

**Whose Safety Matters? Exaltation, Risky Refugees, and Canadian Safe Country
Practices**

Emily Field

A thesis submitted to the
Faculty of Graduate and Postdoctoral Studies
in partial fulfillment of the requirements for the
MA degree in Women's Studies

Institute of Women's Studies

Faculty of Social Science

University of Ottawa

© Emily Field, Ottawa, Canada 2013

Table of Contents

Abstract	v
Acknowledgement	vi
Introduction: The High Stakes of Refugee Policy	1
Research Questions	7
The Safe Third Country Agreement	10
Bill C-31 <i>Protecting Canada’s Immigration System Act</i> : Designated Country of Origin	15
Theoretical Framework.....	20
Critical Security Studies	20
Securitization	20
Critical Race Feminism	22
Exaltation	22
Interlocking Systems of Oppression	23
Methodology	24
Feminist Discourse Analysis	24
Texts for Discourse Analysis	27
Safe Third Country Agreement Year One Reports	27
Citizenship and Immigration Canada Website	28
Chapter Outline	29
Chapter Two: Securing the Border, Securing Risky Refugees	32
Blurring the Border: Risky Refugees	32
Canada Smart Border Action Plan: Racialized Imperial Policies of Violence	32
The Safe Third Country Agreement: ‘None is too many’	48

Conclusion.....	55
Chapter Three: The Safe Third Country Agreement Year One	
Reports: New Policies, Old Constructions.....	57
Exaltation and Canadian Constructions	59
The Canadian Government: <i>A Partnership for Protection:</i>	
<i>Year One Review</i>	63
Culture Clash: Exalted Canadian and Risky Refugees	63
State Erasure	70
The Rational Language of State Exaltation	74
The Canadian Council for Refugees: <i>Closing the Front Door on Refugees</i> ...	
The Silence of Security	77
The Personal is Political	82
Moving Forward	87
Chapter Four: Roma(nticizing) Bill C-31: Demolishing and Utilizing	
Camp(s)	90
What are Designated Countries of Origin and What is the Citizenship and	
Immigration Canada Website?	91
Disability, Whiteness, and Homonationalism	
Disability	95
Whiteness	99
Homonationalism	101
Designated Countries of Origin and the Citizenship and Immigration Canada	
Website: A Case Study	103
Crippling the Refugee	103
White Belonging and White Exclusion: The Case of the Roma	110

Queer Anecdotes and Canadian Homonationalism 117

Conclusion 120

Conclusion: Moving Forward 123

Works Cited 128

Abstract

This thesis seeks to examine what cultural work is done on behalf of the state by the Safe Third Country Agreement and Bill C-31's designated country of origin policy? I will be drawing on the work of Critical Race feminists and Critical Security Studies theorists to examine the concept of safety, systems of domination, and the parameters of national belonging. I will be performing a discourses analysis of the government's and the Canadian Council for Refugee's year one report of the Safe Third Country Agreement. I will also be performing a discourse analysis of the Citizenship and Immigration Canada website's discussion of designated countries of origin. I will argue that state exaltation constructs the state, refugees, and safety in a way that reifies systems of domination.

Key Words: Exaltation, risky refugee, racialized imperial policies of violence, and safety/security

Acknowledgements

Foremost, I would like to express my sincere gratitude to my supervisor Dr. Shoshana Magnet for the continuous support of my Master's thesis and research. Your endless motivation, kindness, and caring taught me what a pedagogy of kindness looks like. Furthermore, I would like to thank you for all that you have taught me. You have taught me how to become a more rigorous scholar, a more skilled writer, and a more complex thinker. You are what I aspire to. For all that you do, thank you.

I would also like to thank my committee members, Dr. Angel Foster and Dr. Delphine Nakache. I want to specifically thank Dr. Foster for her help with my methodologies section and her positive attitude. I would like to thank Dr. Nakache for giving me the opportunity to work with her and a team of researchers on a refugee policy project.

I would like to thank my colleagues, both from my classes and my lab groups: Jami McFarland, Elia Eliev, Jenna Tenn-Yuk, Sarah Fazekas, Chaya Porter, JoAnne Gordon, Caitlin Campisi, and Amanda Watson. I would also like to thank the Institute of Women's Studies for providing me with the funding and the opportunity to pursue my research, and Margot Charbonneau who made sure that I remained organized and registered.

Finally, I would like to acknowledge Sophie Martineau, David Pimiskern, Andrea Pimiskern, Kyle Greenwood, Sophie, Toby, Lincoln, and my family. Without your love, support, and humor I would not have been able to do this.

Introduction: The High Stakes of Refugee Policy

I would like to take the time to introduce you to Veronica Castro. Veronica Castro is many things. She is a Mexican citizen, a mother, a volunteer, an asylum seeker in Canada, a survivor of domestic violence, a recovering alcoholic, and one of the many asylum seekers who have spent time in Canada's Vanier Detention Center¹ (Sheppard 2012). Veronica Castro is also part of disturbing and deliberate trend towards Canada denying Mexican asylum seekers and deporting them back to Mexico. In Canada as of 2011, Mexican asylum claims have experienced an incredibly high rejection rate, with 82.9 % of asylum claims being rejected (Sheppard 2012). Veronica Castro is part of this 82.9 % of rejected Mexican asylum seekers. What is rare about Veronica's case is that we know what happened to her upon her return to Mexico. In November, 2011 Veronica was deported back to Mexico stating to a friend in a letter that "I will really need your prayers" (Sheppard 2012). On January 12, 2012 Veronica was beaten and robbed in Mexico. Three days later she died at a friend's house from her injuries².

Veronica's story, like many asylum seekers, is complicated and difficult. In 1996, Veronica crossed the U.S.-Mexico border without a visa with her one-year-old son to join her partner and the father of her son in Minnesota (Sheppard 2012). Her partner had legal documents to live and work in the United States, and according to Castro, he used his legal status to keep her trapped in a violent relationship. While living with her partner in the United States, Veronica stated that her partner physically assaulted her, refused to marry her and thus make her situation in the United States legal, and used her illegal status as a way to intimidate and control her (Sheppard 2012). Veronica stated that her alcohol abuse problem

¹ Vanier Detention Center is a women's correctional facility that is located in Milton, ON

² Veronica's story was published and accessed from the CBC News website. More details can be found at <http://www.cbc.ca/news/canada/story/2012/04/19/veronica-mexico-refugee.html>

started while she was experiencing this domestic violence. Nearly ten years after arriving in the United States Veronica was arrested for a traffic violation, was identified as living illegally in the United States, and was deported back to Mexico without her son.

Instead of returning to the United States and her partner who had emotionally and physically abused her, Veronica moved to Canada and applied for asylum there (Sheppard 2012). Veronica claimed that she could not be safe in Mexico and that she was constantly being reminded of the violence and abuse she experienced. While waiting for her claim to be processed Veronica attended Alcoholics Anonymous for treatment of her alcohol addiction, attended English language classes, became a volunteer, maintained a relationship with her son, and got a job as a waitress. In October, 2010 Veronica's claim was deemed not credible and was denied. The immigration and refugee board adjudicator stated that "the applicant is not a convention refugee nor a person in need of protection" (Sheppard 2012) Veronica became depressed following her ruling and missed two of her mandated check-ins with the Canadian Border Services Agency and was eventually brought to Vanier Detention Center. This was her last place of residence in Canada before she was deported.

Veronica's story is tragic, but it is important that her story be told to highlight the high costs that refugees pay when their claims are denied. Veronica's case also highlights the complexity of asylum seekers lives where race, gender, class, ability, and sexuality intersect to create situations where asylum seekers experience persecution both in their home countries and in the countries they flee to (Asthana 2011, Razack 2008, Thobani 2007, Macklin 2005). These systems of domination that lead to persecution also shape Canadian asylum policy that can be exclusionary to those who are affected by these systems of domination (Razack 2008, 1998, Thobani 2007, Macklin 2005). Canada has a long history of

creating racist, sexist, homophobic, and ableist immigration and refugee policy (Wong 2012, Vernon 2011, Thobani 2007, Ward 2002, Abu-Laban 1999, Razack 1998). For decades Canada had a “keep Canada white” policy (Thobani 2007). This policy was only changed to include immigrants of colour when Canada had labour-based needs. An example of this was the recruitment of male Chinese immigrants to help build the Pacific Coast Railway (Thobani 2007, Cho 2004, Ward 2002). However, once the railway was completed, the Canadian government enacted the *Chinese Immigration Act* that imposed a head tax on all Chinese immigrants. This tax was so high, that it became incredibly difficult for Chinese men and women to immigrate to Canada (Thobani 2007). It is also important to note that this head tax had even more significant consequences for Chinese women trying to immigrate. The head tax created greater impediments for Chinese women than Chinese men, as Chinese men were able to borrow the money from other men under the assumption that they would be able to pay the money back (Thobani 2007). Due to the fact that women’s work was/is gendered and racialized in Canada in ways that have consequences for their earnings, the ability to find work or be paid a suitable wage to pay back a loan was often not an option for women (Dobrowolsky 2008, Thobani 2007). Another racialized immigration policy that emerged from the “keep Canada white” policy, was the *Continuous Passage Act* of 1908 (Thobani 2007, Buchignani *et al.* 1985). The *Continuous Passage Act* was targeted at South East Asian immigrants and required that all immigrants must arrive in Canada on an uninterrupted journey (“The 100th Anniversary of the Continuous Passage Act”). This made it next to impossible for many immigrants to arrive in Canada, as most boat trips from South East Asia required multiple stops. This policy was implemented to curtail what had been called “the Hindu/Indian invasion” (“The 100th Anniversary of the Continuous Passage Act”).

