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**FACULTÉ DES ÉTUDES SUPÉRIEURES
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**FACULTY OF GRADUATE AND
POSTDOCTORAL STUDIES**

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M.A. (Globalization and International development)

GRADE / DEGREE

School of International Development and Global Studies

FACULTÉ, ÉCOLE, DÉPARTEMENT / FACULTY, SCHOOL, DEPARTMENT

The Impact of Restrictive Immigration Policies on Human Trafficking in Canada

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The Impact of Restrictive Immigration Policies on Human Trafficking in Canada

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Thesis submitted to the
Faculty of Graduate and Postdoctoral Studies
In partial fulfillment of the requirements
For the MA degree in Globalization and International Development

School of International Development and Global Studies
Faculty of Social Sciences

Maja Muftic, Ottawa, Canada, 2009



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Ottawa ON K1A 0N4
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Your file *Votre référence*
ISBN: 978-0-494-61284-2
Our file *Notre référence*
ISBN: 978-0-494-61284-2

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Canada

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Abstract

Trafficking human beings is a global phenomenon that has garnered increasing international attention in recent years. Globalization has created a growing awareness of Western socio-economic advantages among people of poorer, developing countries, and has led to a pursuit of legal and illegal methods of migration. International concerns regarding heightened national security, stemming from the global war on terrorism, have implications on illegal methods of migration, in particular human trafficking. Over the past two decades, many immigrant-receiving countries, including Canada, have repositioned the immigration issue as a security threat and foreigners or migrants are now seen as outside the circle of legality. Thus, Western governments implemented stricter immigration policies with more rigorous border controls to ensure the security and stability of their nation. This thesis investigates the relationship between stricter migration policies and human trafficking. Restrictive immigration policies in Canada confine migrants into exploitative temporary visa programs such as exotic dancers and live-in caregivers. Studies and available information demonstrate these programs leave migrants extremely vulnerable and susceptible to exploitation.

Acknowledgements

I would like to thank my thesis supervisor, Professor Couton, for taking the time to guide and work with me during this long endeavour. Professor Couton always motivated and encouraged me to work hard and achieve my goals.

I would like to thank my numerous co-workers within the government of Canada who offered assistance in finding relevant sources for my thesis.

I would like to express the deepest appreciation to my boyfriend, Michael Graham, who took time to edit my thesis and support me through a very stressful time, balancing work and school.

I am grateful to my parents and brother for supporting me throughout my studies, offering advice and encouraging me to work harder.

Chapter 1: Introduction

The trafficking of human beings is a global phenomenon that has been subject to increasing international attention in recent years. Although it has only captured the international community's attention in the past decade, this phenomenon is not a new practice. Every year, between 600,000 and 800,000 women, children and men worldwide are affected by this modern form of slavery (Koser, 2007; Martens et al., 2005; U.S. Department of State, 2008). Present day victims are typically abducted or recruited with false job offers in hope of a better life, and the promise of a higher income.

The global awareness of human trafficking rose with the number of trafficking victims, which was in turn encouraged by the spread of globalization. From one perspective, globalization has generated market integration that has seen substantial economic growth on a global scale in terms of more jobs, improved livelihoods and an overall reduction in poverty (UN Inter-Agency Project (UNIAP), 2001, 6). However, at the same time, by bringing larger benefits to individuals and countries already possessing physical and human capital, globalization has accentuated disparities within and between countries. Increases in urbanization and cross-border migration are one of many effects of globalization (UNIAP, 2001, 6). As globalization connects more countries, it augments the awareness of Western nations' better socio-economic situations, encouraging people of poorer, developing countries to use various methods, both legal and illegal to migrate. In addition, due to the increasing mobility of capital, the openness of political borders and the deregulation of trade, organized crime groups have become increasingly involved in human trafficking activities.

Though globalization impacts irregular migration, and human trafficking in particular, other global issues have a profound effect on the movement of people across international borders. Primarily, the global war on terrorism and subsequent national security issues have had serious implications for human trafficking. The international community's concerns with the global war on terrorism and national security have become heightened due to the impact of globalization. In the post-9/11 era, which was the primary shifting point in the war on terrorism, countries began developing and implementing more restrictive immigration and refugee asylum policies. The possibility has been raised however that this increasing link between immigration and security policies has only worsened human trafficking. It is therefore important to better understand the impact of such policies on human trafficking and how they may lead to human rights violations.

My research accordingly aims to first examine the policies of the U.S. and Canada with respect to immigration, and how they have been modified due to the war on terrorism. In addition, my research will explain the unique relationship between the U.S. and Canada, in which the U.S. places pressure on Canada to alter its policies. After studying the evolution of the immigration laws and policies of the two countries, my research will aim to analyze their impact on human trafficking. My research will seek to determine the relationship between immigration policies and human trafficking and whether such restrictive immigration policies in Canada tend to encourage human trafficking either directly or indirectly, as an immigration of last resort.

The thesis will be structured as follows. First, I will discuss the issue of human trafficking and put it into the context of illegal migration. Second, I will demonstrate

how illegal migration/human trafficking is a 'byproduct' of globalization. Third, I will provide a literature review on the link between migration and human trafficking. This will present the academic perspective on how restrictive immigration policies impact human trafficking. I will then explain the securitization of migration and the impact of the 9/11 attacks on a globalized world, and specifically on policies of the U.S. and Canada based on the national security discourse. Finally, after elaborating on the impact of the 9/11 attacks on the globalized world, I will analyze the issue of human trafficking in a post-9/11 context and how the "securitarian" policies implemented by Canada impact the human trafficking phenomenon. This will highlight the impact of specific Canadian immigration policies on human trafficking.

Human Smuggling and Human Trafficking

Irregular migration, defined as cross-border movements that take place in defiance of national laws and regulations, has been evident for many years. Over the past few decades prior to 9/11, irregular movements of migrants, especially in the form of human trafficking, have seen an unprecedented increase. Human trafficking and smuggling activities have become closely linked to international crime and violence. Mass media have portrayed human trafficking as a slavery-like practice based mostly on exploitation, extortion and other abusive practices (Ghosh, 1998, 1). Unfortunately, the increased publicity and media attention on human trafficking has not necessarily enhanced awareness among public policy-makers.

In 2000, the United Nations drafted two protocols, collectively known as the Palermo Protocols, to deal with trafficking in persons and human smuggling. These protocols clearly identified the definitions of the two practices and illustrate the legal distinction between them. These definitions will be adopted here, and other related terms will be defined, for the sake of clarity.

“Human smuggling” is a form of migration in which international criminal groups transport people to distant countries of destination. It is an activity in which people pay money to organized groups that will help them enter a country (in which they do not have citizenship or right to permanent residence) through irregular means (Martens et al., 2005, 10). The smuggling of migrants is defined as: “The procurement, in order to obtain, directly or indirectly a financial or other material benefit, of the illegal entry of a person into a state party of which the person is not a national or a permanent resident”

(Koser, 2000, 65). The smuggling protocol considers people who have been smuggled as willing participants in a criminal activity (Ribando, 2007, 6). Some observers contend that smuggling is a “crime against the state” and that smuggled migrants should be immediately deported (Ribando, 2007, 6). Human smuggling involves clients or migrants that have consented or agreed to be smuggled.

Trafficking victims, on the other hand, do not agree to be trafficked – they are either abducted by their traffickers or agree to travel with a trafficker only because they have been made false promises of jobs or opportunities that do not exist in the country of origin. The trafficking protocol considers people who have been trafficked, who are assumed to be primarily women and children, as “victims” or “survivors” who are entitled to protection and social services from governments. Thus, trafficking is considered to be a “crime against a person” whose victims deserve assistance and protection (Ribando, 2007, 6). Thus we are now able to give a clear definition for human trafficking as the subject of this paper:

- (a) ‘Trafficking in persons’ shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability, or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs;
- (b) The consent of a victim of trafficking in persons to the intended exploitation set forth in subparagraph (a) of this article shall be irrelevant where any of the means set forth in subparagraph (a) have been used;
- (c) The recruitment, transportation, transfer, harbouring or receipt of a child for the purpose of exploitation shall be considered ‘trafficking in persons’ even if this does not involve any of the means set forth in subparagraph (a) of this article;

(d) ‘Child’ shall mean any person under eighteen years of age.” (Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children Supplementing the United Nations Convention against Transnational Organized Crime, 2000).

There are many other forms of illegal or coerced migration that are related to human trafficking. Slavery, for instance, often involves forced relocation. It has historically been an important feature of colonial societies, and continues to this day, in various forms. The most extreme form of human trafficking is, in fact, a form of slavery, where the person is captured, forcibly relocated, and used or sold for commercial purposes.

With the rise of capitalism in the 18th century, and after various struggles in the 19th century, legal forms of slavery and the trade in human beings were prohibited and abolished. The destruction of slavery was seen as a progressive purification of capitalism (Truong, 2001, 1). Throughout the 19th century, various countries around the world took initiatives to abolish slavery. Slavery needed to be eliminated in order to conform to the capitalist principle of “free labour” (where a worker is able to leave at any time, if he or she sees fit) (Truong, 2001, 1). Unfortunately, studies of migration and labour regimes in modern industrial and agribusiness areas of the 20th century show that other forms of slavery persist in local, regional, and international forms (Truong, 2001, 1). Though the normative concept of a slave, in which one is considered as private property, may have disappeared, aspects of slavery and slave-like conditions still continue today in the form of human trafficking.

The rise of human trafficking activities can be attributed to the emergence of organized crime. Under the *United Nations Convention against Transnational Organized Crime*:

“Organized criminal group” shall mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit (Article 2).

In 2001, Canada amended its provisions in the Criminal Code on organized crime and harmonized its own definition of “criminal organization” with the one adopted at the United Nations Convention against Transnational Organized Crime in Palermo, Italy.

Subsection 467.1(1) of the Criminal Code offers the following definition:

“criminal organization” means a group, however organized, that
(a) is composed of three or more persons in or outside Canada; and
(b) has as one of its main purposes or main activities the facilitation or commission of one or more serious offences that, if committed, would likely result in the direct or indirect receipt of a material benefit, including a financial benefit, by the group or by any of the persons who constitute the group.

Truong noted three aspects of organized crime that can be helpful in analyzing human trafficking (2001, 4):

- organized crime as project crime: this refers to projects involving the production of false identity documents, false currency, etc. Such projects require the development of specific skills and can be referred to as ‘artisan’ work performed within a specific social group.
- organized crime as crime in organizations: here we are referring to bribery, corruption and fraud. This type of crime is work-related or occupational crime.
- organized crime as collective crime: here we find organizations that take the form of corporations, family businesses or networks linked with criminal groups to varying extents. This type of organized crime may involve unlawful activities in the first two categories and provide both lawful and unlawful goods and services. Threats and violence may be used and protection services may also be offered. (Bruckert, Christine and Colette Parent, 2002, 15)

The spread and strengthening of organized crime groups can be attributed to the changing nature of the state and economic configurations. The structural reforms of economies and states, and the loss of state regulatory functions to global and supra-regional bodies have

permitted organized crime groups to increase their strength, capabilities and coverage in the globalized world (Truong, 2001, 6). Consequently due to these reforms, the movement of people has been encouraged by the erosion of the above mentioned structures combined with the increasing pressure on people to migrate in search of a more secure life. Traditional crime networks have used the demand for migration and the absence of an effective regulatory framework to widen their scope. Due to globalization and economic growth, traffickers have been able to profit from “sophisticated telecommunications and other means to keep in touch with their networks, spreading world-wide and command enormous financial resources and operational capability” (Ghosh, 1998, 25). I will clearly explain the types of organized crime involved with respect to the specific immigration policies I have identified.

Across the world, countries can act as places of origin, transit and/or destination for victims of trafficking. Human trafficking activities are more “successful” if poor social, economic and political conditions exist in the environment of origin. Thus, the usual course for trafficking victims is primarily from southern countries to northern ones (in general developing to developed), where the main countries of origin are in the South, especially Southeast Asia. In addition, since the fall of the Soviet Union, countries in the former USSR and in Eastern and Central Europe have also become supply countries. The International Labour Organization (ILO) estimates there are some 12.3 million victims of forced labour at any given time (Ribando, 2007, 2). Of these, women and girls account for 56 percent of victims in forced economic exploitation (domestic service, agricultural work, manufacturing, etc.) and 98 percent of victims in forced commercial sexual exploitation. Victims are forced to work in the commercial sex industry mostly in

large cities, vacation and tourist areas, or near military bases, where the demand is highest.

Human trafficking follows a three stage procedure: recruitment (performed in the country of origin), transportation, and exploitation (performed in the country of transit and destination) (IOM, 2003, 16). Traffickers use three different methods to recruit victims: force and abduction, full deception (victims are fully deceived as to the true intentions of the traffickers), or limited deception (traffickers tell half-truths about the work and later force them to do it) (Martens et al., 2005, 15). Typically, traffickers inform their victims that they are not required to pay anything in advance but rather that their first earnings will be sufficient to pay their debt (cost of documents and transport). On top of this, victims are often physically and sexually abused and exploited en route to the final destination (Martens et al., 2005, 16). When they get to the country of destination, traffickers also impose strict restrictions on the victims, where they are unable to escape (most do not even make an attempt).

Victims of human trafficking usually find themselves working under horrendous conditions when they arrive at the country of destination. Those who are sexually exploited are normally required to work long hours, and are given no choice as to the number of clients they must perform sexual activities with each day, or the type of sexual services that they must provide (Martens et al., 2005, 16). Thus, Koser states that “victims of human trafficking are not free to decide on the activities in which they engage” (2000, 67). Victims are usually given limited or no freedom of movement, and are often supervised. Victims become trapped in debt (which can be increased at any time at the traffickers own discretion) as they agree to repay the trafficker a sum of

money to cover the costs of traveling to the foreign country. Victims are often deliberately prevented from being able to communicate in their mother tongue or have any form of social contact with people from similar backgrounds. This strengthens the trafficker's control over his victims. Generally, victims are prevented from having any form of communication with anyone outside their trafficking sphere. The use and threat of violence is another effective means of control that traffickers exploit. Victims are frequently beaten, raped, drugged, and/or tortured in order to maintain obedience. The consequences of such use of violence include physical injuries, post-traumatic stress disorders, depression, and even suicide. Sexual exploitation also makes victims susceptible to unwanted pregnancies and unsafe abortions since they have no access to healthcare services (Masika, 2002).

It is important to highlight the difference between voluntary and involuntary human trafficking situations. In some cases, a migrant might be aware that a trafficker will pursue illegal methods to smuggle a person across borders or into a different country. The migrant might be aware that there will be cost involved. In this case there is voluntary migration, but the end result will lead to an involuntary situation. The migrant will believe that once a person is smuggled into a country and pays the trafficker for the documents and transportation, they can be set free. Yet, in most cases, the trafficker decides to trap migrants into more debt and take advantage of them because of their illegal status in the country. In this case, the migration started voluntarily and turned into an involuntary situation, a common feature of human trafficking.

These traffickers are typically part of criminal syndicates who exploit the poor social, economic and political conditions which exist in the environment of the

developing countries, where victims are from. Criminal syndicates exploit all these vulnerabilities for the sole purpose of generating money. Sexual exploitation is a major cause of human trafficking. The reason for this is simple: sexual exploitation in growing sex industries of both developing and rich countries generates huge profits for traffickers (Martens et al., 2005, 17). The victim's involvement in the sex industry is carefully planned and organized by the trafficker and its criminal syndicates, as "the money made from the sexual exploitation and often enslavement of trafficked women enriches trans-national criminal networks" (Martens et al., 2005, 17). Trafficking in women has arguably "the highest profit margin and lowest risk of almost any type of illegal activity" (Hughes, 2000). Trafficking is believed to generate billions of dollars annually for organized crime, approximately some \$9.5 USD billion in one year, according to the FBI (Ribando, 2007, 3).

