 9/11 Effect: Comparative Counter-Terrorism*. Cambridge: Cambridge UP, 2011.
- Russo, Robert M. “Security, Securitization and Human Capital: The New Wave of Canadian Immigration Laws.” *World Academy of Science, Engineering and Technology*. 2 (2008): 568-577.
- Salutin, Rick. “We didn’t lose our innocence. We never had it.” *The Toronto Star*. 23 October 2014. Accessed 16 November 2014. <[www.thestar.com/opinion/commentary/2014/10/23/we\\_didnt\\_lose\\_our\\_innocence\\_we\\_never\\_had\\_it\\_salutin.html](http://www.thestar.com/opinion/commentary/2014/10/23/we_didnt_lose_our_innocence_we_never_had_it_salutin.html)>.
- “Security Certificates” Public Safety Canada. 4 March 2013. Accessed 22 October 2014. <<http://www.publicsafety.gc.ca/cnt/ntnl-scr/cntr-trrrsm/scr-crtfcts-eng.aspx>>.
- “Sharia.” *BBC*. 3 September 2009. Accessed 17 November 2014. <[www.bbc.co.uk/religion/religions/islam/beliefs/sharia\\_1.shtml](http://www.bbc.co.uk/religion/religions/islam/beliefs/sharia_1.shtml)>.
- Shepard, Michelle. “Terror suspect ordered freed.” *The Toronto Star*. 7 March 2007. Accessed 10 November 2014. <[http://www.thestar.com/news/2007/03/07/terror\\_suspect\\_ordered\\_freed.html](http://www.thestar.com/news/2007/03/07/terror_suspect_ordered_freed.html)>.
- “Stephen Harper: ‘Canada will never be intimidated’” *Macleans*. 22 October 2014. Accessed 16 November 2014. <[www.macleans.ca/politics/parliament-hill-shooting-stephen-harpers-address-to-the-nation/](http://www.macleans.ca/politics/parliament-hill-shooting-stephen-harpers-address-to-the-nation/)>.
- Stewart, Rachel. “The Men with many wives: the British Muslims who practice polygamy.” *The Telegraph*. 24 September 2014. Accessed 17 November 2014. <[www.telegraph.co.uk/culture/tvandradio/11108763/The-Men-with-Many-Wives-the-British-Muslims-who-practise-polygamy.html](http://www.telegraph.co.uk/culture/tvandradio/11108763/The-Men-with-Many-Wives-the-British-Muslims-who-practise-polygamy.html)>.

“Submission on Bill C-3 *Immigration and Refugee Protection Act* Amendments (Certificate and Special Advocates).” Canadian Bar Association. November 2007. Accessed 10 November 2014. <[www.cba.org/cba/submissions/pdf/07-59-eng.pdf](http://www.cba.org/cba/submissions/pdf/07-59-eng.pdf)>.

Taylor, Christopher Stuart. “Why is Zehaf-Bibeau a Terrorist but not Justin Bourque?” *Huffington Post*. 29 October 2014. Accessed 16 November 2014. <[www.huffingtonpost.ca/christopher-stuart-taylor/canadian-terrorism\\_b\\_6064542.html](http://www.huffingtonpost.ca/christopher-stuart-taylor/canadian-terrorism_b_6064542.html)>.

The Canadian Press. “Mohamed Majoub’s security certificate upheld by court.” *CBC News*. 25 October 2014. Accessed 10 November 2014. <[www.cbc.ca/news/mohamed-mahjoub-s-security-certificate-upheld-by-court-1.2252249](http://www.cbc.ca/news/mohamed-mahjoub-s-security-certificate-upheld-by-court-1.2252249)>.

“The Government of Canada Introduces Protection of Canada from Terrorists Act.” Government of Canada. Public Safety Canada. 27 October 2014. Accessed 16 November 2014. <[news.gc.ca/web/article-en.do?nid=897129](http://news.gc.ca/web/article-en.do?nid=897129)>.

“The Problems with Canada’s No-Fly List.” Editorial. *The Globe and Mail*. Published 1 Sept. 2014. Accessed 22 Oct. 2014. <<http://www.theglobeandmail.com/globe-debate/editorials/the-problems-with-canadas-no-fly-list/article20284034/>>.

Todd, Douglas. “‘Sharia’ sets off alarm bells in Canada. Here are the facts.” *Vancouver Sun*. Published 8 June 2013. Accessed 20 October 2014. <[blogs.vancouversun.com/2013/06/08/sharia-set-off-alarms-in-canada-check-the-facts/](http://blogs.vancouversun.com/2013/06/08/sharia-set-off-alarms-in-canada-check-the-facts/)>.

Vineberg, Robert. “Continuity in Canadian Immigration Policy 1947 to Present: Taking a Fresh Look at Mackenzie King’s 1947 Immigration Policy Statement.” *International Migration & Integration*. 12 (2011): 199-216.

Waldman, Lorne. *Canadian Immigration & Refugee Law Practice 2013*. Canada: LexisNexis, 2012.