Canada's immigration and refugee system changed drastically following World War II with the creation of the United Nations and the 1951 United Nations Convention for Refugees. The 1951 United Nations Convention relating to the Status of Refugees consolidated previous international regulations relating to refugees and created a comprehensive codification of the rights of refugees on the international level (UN General Assembly 2010). The convention created a single definition of whom and what is a refugee³. According to the convention a refugee is, "someone who is unable or unwilling to return to their country of origin owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group, or political opinion" (UN General Assembly 2010, 3). This drastically changed Canada's immigration system as Canada now had an obligation to offer asylum to those who fit into the definition of a 'Convention refugee' (Thobani 2007, Macklin 2005). The convention is also an important document as it acknowledges that nationality, religion, political opinion, or one's location in a particular social group does matter and can lead to persecution.

Following the 1951 convention, Canada's immigration and refugee system underwent another major change with the introduction of a state-supported policy of multiculturalism (Bhabha 2009, Thobani 2007, Mackey 2002, Bannerji 2000). This support of a multicultural Canadian state increased the diversity of immigrants to Canada, with the greater inclusion of gendered, racialized, and gendered and racialized immigrants. Canadian multiculturalism was codified by the Canadian Multiculturalism Act (1988) and was

³ For the purpose of this work the term refugee will be used to refer to groups of people in two different ways. First, it will be used in the literal and legal sense to refer to individuals who are classified as Convention refugees and have received status. Secondly, it may be used to describe groups that are labelled as refugees by activist groups or the state even if they have not received status to analyse how refugees are constructed. I will use the term asylum seeker when referring to a person or group of people who are trying to access asylum in Canada but have not yet received status.

recognized in section 27 of the Canadian Charter of Rights and Freedoms (Bhabha 2009, Thobani 2007, Mackey 2002, Bannerji 2000). The Canadian government stated that this policy was adopted to recognize and support the diversity of cultures in Canada (Bhabha 2009, Thobani 2007, Mackey 2002, Bannerji 2000). However, this assertion that multiculturalism and the increase of immigrants of colour had to do with acceptance and support of diversity and multiculturalism has been challenged by scholars who claim that multiculturalism had little to do with diversity, and everything to do with meeting labour and market demands (Bhabha 2009, Thobani 2007, Mackey 2002, Bannerji 2000). Although refugees come to Canada through a different process and for different reasons than many economic or family class immigrants, state-sponsored multiculturalism largely lumped all people of colour-whether they are refugees, immigrants, or Canadians of colour- into the category of 'immigrant' or as not 'Canadian' (Thobani 2000). As such, state-sponsored multiculturalism and its promotion of diversity and tolerance affect the Canadian state's policies towards both immigrants and refugees (Thobani 2000).

The adoption of the United Nations refugee convention and state multiculturalism highlights that the Canadian state acknowledges that race, religion, gender, class, and sexuality does matter and does shape immigrant's and refugee's lives. This understanding led to changes within Canada's refugee policy which were quite revolutionary during the time. In 1993, Canada became the first country to issue guidelines on refugee women claimants fleeing gender based persecution (Arnett 2005, Kelley 2001, Kandt 1995). This was an incredibly important moment in Canadian refugee history, as it meant that female asylum seekers who were experiencing persecution or violence because of their gender could

find asylum in Canada even if they didn't fit into the other convention categories (Arnett 2005, Kelley 2001, Kandt 1995).

This very brief overview of some important moments and changes in Canada's immigration and refugee system highlights how systems of domination such as gender, class, and race shape Canadian immigration and refugee policy in ways that can also make refugees vulnerable to persecution. Furthermore, this overview also highlights how certain social, political, or economic concerns can shape immigration and refugee policy. We can see how the Canadian government's and 'white' Canadians' racist social concerns of an 'Indian invasion' led to the *Continuous Passage Act* (Thobani 2007), and how economic needs for increased labour led to a liberalized immigration system and state multiculturalism (Thobani 2007, Mackey 2002, Bannerji 2000). The 21st century has also seen some drastic changes to Canada's immigration and refugee system based on social and political concerns, and these changes are the focus of this thesis. The attacks on the Pentagon and twin towers in the United States on September 11, 2001 resulted in mass concerns amongst Canadian and U.S. government officials about security and safety in the western world. Furthermore it led to heightened xenophobic attacks and sentiments against racialized Muslim persons, and led to the creation of new refugee policy based on the concept of safety and security (Magnet 2011, Cote-Boucher 2008, Razack 2008, Roach 2003). This thesis will examine these policies that are based on safety and security, by looking at the Safe Third Country Agreement between Canada and the United States and Bill C-31's designated country of origin policy.

Research Questions

While Veronica Castro was not immediately affected by the designated country of origin policy or the Safe Third Country Agreement, she easily could have been. Had Veronica travelled through the United States before entering Canada and applying for asylum she would have been sent back to the United States and told to apply for asylum there because the U.S. is considered a safe country. Canada considers the U.S. a safe country because the U.S. complies with the refugee laws that Canada is a signatory of and their human rights record is considered acceptable (CCR .v. R, March 2006) Had Veronica filed her claim after February, 2013 she would have had her claim fast tracked in the Canadian asylum system because Mexico is now considered a ‘safe’ country by the Canadian state (“Designated Countries of Origin”). The Safe Third Country Agreement and designated countries of origin policy are policies that create greater obstacles for asylum seekers to receive refugee status. In addition, these policies highlight the proliferation of security and safety discourses in the Canadian asylum system post-9/11. This proliferation of discourses about security and safety in relation to Canada’s refugee system can be seen in government reports and statements by both the Canadian and United States government⁴, in the creation of new laws and policies such as the Safe Third Country Agreement, designated countries of origin, and security certificates (Razack 2008), and in many scholar’s work that focuses on how to keep the nation safe from ‘outside threats’ (Frum and Perle 2004, Ignatieff 2004, Roach 2003). With this in mind, I am interested in looking at exploring what ideological work the concept of ‘safety’ does for the Canadian state in relation to refugees? What are the discourses that are used and being produced in relation to ‘safe’ countries? Are these discourses gendered, racialized, sexualized, ableist, and/or classed? Finally, I hope to

⁴ To see an example of this please visit <http://www.publicsafety.gc.ca/prg/le/bs/sbdap-eng.aspx> and <http://2001-2009.state.gov/p/wha/rls/fs/18128.htm>

investigate how refugees and the Canadian state are constructed through the Safe Third Country Agreement and Bill C-31's designated country of origin policy?