Globalization And Human Trafficking

The effect of globalization on human trafficking depends on the factors that motivate demand and supply (Danailova-Trainor and Belser, 2006, 7).

Globalization has been defined as:

(...) a process through which finance, investment, production and marketing are increasingly dominated by agents whose vision and actions are not confined by national borders or national interests. Global corporate actors are forming complex networks around a hierarchy of technological capabilities, comparative advantage and production practices leading to an increase in cross-border flows of trade, capital and information. (Keller-Herzog, A. & Szabo, S. in UNIAP, 2001, 6)

Thus, the globalization of the world economy has also increased the movement of people across borders, legally and illegally, especially from poorer to wealthier countries in search for the benefits that globalization offers. While human trafficking is a massive economic enterprise, globalization has provided traffickers with financial resources and technological capabilities to enhance and shield their activities from public scrutiny or interference (Jordan, 2004, 29 and IBCR, 2007, 11). Globalization can be “described as a major driving force that has empowered criminals and weakened agencies in charge of fighting them” (Naïm, 2006, 7).

Supply Side

Globalization has created an ever-widening wealth gap among countries and within countries, and has failed to reduce poverty in developing countries or countries in the South that are identified as countries of origin (Jordan, 2004, 27; Morse, 2007). Globalization is distinguished by an increased focus on competitive markets which do not always provide equal benefits for all countries. It is argued that competitive markets and the process of globalization have fostered considerable inequality in incomes and wealth in developing countries (UNIAP, 2001, 6). This inequality and disparity, coupled with the rise of consumerism, drive migration. With the spread of “global culture,” expectations of a better life elsewhere have increased and new technologies and communication systems have raised the awareness of opportunities offered abroad. Struggling economies of post-socialist countries and developing countries are unable to provide jobs for their population, which then pressures family members to leave their

homes to make a better living and sometimes even send away their children. Thus, trafficking is rooted in poverty and lack of opportunities, as impoverishment in these countries encourages people to seek to improve their socio-economic situation (Jamal, 2007, 1).

Other situations in supply countries affected by globalization serve as conditions for human trafficking. Unsuccessful economic transition, poor governance, corruption, post-conflict situations, low female youth employment, and gender-based discrimination caused by deep-rooted patriarchal structures, have also aggravated the problem of human trafficking (IOM, 2005, 13, Danailova-Trainor and Belser, 2006, 15). People migrate for many reasons: some seek better opportunities, others look for safety (from war, persecution, or violence), and others try to escape poverty, environmental disasters, or human rights violations. In addition, countries of supply for human trafficking do not have the capacity or desire to control emigration, and in fact, some of these countries actually favour emigration. This migration is a form of relief on their unemployment concerns and also provides a source of income from remittances for the migrants.

Demand Side

According to the *United Nations Office of Drugs and Crime (UNODC) Toolkit to Combat Trafficking in Persons*, there is no agreed definition of the term “demand”. The UNODC claims “it usually refers to the desire for a particular commodity, labour or service, but in the context of human trafficking, the demand is for labour that is exploitative or services which breach the human rights of the person delivering those

services” (UNODC, 2006, 491). The *UNODC Toolkit to Combat Trafficking in Persons* highlights three levels of demand related to human trafficking: “employer demand (employers, owners, managers or subcontractors), consumer demand clients (in the sex industry), corporate buyers (in manufacturing), household members (in domestic work) and third parties involved in the process (recruiters, agents, transporters and others who participate knowingly in the movement of persons for the purposes of exploitation)” (UNODC, 2006, 491).

Globalization has led to an increased demand for and supply of imported goods such as cocoa, coffee and tea from countries in the South which has caused implications for human trafficking. Consumers in the U.S. and Europe demand these products at low costs, creating incentives for farmers, plantation owners and larger agricultural companies to hire workers at low wages or even turn to forced labour (Jordan, 2004, 28). This “race to the bottom” encourages the use of child labour and may increase childrens’ vulnerability to human trafficking. In addition, simultaneously, global trade agreements with inadequate labour standards and protections, and the implementation of structural adjustment policies contribute to the trafficking of migrant workers (Jordan, 2004, 28). In countries where inadequate labour standards are established, workers became increasingly vulnerable to forced labour, debt bondage and other slavery-like practices.

The new “global capitalism” is a selective type of capitalism. It ensures the free movement of goods and capital but denies the free or at least rational movement of labour. Global trafficking flows echo patterns of globalized labour migration, where strong immigration controls create an increase in irregular migration and facilitate markets for smuggling and trafficking (Laczko and Gozdzia, 2005, 240). As some

countries have imposed stricter border controls and entry requirements, the possibilities for legal migration have decreased. In destination countries, there remains a persistent demand for various categories of foreign labour in both formal and informal sectors. As birth rates in the developed world have fallen below the replacement level needed to guarantee a continuing supply of labour, countries experience serious unskilled labour shortages. For example, Western Europe is now called “Fortress Europe” because labour migration laws have closed doors to foreign-born labour and do not allow enough workers in to meet the labour demand (Jordan, 2004, 29). With the demand for foreign labour and the closing of borders, migrants must use irregular routes of migration to obtain the jobs offered in Western Europe. The combination of these factors has resulted in a sharp rise in the level of irregular migration and trafficking in persons.

The UNODC claims the “demand side” of human trafficking refers to the nature and extent of the exploitation of the victims at the country of destination and “the social, cultural, political, economic, legal and developmental factors that shape the demand and facilitate the trafficking process” (UNODC, 2006, 491).

Immigration and Immigration Policies

Migration is movement from one place to another, where immigration involves the movement of human beings from one country to another country (Metropolis Institute Initiative, 2006). Migration is associated with various factors such as: “revolutions, wars, and the rise and fall of empires; that it is associated with significant change – economic expansion, nation-building, and political transformations, and that it is also associated

with significant problems – conflict, persecution, and dispossession,” (Koser, 2007, 4). Immigration across borders that violates immigration laws of the destination country is known as illegal immigration. Human smuggling and human trafficking are types of illegal immigration that have been exacerbated by “more communication, along with various exchanges and trade in a globalizing world includes more movement of people and associated diversity” (Metropolis Institute Initiative, 2006, 3). The glaring economic disparities between people are leading causes of migration pressure.

According to the United Nations definition of international migration, there are about 200 million international migrants of which 9 million are refugees (Koser, 2007, 4). Today, most international migrants live in the developed world and their number increased from 48 million to 110 million in only two decades (Koser, 2007, 5). Both Canada and the U.S. are considered to be immigrant-receiving countries, where Canada has one of the highest per capita net immigration rates in the world (Dolin and Young, 2004). Canada’s immigration policy is mainly driven by economic policy and family reunification. The U.S. accepts the largest number of immigrants, about 1 million per year, continuing to deserve the label of “melting pot.” Individuals and families all over the world go to the U.S. and Canada in search for a better life and better opportunities.

Before Canada became an independent state, its immigration policy was shaped by “overseas policies and external pushes such as the American war and economic changes in Britain in the 19th century” (Metropolis Institute Initiative, 2006, 9). Once Canada became independent, its immigration policy was viewed as “serving economic development, building the labour force, as demographic resources, and in terms of humanitarian questions (Metropolis Institute Initiative, 2006). In 1967, Canada

developed the points system (a universal non-discriminatory system for the independent class) with fairly little debate in the House of Commons. With the increased flow of refugees, federal and provincial consultations were required in order to judge the policy in terms of the health and safety of Canadians (Metropolis Institute Initiative, 2006).

Canada's immigration policy has always placed great emphasis on the business class and independent immigrants, however, due to the pressure of asylum seekers on developed countries, Canada needed to modify its policies to accommodate the inflow of asylum seekers. All in all, there are governmental interests in having a high immigration level, which includes changing the Canadian demographics and creating a larger labour force. Due to the constantly changing labour market conditions, such as retirements and shortages in specific areas, Canada's immigration policies help the country compete for high quality immigrants.

Chapter 2: Literature Review

The following literature review will attempt to discuss the link between human trafficking and migration policies. It aims to highlight the role migration policies play in terms of the human trafficking phenomenon, demonstrating where more research is required in order to understand the relationship between various migration policies and trafficking in persons.

Migration Policies and Human Trafficking

Numerous authors who have written on the issue of human trafficking have argued that restrictive immigration and asylum policies have created ‘broad zones of exclusion.’ The construction of ‘broad zones of exclusion,’ such as the ‘Fortress Europe’, the U.S./Mexico border, and the Australasian/south-east Asian rim, represent “a common strategic response to instability and crisis and a means by which to identify, control and exclude those who are deemed to be a threat to social order or economic prosperity” (Green and Grewcock, 2002, 99). These ‘broad zones of exclusion’ have provoked potential migrants to turn to irregular channels of smuggling and trafficking as their only means of escape (Lee, 2007).

State measures of anti-trafficking initiatives and immigration control laws range from “an increased use of the armed forces or military methods of policing the border, confiscation of the proceeds of trafficking, tougher sanctions against the employers of undocumented migrants and commercial carriers that bring to their borders foreigners without proper documentation to finger printing, radar surveillance, detention and expulsion of unwanted aliens,” (Lee, 2005, 1).

Some contemporary studies (Helton, Arthur C., and Eliana Jacobs, 2000, OSCE, 2001) argue that enacting more restrictive immigration laws and greater law enforcement are unlikely to significantly reduce human trafficking, and may in fact increase it.

Governments have enacted incentives imposing restrictionist policies to treat migration as a security issue (Alexseev, 2006), limiting the legal means of entry available to would-be migrants. This creates a greater reliance on criminal networks offering illegal means of gaining entry into Western countries. Therefore, it would then translate into higher rates of illegal migration and clandestine human trafficking increasingly linked to organized crime (Alexseev, 2006). Thus, ever-increasing emphasis on law enforcement measures only expand the business of smuggling, forcing a greater percentage of potential victims into the exploitative hands of organized crime networks (Helton, Arthur C., and Eliana Jacobs, 2000; Morrison, 1998; Green and Grewcock, 2002; Alexseev, 2006) and enhancing the position of traffickers. Many authors argue these measures have not been effective in preventing the flow of irregular migration, although they seem to have had some success in preventing migration at the points of operation (Helton, Arthur C., and Eliana Jacobs, 2000; Morrison, 1998; Green and Grewcock, 2002; Alexseev, 2006).

However, the net effect seems to be a shift in migration away from heavily guarded areas to those with less security, thus pushing the phenomenon even more underground (Chacon, 2006; Beeks and Amir, 2006; Kempadoo, 2005). These less guarded border crossings are more dangerous and more complicated, forcing smugglers to increase their charges and even at times lead them to aid or become traffickers in order to make a profit from smuggling irregular migrants (migrants who entered illegally or whose visas expired, and lack legal status in a transit or host country). The attempts to

restrict immigration can be seen as a method to prevent antislavery measures; would-be migrants are typically would-be victims whose safety and well-being are ostensibly severed by more rigorous border policing. Chapkis (2003) argues the Trafficking Victims' Protection Act of 2000 of the U.S., which strengthens law enforcement and increases penalties against those defined as traffickers, will increase the risk and cost of doing business for smugglers. This price, Chapkis argues, will undoubtedly be passed on to the victims, while the same law is designed to protect them. Therefore, with stricter immigration control, potential migrants would have to pay a higher price to enter another country due to the smugglers' increased risk and cost. Overall, many have argued that the methods aiming to control and manage migration have been highly contentious and ineffective, only serving to drive up the costs of irregular migration and increase the profits of human trade (Lee, 2005; Green and Grewcock, 2002).

With respect to asylum policies, Koser (2000) fears socially constructed notions in policy agendas have falsely identified all asylum seekers as illegal migrants. Koser argues this has become a social reality as asylum seekers turn to traffickers for help. Research demonstrates that asylum and trafficking policies tend to follow a more political agenda, thus outcomes are not fully assessed for potential migrants. Studies have uncovered a causal link between restrictive asylum policies and trafficking where smugglers/traffickers assist asylum seekers (Koser, 2007, 119).

As trade barriers fall, facilitating the freer movement of goods, services, and capital and creating employment opportunities, migration policies have generally become more restrictive and rigid. Intense demand for labour and services on the one hand, and complicated legal migration channels on the other, create opportunities for

intermediaries, or moreover human traffickers, to be implicated in the process. When there is a demand for cheap labour, the human trafficker steps into the breach (Jonathan Martens, 2007; Williams, 1999). Stricter migration policies create a disconnect between supply and demand, where the combination of increased global flow of people and reduced formal migration programmes mean more breaches of migration rules, more trading of people as ‘commodities’ and, correspondingly, new forms of social regulation of unauthorized mobility (Lee, 2005; Williams, 1999).

Some estimates indicate that a million people worldwide are trafficked across national borders each year, and many more internally (Koser, 2000). While it is difficult to obtain accurate information about trafficking victims due to the clandestine nature of the phenomenon, the international community’s increased focus on the issue has allowed for more information on the groups at risk of being trafficked or exploited. In both the U.S. and Canada, trafficking victims experience exploitative conditions involving “fraud, force, threats of force and other forms of coercion” (Government of Canada and the Government of the U.S., 2006). The best estimates available indicate that 14,500 to 17,500 victims are trafficked into the U.S. annually, of which 80 percent are women and girls who are being sexually exploited (U.S. Department of Justice, 2004). The Royal Canadian Mounted Police (RCMP) estimates “there are between 800 and 1,200 victims of human traffickers working in Canada in sexual servitude, forced or bonded labour” (Bramham, 2008), although non-governmental organizations suggest the actual number could be as high as 15,000 a year. In addition, approximately 1,500 to 2,200 people are trafficked annually through Canada into the U.S. (RCMP, 2004).

Canada has been identified as being both the country of transit and destination where high incidences of trafficking have been reported (UNODC, 2006). Similarly, the U.S. has been identified as having a very high citation index as a destination country for trafficking (UNODC, 2006). According to the U.S.'s State Department on human trafficking, only seventeen prosecutions and eight convictions took place in Canada since 2005, when the Criminal Code sections were passed. In addition, despite the introduction of temporary resident permits for victims of human trafficking in Canada, only four victims have received them. Between May 2006 and May 2008, Citizenship and Immigration Canada (CIC) released records under the Access to Information Act (ATI) on the number of human trafficking victims in Canada. The records noted that "immigration officials were notified of at least 31 foreign nationals who were potential human trafficking victims" (Perrin, 2009). The records claim four of them were minors. In addition, Romania, the Philippines, Moldova, and China were the top four source countries of these human trafficking claimants (Perrin, 2009). This appears to be the only information on human trafficking victims in Canada open to the public, however, these cases only represent a fraction of the actual number. Human trafficking is clearly occurring on a large scale in both the U.S. and Canada. This thesis will seek to determine whether it has been increasing as a result of changes in immigration policy.

Change in Immigration Policies

The post-9/11 era can be explained as a shifting point, when countries began developing and implementing more restrictive measures affecting various migration issues by increasing border controls and implementing stricter immigration and asylum policies (Chute, 2005). Authors argue that the reason why developed (or destination) countries have pursued and continue to pursue strict immigration policies and law enforcement is because human trafficking is seen as a security issue, rather than a human rights issue. In fact, some countries seem to view the existence of trafficking victims within their sovereign borders as evidence of a breach of security, a threat to state sovereignty or the failure of their domestic immigration mechanisms (Haynes, 2004; Koser, 2007; Oxman-Martinez, et al., 2005). States feel overwhelmed by the enormous number of irregular migrants.