### **Appendix A – Snapshot Profile of Participants**

The interview sample (11) contained nearly twice as many female participants (7) as male (4). A range of current and former occupations were represented, including journalists (3), Imams (2), lawyers (2), social workers (1), teachers (1), engineers (1) and community activists (1).

## **Appendix B – Copy of Interview Questionnaire**

### **Interview Guide**

#### **General questions**

For community leaders

- a. Can you tell us more about your organization/ or the community you represent?
- b. What type of work does your organization do?
- c. What is the mandate of your organization?
- d. Who does your organization seek to represent or provide services to?
- e. How long have you been working in this position?
- f. What does your position entail?

For academic experts

- a. Can you tell us more about your work/research?
- b. How is your work relevant to Muslim communities?
- c. Does your work focus on anti – terrorism/ security issues?
- d. How long have you been doing this type of work?

### **General Questions about Canada's New National Security Environment**

- a. What are your thoughts about Canadian anti-terrorism/security practices?
- b. Do you feel that anti-terrorism practices target your communities or other minority communities? If yes, how so?
- c. Is there a certain security policy/piece of legislation that you find the most troubling?
- d. What recent changes to security policies are you aware of? What are your concerns about these policies?
- e. What security practices/policies are of concern or a point of discussion among those that you represent?
- f. Do you feel your community is often the target of state surveillance? If yes how so? Can you give us examples?
- g. Do you feel your community is often a targeted by the RCMP and other state surveillance agencies? If yes can you describe how so?

### **Security Certificates Usage**

- h. What are your thoughts about security certificate usage?
- i. Has anyone you know or those that you represent been impacted by security certificates?
- j. What impact do you think security certificates may be having on your community, if any?
- k. Do you believe that the use of Security Certificates is warranted?

### **Airport/Border Security Practices**

- a. What is your recent experience with border crossings/airport surveillance, if any?
- b. Do those you represent believe they struggle more than others with crossing the border/airport surveillance? If yes, how so? Can you give us any examples?
- c. What are your thoughts about The "passenger protect" list- the No Fly List?
- d. Have you or anyone you know or represent been impacted by the passenger protect List?
- e. What are your thoughts and concerns about how security measures are undertaken at airport and border crossings?
- f. Do you believe the present manner in which airport and border security is undertaken is warranted?

### **Refugee Policies**

- l. What recent changes to refugee policies are you aware of?
- m. What are your thoughts on Canada's new refugee policies? (The right to designate certain refugee claimants as "irregular" arrivals, for which the consequences include: mandatory detention; no right of appeal; and no access to permanent residency status for five years, even if accepted as refugees in the end.)
- n. Do you feel refugees are seen as a security threat in Canada?
- o. Do you feel Canada's refugee policies are being affected by the 'War on Terror'?

- p. What recent changes to refugee policy are the subjects of discussion among those you represent?
- q. Do you know of anyone that might be or has been impacted by these changes in Refugee Policies?
- r. Do you believe these changes to refugee policies are warranted?

**Bill C- 24 (The Right To Revoke Citizenship)**

- s. What are your thoughts or concerns about Bill C24 – the right to revoke citizenship?
- t. Is Bill C24 (the right to revoke citizenship) a concern among those that you represent?
- u. Do you believe Bill C24 (the right to revoke citizenship) is warranted?
- v. Do you feel Bill C24 is targeted at certain communities (i.e. Muslim communities)?
- w. If passed what impact do you think Bill C24 may have on your community?

**State Surveillance**

- x. Do you feel that your community is under state surveillance? For example, do you feel that state agencies monitor the gatherings and meetings of your community?
- y. Do you ever feel you have to be careful about what things that you say?
- z. Does your community face racial profiling in any way? For example, by security personnel in shopping malls? In schools?

**Other Policies**

- a. Are there any other state policies or practices not yet mentioned that are having a negative impact of your community?
- b. Are there any other state policies or practices that you are concerned about?
- c. Are there any other recent changes to security or immigration policies that you are concerned about?

**Impact of Immigration and Security Policy**

*Community*

- a. What is the impact of security policies on your community? Can you give us examples?
- b. Can you give us examples on how the changes security legislation have had an impact on your community?
- c. What has been the impact of the legislation/policy/practice on relations between different parts of your community?
- d. Are there particular legislation/policies/practices that have affected trust, confidence in or cooperation with public bodies?
- e. What long term consequences do you feel these security policies will have on your community'?
- f. Do you feel the new security environment may impede on your communities ability to integrate into Canadian society?

- g. Do you feel the new security environment may impact on the sense of belonging to Canadian society?

*Differential Effects within Communities (Questions for Muslim Communities)*

- h. Are there particular legislation/policies/practices that affect certain sectors of your community differentially?
- Do you think certain ethnic groups are impacted differently? How so?
  - Do you think certain religious sects are impacted differently? How so?
  - Do you think Men and women are impacted differently? How so?
  - Do you think certain generations are impacted differently? How so?

*Muslim Women*

- i. Are there any legislation changes that are having a detrimental effect on Muslim women? Can you give us any examples?
- j. How do you think Muslim women are affected by the ‘War on Terror’?
- k. Do you think certain policies/practices are targeted towards Muslim Women?