My research will attempt to fill some of the gaps and build on the work that has been produced within the fields of Critical Security Studies and Critical Race Feminism. The Canadian literature surrounding the Safe Third Country Agreement primarily focuses on whether this law is necessary and what this means for refugees legally (Brunet-Jaily 2006, Macklin 2003, Roach 2003, Stiles 2001). The Canadian literature on designated countries of origin is limited as this is part of Bill C-31 which only received Royal Assent June 28, 2012. While my project will talk about some of the material implications of the Safe Third Country Agreement and designated countries of origin, my project will primarily be focusing on the racialized, gendered, and colonial discourses that have been created and built upon by the Canadian state in relation to refugees since 9/11. I am going to be situating my work within the framework of Critical Security Studies and will be building on the work of scholars such as Kent Roach and Shoshana Magnet. Roach's (2003) work *September 11: Consequences for Canada*, problematizes the discriminatory treatment of immigrants in the name of 'safety' post-9/11 (particularly for Muslim immigrants), but does not challenge the rhetoric of safety. Magnet's (2011) chapter on border control in her work *When Biometrics Fail: Gender, Race and the Technology of Identity*, challenges the way that border control and rhetorics of safety get used by the state to engage in control and surveillance of racialized and gendered bodies. I will be building on Magnet's discussion of the racialization of the Canadian border through the Smart Border Action Plan in my discussion of the ways that 'safety', race, gender, and the nation get taken up by the Canadian government through the Safe Third Country Agreement and designated countries of origin. My work will also be

building upon the work of scholars such as Audrey Macklin (2003, 2005), Alexandra Dobrowolsky (2008), Sherene Razack (2008), and Karen Cote-Boucher (2008) who perform discursive analyses of the post-9/11 landscape for refugees and immigrants. Audrey Macklin's work focuses heavily on the Safe Third Country Agreement and the subsequent discursive erasure of refugees from national belonging (Macklin 2005). Sherene Razack highlights this erasure poignantly in her discussion of the host/guest construction between 'Canadians' and immigrants and the physical detention of Muslim men in Canada under the *Immigration and Refugee Protection Act's* security certificates (2008). Both Dobrowolsky (2008) and Cote-Boucher (2008) speak to the gendered and racialized implications and increased surveillance of refugees and migrants since the intensification of the securitization of the Canadian border. My work will continue this scholarly work on the securitization of the Canadian border and the implications for refugees and migrants by exploring in depth both the discursive erasure of refugees since 9/11 as well as the physical erasure of refugees through these policies' (that is, the Safe Third Country Agreement and the designated country of origin policy) ability to prevent refugees from accessing asylum. Finally, this project will attempt to situate these discourses of safety and the racialized and gendered implications of the Safe Third Country Agreement and designated countries of origin as part of a nation-building project by showing how the Canadian state uses these policies and discourses to control what bodies are present within Canada and how 'we' imagine the Canadian state and the refugee. I will be showing how refugees are constructed as not belonging to the Canadian nation by highlighting how discourses of whiteness, tolerance, and exaltation are produced by the Canadian nation in its discussion of the Safe Third Country Agreement and designated countries of origin. I use Sunera Thobani's work on exaltation to examine what characteristics are exalted within the Canadian nation and how

exaltation reifies systems of domination (2008). For Thobani, exaltation is a dynamic process that constructs certain characteristics-including whiteness, ability, and/or being male-as superior. These traits give one or the nation both discursive and material privilege and power (Thobani 2008). Finally, I will show how this is part of Canada's legacy as a white settler, colonial nation (Razack 2008, Thobani 2007, Mackey 2002, Bannerji 2000).

The Safe Third Country Agreement

The Safe Third Country Agreement (STCA) is an agreement between the United States and Canada that involves managing the ways that refugees cross the Canada-U.S. border and where they can apply for refugee status (Cutler 2004, Macklin 2003, Roach 2003). The Safe Third Country Agreement stipulates that all persons who travelled through the U.S. on its way to Canada must apply for refugee status in the U.S. because the U.S. is considered a 'safe' country (Cutler 2004, Macklin 2003). Under Canadian law, a country can be considered safe if the country complies with the refugee laws that Canada is a signatory of and if their human rights record is considered acceptable (*CCR .v. R*, March 2006). There are four exceptions to the agreement whereby a person can apply for refugee status in Canada having passed through the U.S. first and these are; family member exceptions, unaccompanied minor exception, document holder exception, and public interests exceptions ("Final Text of the Safe Third Country Agreement"). While this agreement did not get signed or implemented until after 9 /11, Canada has been attempting to create safe third country agreements since 1988 (Hailbronner 1993). The reasons that were given for not moving forward with safe third country agreements at the time were that Canada needed to look at refugee applications on a case by case basis, that unilateral measures were unlikely to work, and that these agreements were not conducive to good neighbourliness (Halibronner

1993). This sentiment drastically changed after 9 /11 when the securitization of the Canadian border became constructed as essential to the national security of both Canada and the U.S. (Magnet 2011, Cote-Boucher 2008, Dobrowolsky 2008, Roach 2003). At this time, there was a major shift in the discourse surrounding Canada's border in U.S. politics where the Canadian border was characterized as porous, dangerous, and a sieve for terrorists (Magnet 2011, Cote-Boucher 2008). As a result of these events and U.S. urging, Canada created the Smart Border Action Plan which included the Safe Third Country Agreement (Magnet 2011, Cote-Boucher 2008, Roach 2003). The agreement subsequently became part of the new *Immigration and Refugee Protection Act* in 2002 and was implemented as of 2004 (Macklin 2005).

Implications of safe third country agreements have been highlighted by both European scholars and activists (safe third country agreements have been present in Europe since the 1980s) as well as by Canadian scholars and activists. European scholars such as Kay Hailbronner (1993), Stephen Legomsky (2003), and Cathryn Costello (2005) highlight the complex issues that stem from safe third country agreements. For Hailbronner (1993), one of the major issues of safe third country agreements is that they can create the problem of refugees in orbit whereby refugees are moved between countries without having their claim properly heard. Furthermore, pragmatically safe third country agreements do little to solve refugee issues and it does not make sense to force refugees to make a refugee claim in a country that they are merely passing through (Hailbronner 1993). Despite these issues with safe third country agreements, Hailbronner ultimately believes that they are necessary. Legomsky (2003) disagrees with Hailbronner's assertion that safe third country agreements are necessary by highlighting the fact that safe third country agreements ignore the language,

familial, and cultural considerations refugees use to determine where they want to apply for asylum and the fact that it may be obvious that a third state is inhospitable for the claimant. Costello (2005) points to the difficulties and risks that safe third country agreements create for refugees due to the fact that different countries have different rules and criteria for what is considered a valid refugee claim, the burden of proving a safe third country is not safe falls on the refugee, and that failure to receive asylum can result in refugees facing death or persecution.

In the Canada-U.S. context scholars note the discursive implications of the Safe Third Country Agreement. These implications involve the discursive disappearance of refugees from the Canadian nation (Macklin 2005). In her work, *Disappearing Refugees: Reflections on the Canada-U.S. Safe Third Country Agreement*, Audrey Macklin (2005) argues that despite Canada's best efforts to prevent refugees from coming to Canada they still find their way across the Canadian border. As such, since the Canadian state cannot stop all refugees from making it into Canada, the government works to construct refugees as undeserving, not valid, as queue-jumpers, or as criminals to discursively erase them from national belonging (Macklin 2005). Karen Cote-Boucher (2008) builds on Macklin's discussion of the discursive construction of refugees as risky by the Canadian state. For Cote-Boucher, refugee's bodies get discursively reproduced as 'security threats', 'economic threats', 'criminals', and 'terrorists'. This construction of refugees as risky by the Canadian state, highlights the assertion of colonialism and racism through Canadian border practices whereby certain bodies (racialized and refueged) are controlled and stopped in the name of security (Cote-Boucher 2008). Furthermore, constructing refugees as 'risky', 'criminal', and/or as 'undeserving', leads to the invisibilization and devaluation of refugees through

increasingly restrictive refugee laws-including the Safe Third Country Agreement- and the reduction in social services for refugees (Dobrowolsky 2008). The implications of the Safe Third Country Agreement are discursive, racialized, gendered, and sexualized (Asthana 2011, Cote-Boucher 2008, Dobrowolsky 2008, Arnette 2005, Macklin 2005). The gendered and sexualized implications are noted by Deepti Asthana (2011) and Amy Arnette (2005) who highlight the differences between Canadian and U.S. refugee determinations as well as challenging the notion that the U.S. is a safe country for LGBTQ individuals and women fleeing gender based violence.

The Canadian Council for Refugees (CCR) are quite outspoken about the implications of the Safe Third Country Agreement arguing that this agreement is dangerous for refugees. In 2005, one year after the implementation of the Safe Third Country Agreement, the CCR released a report entitled, *Closing the Front Door on Refugees*. The report noted that the number of refugee claimants at the land border in 2005 had only half as many claims as the year before (CCR 2005). Colombian refugees have been greatly impacted by the Safe Third Country Agreement with only 30% of the number of Colombian refugees making claims in Canada in 2005 as they did in 2004 (CCR 2005). The effects of this are particularly devastating when the acceptance rates between the U.S. courts and Canadian courts are compared for 2004 where the acceptance rate for Colombian refugees in Canada was 81% compared to only 45% in the U.S. (CCR 2005). The CCR also noted that the U.S. handling of gender based claims was inconsistent and subsequently women in need of protection were falling through the cracks (CCR 2005). The CCR argues in this report that the implications of the Safe Third Country Agreement are incredibly negative for refugees as well as challenge the idea that the U.S. is a 'safe' country for refugees in the first place.