In addition, states assume that irregular migrants are implicated in various phenomena, such as organized crime, terrorism, corruption, drug trafficking and the spread of infectious diseases. Migrants are shown as posing a serious threat to internal security and the well-being of host countries (Bigo and Guild, 2005). This threatening figure of the migrant seems to justify the constant reinforcement of border controls and the adoption of restrictive immigration policies (Williams, 1999; Kempadoo, 2005; Haynes, 2004). Yet, while the trafficking of human beings is a very serious topic in its own right, its impact seems to be constantly vulnerable to political manipulation. With illegal migration, smuggling, terrorism, and prostitution now on many political agendas, the pledge to combat trafficking is misused as justification for focusing on these other

threats which also have implications on immigration (Haynes, 2004). Governments blur the distinctions between illegal migration, trafficking, and smuggling by taking advantage of current terrorism concerns committed by legal and illegal immigrants to further restrict immigration and freedom of movement (Haynes, 2004).

Jeffrey (2005) argues the problem of irregular migration allows governments to propose tighter security measures, particularly in border controls and policing. These measures only penalize migrants, making them more vulnerable to abuse and contributing to the Western panic over security against the chaos of the Third World. With such policies, states can set out to control their borders by formally choosing who will enter, channelling their movement, and turning away others. More specifically, the migration controls imposed since the terrorist attacks of September 11th serve to perpetuate the increasing divide between the rich and poor (Chute, 2005, 3). It is argued that “the new walls are designed not to keep people in or to keep militaries out, but to deter a perceived invasion of ‘undesirables’ - with unwanted immigrants topping the list of state concerns. Nowhere is this more evident than along the geographic fault lines dividing rich and poor regions, most notably the southern border of the U.S. and the eastern and southern borders of the European Union” (Andreas, 2000). The walls constructed by ever-increasing strict immigration policies deny entry, status, and rights to migrants whose cheap labour is readily embraced by a greedy capitalist economic system.

In North America, since the September 11 attacks, Canada has faced significant criticism of its immigration policies. The U.S. has criticized Canada for its lenient immigration policy, accusing the country of being a "jumping-off point" for terrorists (Crepeau and Jimenez, 2002). In addition to facilitating terrorism, it has been argued the

Canadian immigration policy also facilitates human trafficking. According to the U.S., Canada's "lax immigration laws" make the country "a destination and a transit point to the U.S. for women, children, and men trafficked for purposes of sexual exploitation, labour and the drug trade" (U.S. Department of State, 2003). Consequently, the U.S. government has wanted to actively seek closer cooperation with Canada in order to firmly secure its borders (Jeffrey, 2005). American legislators support the incorporation of more-restrictive immigration laws as they believe it would improve intelligence and enhance national security against 9/11-type attacks (Alexseev, 2006).

The American government has put pressure on the Canadian government to respond more effectively on national security issues and, more specifically, expand stronger anti-trafficking measures at the border. In partial response to such criticism and pressure, Canada has implemented a more restrictive immigration approach (Oxman-Martinez, et al., 2005). Within this context, Canada and the U.S. have negotiated a number of new and restrictive measures regarding border crossings, particularly for refugees and individuals from countries the U.S. has linked to terrorism. Some examples of these measures are the *2001 Canada-U.S. Smart Border Declaration*, the *2001 Joint Statement of Cooperation on Border Security and Regional Migration Issues*, and the *2002 Safe Third Country Agreement* on Refugees between Canada and the U.S. (Oxman-Martinez, et al., 2005). These changes in immigration policies demonstrate the security-dilemma approach in which governments are tempted to militarize immigration policy even though most migrants "have no intent to take over host societies, undermine them economically, create ethnic enclaves, or encourage social unrest and insurrection" (Alexseev, 2006, 226).

Rationale and significance of research

The human trafficking literature shows there is a causal link between stricter migration policies and human trafficking. Though there is a substantial amount of research on human trafficking (Lee, 2005; Helton, Arthur C., and Eliana Jacobs, 2000; OSCE, 2001; Morrison, 1998; Green and Grewcock, 2002; Chacon, 2006; Beeks and Amir, 2006; Kempadoo, 2005), the role that destination countries' immigration policies play has not yet been fully analyzed. Past research and documentation concerning methods of combating human trafficking has mentioned migration policies of developed countries do not achieve their specific purpose. The strict immigration policies of Western industrial countries are based on the belief that they can hinder human trafficking activities, yet various studies show that curbing migration has not and will not stop trafficking. Studies claim stricter immigration measures have merely resulted in pushing trafficked people further into violent and abusing situations (Chacon, 2006; Beeks and Amir, 2006; Kempadoo, 2005). My research will aim to extensively explain whether restrictive immigration policies impact human trafficking in Canada either indirectly or directly. I aim to demonstrate whether these policies create certain conditions conducive to human trafficking.

First, it is important to analyze why Western industrial countries feel the need to strengthen their migration policies. An analysis of immigration policies and how they have changed over time will help us understand how the nature of human trafficking is changing. I aim to demonstrate how the process of securitization of migration and has

impacted both the U.S. and Canada and their policies. It is important to note the significance of the 9/11 attacks, which will help put the concern of regulating migration into context. If human trafficking can be considered a migration issue, the analysis of migration policies will be helpful in understanding how, despite stricter migration measures, traffickers are able to manipulate these measures to exploit human trafficking victims.

Consequently, it is important to evaluate possible factors that might influence human trafficking incidences as the immigration and refugee policies of a destination country may cause a higher prevalence of human trafficking. It is of course difficult to know with any precision how particular factors influence human trafficking, since reliable data on underground criminal activity of this type does not exist. But enough evidence does exist to link particular policies and situations with human trafficking. Accordingly, I aim to expand on the link between migration policies and human trafficking made by researchers and demonstrate that securitization of migration policies might be counterproductive, and that particular policies that foster certain types of voluntary migration may end up promoting coercive migratory practices. With more research on how certain immigration and refugee policies impact this phenomenon, it would be possible to develop more appropriate effective counter-trafficking interventions (Lee, 2007). Yet, my thesis does not aim to discuss the effectiveness of counter-human trafficking approaches but rather to highlight how certain policies may foster human trafficking. There is a clear need for the opening and accessibility of more legal channels for migration in order to balance the demand for labour and services with supply, while simultaneously preventing vulnerable people from being implicated in the phenomenon.

Many authors argue improving anti-trafficking measures in a way that protect victims' rights includes: creating immigration policies allowing opportunities for economic migration and eliminating immigration programs requiring dependency on third parties (e.g. sponsoring spouse or employer); regularizing undocumented migrants; and giving legal immigration status to victims who participate in social integration programmes (Cote et al., 2001; Langevin and Belleau, 2000; Oxman-Martinez et al., 2001; Chapkis, 2003).

In addition, I will highlight how the international community, including the U.S. and Canada have only recently taken the issue of human trafficking more seriously and are implementing policies to deal with the issue. My proposed research will seek to demonstrate the disadvantage of treating human trafficking as a security issue and stress the importance of allocating more resources to research and better understanding the effect of prevention and protection.

Chapter 3: Research methods

Analyzing Documents, Content and Discourse

This thesis will primarily study a range of documents, published by a number of national and international organizations and academic researchers, directly relevant to the topic of human trafficking. The main methodological approach will therefore consist of analyzing the content of these documents. Content analysis is a type of research approach widely used across the social sciences. It is a technique for gathering and analyzing the content of texts found in various sources. Content analysis consists of a family of methods used to analyze text data, rather than a specific set of well-defined methodologies. Both quantitative and qualitative approaches are commonly used (Hsieh, and Shannon, 2005). In this thesis, the term is used to refer to the broader process of analyzing text data (here, published documents), without relying on specific techniques. The purpose is rather to uncover the meaning and significance attached to particular terms and to understand the effect of particular policies and trends.

Content may include words, meanings, pictures, symbols, ideas, themes or any message that can be communicated. These messages can be found in books, newspaper and magazine articles, advertisements, speeches, official documents, and visual media.. Content analysis is nonreactive because “the process of placing words, messages, or symbols in a text to communicate to a reader or receiver occurs without influence from the researcher who analyzes its content” (Neuman and Robson, 2009, 221).

Content analysis permits the researcher to reveal the content (i.e., messages, meanings) in a source of communication (i.e., a book, an article). Content analysis involves studying discourse as a shared set of concepts, categories and ideas that materializes judgements, assumptions, capabilities, dispositions and intentions (Dryzek 2006, 104). Dryzek argues “discourses can embody power in that they condition the norms and perceptions of actors, suppressing some interests while advancing others” (2006, 104). Discourse is socially constructed and can have powerful effects on society as a whole (Blommaert and Bulcaen 2000, 448). Although discourse analysis differs in some way from content analysis, this difference will not be directly relevant to this thesis. Documents will be analyzed by focusing both on their structure and content and on the discursive strategies they deploy.

Other types of research approaches include qualitative and quantitative research. Though these will not be used here, many of the studies reviewed rely on them. Qualitative research is a field of inquiry, which aims to understand human behaviour by studying social interaction. Researchers who use a qualitative approach typically rely on four methods for gathering information: participation in the setting, direct observation, in-depth interviews, and analysis of documents and materials (Neuman and Robson, 2009). Quantitative research is an approach to research as a systematic scientific investigation of quantitative properties and phenomena and their relationships. The objective of quantitative research is to develop and employ mathematical models, theories and/or hypotheses pertaining to natural phenomena (Neuman and Robson, 2009). The process of measurement is essential to this research approach because it provides the

fundamental connection between empirical observation and mathematical expression of quantitative relationships (Neuman and Robson, 2009).

With respect to this thesis, neither a qualitative nor a quantitative research approach can be used directly. As the thesis will focus primarily on policies and changes in the political arena on migration and the issue of human trafficking, a standard qualitative approach cannot be used. A qualitative approach would require conducting interviews with government officials, which is problematic as the issue of human trafficking is sensitive and government officials may not be necessarily allowed to release information to the public on the particular issue. In addition, it would be extremely problematic to interview human trafficking victims as they may not be easily accessible and they probably would not want to talk to the public in fear of being identified by the traffickers. On the other hand, quantitative research would require substantial gathering of statistical information on human trafficking. Unfortunately, due to the underground and illegal nature of the phenomenon, the Canadian government does not have statistical information on the number of human trafficking victims in Canada. In addition, since the human trafficking protocol came into effect only after 2001, there is very little data on the number of human trafficking cases that occurred in Canada prior to 2001. Some quantitative information is nevertheless available and will be described below.

Therefore the most appropriate research approach for my thesis would be content analysis. I aim to compare content across many documents and analyze them (Neuman and Robson, 2009, 221). I will critically investigate the objectives and purposes of the documents studied, as well as their structures. Human trafficking is not a politically or morally neutral process. It is therefore important to understand how the issue is framed

and described by organizations who study it and attempt to control it. Thus, I hope this research will bring migration and human trafficking into perspective.

The content analysis will be based on various documents produced by government departments, international organizations and academic research. Textual material is commonly used in social research, particularly when dealing with complex topics that cannot be addressed by other means (qualitative interviewing or quantitative research). Analyzing the sources and motivations of the authors of the documents concerned is often as important as the content itself (Bouma et al, 2009, 206). The documentary analysis will analyze the laws, legislations and policy statements of the U.S. and Canada pertaining to migration and human trafficking. This part of the analysis will achieve a contextual understanding of human trafficking as it relates to migration policies. Canadian immigration and refugee laws from the 1990s to the present will be analyzed in conjunction with the introduction of anti-trafficking legislation and to determine the effect of the 9/11 attacks and stricter immigration policies on human trafficking.

One important dimension of content analysis is to understand the different types of sources used. In the case of human trafficking, by definition an international phenomenon that involves a range of social actors and processes, documents originate from a great diversity of sources. Governmental agencies, different departments and non-governmental organizations are involved in this phenomenon. For my thesis, I will mainly analyze and discuss documents originating from various departments of the Canadian government that are involved in dealing with the global phenomenon, as well as documents produced by international organizations. These documents will be used to

explain the situation of human trafficking in Canada and the various policy changes implemented since the 9/11 attacks. Government documents are important to highlight the human trafficking situation in Canada and explain the type of measures the government has taken to deal with the phenomenon. Unfortunately, the government documents are often unable to provide accurate information on the extent of human trafficking or any statistics as it classifies the information as secret. The difficulty of obtaining accurate statistics on human trafficking will be explained in the following section.

I also will use academic sources as a foundation for my main argument - restrictive immigration policies increase the profits of those involved in human trafficking and thus, may negatively affect the global combat of human trafficking. Academic sources will also help me highlight how certain Canadian policies impact human trafficking. Documentary research often requires the utilization of studies conducted by experts in the field to adequately explain complex policy debates. Academic research sources are significant in theorizing that the imposition of strict immigration policies and border controls may lead to an increase in the profit of human trafficking and thus, the increase in the incidences of human trafficking. Unfortunately, academic research sources are often unable to explain whether this occurs in practice. I will choose works of specific researchers and media investigations to explain specific cases of human trafficking in Canada and demonstrate how immigration policies play a significant role. These documents are useful in showing a more in-depth analysis of specific immigration policies that affect human trafficking. This will help to formulate a

conclusion on whether restrictive immigration policies indeed have an impact on the trafficking in persons.

As mentioned in the literature review, the 9/11 attacks had an enormous impact on both the immigration and security policies of the U.S. and Canada (as Canada was under constant pressure from the U.S. to strengthen its laws and policies). Policy formation and implementation through specific state organizations and departments will be analyzed. I hope to show that while globalization encourages human trafficking, the nature of a post-9/11 world has made human trafficking more lucrative to organized crime groups. The fact that countries have increased protection of their borders and implemented restrictive immigration and refugee asylum policies has led to an increase in the profits of those who traffic human beings, working against the very objectives of these strict measures.

Data Collection and Statistics

My research confirms that finding any statistical information or drawing numerical conclusions on how restrictive immigration policies impact human trafficking is extremely difficult. Unfortunately, there is insufficient information on human trafficking to properly determine the nature and extent of the phenomenon in the era of “securitization,” let alone before the 9/11 attacks. The following aims to explain the reasons why it remains so difficult to obtain statistics on human trafficking.

It is nearly impossible to determine with precision the number of people trafficked in the world each year or even in Canada alone. Reliable statistics on human trafficking are elusive due to the clandestine nature of the act, the difficulty in differentiating

between trafficking victims and irregular victims, and the lack of empirical research in this area (Oxman-Martinez, et al., 2005, 12, Oxman-Martinez, et al., 2006, 81). Most researchers believe “finding reliable statistics on the extent of trafficking in women is virtually impossible, due to a lack of systematic research, the lack of a precise, consistent, and unambiguous definition of the phenomena and the illegality and criminal nature of prostitution and trafficking” (Wijers, Marjan and Lin Lap-Chew, 1997, 20).

Different departments or organizations dealing with the issue of human trafficking have different estimates on the number of people trafficked each year. The RCMP (2004) estimates between 700,000 and 4 million people are trafficked worldwide each year. The UN (2007) estimates 2.5 million people while the International Labour Organization (2005) estimates a minimum of 2.5 million people are trafficked.

The RCMP (2004) estimates that approximately 600 women and children are trafficked into Canada for the purpose of sexual exploitation. Roughly 800 women are trafficked for domestic markets, such as drug trade, domestic work, or forced labour for the garment or other similar industries (Oxman-Martinez et al., 2006, 82). Estimates indicate 14,500 to 17,500 human trafficking victims are smuggled into the U.S. with upwards of 800 people trafficked into Canada annually (Government of Canada and Government of the U.S., 2006, 7). According to the RCMP, some 1,500 to 2,200 people are trafficked from Canada into the U.S. each year (Oxman-Martinez et al., 2006, 82). The U.S. claims relatively weak Canadian enforcement efforts, particularly in British Columbia, are responsible for a human trafficking operation “in which hundreds of South Korean women are smuggled through Canada into the U.S.” (U.S. Department of State, 2005, 80). The UN report on human trafficking entitled *Trafficking in Persons: Global*

Patterns identified Canada as a country of destination and transit while the U.S. was identified as a country of destination. It claimed that most reported cases occur in British Columbia, Ontario and Quebec. A 2004 U.S. government report stated Canada is used primarily as a country of destination and transit for sex trafficking of women from China, Thailand, Cambodia, the Philippines, Latin America, and Eastern Europe. Other trafficking victims are brought into Canada at a smaller scale for forced labour.