*Muslim Youth*

- l. How do you think Muslim youth are impacted by these security legislation changes?
- m. How do you think Muslim youth perceive these security policies?
- n. Do you feel Muslim youth are targeted by state surveillance practices? How so?
- o. Do you feel Muslim youth are racially profiled? If yes how so?

**Impact between Minority Communities and Rest of Canadian Society**

- p. What has been the impact of the legislation/policy/practice on relations between your community and rest of Canadian society? (ethnic minority communities, faith groups, wider society). Are there any particular legislation/policies/practices that have affected these relations?
- q. Do you think changes in security policies impacts how mainstream Canadian society views/interacts with your community?
- r. What has been the impact of the legislation on relations between Muslim communities and public agencies that are enforcing or delivering immigration and border control policies (police, local authorities, border agencies).

**Response to Immigrant/Security Legislation**

- a. How has your community responded to the legislation/policy/practice?
- b. What effect has the legislation/policy/practice had on your own work? (Eg directly on an individual’s work, in respect of their wider objectives, and more broadly in relation to the wider perspective of community relations and community cohesion.)
- c. How has your organization responded to these legislation/security changes?
- d. Have you/your agency adapted/adjusted your work in response to concerns about the changes to anti-terrorism law on your communities?

- e. How has your organization tried to raise awareness about the experiences of your community? Can you give us examples?
- f. How has your organization tried to shape the debate on anti-terrorism law and changes? Can you give us examples?
- g. Are there any alternatives to the current legislation/policy/practice that might be more effective?

**Is there is anything else that they would like to discuss that I have not yet mentioned?**

## **Appendix C – Copy of Ethics Approval**

**File Number:** 08-13-29B **Date (mm/dd/yyyy):** 05/05/2014



**Université d'Ottawa University of Ottawa**

Bureau d'éthique et d'intégrité de la recherche

Office of Research Ethics and Integrity

**Ethics Approval Notice**  
**Social Science and Humanities REB**

**Principal Investigator / Supervisor / Co-investigator(s) / Student(s)**

<u>First Name</u>	<u>Last Name</u>	<u>Affiliation</u>	<u>Role</u>
Patti	Lenard	Social Sciences / Others	Principal Investigator
		Chris	Laser
			Social Sciences / Others
			Research Assistant

**File Number:** 08-13-29B**Type of Project:** Professor**Title:** Securitizing Muslim Canadians

<b>Approval Date (mm/dd/yyyy)</b>	<b>Expiry Date (mm/dd/yyyy)</b>	<b>Approval Type</b>
05/05/2014	05/04/2015	Ia

(Ia: Approval, Ib: Approval for initial stage only)

**Special Conditions / Comments:**

N/A

1

550, rue Cumberland, pièce 154      550 Cumberland Street, room 154 Ottawa  
(Ontario) K1N 6N5 Canada      Ottawa, Ontario K1N 6N5 Canada  
(613) 562-5387 • Téléc./Fax (613) 562-5338  
<http://www.research.uottawa.ca/ethics/index.html>  
<http://www.recherche.uottawa.ca/deontologie/index.html>

**File Number:** 08-13-29B **Date (mm/dd/yyyy):** 05/05/2014

# Université d'Ottawa University of Ottawa

Bureau d'éthique et d'intégrité de la recherche

Office of Research Ethics and Integrity

This is to confirm that the University of Ottawa Research Ethics Board identified above, which operates in accordance with the Tri-Council Policy Statement and other applicable laws and regulations in Ontario, has examined and approved the application for ethical approval for the above named research project as of the Ethics Approval Date indicated for the period above and subject to the conditions listed the section above entitled "Special Conditions / Comments".

During the course of the study the protocol may not be modified without prior written approval from the REB except when necessary to remove participants from immediate endangerment or when the modification(s) pertain to only administrative or logistical components of the study (e.g. change of telephone number). Investigators must also promptly alert the REB of any changes which increase the risk to participant(s), any changes which considerably affect the conduct of the project, all unanticipated and harmful events that occur, and new information that may negatively affect the conduct of the project and safety of the participant(s). Modifications to the project, information/consent documentation, and/or recruitment documentation, should be submitted to this office for approval using the "Modification to research project" form available at:

<http://www.research.uottawa.ca/ethics/forms.html>.

Please submit an annual status report to the Protocol Officer 4 weeks before the above-referenced expiry date to either close the file or request a renewal of ethics approval. This document can be found at:

<http://www.research.uottawa.ca/ethics/forms.html>.

If you have any questions, please do not hesitate to contact the Ethics Office at extension 5387 or by e-mail at:

ethics@uOttawa.ca.

## Signature:



Riana Marcotte

Protocol Officer for Ethics in Research

For Barbara Graves, Chair of the Social Sciences and Humanities REB

550, rue Cumberland, pièce 154      2      550 Cumberland Street, room 154 Ottawa  
(Ontario) K1N 6N5 Canada      Ottawa, Ontario K1N 6N5 Canada  
(613) 562-5387 • Téléc./Fax (613) 562-5338  
<http://www.research.uottawa.ca/ethics/index.html>  
<http://www.recherche.uottawa.ca/deontologie/index.html>