The CCR challenged the assertion that the U.S. was a safe country for all refugees both in their report and at the legal level. On December 29, 2005, the Canadian Council for Refugees, Amnesty International, the Canadian Council of Churches, and an unnamed Colombian asylum seeker in the U.S. launched a legal challenge of the designation of the U.S. as a safe third country for refugees (“Safe Third Country”). On November 29, 2007, this challenge of the U.S. as a safe third country was upheld by Justice Michael Phelan based on the fact “that the designation of the U.S. as a safe third country is ultra vires, that it is unreasonable to conclude that the U.S. complies with its non-refoulement obligations under the Refugee Convention and the Convention against Torture, and that the application of the safe third country rule violates refugees' Charter rights to life, liberty and security of the person (section 7) and to non-discrimination (section 15)” (“Safe Third Country”). Furthermore, Justice Phelan also found that the federal cabinet failed to ensure the continuing review of the status of the U.S. as a ‘safe’ third country. This ruling was a huge victory for the Canadian Council for Refugees, and on January 17, 2008 Justice Phelan issued his final order that the designation of the U.S. as a safe third country would be quashed on February 1, 2008 (“Safe Third Country”). However, before the designation of the U.S. as safe was quashed, the Federal court of appeals issued a stay in favour of the Canadian government so that the government could appeal the ruling (“Safe Third Country”). On June 27, 2008, the Federal Court of Appeal allowed the appeal brought by the Canadian government and eventually overturned Justice Phelan’s ruling. The Federal Court of Appeal did not find the U.S. safe for all refugees but stated that the fact “that the US does not ‘actually’ comply is irrelevant” (“Media Release 2008”). The Federal Court ruled that so long as the Canadian government considered the human rights situation in the U.S. and was not acting in bad faith, that the reality of refugees’ situation in the U.S. did not

matter (“Media Release 2008”). Furthermore, the court ruled that the challenge of the designation of the U.S. as a safe third country could only be brought forth by a refugee who had been denied entry into Canada and was facing persecution or torture (Media Release 2008”). Subsequent appeals brought forth by the Canadian Council for Refugees were denied.

Bill C-31 *Protecting Canada’s Immigration System Act: Designated Country of Origin*

Bill C-31 Protecting Canada’s Immigration System Act received royal assent on June 28, 2012. Since this is a fairly new policy, the full implications of this policy are not completely known. Bill C-31 emerged as an amendment to Canada’s Immigration and Refugee Protection Act, the Balanced Refugee Reform Act, the Marine Transportation Security Act, and the Department of Citizenship and Immigration Act (Bechard and Elgersma 2012). Some of the provisions that are found in Bill C-31 such as designated countries of origin were initially in Bill C-11 the Balanced Refugee Reform Act that was passed in 2010 but was not fully enforced (Bechard and Elgersma 2012). Passing Bill C-11 was a highly controversial affair due to what many refugee activists felt were the increasing erasure of refugee’s rights and means of protection (“Bill C-11: Open Letter”). Despite the contentious nature of Bill C-11 it did indeed pass. Bill C-11 never really went into effect, and appears to have been used to lay the foundation for the further restrictive Bill C-31.

Bill C-31 drastically changes the refugee and immigration system in Canada. Under Bill C-31, refugee groups are differentiated into designations including;

- 1) Coming from a designated country of origin
- 2) Manifestly unfounded

- 3) Having a claim with no credible basis,
- 4) Designated foreign national (which are 'claimants who arrive in Canada as members of a group that is designated as an irregular arrival) (Bechard and Elgersma 2012).

These designations determine how quickly these asylum seeker's claims will be processed, if they will be detained or deported, and determines the amount of access to services such as health care that they will have. Designating persons or groups of asylum seekers as irregular is at the discretion and is the sole decision of the Minister of Public Safety (Bechard and Elgersma 2012). A person or a group of people can be designated as irregular if it is of the opinion of the minister that examinations related to identity or admissibility cannot be determined in a timely manner, or if the Minister has reasonable grounds to suspect that the arrival involves human smuggling, or supports terrorism or criminal activity (Bechard and Elgersma 2012). This criterion for designation is not only intentionally vague and the concentration of power afforded to the minister disturbing, but designation also leads to severe restrictions of refugees' mobility rights and Canada's supposed humanitarian values. All persons who are over the age of 16 who are designated as an irregular arrival can be detained with their first review having to occur within 14 days of their detention. Their detention must be subsequently reviewed every 6 months until the issue with their arrival has been resolved (Bechard and Elgersma 2012). Many refugee advocacy groups have highlighted the issues of detaining refugees including a decline in refugee's mental, physical, and emotional health and the disproportionate affect this has on children (Amnesty International 2012, Human Rights Watch 2012). Bill C-31 also included provisions that reduced the funding to the Interim Federal Health Program which provides temporary health care for refugees, meaning that many refugees' healthcare services has been limited or cancelled altogether (Samson and Hui 2012).

These are just a few of the major changes that Bill C-31 has made to Canada's immigration and refugee system. These changes warrant additional academic investigation and research, but for my project I will be focusing on the designated country of origin policy within Bill C-31. The designated country of origin policy operates under the premise that certain countries are 'safe' and thus asylum seekers emerging from these countries are unlikely to need protection. According to the Canadian government designated countries of origin will help to "deter abuse" of the Canadian asylum system (Keung 2013). Designating a country as 'safe' is a process that starts when a country is triggered for review based on quantitative or qualitative criteria. Countries that meet the criteria are not automatically designated but are further reviewed. The subsequent review examines if the country has;

- 1) Democratic governance
- 2) Protection of right to liberty and security of the person
- 3) Freedom of opinion and expression
- 4) Freedom of religion and association
- 5) Freedom from discrimination and protection of rights for groups at risk,
- 6) Protection from non-state actors (which could include measures such as state protection from human trafficking),
- 7) Access to impartial investigations, access to an independent judiciary system, and access to redress (which could include constitutional and legal provisions) ("Backgrounder- Designated Countries of Origin").

After this review the Minister of Citizenship, Immigration and Multiculturalism has the final decision on whether to designate a country or not. For those seeking asylum from a designated country of origin their claims will be processed within 30-45 days ("Backgrounder- Designated Countries of Origin"). If their claim fails they will not have access to an appeal and their deportation will be organized ("Backgrounder- Designated

Countries of Origin”). As of February, 2013 the following countries have been designated; Australia, Austria, Belgium, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel (excluding the Gaza Strip and West Bank), Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Mexico, Netherlands, New Zealand, Norway, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, United Kingdom, and the United States of America (“Designated Countries of Origin”).

The full implications of designated countries of origin have not been determined as of yet due to the fact that Bill C-31 only received Royal Assent on June 28, 2012 and did not go into effect until December, 2012. However, safe countries of origin (European equivalent to designated country of origin) have been part of European refugee systems since the 1990s (Costello 2005, Lavanex 2001, Martenson and McCarthy 1998, Byrne and Shacknove 1996). As such, European scholars have noted some of the issues with safe countries of origin/designated countries of origin. These include not being in compliance with the Refugee Convention, with the accuracy of countries being designated safe, with the fact that human rights situations can deteriorate very quickly in what was otherwise a safe country, with too restrictive of timelines which can be nearly impossible for refugees to meet, and with the fact that a country might be safe overall but not for particular minority groups (Costello 2005, Lavenex 2001, Byrne & Shacknove 1996, Hailbronner 1993). The safe country of origin policy has no legal basis in the Refugee Convention and has been criticized as being a potential violation of Article 3 of the Refugee Convention which provides access to asylum procedures without discrimination of race, religion or country of origin (Costello 2004). The United Nations High Commissioner for Refugees has also raised concerns about safe country of origin lists being susceptible to political manipulation and that economic

relationships may play a role in shaping safe country of origin lists (Martenson & McCarthy 1998). Similar concerns have been raised in Canada by activist groups such as the Canadian Council for Refugees, the Canadian Civil Liberties Association, and the Canadian Association of Refugee Lawyers. These groups highlight the potential negative consequences of the tight processing times, arbitrary designations, and the concentrated power that the Minister of Citizenship, Immigration and Multiculturalism possesses ('Canada Rolls Back Refugee Protection: Bill C-31 Receives Royal Assent'). Furthermore, these groups have raised concerns about the implications for women fleeing domestic violence, European Roma asylum seekers, and LGBTQ asylum seekers, who are likely to be greatly impacted by designated countries of origin ('Canada Rolls Back Refugee Protection: Bill C-31 receives Royal Assent'). While there is very little Canadian scholarly literature on designated countries of origin these activist groups provide insight as to what are some of the obstacles asylum seekers face due to designated countries of origin as well as the potential impacts for gendered/racialized/sexualized groups of refugees.