Unfortunately, these estimates do not tell us the actual extent of human trafficking within Canada. In fact, law enforcement agencies, such as the RCMP and the Canada Border Services Agency (CBSA), classify their records on undocumented migrants as well as intelligence information on the issue of human trafficking and smuggling (Oxman-Martinez, et al., 2005, 12 and Oxman-Martinez et al., 2006, 84). A 1998 study by the Solicitor General of Canada estimated that trafficking accounts for 8,000-16,000 people arriving illegally in Canada. Yet, the RCMP claims roughly 800 illegal migrants enter Canada each year. However, this number does not account for those entering legally and staying after the expiration of their visa (Oxman-Martinez et al., 2006, 84; Boyd, 2006). Non-governmental organizations suggest the numbers are much higher (Gozdziak and Collett, 2005; Langevin and Belleau, 2000; Stewart and Gajic-Veljanoski 2005). However, it is generally understood that the number of victims reporting trafficking-related crimes is significantly underrepresented statistically (Government of Canada and Government of the U.S., 2006, 7).

In addition, it is extremely difficult to determine whether human trafficking is on the rise in Canada, which prevents us from determining whether stricter immigration policies have an effect on the issue. It is important to note that since 9/11, CIC and

CBSA have increased the use of their right to detain and deport irregular migrants (Crépeau and Jimenez, 2002). CIC's programs focusing on undocumented migrants, including those who have been trafficked, smuggled or have expired papers, focus primarily on the prevention of their entry into Canada and "the prosecution of those who facilitate illegal entry, or those who use illicit means of entering and remaining in Canada" (Hanley, Oxman-Martinez et al, 2006, 84). It is important to note that these irregular migrants are not reported as trafficked when in fact they might be.

Trafficking-related crimes are significantly underrepresented due to a number of reasons. First, victims are reluctant to report any exploitative conduct since they are typically isolated and often unable to speak the native language of the destination country. Victims may fear explaining their situation to authorities due to the risk of deportation. Most importantly, traffickers may threaten victims or their loved ones with violence, death and/or deportation, if they seek out help. Second, it is difficult to distinguish between trafficking in persons and migrant smuggling, hindering the development of reliable trafficking estimates. Individuals may agree to a smuggling operation, but then face exploitation when they arrive at the country of destination. Thus, at the border, when law enforcement intercepts the operation, there is typically no evidence of intended exploitation, and it is reported as a smuggling case. In addition, few governments collect data solely on human trafficking, as they usually tend to mix smuggling and trafficking cases together.

Governments and international organizations have only begun to recognize trafficking as a growing and pernicious evil in the 21st century. As it has come to be seen as a source of funding for crime and terror, governments and other organizations have

begun to attack the factors that support human trafficking. Thus, Canada has only begun obtaining statistics on human trafficking in recent years. In addition, human trafficking and smuggling is a very complicated bureaucratic issue for Canada because it falls under the shared responsibility of the CBSA and the RCMP. The CBSA's statistics only reflect trafficking and smuggling that is not related to organized crime. According to the CBSA, there have been 14 charges of human smuggling and four charges of human trafficking as of March 2008. The RCMP is responsible for dealing with incidents that are a result of organized crime efforts.

With respect to irregular migration, we are still only provided with estimates involving a wide range, from 20,000 to 200,000 (Boyd, 2006). There seems to be no solid research on the estimates of illegal migrants, although academics note that 8 percent of all foreigners who come to Canada are illegal (Boyd, 2006). According to newspaper articles reporting on arrests and deportation, journalists suggest that women represent the largest portion of the irregular migrant population (Boyd, 2006). This may indicate that many irregular migrants found in Canada are possibly lured or trafficked into low-skilled jobs.

Thus, my thesis needs to be conducted in light of the lack of current statistical data on human trafficking and also in light of the lack of statistical data prior to 9/11. The primary objective is not to show direct links between given factors and human trafficking, which would be impossible given the complexity of the issue, but to highlight the impact of particular policies on different aspects of human trafficking.

Chapter 4: Securitization of Migration

Over the past two decades, many immigrant-receiving countries have repositioned the immigration issue as a security threat and foreigners or migrants are now seen as outside the circle of legality (Crepeau, Nakache, and Atak, 2007). This new link between immigration and national security has led to the emergence of a new discourse: the securitization of migration. This new security discourse has contributed to the opinion that immigration is dangerous and thus led to the modification of federal laws and policies which now define migrants as security threats and impose new exclusionary immigration legislation (Ibrahim, 2005). Western governments, including Canada, implemented stricter immigration policies and more rigorous border controls to ensure the security and stability of their nations. This chapter aims to describe how Canada's immigration policy and border control procedures have changed due to the securitization of migration. These changes will be explained in terms of key events which fostered the security concern, and pressures from other governments to impose stricter immigration policies and procedures.

Securitization of the Nation

Western immigration policies display two different perceptions of immigration. One views immigration as a resource which will benefit the country, while the other sees it as a threat and a burden. Migration can bring tremendous economic benefits to both origin and destination countries. Destination countries need immigration to deal with

“ageing populations, declining birthrates and gaps in the labour supply” (Crosby, 2006, 2). Conversely, the impact of remittance by migrants to their countries of origin is extremely significant and in most cases, countries receive more in remittances than in development aid, tourism or natural resources (Crosby, 2006, 2). Western responses to migration are paradoxical as its economic benefits are often disregarded in favour of political movements against immigration. As the movement of migrants typically comes from the poorest countries, Western nations fear a large influx and popular perception that migration is a threat. The influx of immigrants is often described as “a flood, an unstoppable torrent, a force of nature bent on destroying those in its path – in other words, a threat to the privileged in their protected places” (Crosby, 2006, 2).

The growing climate of fear has increased due to the current global context of the war on terror which re-branded migrants as a “security threat.” Immigration is now shown to be posing a serious threat to internal security and the well-being of host countries (Bigo and Guild, 2005). Migration is now being associated with unemployment, drug trafficking, human trafficking, criminality and terrorism (Huysmans, 1998). Therefore, the flow of migration is considered to be threat to a country’s internal, social and economic security (Jackson and Parkes, 2006).

Governments and organizations have shifted the focus of migration policies away from a human rights concern to that of “human security” by concentrating on the identification of potential vulnerabilities and risks that threaten a nation’s security. Immigration is being perceived as a drain on the welfare system and the source of drug and crime problems (Jackson and Parkes 2006, Kymlicka and Banting, 2006). This threatening negative image of the migrant is seen as justifying the constant reinforcement of border

controls and the adoption of restrictive immigration policies (Williams, 1999; Kempadoo, 2005; Haynes, 2004 and Kymlicka and Banting, 2006).

Western societies are witnessing the emergence of many existential and conceptual anxieties and fears of their identity, security, and well-being which have contributed to the emergence of the securitization of migration. Securitization can be described as the process by which an issue becomes a security concern through political argument and legitimization through discourse (Williams, 2003). The insecurity of migration re-defined the issue as a border and national security concern and governmental responses have been constructed through policy reaction and fear-inducing discourse (Huysmans 2006). According to the Copenhagen school, which developed the securitization of migration theory, a threat is defined by the political realm (Huysmans 1998), labelled and represented through political discourse where the citizens of the state play an important role in deciding the outcome of proposed threats (Bourbeau 2006). With the combination of the internal and external factors, audience, media and political agendas, a threat becomes part of a country's security agenda.

With the growing fear of migrants, immigration policies are constraining the movement of migrants and creating boundaries between them and the nation's citizens. As migration is now perceived as posing a serious challenge to stability and order, Western countries have moved to implement preventative and repressive immigration policies (Ceyhan and Tsoukala, 2002). Such policies accentuate the differences between those who can and those who cannot belong to a given country. Categorization of migration is being considered as a means of control to confine people within specific

boundaries and outline the limited possibilities to which they are granted access (Crosby, 2006).

Events of 9/11 and its Impact

The events of 9/11 were a paradigm shift for the international community, particularly the U.S., as immigration policies were in need of reform. On 9/11, the most powerful country in the world was attacked by foreign terrorists. These attacks transformed the global security landscape, and more specifically border and immigration policies (Tirman, 2006). America's response had to be severe, both locally and internationally. After the U.S. realized the true nature of the attacks and the individuals who were implicated, they realized that reforms to their immigration laws were required. This initiated a nationwide effort to gain more control over immigration. However, the 9/11 attacks did not solely affect the U.S. and its security policies, but also led to a shift in global national security as similar terrorist activities could be practiced anywhere in the world. The attacks made it clear that "no citizens of the world may consider themselves safe behind their national borders any longer, and that the sources of insecurity are no longer most likely to come in the form of border incursions by foreign armies" (Glasius and Kaldor, 2005, 66).

The 9/11 attacks reinforced the idea that immigrant-receiving countries should "clamp down on the large numbers of immigrants who back insurgencies" (Ibrahim, 2005, 18). The fear of post-9/11 terrorism provoked the urgency of Western immigration reform and led to the justification of the global "War on Terror." The events of 9/11

initiated and accelerated the creation and implementation of the new security control agenda (Crepeau and Nakache 2006). Due to 9/11, governments increased their efforts and funding towards fighting terrorism and created a permanent link between terrorism and migration.

The American-led response to the 9/11 attacks has been the attempt to physically eliminate the threat of terrorism in both Afghanistan and Iraq. In addition, the U.S. aimed to increase state powers of surveillance and detention within their own borders. The U.S. recognized it must implement strict measures to prevent these new sources of insecurity, which include refugees, displaced persons, extremist ideologies, terror, and various forms of cross-border trafficking (Glasius and Kaldor, 2005). These sources of insecurity are increasingly difficult to contain.

As illustrated by the 9/11 attacks, migration enables foreign individuals to enter Western societies and plan out acts of terrorism. At the time of 9/11, the U.S. claimed it was easier for terrorists to pass through Canada due to what it saw as the country's lax immigration controls and its active, vibrant and varied ethnic communities. Thus, in order to deal with this emerging concern, both the U.S. and Canada had to make a number of changes to deal with the issue more effectively. Even though the events of 9/11 did not provoke the same level of fear in Canada as they did in the U.S., the then Liberal-Canadian government passed the Anti-Terrorism Act (Bill C-36). The Act defined terrorism and supported the international community's War on Terror (Brunschoet et al., 2005, and Daniels, 2001). The 2002 Speech from the Throne highlighted the global security environment and emphasized Canada's need to deal with the emerging

threat. Though the U.S. initiated the major policy changes, its pressure on Canada to enact similar legislation was extremely effective.

Policy Changes in Canada

Canadian concerns in the new securitized global environment can be explained through the implementation and modification of federal legislation and the creation of national departments and agencies to tackle the issue more effectively.

Smart Border Accord – Canada and U.S.

The attacks of September 11th, 2001 made the Canada-U.S. border a security risk. According to American policymakers, security concerns raised by the 9/11 attacks trump business concerns and cross-border trade. After the attacks of 9/11, Canada faced significant criticism over its immigration policies. The U.S. criticized Canada's immigration policy for its leniency, accusing the country of being a "jumping-off point" for terrorists (Crepeau and Jimenez, 2002). Thus, a shared security perimeter between the two countries became a priority. The global security environment after 9/11 encouraged cooperation between the U.S. and Canada on migration issues. If Canada had been more receptive to the adoption of American-style immigration policies, then perhaps American pressure and increased security requirements would have been unnecessary. Yet, due to Canadian reluctance in changing its immigration policy, the country was forced to accept the American-led increased security initiatives.

One of the first security initiatives implemented post-9/11 was a 32-point action plan named the *Smart Border Declaration* in December 2001 (Adelman, 2002). The plan aimed to enhance border security while facilitating the legitimate flow of people and goods. One of the main features of the *Smart Border Declaration* was the introduction of new Canadian permanent resident cards that are more in line with American standards which have since become considered one of the most secure identification documents in the world. This facilitated Canadian identification at the border. Another important feature was the *Joint Statement of Cooperation on Border Security and Regional Migration Issues*, which was renamed the *Safe Third Country Agreement* in 2004 (Creapeau and Nakache 2006). This agreement effectively changed previous refugee policies which allowed immigrants to enter the U.S. on travel visas and subsequently claim refugee status at the Canadian border. The *Safe Third Country Agreement* states that refugees need to claim refugee status in the first “safe” country of arrival. Therefore, refugees who have claimed refugee status in the U.S. and were subsequently rejected, would not be able to claim similar status in Canada and vice versa. According to the Canadian Council for Refugees (CCR), within the first six months of the agreement’s implementation, refugee claims were lower than at any time since the mid 1980s (Crosby, 2006). CCR claims the agreement is counter-productive and accuses the Canadian government of “turning a blind eye to egregious abuses of human rights by the U.S. government and does not inquire into the fate of those denied access to Canada’s refugee determination system,” (Crosby, 2006, 6).

The *Smart Border Declaration* also involves the merging of Canadian and American border security policies. This includes insuring the compatibility of an

immigration database and extensive integration through joint immigration processing facilities, where both countries' immigration processes are undertaken by joint American and Canadian staff.

National Laws

In the post-9/11 era, the fight against terrorism is now an important part of the domestic agenda. In the months following 9/11, Anne McLellan, Canada's justice minister, introduced legislation defining terrorism and modified the Criminal Code to ban all terrorist fundraising (Adelman, 2002). Several federal laws were modified to include increased enforcement measures that would impact immigrants and refugees. The changes were enacted in 2001 by Bill C-36, an Act to amend the Criminal Code, the Official secrets Act, the Canada Evidence Act, the Proceeds of Crime (Money Laundering) Act, and other acts (Adelman, 2002). In the following paragraphs, I will highlight some of the major changes that directly affected enforcement measures and policies pertaining to migration.

The *Amendment of the Criminal Code* was altered to include the following changes: "to implement international conventions related to terrorism, to create offences related to terrorism, including the financing of terrorism and the participation, facilitation and carrying out of terrorism activities, and to provide a means by which property belonging to terrorist groups or property linked to terrorist activities, can be seized, restrained and forfeited" (Metropolis Institute Initiative 2006, 9). The *Official Secrets Act* was added into the Security of Information Act and "addressed threats of espionage by foreign powers and terrorist groups, economic espionage and coercive activities

against émigré communities in Canada” (Metropolis Institute Initiative 2006, 9). Other amendments were also related to terrorism and the introduction of new investigation and law enforcement procedures.

Immigration and Refugee Protection Act

The new *Immigration and Refugee Protection Act (IRPA)* came into effect in 2002 with the intention of providing tools to address security threats (Privy Council Office, 2004). Its goal was to be “tough on those who pose a threat to Canadian security, but maintain Canada’s humanitarian tradition” (Kruger et al. 2004, 77). Tighter security measures were also imposed to tackle emerging national security threats. The new global security environment along with the discourse on the securitization of migration led to the new IRPA.

According to CIC:

“The new act modernizes Canada’s immigration policy. It provides Canada with the tools to attract workers with flexible skills and its speeds up family reunification. The Act is tough on those who pose a threat to Canadian security, while maintaining Canada’s humanitarian tradition of providing a safe haven to people in need of protection (2002b).”