Theoretical Framework

Critical Security Studies

Securitization

For my thesis project I will be drawing upon the Copenhagen Schools understanding of securitization (MacDonald 2008, Smith 2005, Hansen 2000). The Copenhagen School has a strong epistemological reliance on speech acts which involves the “discursive construction of particular issues as security threats” (MacDonald 2008, 563). Securitization is a process whereby securitizing actors securitize issues by declaring that a referent object is threatened. This in turn legitimizes the referent object’s claim to survival or need for security (Hansen 2000). What becomes a threat or securitized is thus not objective or determined independently, it is created and constituted by discourse (Hansen 2000). Securitization results, “...in a militarised and confrontational mindset, which defines security questions in an us-versus-them manner...a successful securitization attempt requires that the actor has the position of authority to make the securitizing claim, that the alleged threats facilitate securitization, and that the securitizing speech act follows the grammar of security” (Smith 2005, 35). Securitization is thus concerned with exclusion, whether it is domination or oppression, citizenship or non-citizenship, and the procedures and processes which legitimize these exclusions in the name of security (Mutimer 2009).

Feminist Critical Security Studies theorists provide critical understandings of securitization both in its execution and with the concept itself. Lene Hansen (2000) in her work, *The Little Mermaid’s Silent Security*, points to the absence of gender in the Copenhagen’s Schools understanding of speech acts. Hansen problematizes the role of speech by using the example of ‘honor killings’⁵ in Pakistan to highlight that speaking about threats such as rape can increase women’s insecurity due to violent repercussions. She

⁵ I would like to note that I find the term honor killings problematic. To understand some of the issues with the term honor killing please see, Aysan Sev’er “Culture of Honor, Culture of Change.” *Violence Against Women* 7.9 (2001): 964-998

suggests that this is an issue where silence is security and that this is often gendered (Hansen 2000). Hansen seeks to highlight the ways that gender can have differing effects for individuals and how we understand security, and she also suggests that bringing the body into security studies is important (2000). Alexandra Dobrowolsky (2008) discusses in her article *Interrogating 'Invisibilization' and 'Instrumentalization': Women and Current Citizenship Trends in Canada*, the ways that securitization negatively impacts both refugees and immigrants in Canada. She outlines the ways that women, particularly refugee women and women of colour, have been pushed into low paying and dangerous labour markets and how their bodies have been utilised to produce repressive legislation and reduce social services for vulnerable populations (Dobrowolsky 2008). Carol Cohn (2000) provides a critical feminist and queer analysis of her time working with defense experts and intellectuals in her work *Sex and Death in the Rational World of Defense Intellectuals*. Cohn is critical of the rational language used in security and defense discourses, in the gendered and sexualized nature of weapons and warfare, and the meanings and use of terms such as 'collateral damage' (2000). These authors highlight the importance of looking at security and securitization not only through a critical lens of what security is and what discourses shape and sustain it, but also in the ways that these discourses and our understandings of them are gendered, sexualized and racialized.

Critical Race Feminism

Exaltation

To understand the ways that discourses about refugees and safety are produced and utilized by the state through the Safe Third Country Agreement and designated countries of origin, I will be using Sunera Thobani's work on exaltation⁶. Exaltation is a process whereby certain characteristics-including class, race, gender, sexuality, and ability- are deemed superior and thus afforded greater power and privilege (Thobani 2007). In Thobani's work, *Exalted Subjects*, she investigates the ways the Canadian nation is discursively and materially constructed, highlighting the role of exaltation (2007). Exaltation of the Canadian nation and national is a dynamic process that helps form and maintains discourses of Canadian 'superiority' (Thobani 2007). This superiority is based on constructed hierarchies in which certain subjects are governed and organized "through state policies and popular practices, producing certain subjects as exalted (nationals), and others as marked for physical and cultural extinction (Indians), and yet others perpetual estrangement or conditional inclusion as supplicants (immigrants, migrants, and refugees)" (Thobani 2007, 6). Within this setting, the national is thus able to have the exalted characteristics of the nation writ onto their body and experience a sense of exalted belonging to community; a community whose characteristics have been exalted and deemed 'good' (Thobani 2007).

One cannot look at Canadian nationhood and exaltation outside of colonialism. One of the greatest violences of exaltation is the way it "conceals the colonial violence that marks the origin of the national subject, even as it mythologizes and pays obeisance to its national essence" (Thobani 2007, 10). Colonialism is present throughout all the relationships in Canada-including the relationships between the state and Canadian citizens and non-citizens, as well as between citizens and non-citizens- and is a key part to the racialized hierarchy

⁶ Additional analysis and explanation of exaltation takes place in Chapter Three

between white ‘nationals’ and Aboriginal peoples, but also between Aboriginal peoples and immigrants/refugees/migrants (Thobani 2007). Thobani complicates the national story and the erasure of Aboriginal peoples from it in her work and argues that when we are examining the Canadian national story we must look critically at the complex racial hierarchy within Canada that was developed, forced and sustained by colonizing powers. This racial hierarchy not only shaped the relationship between the state and Aboriginal people, but also between other racialized groups and Aboriginal peoples (Thobani 2007). This complication of the Canadian national story is critical to both Thobani’s work as well as mine, as it highlights the ways in which an historical and ongoing colonialism shape race relations within Canada and perpetuates the erasure of Aboriginal peoples from national belonging. Thobani does not vilify immigrants/refugees for what was/is often their complicity in colonial practices in Canada, but rather highlights how racism and inequality due to the exaltation of the white Canadian national encouraged a form of participation in colonialism as a way to access greater rights and acceptance into “Canadian culture” (Thobani 2007).

Interlocking Systems of Oppression

Razack’s discussion of interlocking systems of oppression will be central to my analysis and is an important part of any feminist work. For Razack, systems of oppression constitute, build and give meaning to one another, and as such we cannot look at one system without seeing how it sustains and is sustained by other systems (Razack 2008). Interlocking systems of oppression as a theoretical tool “requires that we keep several balls in the air at once, striving to overcome the successive process forced upon us by language and focusing on the ways in which bodies express social hierarchies of power” (Razack 2008, 63). Razack does this quite successfully within her work as she explores the way Canada’s ongoing

history of colonialism, the processes of racialization, gender, and islamophobia/orientalism work together to sustain particular constructions of Muslim ‘others’ and white ‘Canadians’ (Razack 2008). Sunera Thobani (2007), Jasbir Puar (2007), and Himani Bannerji (2000) also engage in an analysis guided by interlocking systems of oppression acknowledging the ways that race, class, gender, colonialism, ability, and sexuality contribute to nation-building discourses. Using an interlocking systems of oppression approach allows me to engage with the multiple issues that shape how countries are deemed safe, how these policies are constructed based on particular discourses about refugees, and how Canada’s history of white supremacy, racialization, colonialism, and gender inequality work together to reinforce constructions about Canada and ‘the refugee’. Using this approach is absolutely critical to fleshing out the complexities of the refugee laws/agreements I am looking at in a way that does not eclipse the multiple systems that are contributing to them. Furthermore, interlocking systems of oppression are an important tool in trying to produce knowledge ethically.

Methodology

Feminist Discourse Analysis

I will be using a feminist discourse analysis as my methodology to analyze government texts to determine what discourses about refugees, safety, and the state are being produced through the Safe Third Country Agreement and designated countries of origin. Discourse analysis is a methodological tool that can be used to look at texts and ways of speaking (Lazar 2007). Discourse analysis seeks to look at the ways that different ideologies are represented through particular ways of speaking (Lazar 2007). These discourses speak to

broader societal and cultural narratives about particular groups, peoples, and histories. Discourses are often complex, nonlinear and “as a social practice, is an articulation of analytically different elements that are not discrete but dialectically interconnected, so that each one incorporates the others” (Martinez 2007, 125). With this understanding, discourses are experienced socially and thus have a particular social context. They are not separate and do not operate independently of each other, but instead have an oppositional and interconnected relationship (Lazar 2007). With this definition it is possible to have multiple discourses operating simultaneously that both oppose and reinforce one another. Discourse analysis seeks to look at the way that ideology is created and reinforced within discourses and is primarily concerned with the way discourses operate to uphold hegemonic power relations (Lazar 2007). Discourse analysis as a tool helps to reveal the different structures that uphold and produce power for the dominant group and seek to illuminate how these structures are maintained in ways that go unnoticed (Lazar 2007).

Discourse analysis is particularly useful for feminist research as it allows researchers to examine the gendered, racialized, homophobic, ableist, and classist subtexts embedded in the dominant narratives in Canada. This approach is interdisciplinary and is critical of the complex and subtle ways “assumptions and hegemonic power relations are discursively produced, sustained, negotiated and challenged in different communities” (Lazar 2007, 141). Discourse analysis’ focus on power and the way it is sustained is of particular importance for my project, and I would argue, for feminist research. This focus on highlighting the ways power operates and the way that this often goes unnoticed or unseen highlights how this type of research can have emancipatory outcomes (Lazar 2007, Foucault 1980). Discourse analysis can be used to bring attention to and unearth the structures and assumptions that

uphold unequal power relations and how this constructs subject's positions within these structures. This also has the potential to 'denature/denaturalize' these positions and show how one's position is intricately and complexly constructed (Lazar 2007). In relation to my project, many of the discourses surrounding refugees and the Canadian nation are naturalized based on gendered and racialized systems. As such, discourse analysis has the potential to show how statements made on government websites are based on the discursive construction of the abusive/bad refugee. This can be seen in statements on the CIC website such as, "The aim of the DCO policy is to deter abuse of the refugee system by people who come from countries generally considered to be safe" (CIC). The statements made in relation to these refugee policies are often made drawing on 'common sense' logic which is what my project hopes to deconstruct. Yasmin Jiwani (2006) in her work, *Discourses of Denial*, points out how common sense logic and the 'typical' Canadian are based on white, patriarchal dominance in Canadian institutions that deny racism and sexism and eclipse racist and sexist violence. Jiwani's work highlights the ways that racist and sexist discourses within the Canadian political and media landscape can deny institutional violence as well as render immigrant victims of violence as invisible and expendable (Jiwani 2006). It is my hope that deconstructing these discourses will show how discourse can shape the material conditions of refugees' lives as well as show how these discourses position the Canadian nation in a particular way. Discourse analyses thus, has very real, useful, and tangible insights into the way that power operates. It is also useful for feminist research as it is concerned with contextually sensitive readings of texts looking at both the personal and structural factors to draw conclusions about power relations in discourse (Martinez 2007). The research that is produced from discourse analysis is thus historically and socially situated within a particular context. This allows discourses to change over place, space, and time (Martinez 2007).

Texts for Discourse Analysis

Safe Third Country Agreement Year One Reports

I will be performing a feminist discourse analysis of two sets of texts. The first sets of texts I will analyse are the first year reports of the Safe Third Country Agreement that were released by the Canadian government and the Canadian Council for Refugees. A year one report by the Canadian government reviewing the impacts and successes and failures of the Safe Third Country Agreement was part of the conditions when implementing the Safe Third Country Agreement (Citizenship and Immigration Canada 2006). In response to this report, the Canadian Council for Refugees released a report of their own entitled, *Closing the front Door on Refugees*. I am interested in looking at these texts to see how refugees and the Canadian state are constructed in the different reports, given that that the Canadian government is in favour of the Safe Third Country Agreement and the Canadian Council for Refugees is against it. This tension between the Canadian Council for Refugees and the Canadian government provides a rich site to investigate how both the state and refugees are constructed within refugee discourse. Discourse production is a dynamic process, and reviewing both reports allows me to see how the state and a refugee rights group shape refugee discourse in differing ways (Foucault 1980). I also chose to look at these reports as they are static and will not change. Given that that the Safe Third Country Agreement was passed over a decade ago in 2002, it would be difficult for me to analyse a government website and account for any changes in the discourses from 2002 until 2013. As such, the year one reports provide good insight into what discourses were being produced during the year following implementation.

Citizenship and Immigration Canada Website

I will be using the Citizenship and Immigration Canada (CIC) website's postings about Bill C-31's designated countries of origin to see what discourses the government has produced about refugees and the state in relation to designated countries of origin. The Citizenship and Immigration Canada (CIC) website⁷ is a website that provides information on all immigration and refugee policies and processes. It is a government run website that informs both immigrants and refugees and the Canadian public of changes to the immigration and refugee policy and processing. The CIC website often releases information about policy change in the form of backgrounders, which are little summaries of the changes to immigration and refugee policy and why they are necessary according to the Canadian government. You can also find government statements, statements from the Minister of Citizenship, Immigration and Multiculturalism, and excerpts from news releases on this website. As such, this website is a great source to see what discourses are being produced about refugees and the state by the government and also what the government wants refugees, immigrants, and the Canadian public to know. I will be focusing on looking at the CIC website's discussion of designated countries of origin from the dates of February, 2012-March, 2013. I have chosen to focus on this time period for two reasons. First, Bill C-31 was only introduced in February, 2012 and as such that is when the first information about it started appearing on the CIC website. Secondly, I have chosen to stop looking at the website as of March, 2013 for practical reasons as there are time constraints on when my work must be submitted. To ensure that the webpages I used were not continually changing I used the website www.waybackmachine.com. This website allows you to enter a url into its search

⁷ Visit <http://www.cic.gc.ca/english/index-can.asp> to explore how immigration and refugee information is disseminated by the Canadian government

bar and it will show you all the previous versions of the webpages you are analysing. This allowed me to see if the pages changed over time or if they have remained the same. The webpages that I used have not changed over time and there was only one version of each of them. I have also taken screen shots of the webpages I used, so that if/when, these pages change, there will be the original copy of what I used for future reference.

Chapter Outline

I outline in this introduction that race, gender, class, ability, and sexuality matter in who gets to be part of the Canadian nation and who is structurally, legally, and discursively excluded from the Canadian nation. Using two case studies-the Safe Third Country Agreement and the designated country of origin policy- I question the concept of ‘safety’ and ‘security’, and challenge the racist, sexist, ableist, classist, and homophobic structures that prevent asylum seekers from gaining protection in Canada. In this thesis, I argue that state exaltation constructs the Canadian state, refugees, safety, and security through the Safe Third Country Agreement and designated countries of origin in a way that reifies systems of domination. Borrowing from Critical Race feminists and Critical Security Studies theorists, I examine the discourses that are being produced by the state pertaining to refugee policy and perform a feminist discourse analysis to bring to light the systems of domination that underpin Canadian refugee policy.

In Chapter Two, I provide an analysis on how the refugee has been historically and is currently constructed as ‘risky’ and how this construction of risk is based on racist and sexist structures. I argue that this gendered and racialized ‘risky refugee’ gets taken up by the Canadian state to create the Safe Third Country Agreement. In Chapter Three, I continue my

analysis of the Safe Third Country Agreement by performing a discourse analysis of the government's and the Canadian Council for Refugees' year one reports. In this chapter, I look at how exaltation shapes how the refugee and the Canadian state are constructed in the national discourse surrounding refugees. Furthermore, I challenge the concept of safety and security and the usefulness of these terms for researchers. In Chapter Four, I perform a discourse analysis on the Citizenship and Immigration Canada website to analyse how the government is shaping refugee discourse in relation to designated countries of origin. This chapter shows how the rhetoric of safety gets taken up by the Canadian state, yet again, to create further restrictive refugee policy. Finally, Chapter Four will show how state exaltation operates through the designated country of origin policy to reify whiteness and ability. My concluding chapter provides an overview of the main arguments of this thesis project and also provides a mapping of how to move forward.

I want to take the time to acknowledge that policy creation- especially refugee policy as the costs of poor policy are so high- is a difficult job. Ensuring that policy is fair, comprehensive, and balanced is not easy nor is there necessarily one right way of doing it. I am quite critical of the government in this work, however, I want to address the fact that I realize that there are many people in the government who are sincerely trying to work on behalf of refugees. The refugee policy that is produced is produced by groups of individuals and the Canadian state which are both embedded in systems of domination that afford privilege and citizenship rights to some at the exclusion of many others (Razack 2008, Thobani 2007). The reproduction of these systems, whether conscious or unconscious, has serious risks for refugees and as such must be critically examined. It is my hope that the intense scrutiny I give to the systems of domination that both uphold and reproduce refugee

policies such as the Safe Third Country Agreement and designated countries of origin, might disrupt and challenge what I believe to be discriminatory refugee policies. Furthermore, I hope that my analysis might also call for other activists, scholars, and government officials to do the same.