These regulations aimed to maintain Canada’s numerical immigrant targets “while elevating further the eligibility standards and pass marks for the skilled worker class” (Rekai, 2002, 4). The Canadian immigration point-system focuses on the level of education and the skills of the potential immigrant. In addition, the Act contained “stringent penalties for people using or selling forged or false documents and it allows the Government to deny individuals who are confirmed as security threats access to our refugee determination process” (Privy Council Office, 2004). The Act provided tools to

prevent the arrival of a person involved in organized crime as well as those involved in “people smuggling and trafficking, money laundering and trans-border offences related to the possession of illegal substances” (Privy Council Office, 2004). The new law provided for removing people who may pose a threat to security and introduced harsh penalties for those convicted of human trafficking and smuggling, or using fraudulent documents. In addition, along with the new Act, the Government also imposed new visa requirements on 10 countries, allowing for potential security risks to be screened out abroad. An advance information/passenger name record system was introduced to obtain information on travelers destined for Canada, which would enable the identification of high-risk individuals before they arrive at Canadian ports of entry. Overall, the 2001 IRPA:

tightens access to immigration channels through a number of means: increased security checks at the beginning of the refugee determination process; increased detention of migrants unable to satisfactorily prove their identities; refusal to consider a refugee claim if there are reasons to believe the claimant is a terrorist; intensification of the use of deportation; increased penalties for those using false papers and more severe punishments for those arranging illegal entry via smuggling, even if its is for humanitarian reasons (Oxman-Martinez, et al., 2005, 13).

Canadian openness to refugees is a reflection of its international commitments and humanitarian tradition. Yet, due to American pressure and the post-9/11 global security environment, the Government had committed to develop strategies to reform the refugee determination process and thus, created a more streamlined system. Both countries have implemented tightened admission procedures as well as increased supervision of refugee claimants. A reformed appointment process would ensure the quality and effectiveness of the *Canadian Immigration and Refugee Board*. On March 16, 2004, the Government

“announced strengthened criteria for individuals being considered for appointment to the board and an increased role for parliamentarians in the nomination process” (Privy Council Office, 2004). The Government hoped to create new measures to provide better protection for refugees in need and, at the same time, “to more efficiently identify and remove those individuals who may be attempting to abuse the refugee and immigration system” (Privy Council Office, 2004). In addition, Canada and the U.S. have committed to share information and intelligence on refugee claimants.

National Security Policy

Canada responded to the global security environment by releasing a national security plan in 2004 aimed to enhance the nation’s security. This plan, called the *National Security Policy*, addressed three core national security interests: (1) protecting Canadians at home and abroad, (2) prohibiting enemies of Canada and her allies from building a home in the nation and (3) contributing to international security (Public Safety, 2008). It comprehensively addressed threats to security from a broader perspective.

Several measures were implemented to help create a more integrated security system:

- “An Integrated Threat Assessment Centre will be established to ensure that all threat-related information is brought together, assessed and reaches all who need it in a timely and effective manner.
- The Government will establish a National Security Advisory Council, which will be made up of security experts external to government.
- An advisory Cross-Cultural Roundtable on Security, composed of members of Canada's ethno-cultural and religious communities, will be created.
- The new Department of Public Safety and Emergency Preparedness will be designated as the body responsible for the

testing and auditing of federal departments' key security responsibilities and activities.” (Public Safety, 2008).

The Public Safety and Emergency Preparedness Agency was created in 2003 to ensure the coordination of efforts of all federal departments and agencies responsible for the national security and safety of Canadians. Public Safety works with five agencies: The CBSA, the Canadian Security Intelligence Service (CSIS), the Correctional Service Canada (CSC), the National Parole Board (NPB), and the RCMP. The CBSA was originally created in 2003 as part of the Public Safety Portfolio in order to ensure the security and prosperity of Canada by managing the access of people and goods to and from Canada. The Immigration Intelligence Branch (IIB) was created under the CBSA to better support the screening of people suspected of terrorism, organized crime and war crimes or crimes against humanity. Finally, CSIS, which was created in 1984, became the main agency responsible for detecting and combating both organized crime and terrorism.

Analysis

Securitization of migration is visible in the context of Canada due to the newly drafted policies and legislation, as well as the creation of several government agencies to deal with a number of issues where security is considered a priority. The events of 9/11 mark a turning point when Western countries, including Canada, began developing and implementing more restrictive measures to target various migration issues through increasing border controls and implementing stricter immigration and asylum policies (Chute, 2005). Canada seems to be placing more emphasis on securitization as the post-

9/11 global security environment has increased concerns of the country's security. In addition, it is argued that Canada's involvement in Afghanistan may have increased the risk of terrorism and led to some other detrimental consequences. Coalition involvement, including Canada, in Afghanistan is not widely accepted in the world as some countries or governments feel Western societies should not impose their values and ideals on other nations. Certain terrorist groups may retaliate, demonstrating their objection to Canadian involvement by perpetrating terrorist acts on Canadian targets. According to a 2004 CSIS report, Canada's most significant threat is posed by terrorism. CSIS argues "a growing number of countries are experiencing attacks by terrorist groups affiliated with Al Qaeda. Because this form of terrorism ignores borders, it is characterized as transnational terrorism" (CSIS 2005a, 41). The report states most counterterrorism concerns are directed towards Sunni Islamic extremists (CSIS, 2003) and thus, Western countries have begun criminalizing refugees from Afghanistan, Iran, Iraq and other countries labelled as "terrorists' states or states collaborating with terrorists" (Humphrey, 2003, 32). Yet, the National Security Policy states "we reject the stigmatization of any community and we do not accept the notion that our diversity or our openness to newcomers must be limited to ensure our security" (Privy Council, 2004, 2). Nevertheless, after the attacks, visible minorities such as Arabs and Sikhs were victims of discriminatory practices and unfair treatment.

Based on terrorism concerns, the U.S. has exerted pressure on Canada to strengthen its border controls and re-evaluate its immigration and refugee policies (Kruger et al. 2004, 81). Since the U.S. remains the world's sole superpower and Canada's main trade partner, our nation must maintain its relationship with America and

must work to ensure some level of compliance with its policies. Consequently, Canada is faced with two options: either work to bring its immigration and refugee policy closer to that of the U.S., or deal with increased security and harmonize border policies. There is evidence that Canada is more willing to conform to the American border control and intelligence coordination policies rather than alter its immigration policy. For example, Canada introduced the *Smart Border Declaration* and other similar legislation rather than conform to America's immigration policy.

Canada has yet to establish an entry-exit monitoring system for temporary entrants. Once temporary entrants have passed the Canadian border, they become extremely difficult to track. While obtaining a Canadian visa from certain designated "high risk" countries has become more complicated and drawn out, this issue does not seem to be a priority for the Canadian government. This suggests that Canada is relying on the U.S. to initiate the development and funding of new monitoring systems and technologies. Based on the new policies and procedures that have been implemented in Canada, it would seem that the U.S. is now the driving force behind security concerns. The U.S. has encouraged Canada to share information and intelligence and implement the use of more sophisticated technology for border protection.

With the goal of increased national security, the acceptance of immigration boils down to two main arguments: those in favour of immigrants and those against it. Some criticize the Canadian government for its lack of concern for the safety and protection of Canadian citizens by not imposing stricter policies. Others suggest that government documents stress population control and security rather than maintaining a humanitarian approach toward immigration and refugee issues. Authors perceive the 2002 IRPA as

placing more emphasis on deterring and punishing illicit migrants, criminals and abusers rather than protecting immigrants and refugees (Lacroix, 2004, 152). Authors argue this new Act labels immigrants and refugees as dangerous and potential threats to Canadian sovereignty. The Act can be seen as emphasizing the protection of Canada's borders, nationality and sovereignty rather than the protection of immigrants and refugees.

Overall, the securitization of migration has occurred and continues to be a priority in Canada with constant pressure from the U.S.. Though Canada has recognized that migration can pose a challenge to its society, it has largely implemented changes to its policies and border protection procedures in conjunction with American reforms. Harmonization between the Canadian and American immigration and refugee policies are potentially risky as the U.S. still maintains a far more repressive system than Canada. Although it may be necessary to increase security and maintain cooperative relations with the U.S., Canada must respect and maintain its obligations towards international conventions and its own national policies despite this American pressure. The next chapter will analyze how the securitization process described above influences human trafficking, internationally and nationally.

Chapter 5: Impact of Restrictive Immigration

The following section aims to specifically explain the impact of restrictive immigration policies and measures on human trafficking in Canada. It will explain how increased border protection in Canada and restrictive immigration policies seem to encourage the incidences or create incentives for human trafficking in the country. This will be explained firstly through an examination of academic research on restrictive immigration policies and their effect on human trafficking. Secondly, I will analyze the border policies of both the U.S. and Mexico and their impact on the flow of illegal immigrants and possible human trafficking victims. Through these examinations an argument will be made that restricting borders can worsen the human trafficking phenomenon and increase the number of human trafficking victims in other countries, specifically Canada, and even increase the severity of the conditions faced by victims of human trafficking.

Migration and Human Trafficking

Governments and international organizations have begun to recognize human trafficking as a growing and pernicious evil. As it has come to be seen as a source of funding for crime and terrorism, governments and international organizations have begun to attack the factors that support human trafficking. Irregular migration, under which human trafficking is categorized, is a challenge to the established laws and regulations of destination countries and countries of origin (Ghosh, 1998, 98). Global action fighting

irregular migration has taken various forms in terms of bilateral and multilateral agreements.

International and Canadian Response to Human Trafficking

It is important to highlight how human trafficking has been addressed previously. The first international convention on the trafficking of persons dates back to 1926 and was adopted in the Slavery Convention signed by the former League of Nations in order to incite State governments to prevent and abolish slavery (IBCR, 2007, 15). Canada ratified the *Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery* of 1956.

An array of international and regional organizations, such as the United Nations, the International Labour Organization (ILO) and various regional bodies in Europe, have adopted instruments to deal with irregular migration, including trafficking and the employment of irregular migrants. The instruments dealt with two major aspects: the protection of the basic rights of migrants in an irregular situation and the measures to combat irregular migration. Indirect measures have already been established to address the problem of slave-like activities and economic and social exploitation within the following agreements: the 1948 *Universal Declaration of Human Rights*, the 1966 *International Covenant on Civil and Political Rights*, and the 1966 *International Covenant on Economic, Social and Cultural Rights* (IBCR, 2007, 17). Canada signed a number of these international conventions condemning all forms of the slave trade and protecting children and adolescents against economic and social exploitation (IBCR, 2007, 17). In addition, Canada also ratified the *Convention on the Rights of the Child*

which includes commitments to protect children against any form of exploitation, including economic, and all forms of sexual and violent exploitation.

However, the first international protocol dealing specifically with the issue of human trafficking was only established in 2000. This was *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children*, supplementing the *United Nations Convention against Transnational Organized Crime*. This protocol strictly defined the trafficking of persons and also required participating state governments to commit to criminalizing offences when carried out at a transnational level, especially when it involves an organized group. Canada ratified the *United Nations Convention against Transnational Organized Crime* and its *Protocols on Smuggling in Migrants and Trafficking in Persons* in May 2002 (DFAIT, 2008).

The U.S. initiated the *Victims of Trafficking and Violence Protection Act of 2000* in which the Secretary of State is obliged by law to provide an annual report entitled *The Trafficking in Persons Report*. This annual report lists the countries which do or do not comply with the minimum standards for the elimination of trafficking. It aims to provide information on a country-by-country basis describing the nature and extent of the severe forms of human trafficking in each country and assessing governmental efforts to combat trafficking (Ribando, 2007, 16). The report is intended to raise global awareness, highlight the growing efforts of the international community to combat human trafficking, and encourage foreign governments to take effective actions to counter all forms of trafficking in persons.

Response after the 9/11 attacks

As mentioned previously in the securitization section, the national and international law enforcement environment changed significantly after the 9/11 attacks. After the 9/11 attacks, the U.S. took a more American Hobbesian world view, which employs military power as a key factor as it is the only tool to maintain order and “keep anarchy at bay” (Glasius and Kaldor, 2005, 62). The response of the U.S.-led coalition after the 9/11 terror attacks has been an attempt to physically eliminate the terrorist threat in both Afghanistan and Iraq. In addition, the U.S. aimed to increase the state powers of surveillance and detention of groups and individuals suspected of terrorist activity within their own state borders. Such measures have also extended to human trafficking activities. The U.S. has recognized that it must implement strict measures to prevent new sources of insecurity, such as refugees and displaced persons, extremist ideologies, terror, and various forms of trafficking (Glasius and Kaldor, 2005). According to the U.S., these new sources of insecurity spread across borders and are increasingly difficult to contain (Glasius and Kaldor, 2005, 66). The U.S. government took a particular initiative to act because human trafficking was considered a direct threat to its National Security – “monies made from human trafficking are linked to funding terrorist activities” (Keefer, 2006, 5). The U.S. Bureau of Immigration and Customs stated that “well-established smuggling and trafficking pipelines serve as a way for illegal aliens and criminals seeking entry into this country, many of whom easily could have been exploited by terrorist and extremist organizations looking to carry out violent acts” (Keefer, 2006, 8).

Overall, the American approach to the issue of human trafficking seemed to be more focused on the threat of terrorism rather than aiding human trafficking victims.

Meanwhile, the European countries took a more Kantian approach to the issue of terrorism and human security, employing an emphasis on the extension of international law (Glasius and Kaldor, 2005, 62). This Kantian view favoured a “law-based approach to maintaining international peace and justice, believing that peaceful and rights-based states cannot exist in isolation in a world where ‘might is right’” (Glasius and Kaldor, 2005, 62). European countries recognized that these emerging threats (terrorism, the spread of weapons of mass destruction and organized crime, and human trafficking) have to be managed through a global strategy implementing a people-centered concept of security (Glasius and Kaldor, 2005, 66). Thus, the European Union and other European countries focused their attention on the issue of human security and migration policies in terms of multilateral commitment to international law and international institutions at the global level, while employing a bottom-up approach at the local level (Glasius and Kaldor, 2005, 81). These countries continue this strategy to this day.

The new global environment encouraged Western countries, such as the U.S. and Canada, to take action on the issue of human trafficking. The situation encouraged destination countries to place more emphasis on targeting alien smuggling organizations and organized crime networks who present an increased threat to their national security. Anti-trafficking initiatives have mushroomed, globally and regionally, and trafficking projects have become a focus among international development agencies (UNIAP, 2001, 8). Despite these efforts to deal with the issue of human trafficking, the phenomenon continues to rise.

The international community has responded to the securitization of migration through an increased effort in border controls in order to stop traffickers from entering. Article 11 of the *Protocol to Prevent, Suppress and Punish Trafficking in Persons Especially Women and Children* states countries should strengthen border controls in order to prevent and detect trafficking in persons (UN, 2000). This “new migration order” aims to increase border control and suppress illegal migration. Western countries identify border controls as central to their national security. The implications of this shift in policy perspective are “keenly felt by irregular economic migrants who find themselves increasingly criminalized and facing intensified efforts of detention and/or deportation, especially in Europe and North America” (Oxman-Martinez, et al., 2005, 12)

Canada has taken measures to implement policies prosecuting those involved in human trafficking as previously explained in the securitization of migration section. Canada has also taken measures to deal with human trafficking from a protection perspective. In May 2006, the CIC introduced measures to protect foreign victims of human trafficking by providing them with temporary residence permits (TRPs), permitting victims to stay in the country and receive interim federal healthcare. In addition, the applicants are exempt from a processing fee (Boyd, 2006). In 2007, CIC increased the period of the TRPs to 180 days and the ability to obtain a work permit afterwards.

Academic Research on Restrictive Immigration Policies

As described in the Securitization of Migration section, the 9/11 attacks mark a paradigm shift that has created ‘broad zones of exclusion’ throughout the world,

specifically in North America. These ‘broad zones of exclusion’ have provoked potential migrants to turn to irregular channels of smuggling and trafficking as their only means of escape (Lee, 2007). Faced with increasing migration and terrorist threats, most governments have tightened their immigration policies, which some claim, has contributed to the increase of trafficking in persons.