Chapter Two: Securing the Border, Securing Risky Refugees

Blurring the Border: Risky Refugees

After the terrorist attacks on the World Trade Center and the Pentagon on September 11th, 2001, Canadian Prime Minister Jean Chretien declared a national day of mourning.

During this memorial the Prime Minister addressed the American ambassador to Canada before a crowd of more than 100,000 people expressing Canada's solidarity with the United States,

“Our friendship has no limit. Generation after generation, we have travelled through many dark times, always firm in our shared resolve to vanquish any threat to freedom and justice. And together, with our allies, we will defy the threat that terrorism poses to all civilizations. Mr. Ambassador, we will be with the U.S. every step of the way. As friends, as neighbours, as family.” (As cited in Roach 2003, 5)

While the Prime Minister's speech was in the early days following the aftermath of the September 11th tragedy it foreshadowed the fact that Canadian friendship would indeed, have very few limits. The security and control of the border as well as Canada's sovereignty to process and deal with immigrants and refugees came under intense scrutiny by the U.S. as the U.S. had deemed the Canadian border as high risk (Magnet 2011). The concessions that Canada made over the control of the border and the policies governing immigration and asylum due to pressure from the U.S. would become one of the many examples of Canada's limitless friendship. The Prime Minister was quite correct in his assertion that for generations and generations Canada and the U.S. have been friends through 'dark times' and have worked in tandem to 'vanquish any threat to freedom', although it is clear that who was a threat and who deserved freedom was determined along racialized lines. Indeed, Richard Dyer notes in his book *White* (1997) that the terms used to describe races such as 'white' or 'dark' not only describe colour but often describe characteristics such as good (white) or evil (dark/black). As such, the term 'dark' times is not without meaning, but is a word that historically has been racialized (Dyer 1997). Canada and the United States have both been

allies in their historical legacy of colonialism, and their attempt to vanquish the ‘threat’ that First Nation peoples posed to the white settler colonial society. Both countries set up reserves, removed children from Aboriginal communities, spread infection and disease, engaged (as they still do) in the over-incarceration of First Nations peoples in prison, as well as engaged in wars, activities and medical interventions that lead to the death of many First Nations people (Wakeham 2011, *Smillie-Adjarkwa 2009*, Thobani, 2007, 2000, Miller 2000, 1996, Carney 1995, Zimmerman 1992). The racist colonial practices that Canada and the United States engaged in, in relation to First Nation’s people, is not the only example of the two countries working as allies against ‘dark’ times. The internment of Japanese Canadians and the subsequent nuclear bombing of Hiroshima and Nagasaki by the United States during WWII, is another example among the many where Canada and the United States have adopted similar policies to protect ‘the state’ against ‘threats’ that are often racialized (Thobani 2007, 2000, Miki 2004, Sugiman 2004, Oikawa 2000). It is not surprising then, that what appears to be an innocent statement such as ‘dark times’ has greater meaning when we considered the racialized legacy on which the Canadian and U.S. friendship is based on.

The United States has been in a long time battle fighting the migration and movement of bodies across their national boundaries, particularly racialized bodies coming from Mexico (Magnet 2011). Canada too, has been fighting its own battle against the irregular movement of people within Canadian borders both through its immigration and refugee policy as well as the discursive strategies that Canada has used to construct these migrants as risky (Thobani 2007, 2000, Razack 2008, Magnet 2011, Macklin 2005, 2003). The trope of the risky refugee within Canadian mythology has a long history that can be traced back to the birth of the Canadian nation (Thobani 2007, 2000, Anthias and Yuval-

Davis 2005, Ward 2002, Abu-Laban 1999). Canada had a strict “keep Canada white” policy with racist policies such as the Chinese head tax, the *Continuous Passage Act*, and the preference for white European/British migrants (Ward 2002, Thobani 2000, Abu-Laban 1999). Canada’s immigration and refugee system went through a liberalization period in the 1960’s and 1970’s where Canada transitioned to the points system where migrants were classed as independent (economic) migrants, family class migrants or as refugees (Thobani 2000). Canada’s immigration and refugee system is now governed by the *Immigration and Refugee Protection Act* which passed in June, 2002 (Roach 2003). Throughout the changes to Canada’s immigration and refugee system and its policies, the risky refugee has been a constant figure where the nation could express its fears (Thobani 2007, Ibrahim 2005, Murdocca 2003, Ward 2002). Economic tensions and racial tensions within the Canadian state have often and conveniently been blamed on racialized outsiders such as refugees and immigrants (Thobani 2007, Hage 2000). Within the Canadian mythological landscape it has been refugees and immigrants that have been blamed as ‘corrupting’ the social fabric of Canada. One such example of the Canadian nation’s fears being writ onto risky racialized ‘others’ can be seen in Emily Murphy’s (one of Canada’s Famous Five) book the *Black Candle* (Sharpe and McMahon 2007, Kulba 2002, Smith 1997). The *Black Candle* blamed Canada’s drug problem on Canadian’s coming into contact with Chinese immigrants (Kulba 2002, Smith 1997). As such, the risky refugee figure has often been racialized, and at many times gendered.

Sunera Thobani highlights how the risky refugee gets operationalized where race and gender intersect in her discussion of the Immigration Policy Review that took place during the mid-1990s (2000). The Canadian government engaged in a public discussion (although

Thobani problematizes the public and democratic nature of this discussion) about some of the problems in Canada's immigration system and what the solutions for these problems would be (Thobani 2000). The government agreed to be transparent and consult the Canadian public to determine what 'Canadians wanted' (Thobani 2007). This conversation between the government and Canadians was framed in a particular way from the very beginning where the government had decided what the problems were prior to consulting the Canadian public (Thobani 2000). Once the government had chosen what problems/ risks immigration posed to Canadians, "the public consultations enabled the 'problems' defined by the state to be made into the major 'concerns' of Canadians. The consultations therefore became an exercise to draw Canadians into a pre-set agenda..." (Thobani 2000, 38).

Throughout these national consultations it became clear that 'Canadian' society, culture and the economy belonged to a certain part of the population and that others were excluded. This national belonging to 'our economy' and 'our society' was based on whiteness, where non-white Canadians were systematically excluded from the national imaginary and also became part of the problem/risk (Thobani 2000). Thobani argues, "Canadian nation building relies in no small measure upon the construction of immigrants in general, and immigrant women in particular, as one of the most potent threats to the nation's prosperity and well-being" (Thobani 2000, 35). Not only did non-white Canadians and non-white migrants get framed as threats to the nation's whiteness, apparent homogeneity, social sphere and economy, but immigrant women were framed as particularly dangerous to the Canadian economy. The family class category was highly gendered in the national consultations for the Immigration Policy Review, and was constructed as a large burden for Canadian social assistance programs (Thobani 2000). While the Canadian government wrongly stated that immigration has a small but positive impact on the Canadian economy- ignoring the fact that Canada's

European ancestors were themselves immigrants- the government highlights migrant women and the family class as a threat to Canada's economic wellbeing (Thobani 2000). In the case of the Immigration Policy Review, we can see that non-white migrant women embody the risky refugee trope as they are seen as an economic risk to Canadian prosperity and social systems. This construction proved useful for the Canadian state as it reasserted myths of Canadian whiteness and belonging as well as allowed for greater restrictions to be placed on the family class category while increasing the numbers of migrants from the economic category (Thobani 2007).

Economic and social integration is not the only threat/problem that has been used to construct refugees as risky. Maggie Ibrahim discusses in her article, *The Securitization of Migration*, how the Chinese asylum seekers arriving by boat off the coast of British Columbia in the 1990s were constructed as risks to Canadian society (Ibrahim 2005). Ibrahim's work emerges from a development and security background and her work contributes to the fields of critical security studies, international development, and the impacts of climate change on populations. In her analysis of newspapers from this time period Ibrahim highlights several discourses about the risks that the Chinese boat people posed including; that they were a threat to Canadian's health (HIV, Tuberculosis and communicable disease), that they were more prone to criminality due to the way they entered the country illegally, that if Canada accepted these claimants it would cause a never ending stream of illegal migration, that they posed a threat to the Canadian welfare and healthcare system, and finally that these individuals were trapped in a web of crime that would not stop once they were on Canadian soil (they would have to pay back their smugglers) (Ibrahim 2005). Much of the discussion surrounding the asylum seekers fixated on how these

individuals posed a risk due to the fact that they were just ‘culturally different’ *from* Canadians and that their culture was risky *for* Canadians (Ibrahim 2005, Gilroy 2004, Hier and Greenberg 2002). Ibrahim argues that this focus on the cultural difference of these refugee seekers is a form of new racism. It is a form of new racism in that ‘cultural difference’ is a racially coded word that reinforces racist discourses of European/North American ‘superiority’ and racialized groups ‘inferiority’ (Noble 2006, Ibrahim 2005). New racism and the risky refugee can be seen in the discourses surrounding soft security issues which include concerns such as soil depletion, access to water, access to education, and deforestation (Ibrahim 2005). These soft security issues are considered issues of the global south, where subsequently the global south becomes associated with degeneracy and cultural difference. The global north in this construction gets associated with superiority and is positioned to ‘help’ the global south (Ibrahim 2005). As a result of this racist dynamic, migrants coming from the global south carry with them the mark of degeneracy, insecurity, and cultural difference (Ibrahim 2005). This proves useful to the Canadian state to manage the ‘threat’ that these migrants pose to the Canadian state through restrictive refugee and immigration policies.