Change in incidences of human trafficking

The research of the Metropolis Institute Initiative states that whenever a society shuts its gates to restrict the flood of newcomers, it gives rise to tensions between self-interest, opportunity, and community fears. In addition, the Metropolis Institute Initiative claims there are paradoxes inherent to migration flows and the systems built to control them, as “the more we tighten the legal effectiveness of the system, the greater the opportunities and demand we create for criminal organizations outside the law” (Metropolis Institute Initiative, 2006, 3). Thus, illegal migration and human trafficking becomes more sophisticated and much harder to detect and prevent.

The Metropolis Institute Initiative argues that migration can be explained by two opposing theories. The compliance theory states that people who decide to legally migrate to a country will choose to be law-abiding and legally apply for admission to their new homeland (Metropolis Institute Initiative, 2006). Conversely, the opportunity theory states that if one has no legitimate opportunities and is instead confronted with illegitimate options to migrate to a place promising a better future, the temptation to use illegitimate means of entry may be too great (Metropolis Institute Initiative, 2006). As law enforcement and policies focus more of their attention on the practice of illegal

migrant smuggling, demand for the highly sophisticated smugglers increases as migrants face an increase in illegitimate opportunities to migrate as opposed to legitimate ones. With an increased focus on human trafficking, organized crime groups and traffickers, in turn, increase their motivation to find more sophisticated methods for human trafficking and build stronger networks.

As contemporary studies (Helton and Jacobs, 2000; OSCE, 2001) argue, the enacting of more restrictive immigration laws and greater enforcement are unlikely to significantly reduce trafficking, but instead tend to help increase it. As migration is now portrayed as a security issue (Alexseev, 2006), governments create new incentives to impose restrictionist policies, limiting the legal means of entry available to legitimate would-be migrants. This creates a greater reliance on criminal networks who offer illegal entry into Western countries. Kempadoo (2005) considers the criminalization of trafficking a leading factor contributing to governments implementing stricter immigration policies which obstruct migratory trajectories, thereby ignoring one of the underlying causes of trafficking. Thus, stricter policies generally do not assist in the prevention of human trafficking.

Such restrictive policies can often translate into higher rates of illegal migration and clandestine human trafficking orchestrated by organized crime (Alexseev, 2006). Academics claim that with stricter immigration control, potential migrants would have to pay a higher price to enter their destination country due to the increased risk and cost associated with illegal acts. Therefore, those who were previously involved in smuggling may be persuaded or encouraged to become traffickers themselves in order to make a profit from transporting irregular migrants. The increase in smuggling costs has forced

smugglers to sell undocumented migrants into situations of forced labour or prostitution in order to recover their initial costs (Ribando, 2007). As the transportation fees paid by migrants rise in conjunction with tightening border controls (Cockburn, 2003), illegal immigrants are more likely to end up in human trafficking situations, become indebted to their traffickers, and thus become forced to work off their obligations through actions amounting to little more than slave labour (Cockburn, 2003). Thus, the ever-increasing emphasis on enforcement measures only expands the business of smuggling, forcing a greater percentage of potential victims into the exploitative hands of organized crime networks (Helton and Jacobs, 2000; Morrison, 1998; Green and Grewcock, 2002; Alexseev, 2006). With the shift from smuggling to human trafficking, the act itself has morphed from being a low-priority criminal act to an issue of national security and human rights violation.

Change in the nature of human trafficking

Restrictive immigration laws may in fact change the nature of human trafficking as well. Some claim the net effect of a post-9/11 world seems to be a migratory shift away from heavily guarded areas to those with less security, which would push the phenomenon even more underground (Chacon, 2006; Beeks and Amir, 2006; Kempadoo, 2005). These less guarded border crossings are more dangerous and complicated, forcing smugglers to increase their charges monetarily or in exploitative acts performed by their victims. Also in the same respect, human traffickers who have to transport victims over international borders may choose to increase the fees for obtaining the legal or counterfeit

documents necessary for the victim's entry into the country of destination. In addition, human traffickers may choose to profit from this situation by worsening the living and working conditions of their victims during transit and upon arrival in the country of destination. With such restrictive policies in place, traffickers and organized crime groups will now have to strengthen their capabilities to overcome these challenges in order to continue this criminal act which will require more resources and financial means in order to be successful.

Supply and Demand

Stricter immigration policies and legal methods of migration create a disconnect between supply and demand of labour. Overall, many have argued (Lee, 2005; Green and Grewcock, 2002) the methods aiming to control and manage migration have been highly contentious, ineffective, and only serve to drive up the costs of irregular migration and increase the profits of the human trade. As trade barriers fall and facilitate the free movement of goods, services, and capital, they create employment opportunities. On the other hand, migration policies have generally become more restrictive and rigid.

Opportunities for intermediaries and human traffickers are created by heightened demand for labour and services and increases in complex legal migration channels. When there is a demand for cheap labour, the human trafficker steps into the breach (Martens, 2007; Williams, 1999). The combination of the increased global flow of people and reduced formal migration programmes means more breaches of migration rules, an increase in people being traded as 'commodities,' and correspondingly, new forms of social regulation on unauthorized mobility (Lee, 2005; Williams, 1999).

Stricter immigration laws and border controls have also made it more difficult for potential migrants to seek asylum or become eligible for visas. Thus, migrants and other vulnerable people in search of a better socio-economic position or fleeing political oppression are more likely to pursue other alternatives for migration. This situation presents opportunities for traffickers to promise easy access to another country for better socio-economic status (IBCR, 2007). The increased restrictions on legal immigration to many destination countries – including the U.S. and Western Europe – have caused many potential migrants to turn to alien smugglers and even human traffickers unknowingly, despite the associated risks involved (Ribando, 2007, 8; Morse, 2007). Nandita Sharma, a researcher based at Toronto's York University, assessed the current situation on immigration policies of the Western countries as follows:

If ever more restrictive immigration policies in the North have not actually restricted people's migrations, then what exactly are they intended to accomplish? The answer that emerges must be: a decline in the number and proportion of people coming... with permanent resident status and an increase in the numbers and proportion of ... migrant workers or so-called illegals (Sharma, 2003, 56).

In this regard, the question remains whether tighter controls on the movement of people will actually reduce migration or just simply change its nature. In fact, the more restrictive controls on migration may encourage more organized forms of smuggling and trafficking and further encourage organized crime networks to be implicated in these activities. This will be explained in detail with the example of the U.S.-Mexican border in the following section. In the same respect, the European Union's trend in increasingly restrictive immigration policies have seen a rise in smuggling and document fraud (Chute, 2005, 7). People who once had access to asylum are now forced to become

clandestine migrants, rendering them more vulnerable to exploitation by smugglers and traffickers. Conversely, in places where there are more opportunities for regular migration, illegal activities such as trafficking and smuggling are declining (Danailova-Trainor and Belser, 2006, 17). For example, a reduction in human trafficking has been observed among women from EU accession countries as a result of the lifting of visa requirements (Danailova-Trainor and Belser, 2006, 17). This suggests that liberalizing entry conditions and placing less restrictive policies on migration prevents potential victims from falling into trafficking schemes. Thus, potential migrants will not have to turn to other more dangerous methods of migration if they are able to move to other countries through proper legal practices. At the same time, the rise of irregular immigrants, along with the growing links between migrant trafficking and smuggling of arms and drugs, have led the Western European states to take initiatives with a new sense of urgency. Measures taken to fight irregular migration include:

punitive action such as penalties for illegal entry; sanctions against employers and intermediaries involved in trafficking, employing irregular immigrants or otherwise encouraging irregular immigration; enforcement of legal norms and practices governing immigrant workers' employment and residence; border control through inter-country cooperation and mutual assistance; and dissemination of information in the sending countries on the risks involved in irregular immigration (Ghosh, 1998, 111).

Strict application of the above mentioned measures have required high allocation of resources, improvement of technology, introduction of new legislation, and closer international cooperation within Western Europe.

The U.S.-Mexico Border

Destination countries, including the U.S., have adopted measures to combat the flow of irregular migrants. For example, destination countries have introduced “border interdiction and punitive action against illegal entry, including aiding and abetting, forgery of documents, smuggling of migrants, irregular hiring of foreigners and transportation of irregular migrants” (Ghosh, 1998, 98). These measures have primarily focused on irregular migration rather than developing measures to comprehensively deal with human trafficking.

The two trends emerged in the U.S. in the 1990s to deal with the issue of illegal and irregular migration. First, there was a crackdown on illegal immigration and second, a reform was enacted to limit the rights of non-citizen immigrants (Coronado and Orrenius, 2003). The federal government allocated numerous resources to Border Patrol, in terms of both personnel and technology, to counteract the resurgence in illegal immigration. In the mid 1990s, President Clinton ordered government agencies to “creatively” use all legal means to combat international organized crime, including trafficking. In addition, Clinton recommended a strategy, based on the use of diplomacy and increased law enforcement, to deal with migrant smuggling in both countries of origin and destination. In addition, the U.S. implemented policies aiming to reduce the attractiveness of hiring irregular immigrants through stricter enforcement of labour standards (Ghosh, 1998, 102).

The impact of the American approach in dealing with irregular migrants can be explained by the U.S. and Mexican border. Vulnerable groups, predominantly women

and children, are easy targets for organized crime groups running smuggling and trafficking rings across the U.S.-Mexico border (Cicero-Dominguez, 2005). According to Cicero-Dominguez, the adoption of more stringent immigration rules in the U.S., criminal deportation in particular, has made the U.S.-Mexico border region “become the stage of increased criminal activity of this sort” (2005, 1). Smuggling between the U.S.-Mexico border has shown a major trend away from individuals attempting legal means of crossing the border and instead relying on the use of smugglers, as law enforcement tightened (Coronado and Orrenius, 2003). Evidence illustrates the number of unauthorized persons entering the U.S. is estimated to be growing at 515,000 people each year (Chishti, and Bergeron 2008). Cicero-Dominguez (2005) believes due to the lack of economic growth in the Latin American region, as well as the historical migration patterns, there is a booming industry for illegal smuggling and trafficking of people.

The annual *Trafficking in Persons Report* has identified trafficking patterns in Mexico to be diverse and complicated (Cicero-Dominguez, 2005). The report identified victims to be Mexican children who are internally trafficked for commercial sexual exploitation and mostly located in border, urban, and tourist areas. Women are also trafficked into the Mexican sex trade and end up in the U.S. Cicero-Dominguez also notes Mexican and Central American agricultural workers are victims of forced labour trafficking from Mexico to the U.S

According to Craig McGill, more than 10,000 people try to get into America by land or sea on a daily basis. The problem with illegal immigration in the U.S. is higher than any other country due to its long, unfenced border with Mexico. Freeman argues the border creates unique problems, but also highlights illegal migration is common at

airports and along the coastline (1994). Authors argue the combination of new laws on the deportation of criminal aliens and the toughening of border security has made the border an increasingly unsafe region. McGill highlights the U.S. Border Patrol faces a great challenge of monitoring its frontier due to 6,000 miles of Mexican and Canadian international land borders and 2,000 miles of coastal waters (McGill, 2003). Due to the tremendous size of the American border, patrol officials cannot spot every vehicle or monitor every point of the border. In 2001 alone, border patrol agents apprehended roughly 1.2 million people for illegally entering the country (McGill, 2003).

Despite deterrence efforts introduced by the U.S. government, the flow of undocumented Mexico-U.S. migration has continued to grow at a steady pace (Cicero-Dominguez, 2005). Cicero-Dominguez believes the efforts increasingly reinforced after the events of 9/11 have even contributed to the increasing market for smugglers and human traffickers. Cicero-Dominguez claims smugglers and traffickers have to take more dangerous approaches in transporting people into the U.S. “often with disastrous effects, resulting in the loss of life of the victims of smuggling and trafficking” (2005, 13).

Mexico’s border with the U.S. “sees nightly tides of Mexicans trying to get over the borders” (McGill, 2003, 30). Mexicans wanting to enter the U.S. have various means, either by bluffing, hiding or walking through mountains where there are no border checks. According to McGill, stricter immigration policies and border control are causing smugglers’ techniques to become more and more complicated. He argues:

increased security along the border not only boosted the number of people being smuggled in through vehicles, but it also forced others to make the treacherous trip through the mountains and deserts, which are more remote and harder to be tracked through. The results have been fatal, as the death

toll of immigrants is reaching record rates in the most remote and dangerous outposts (McGill, 2003, 30).

Migrant organizations blame the border patrol for the mounting deaths, saying that its decision to focus its policing on border cities has driven migrant traffic to the most severe terrain (McGill, 2003, 31). Some argue that transforming the American border from prairie deserts to the forefront of 'Fortress U.S.' with militarized border lines, including an increase in patrol agents and technology, would make it risky and dangerous to illegally enter the country (McGill, 2003). In fact, some argue that it would create a circumstance where there would be no point of sneaking into America and even illegal immigration would not be attempted.

The unilateral actions of the U.S. in the deportation of illegal migrants and the lack of resources on the Mexican side have created incentives for human trafficking and undocumented smuggling across the border. Cicero-Dominguez argues former inmates and deportees have also increasingly turned to criminal activities, such as smuggling and trafficking endeavors (2005). It is important to note the example of the U.S.-Mexico border as similar consequences may occur in Canada.

Chapter 6: Impact of restrictive measures in the Canadian context

What has been the impact of stricter immigration policies and border controls on Canada? So far, this has been indirectly analyzed in terms of academic research on Canada, other countries, and the situation at the U.S.-Mexico border as a well-documented illustration. The following section aims to demonstrate how specific immigration policies contribute to human trafficking and may facilitate the emergence of human trafficking activities. I will focus on the impact of specific Canadian policies on illegal migration and human trafficking such as the Exotic Dancer Visa Program, the federal Live-In Caregivers Program (LCP) and mail-order brides.

According to a *Strategic Action Plan for the Protection of Victims of Child Trafficking in Quebec* conducted by the International Bureau for Children's Rights (IBCR), stricter immigration laws and border controls have made it more difficult for people to seek asylum, while making it easier for traffickers to promise easy access to another country (IBCR, 2007, 11). The IBCR claims most governments, faced with increasing migration and terrorist threats, have tightened their immigration policies, which some believe has contributed to the increase of trafficking in persons (IBCR, 2007, 11). Potential migrants have become more inclined to turn to smuggling or unknowingly to human trafficking activities. This has generated a rise in trafficking activities in comparison to smuggling activities. The following section addresses some of the types of human trafficking occurring in Canada and how specific policies affect it. In Canada, most human trafficking cases are identified to be for the purposes of sexual exploitation,

however there are also cases of forced labour. It is important to note that Canada seems to be a more popular choice than the U.S. for those coming from abroad (McGill, 2003).

The Sex Trade

Human trafficking for the purpose of sexual exploitation comprises a significant portion of overall trafficking in Canada and the rest of the world. Sex trafficking and the sex trade exist due to the flourishing demand for commercial sex around the world. Women are most vulnerable to sexual exploitation however, it is important to note that each year, more than 2 million children are exploited in the global commercial sex trade, leading many of them to be trapped in prostitution (U.S. Department of State, 2008). It has been highlighted previously that Canada is both a destination and a transit country for victims trafficked from Eastern Europe, China, Southeast Asia, and Latin America (Stewart and Gajic-Veljanoski, 2005, 1). In general, women come to Canada as visitors, family-class immigrants, temporary work migrants or refugees. Some of the women who immigrate to Canada legally or illegally may end up working as nannies, housekeepers, waitresses, exotic dancers, or sex workers. In many circumstances, after false promises of substantial earnings and even fictitious jobs, women may end up working in abusive conditions and exploitative conditions. Despite a lack of detailed evidence, according to an RCMP study, 80 percent of women who are trafficked into Canada are exploited into the sex trade (Bruckert and Parent, 2004, 41). The following section aims to analyze sex trafficking in Canada in light of a recently banned immigration program which enabled women to immigrate to Canada as “exotic dancers.”

Exotic Dancer Visa Program

Globally, demand exceeds the supply of females from Western countries willing to do “women’s work” such as sex, childcare and housework. Females found in Western countries are not willing to provide some of these services as “unpaid labour or for the wages and working conditions offered in the market” (Macklin, 2003, 464). Despite this, the demand for such services has not decreased, but instead migrant women from poor countries are recruited to satisfy the demand. According to Audrey Macklin’s article, *Dancing Across Borders: Exotic Dancers, Trafficking, and Canadian Immigration Policy*, “sex-trade workers provide sex, live-in caregivers perform childcare and housework” and in some cases, mail-in-order brides perform all three activities (2003). Though some argue lax immigration laws and policies articulate supply, others argue that strict immigration laws and policies do not necessarily affect the supply of foreign women.

Foreign exotic dancers from Asia and Eastern Europe have partly met the Canadian demand for the sex industry. Macklin explains the “gendered impact of the economic and political upheaval and the proliferation of organized crime” in the regions of the source countries escalated in emigration of Eastern European women into Canada (Macklin, 2003, 467). During the 1990s, the redefinition of tasks performed by exotic dancers has changed so much that Canadian women were not willing to perform them. Thus, they have been partly replaced by Eastern European, Asian and Latino women, who often face limited options and have less information about the job. Macklin explains “the rise of trafficking of women from Central and Eastern Europe to Canada, as

advertent, unwitting or coerced sex-trade workers is attributable to the 'push' generated by the degraded citizenship status of women in the new regimes and the 'pull' of an apparently insatiable appetite in Canada for commercial sex" (Macklin, 2003, 471). This influx of foreign women into Canada is facilitated by a network of smugglers, traffickers, pimps, and brokers in both Canada and abroad who work in conjunction with club owners.

The experience of foreign women as "exotic dancers" is related to that of a human trafficking victim. Once these foreign women are in Canada, their passports and visas are often seized and their movements and interactions are confined. Traffickers use various tools to force obedience such as intimidating them "through physical and sexual violence, retaliation against family members in the home country or by warning the women that they can have them jailed and/or deported by Canadian authorities" (McDonald et al., 2000, 25). As exotic dancers, women must pay daily fees to the club and the disc jockey as well as additional fees for the use of "VIP rooms." As women are rarely paid by clubs, they earn their income to repay their debts by charging individual customers for lap dances or sexual acts. Macklin describes "the pressure to perform sexual acts ranging from masturbation to intercourse arises from their escalating debt load, backed up by threatened or actual physical/sexual coercion" (2003, 473).

Canada's exotic dancer visa relates to human trafficking in two ways. First, it is argued that women entering on the exotic dancer visa may be deceived about the nature of their work and thus, might be forced to perform certain tasks (Macklin, 2003). In cases where she objects to perform certain tasks, she might be intimidated to concede by threats and/or violence. Since this involves deception, coercion and forced labour, this is

a type of human trafficking, partly facilitated by an official policy. Second, even if the women are aware of their job description and know what is expected of them, they might be subjected to debt bondage, forced labour or slavery (Macklin, 2003). Thus, in this case, the women are still considered to be trafficked as they face exploitation through forced labour, debt bondage and/or slavery. It is important to note those involved in the sex industry used this “legal” visa program to recruit women to Canada. Through this program, women voluntarily come to Canada under the pretence that they will work in sex clubs as exotic dancers. However, if upon arrival to Canada, their passports are confiscated, they are forced to do services they were not aware of, and become subject to debt bondage and slavery, then this situation is identified as involuntary and is considered to be as human trafficking. This program indicates that voluntary migrants can fall into involuntary activities and exploitation resulting in human trafficking.

It is important to highlight with respect to the Exotic Dancer Visa Program the actors involved in the process. First, it is important to distinguish between criminal activities and organized crime. According to some academics, criminal activities “can entail good organization and last for a certain period of time but once the work has been completed the group dissolves” (Bruckert and Colette, 2002, 15). Organized crime, on the other hand, entails an organization that is stable and involved in various criminal activities. With respect to the Exotic Dancer Visa Program, we can assume that organized crime is involved in the sex industry. Although women have used a legal federal program to enter Canada, once they are in the country, organized crime can dictate their situation. Shannon notes that organized crime is one of the major players in the sex industry. Although she recognizes the nature and scope of its activities, she

provides a geographic overview of organized crime's involvement in the sex industry using newspaper and magazine articles (Shannon, 199, 129). Shannon concludes: "the magnitude and geographic scope of the sex industry are phenomenal and organized crime is involved at various level" (Shannon, 1999, 140). Thus, we can assume that organized crime is implicated when women under the Exotic Dancer Visa Program enter Canada. In addition, there is also a role for organized crime in recruiting and targeting specific areas in the world to lure women to become exotic dancers, bring them to Canada and thus, satisfy the demand for "exotic dancers" in the sex industry.

Even before the "exotic dancer" visa was introduced, the Canadian government prepared a report on human trafficking and noted that women who entered the country under the "exotic dancer" visa were exploited and trafficked. The report claimed women were vulnerable to "sexual and economic exploitation, deprivation of freedom, and coercion into criminal activities, and that there had been reports of extortion, coercion, rape and prostitution of foreign exotic dancers" (Hughes, 2005). In 1997, the connection between exotic dancers and trafficking in women was made evident in the media (Macklin, 2003). Even though this was considered as a huge embarrassment to the government, the CIC did not abolish the visa. Instead, the government re-introduced the job validation requirement and compelled migrants to apply for such work visas at Canadian embassies abroad instead of at the port of entry, where they were previously able to obtain their visas. Strip club owners saw this as harming their businesses as it would constrict the issuance of exotic dancer visas. Mendel Green, a legal counsel for strip club owners, denounced the policy shift since "Canadian women will not take the jobs and [...] will cost thousands of jobs of Canadian workers in those clubs" (Oziewicz,

1997). In this case, Green highlighted the change can be expressed in terms of a political threat, as dissatisfied Canadian workers can express their frustration by voting out the government in power.

All in all, CIC decided to treat exotic dancers as any other temporary workers and thus, introduced the employment validation requirement. Macklin explains that this would compel the government to “examine the nature of the exotic dancing industry and the impact of foreign workers on wages and working conditions” (2003, 477). However, this never occurred and in the meantime, club owners found another loophole to be exempted from the employment validation requirement, which was soon discovered and closed by CIC. Instead, CIC took the responsibility to conduct interviews with women applying to work as exotic dancers by evaluating their assessment of qualifications and determining that “if the applicant is unable to establish that he or she is able to establish him or herself as a qualified, experienced professional exotic dancer, an employment authorization to work as an exotic dancer in Canada should not be issued” (CIC, 1997). In addition, if the exotic dancer visa applicant demonstrated any intention of staying in Canada permanently or trying to escape her country of origin, she would not be able to obtain the visa. Thus, the strict assessment of qualifications and the intent of a “temporary” stay in Canada, kept the exotic dancer visa *de jure*, to serve the interests of the private sector, but abolishing it *de facto* (Macklin, 2003).

In 2004, a high level political scandal arose which basically terminated the visa program for exotic dancers. It was discovered that a Romanian exotic dancer, who was in Canada under the exotic dancer visa, had worked for then Immigration Minister Judy Sgro’s re-election campaign (Hughes, 2005). According to *CBC News*, the minister

arranged for her visa to be extended so she could remain in the country (Hughes, 2005). The scandal was known as “Strippergate” which terminated the Exotic Dancer Visa Program and led to the resignation of Minister Srgo. Many criticized the program for making the women who entered Canada under this program vulnerable to exploitation. New Democratic Party Leader Jack Layton even went on to say the government was “pimping for the sex industry” (Hughes, 2005). Minister Srgo defended the program by stating that even though “he did not like the program, it filled a labour market need and that without it, you would have to wipe out the whole industry” (Hughes, 2005). This demonstrates that a specific Canadian immigration policy permitted women to migrate to Canada and be exploited and taken advantage of.

The question is whether the elimination of this “exotic dancer” visa actually prevented human trafficking. Macklin argues: “If Canada were capable of policing its borders with the vigilance an uninformed public expects of it, the elimination of the exotic dancer visa might actually prevent the trafficking of foreign women into Canada. If law enforcement officials (both criminal and immigration) could devote the necessary resources and concern to the fate of trafficking women (both Canadian and foreign), they might supervise the practices of strip clubs more closely” (2003, 484). Yet, Canada’s borders, just like borders of any Western democracy, remain porous. However, it is important to highlight that Canada receives few undocumented migrants in comparison to other wealthy nations, but Macklin argues “the traffic in women for the sex trade reminds one that immigration law only partly controls who will come in and who will stay out” (2003, 484). In fact, it rather highlights which entrants will be legal and which will be illegal.

Even though the exotic dancer visa was eliminated this does not stop women from being forced to enter Canada clandestinely or as visitors, refugees or domestic workers. Macklin argues that hindering the legal entry of women who work in the sex trade will not necessarily “reduce the number of women working in the sex trade or diminish their vulnerability to exploitation” (Macklin, 1999, 26). With the elimination of this visa, the government avoided embarrassment, but it made foreign women more vulnerable to human trafficking and becoming implicated in the underground market. In retrospect, women who are trafficked in the sex trade will no longer be seen as victims but rather as illegal immigrants or prostitutes who will face deportation if found. Since the foreign women will be unable to seek assistance from Canadian authorities due to their clandestine status, they will instead endure the abuse. Macklin argues: “the denial of legal access to Canada does not actually prevent entry, and it is virtually impossible to know whether it even reduces it” (2003, 484). Moreover, the consequence of the denial of legal access will exacerbate the vulnerability of the women to violence and exploitation by those involved in the activities.

Macklin highlights some policy implications, including increased border control, detection, detention, and deportation, which would create the notion of selective targeting of all women from identified source regions. This would amount to erecting another barrier to the global mobility of women. As most women will not have the opportunity to enter Canada legally, they have no choice but to resort to being smuggled or trafficked into a Western country, including Canada. Women face a greater risk as it is simpler to deport illegal migrants than to prosecute club owners or agents under criminal and immigration legislation. Macklin concludes: “whether one prefers a neo-liberal approach

to strippers as workers entitled to access the Canadian labour markets or opts instead for a neo-abolitionist approach to the sex trade, a commitment by the state to respecting the human rights of migrant women in the sex trade will require the investment of substantial resources” (2003, 496).

States can either suppress or accommodate the demand for human trafficking victims. Exploiters in destination countries still have the upper hand as they have the means to exert pressure on lawmakers and government officials to create conditions allowing them to operate (Hughes, 2005). They can use their power to shape laws and policies to facilitate the flow of women to their sex industries. It is important to note that the Exotic Dancer Visa Program aimed to protect women and provide a legal method for unskilled workers to enter Canada. The program aimed to bring women to Canada and prevent them from being vulnerable to traffickers and recruiters. Perhaps a more regulated system would have prevented women from being exploited and abused under this federal program. If the government had been more involved in issuing the visas and controlling the job environment, this would have been a legal way for unskilled workers to enter Canada and be protected from exploitation.

Forced Labour

Although human trafficking victims are mostly exploited for the purpose of sex, other victims are trafficked for the purpose of forced labour. In general, forced labour occurs when employers take advantage of the gaps in law enforcement to exploit vulnerable workers in numerous ways. Unfortunately, there are a number of factors that

make trafficking victims susceptible to forced labour practices. These factors include: unemployment, poverty, crime, discrimination, corruption, political conflict, and the growing cultural acceptance of the forced labour (U.S. Department of State, 2008). Typically, female victims of forced or bonded labour usually work in domestic servitude and are often subject to sexual exploitation. According to the U.S. Department of State's *Trafficking in Persons Report*, forced labour tends to be a harder form of human trafficking to identify as estimates may not involve the criminal networks associated with the victims of sexual exploitation. Instead, forced labour involves employers who simply exploit their workers with the full knowledge that they are illegal immigrants. Although Canada's LCP is a legitimate way for Canadians to hire caregivers and domestic workers from abroad, it should be noted that this does not rule out the possibility the employees of this program can be, and often are, exploited. The following section will demonstrate that workers under the LCP workers are also susceptible to exploitation and that some may use this legitimate program for the purpose of human trafficking.

Live-In Caregiver Program

The LCP is a federal program offering work permits to those interested in a job as a live-in caregiver in Canada. The program exists to fill the demand for care providers for children or dependent adults (CIC, 2002). Many migrants find jobs as live-in child providers as a way to enter a Western country. Audrey Macklin argues in her research that the dynamics giving way to rise of this form of migration are complex. She explains "first, the demand emanates from Canada's political powerful middle class; second, the supply is claimed as a necessary incident to Canadian women's access to the professions,

thus allowing some proponents to stake their claim on feminist terrain and third, the government needs a safety valve to diffuse public protest over its persistent refusal to invest in universal, affordable child care” (Macklin, 1999, 26). The LCP is the most recent Canadian government-sponsored program to provide “middle-class families with cheap child care and domestic labour” (Macklin, 1999, 26). With this program, women are required to complete 24 months of live-in caregivers work in an employer’s home within a three-year period in order to be permitted entry into Canada (Macklin, 1999). Even though statistics about this group are difficult to obtain, estimates are that “approximately 7,000 enter Canada each year, 80 percent of whom are from the Philippines and 90 percent of whom are women” (Hanley, Oxman-Martinez, et al, 2006).

Women from developing countries have been migrating to Canada as “domestic workers,” “nannies,” and “servants” even before Canada had immigration legislation. In the 1950s, these women typically came from the Caribbean rather than Europe. During this time period, restrictive immigration policies and rules came into place which confined these women to domestic labour and allowed the government to expel them when they were no longer useful. Today, most of the women who participate in the LCP are Filipinas and Eastern Europeans. In the 1970s, women were admitted into the country under temporary work visas. However, in 1981 a political organization comprised of domestic workers initiated a program known as the Foreign Domestic Movement (Macklin, 1999, 26). This initiative permitted women to apply for permanent resident status after two years working as a live-in domestic worker. This would permit caregivers to eventually obtain Canadian citizenship. If the individual did not successfully complete the two year program, they would be considered a migrant worker,

and therefore vulnerable to deportation. The LCP maintains the two-year live-in requirement, but changed the selection criteria, making it more difficult to be selected but easier to land and immigrate to Canada.

Even though the experience of domestic workers in Canada may not be as bad as those found in other countries, domestic workers still face a situation in which they are overworked, underpaid, and subject to physical and sexual abuse. According to Hanley, Oxman-Martinez et al, the LCP “has long been criticized for its restrictive requirements that leave LCP workers vulnerable to exploitation in all its forms” (2006, 84). Macklin believes “it cannot escape notice that the profound inequality of power along the axes of wealth, citizenship, race, and knowledge between employers and employees gives employers a significant advantage over workers” (Macklin, 1999, 27). It is important to highlight that not all domestic workers are susceptible to exploitation; yet an unregulated household environment can create the opportunity for exploitation. According to activist and former domestic worker Pura Velasco, “the combination of temporary immigration status and compulsory living-in make the employers believe that they own the workers” (1997, 161).

The LCP enables women to voluntarily migrant to other countries. Through this program, women voluntarily come to Canada under the pretence that they will work in as domestic workers or nannies in an employer’s house for a two year period. In some cases, when the women enter Canada and realize their job turned out to be fake, after which they can be forced to do “involuntary” activities, thus, amounting to human trafficking. In addition, even if the job turns out to be genuine, the employer might abuse the worker and subject them to debt bondage and slavery. The live-in caregiver did not

voluntary agree to be mistreated, thus changing the situation into human trafficking. This program indicates that voluntary migrants can fall into involuntary activities and exploitation resulting in human trafficking.

The program itself can be abusive as there is ample evidence of exploitation and abuse through the LCP. There are a number of cases where some nanny agencies take advantage of the LCP and bring women into Canada for the purpose of exploitation. People who are trafficked into the country under the auspices of the program may find that they are not working for the employer named on their visa. In some cases, the employers may pay the domestic workers below minimum wage or not even pay them at all. Domestic workers can also be mistreated psychologically, physically or sexually (Hanley, Oxman-Martinez et al, 2006). However, these workers are limited in what they can do about their situation as they may risk deportation if they seek assistance. Thus, domestic workers who are exploited or experience abusive situations tend to be reluctant to complain as they want to remain eligible to apply for permanent residency after their allotted 24 months. According to Hanley, Oxman-Martinez et al, domestic workers “would prefer to put up with the difficult work conditions, and complete the required number of months to be eligible for permanent residency, than find themselves without an employer or in a situation facing deportation” (2006, 90). In some cases, domestic workers may enter Canada under tourist visas or simply travel undocumented. For instance, foreign diplomats may bring their domestic workers under tourist status and, due to their diplomatic immunity in Canada, the domestic workers may become prisoners.

Domestic workers brought into Canada through the LCP program do not have the same opportunities as skilled immigrants who not only do not have the same two-year probation period but are entitled to choose to apply for whatever job they would like upon entering Canada. Policy makers and middle-class families who are creating the demand for domestic workers feel that these individuals cannot be granted this opportunity as they believe this would lead the caregivers leaving the live-in domestic field almost immediately. Thus, the policy makers argue the possibility of deportation remains one of the only methods to confine these workers to domestic work. Canada has not signed or ratified the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*, which aims to “elevate the plight of migrants workers from a matter of foreign relations between individual states to the domain of the international community” (Macklin, 1999, 27). The convention confirms “migrant workers’ entitlement to the same employment, civil and political rights and responsibilities accorded to nations, except those related to permanent residence and voting” and forbids “torture or cruel, inhuman or degrading treatment or punishment” (Macklin, 1999, 27). The convention also states that migrant workers shall not be held “in slavery or servitude” (Article 11 (1)) or be required to perform “forced or compulsory labour” (Article 11 (2)).

There are some provisions in this convention that Canada cannot fulfill due to its implementation of the LCP. For example, Article 39 calls for a guarantee of a migrant workers’ “liberty of movement” and he/she’s “freedom to choose their residence” in the employer State (Macklin, 1999). However, under the LCP in Canada, domestic workers can not enjoy freedom of movement as they are obliged to live in their employer’s home

in order to retain their immigration status. It is very unlikely that Canadian law will be altered to fulfill this Article as the purpose of this program is to subject domestic workers to wages and working conditions considered to be unacceptable to the general Canadian public.

According to an investigation by the Toronto Star published in March 2009, the federal LCP has become a “nanny trap”, where over the last decade thousands of foreign caregivers have paid \$5000 or more to move to Canada as caregivers for children or elderly, only to discover that once they arrive in Canada the job turns out to be fake (Brazao, Dale and Robert Cribb, 2009). Upon arriving in Canada, the workers contracts are found to be void and thus, faced with debt, are forced to work illegally or be deported. The Toronto Star outlines the case of Joelina Maluto, a Filipina, who came to Canada under the LCP but was housed in a basement for four months and pressured to work illegally by her nanny recruiter. Maluto claimed in court documents that after her job with a Toronto family turned out to be fake, “she joined 16 other unemployed Filipina nannies sleeping on the floor of Rakela Spivak’s [nanny recruiter] basement in custody, detention, imprisonment and incarceration, without proper food...harassed, frightened, scared” (Brazao, Dale and Robert Cribb, 2009). Maluto added: “she and the other nannies were exploited to work for Rakela and under stress, pressured, pushed and oppressed” (Brazao, Dale and Robert Cribb, 2009). According to the news article, the Toronto Star obtained documents showing CBSA officials believed there to be “ongoing fraud and misrepresentation within the program, but the immigration and human resources departments are not taking action” (Brazao, Dale and Robert Cribb, 2009). The article quoted Immigration Minister Jason Kenney’s comments regarding the findings:

“We have this whole industry, most of which is unlicensed and unregulated, and large numbers of unscrupulous operations in Canada and throughout the world who exploit people’s dreams and hopes to come to Canada” (Brazao, Dale and Robert Cribb, 2009). The article explained that the 17-year-old federal program, designed to fill a shortage of nannies utilized by employment agencies, was neither regulated nor licensed in Ontario.

According to most recent statistics, 11,878 foreign nannies were given permits to work in Canada in 2007, which has tripled from 3,458 in 2002. An unnamed official with Border Services told the Toronto Star that the level of fraud found in the program is also growing as “at least 90 percent of the women coming in as caregivers come in for bogus employers” (Brazao, Dale and Robert Cribb, 2009). The source claimed that when the caregivers start working illegally, they become vulnerable to exploitation by both agencies and employers. The investigation noted that in cases where contracts disappear, the government arrests the innocent caregivers rather than prosecuting the agencies. According to a 2007 Federal Court ruling, caregivers with fake contracts cannot remain in the country even if they have found a legitimate job (Brazao, Dale and Robert Cribb, 2009). The investigation interviewed a group of nannies who gathered to discuss their situation. In the article, the nannies complained about unnecessary fees, bogus families, and working overtime without pay, days off or a minimum wage salary. Some even complained about isolation, lack of nutritious food and mistreatment by employers (Brazao, Dale and Robert Cribb, 2009). The Toronto Star investigation also found that in most cases officials at points of entry failed to call to see if an employer existed, and thus women were allowed to enter Canada, where they were picked up by agency drivers and then housed in basements and exploited. In some cases, the nannies were forced into

part-time work to pay their debts to the recruiting agency thus, violating immigration rules stipulating that they must work and live with the family to which they were assigned (Brazao, Dale and Robert Cribb, 2009).

In the case of the LCP, research demonstrates that it is not organized crime who is implicated in this phenomenon. Based on my research, those who are involved in the exploitation of live-in caregivers tend to be individuals or also nanny recruiting agencies who conduct criminal activities. The nanny recruiting agencies legally recruit women under the program, however, when they enter Canada, the nanny agencies often take advantage of and use them for their own good instead of assigning the caregivers to an employer. Thus, some nanny agencies conduct criminal activities as they exploit a legitimate program and only last for a certain period of time in order not to be detected.

The LCP is an example of human trafficking occurring as the government turns a blind eye. The program demonstrates how foreign women workers get the worst of what amounts to human trafficking as they pay for jobs which they typically cannot quit in their destination country. My research suggests a specific legitimate federal program indirectly enables human trafficking activities and makes a number of foreign women vulnerable to exploitation and forced labour. The question is whether the abolition of this program would in fact have an effect on human trafficking. Will the vulnerability of foreign workers be reduced if there were not a federal program under which they could enter Canada? Or would this only make nanny agencies and recruiters find other methods to bring foreign workers into Canada, while continuing to charge them higher fees and heighten their exploitation?

Other

Mail-order Brides

The mail-in-order bride industry is another mechanism where certain benefits can be delivered to men. The concept of a mail-in-order bride allows men looking to find partners from abroad in order to fulfill their demands. Christine Chun summarizes the consumer-husband's motivation:

Marriage brokers rely upon the consumers-husband's dissatisfaction with American women and the Women's Movement. According to most of the men who seek mail-order brides, American women are too aggressive, too demanding and too devoted to their own careers. Marriage brokers recognize that the mail order bride business has been stoked by a backlash against women's liberation and the feeling of the subscribers that American women are aggressive and selfish. (1996, 1176)

On the other hand, women see the mail-order bride service as a way out of poverty, a better future in a country of opportunity, and as a means to provide financial support to their family who have stayed behind. Once a man selects a potential bride, he often has to go to the country of origin to meet the woman and propose marriage. There are two possible ways for the bride to immigrate to Canada. If the couple marry abroad, the husband can sponsor his spouse, granting her permanent resident status. If the two marry in Canada, the potential bride will obtain a "fiancée visa," making permanent residence conditional upon marriage within 90 days (Macklin, 1999). In fact, the woman can also enter Canada with a visitor's visa to marry and then the couple can begin the spousal sponsorship process.

Like the LCP, the immigration status of a bride can exacerbate her vulnerability. According to Macklin, reports of physical, emotional, and sexual abuse are not

uncommon (1999, 29). Due to the expectations of the consumer-husbands, it is not surprising that “some would exploit the inequality of power between themselves and their wives” (Macklin, 1999, 30). The man holds a very powerful hand over his wife threatening her if she objects to his treatment or her spouse’s behaviour. The man has a number of options: “he can have her deported, either by refusing to marry her within three months, delaying completion of the application for permanent residence or simply withdrawing his sponsorship at anytime prior to landing” (Macklin, 1999, 30). In addition, he even holds power over her in front of authorities as he can claim it was a marriage of convenience and that the bride was merely using him to immigrate to Canada rather than marrying him out of love. Fortunately, once a woman has permanent residency, she is secure unless she can not demonstrate that she is able to support herself for an extended period (Macklin, 1998). Even if the landing process has not been finalized, the immigration officer can still choose to continue the process on “humanitarian and compassionate grounds.”

International law states nothing explicit regarding the mail-order bride industry and there has been no instrument addressing the phenomenon. In the immigration sphere, there is no will to protect mail-order brides from potential abuse by “conducting background criminal checks on the sponsor-husband, regulating the brokers, or providing the applicant-wife directly with information about her rights, entitlements and sources of assistance” (Macklin, 1999, 31). This demonstrates that the mail-order bride industry is susceptible to exploitation and abuse and should be brought to the attention of the international community.

Chapter 7: Conclusion

Human trafficking is a global phenomenon, but is not merely foreign as it even exists in Canada. The purpose of this thesis was to examine whether the increase in securitization, observed in the last decade, has been followed with a change in immigration policies, and whether these policies affected human trafficking. I also demonstrated in my research that some immigration policies brought the level and severity of human trafficking into the public eye. Despite the lack of statistical evidence on human trafficking in Canada, I have shown, using available academic research analysing other primary and secondary documents pertaining to the U.S. and Mexican border, and specific immigration policies within Canada, how restrictive policies impact human trafficking and do not necessarily result in a decrease in human trafficking. In addition, in the example of U.S. and Mexican border, I have highlighted that stringent and increased security measures do not necessarily lead to reduced illegal migration, but conversely lead to more human trafficking and human exploitation.

Contemporary studies argue that enacting more restrictive immigration laws combined with greater enforcement is unlikely to significantly reduce trafficking. Instead, academics argue this may in fact increase the practice. Due primarily to the 9/11 terror attacks and the global phenomenon of securitization of migration, governments have enacted legislation imposing restrictionist policies which treat migration as a security issue. This has limited the legal means of entry available to would-be migrants, thus creating a greater reliance on criminal networks who offer illegal means of gaining entry into Canada. This would consequently translate into higher rates of illegal

migration and clandestine human trafficking increasingly linked to organized crime. Thus, ever-increasing emphasis on enforcement measures and the restriction of legal means of migration only exacerbate the business of smuggling and human trafficking, forcing a greater percentage of potential victims into the exploitative hands of organized crime networks.

The case of the U.S. and Mexican border aims to demonstrate the impact of introducing restrictive measures on smuggling and human trafficking. The situation illustrates that despite increased deterrence efforts introduced by the U.S., the flow of undocumented Mexico-U.S. migration has continued to grow at a steady pace. It is highlighted that these efforts which have been stringent due to the 9/11 terror attacks, have even contributed to increasing the market for smugglers and human traffickers. Migrants looking to seek better opportunities in the U.S. need to conform to illegal methods of migration. In addition, smugglers and traffickers have to employ more dangerous practices to avoid detection which can relate to higher smuggling fees and greater exploitative conditions for migrants.

According to research on specific Canadian immigration policies, there is a link between immigration policies and human trafficking. In addition, a research study conducted by Hanley, Oxman-Martinez et al (2006), examining community groups that provide assistance to human trafficking victims, demonstrated that there is a direct link between exploitation in the sex trade and trafficking. In addition, the research indicates that exploitation and abusive situations are also associated with legitimate programs such as: the LCP, work visas for exotic dancers, or the sponsorship of mail-order brides (Hanley, Oxman-Martinez, 2006 and Langevin and Belleau, 2001). This thesis has

attempted to explain that restrictive immigration laws impact human trafficking since they can force vulnerable migrants into the sex trade and forced labour. However, nothing has been done to expand the federal immigration policy to prevent persons from migrating to Canada by other means which also make them vulnerable to exploitation.

The Live-In Caregiver, Mail-order bride, and recently banned exotic dancer visa immigration policies demonstrate that stricter legislation forces migrants to resort to temporary work programs. The temporary work programs are an easy way for the government to satisfy the demand for specific services not being supplied by the Canadian population. Unfortunately, these temporary work visas make workers susceptible to exploitation. In addition, even the abolition of a temporary work visa program, such as the exotic dancer visa program, might not have a significant impact on reducing, but rather increasing, the number of human trafficking cases. The abolition of such a program does not mean that traffickers will not pursue other methods to lure foreign women into the sex trade in order to satiate the demand in Canada. The cases of Live-In Caregivers and Mail-order brides demonstrate these temporary visa programs do not protect foreign women from exploitation but rather contribute to the global phenomenon of human trafficking and exploitation of women.

Illegal migration and human trafficking in Canada can be explained by the disconnect between the demand from the Canadian public and the number and type of immigrants entering Canada through the immigration point system. Academics and activists argue that due to the high level of education amongst Canadians and the specific lifestyles with which citizens coincide, there is a greater demand for relatively unskilled labour in agriculture, construction, manufacturing, domestic and entertainment services.

Yet, the Canadian immigration point system does not permit those with low education or minimal skills to apply for immigration. The current federal immigration policy focuses solely on recruiting applicants with “professional backgrounds and specifically prohibits immigration by people intending to do the types of low-skill work for which people are trafficked” (Hanley, Oxman-Martinez, 2006, 97). Those willing to immigrate to Canada are limited only to entering Canada through restrictive temporary visa programs. I have identified that these programs can be a potential channel for human trafficking. Therefore, these unskilled labour positions tend to be accommodated by illegal migrants or temporary workers who are vulnerable to exploitation.

Thus, it can be argued that introducing less strict immigration policies by allowing low-skilled workers to apply for permanent residency in Canada would enable them access to legal and medical services. These workers would not be as vulnerable to exploitation and, if such instances were to occur, they would be able to obtain assistance from Canadian authorities. In addition, if less strict immigration policies would allow low-skilled workers to apply for permanent residence status, it would decrease the incentive for migrants to seek illegal means of entering a country. Therefore organized crime groups would have a greater difficulty in luring migrants to choose their method of entering a Western country.

The government should adjust its immigration policy to allow “low-skill” workers to immigrate permanently in Canada as studies and discourse show that these skills are in high demand in the Canadian labour market. In addition, with respect to temporary visas, there should be an end to their restrictions, as they only facilitate exploitation through

their limited medical and legal services which prevents migrants from being exploited and fall in the trap of human trafficking.

Though some countries are actively trying to eliminate the legal, social, and labour-related hurdles faced by human trafficking victims, Canada has fallen behind. Canada can begin improving by introducing anti-trafficking measures such as creating immigration policies that allow opportunities for economic migration, eliminating immigration programs which require a dependency on third parties and increase resources in regularizing undocumented migrants. As long as the state resists dedicating the necessary resources to protect trafficked persons, the human cost of trafficking will continue to be paid by the victims themselves (Macklin, 2003, 496).

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