While these are only a few examples of how the Canadian state has often constructed refugees as risky to justify restrictive refugee policies that are gendered, classed and racialized, and the need to securitize migration, Canada did not construct itself as a threat. The Canadian state has actively worked at constructing itself as a white, masculinist, colonial, and imperial state who overwhelmingly is ‘nice’ and unthreatening (Magnet 2011, Razack 2008, Thobani 2007, Mackey 2002, Bannerji 2000) . Canada has been quite successful in constructing itself as the ‘nice’ ‘white’ neighbor to the North (Magnet 2011). In

Magnet's work, she describes the exceptionalism Canada has in the U.S. mythology, as the Great White North, as the friendly neighbour north of the border, and as hockey playing, polite, and snow loving (Magnet 2011). Magnet argues, "The privilege that Canada historically enjoys with respect to the United States is connected to the racialization of the Canadian state; that is, Canada's 'special friendship' with the United States is determined in part by its imaginary whiteness." (Magnet 2011, 93). This 'friendship' between Canada and the United States is one of the main reasons that a Safe Third Country Agreement was not established earlier when the idea was first put forth in 1988 (Hailbronner 1993). According to the former Chairperson of the Immigration and Refugee Board Gordon Fairweather, a Safe Third Country Agreement was not pursued because Canada needed to look at refugee claims on a case by case basis and that it was not conducive to good neighborliness (Hailbronner 1993). So how did this concept of good neighborliness change and why did a Safe Third Country Agreement develop between Canada and the United States after 9/11?

After 9/11 there was a shift in the U.S. discourse about Canada. Instead of being the nice neighbour or the Great White North, Canada became a sieve for terrorists and a dangerous security threat (Dobrowolsky 2008, Cote-Boucher 2008, Razack 2008, Adelman 2002). What was most troubling about Canada in the U.S. psyche post-9/11 was Canada's 'lax and liberal' immigration and refugee policies (Cote-Boucher 2008, Magnet 2011). Rumors and speculation about the September 11th terrorists as well as terrorists in general, coming from Canada, learning skills in Canada as well as forming sleeper cells in Canada were rampant in the U.S. (Roach 2003, Magnet 2011, Razack 2008, Hataley 2007, Tancredo 2004). The Canada-U.S. border became a site of intense scrutiny with 600 soldiers of the National Guard being added to the United States side of the border after 9/11 (Cote-Boucher

2008). The Muslim terrorist was not only associated with Jihad and Islamic countries, but with Canada as well. Canada became associated with the Muslim terrorist and subsequently risk due to the supposed (although false) link between Canada and the 9/11 terrorists (Magnet 2011, Hataley 2007, Tancredo 2004, Roach 2003). While there is ample evidence that Canada has used the rhetoric of the risky refugee to justify restrictive refugee policies in the past (see Thobani's discussion of the Immigration Review Policy above), this was a shift in the discourse where Canada became associated with risk and the risky refugee itself (Dobrowolsky 2008). This association with risk and Muslim terrorists, undermined the white privilege Canada was traditionally accustomed to (Magnet 2011) and negatively impacted the Canadian trade-based economy with the U.S. (Roach 2002, Stiles 2001). Magnet highlights these changes in her work when she discusses how after 9/11 Canada became racialized, "...Canadian bodies are re-envisioned as potential pollutants, threatening to contaminate the U.S nation-state" (Magnet 2011). As result of this, trade across the border slowed, hour long waits at the Canada-U.S. border occurred, and racial profiling of Muslim or Arabic looking Canadians increased at the border (Roach 2002, Stiles 2001). In order to put an end to the decrease in trade across the border, to reassert its whiteness, and to prove that Canada was a secure nation Canada capitalized on the U.S.-led securitization of the border and agreed to the Smart Border Action Plan that included a Safe Third Country Agreement (Magnet 2011, Cote-Boucher, Roach 2002). With the intense scrutiny on the Canadian border and Canadian citizens as dangerous, utilizing securitization discourse became a particularly salient tool for the Canadian state in an attempt to construct itself as 'safe' to the United States (Dobrowolsky 2008). Good neighbourliness changed after 9/11, and Canada used the now very relevant rhetoric of securitization, to 'secure' its borders and

‘secure’ immigration and refugee policies that allowed them to reduce the number of racialized refugee bodies that could enter Canada.

Canada Smart Border Action Plan: Racialized Imperial Policies of Violence

The Smart Border Action Plan emerged from the Smart Border Declaration which was signed December 12, 2001 between Canada and the United States (Roach 2003). The Smart Border Declaration is a binational deal between Canada and the United States to “improve security and services on the shared border” and included the Smart Border Action Plan as a way to increase border security (“North American Partnerships-Working with the United States”). This agreement focused on creating steps and procedures to allow the movement of ‘low-risk’ people across the border while intercepting travellers who are considered ‘high risk’ (Brunet-Jaily 2006, Flynn 2003, Roach 2003). This agreement was hailed by business groups, groups of travellers, and politicians alike as it would continue to promote the free trade between Canada and the U.S. as well as reduce the lengthy wait times that were occurring at the Canada-U.S. border which sees over 200 million crossings a year (Brunet-Jaily 2006, Flynn 2003, Roach 2002). Furthermore, the Smart Border Declaration and subsequent action plan proved that the Canadian government was serious in its support of the United States, in fighting terrorism, and in increasing national security (Flynn 2003). Following the signing of the Smart Border Declaration the Solicitor General Lawrence MacAuley stated, “Canada since September 11, has embarked on an intensive \$280 million anti-terrorism plan to protect American citizens. We are both committed to pulling together on security issues that affect the safety of all our citizens.” (“Joint US-Canada Statement on Northern Border Priorities”). Canada’s Minister of Citizenship and Immigration Eleanor Caplan was equally pleased with the agreement and Canada’s support of the U.S. - led fight

against terrorism and security threats stating, “The events of September 11, 2001 have cast a new importance on our relationship with the United States, particularly with respect to border security and the legitimate flow of people across our shared border. This statement reaffirms our long-standing commitment to make the US-Canada border a model of cooperation” (“Joint US-Canada Statement on Northern Border Priorities”). With the Smart Border Declaration and the Smart Border Action Plan Canada traded aspects of its sovereignty (how it dealt with immigrants and refugees and how it managed its border) for trade security (Flynn 2003, Roach 2002) There are countless statements made by ministers and the Prime Minister that highlights the amount of money that Canada has spent on border security post-9/11, how Canada and the United States are allies against terrorism, and how the Canadian border really is safe. This intensive reassertion of Canada’s security by the Canadian state was in stark contrast to the dangerous image of Canada that was being promoted by the United States. The Canadian state, I would argue, made very clear attempts and statements to show their cooperation with the United States as well as to disassociate itself with risk. While Canada agreed to many expensive endeavors in the name of U.S. -led ‘security’, Canada also benefitted from the action plan with the inclusion of the Safe Third Country Agreement which would reduce the number of asylum seekers that Canada would have to process (Cote-Boucher 2008).

The Smart Border Action Plan outlined thirty steps that were going to be implemented to protect the Canada-U.S. border. These steps were organized into four categories known as the four pillars of the action plan which are the;

- 1) Secure flow of people
- 2) Secure flow of goods

- 3) Secure infrastructure
- 4) Coordination and information-sharing (“North American Partnerships- Working with the United States”)

The Smart Border Action Plan clearly utilised notions of security and furthered the securitization of the Canada-U.S. border as well as the people who cross this border (as can be seen in the four pillars of the plan). Of the thirty steps in the action plan fourteen of them had to do with controlling the movement of people across the border or identifying non-citizen security risks (“U.S.-Canada Smart Border/30 Point Action Plan Update”). These included implementing permanent resident cards, refugee/asylum processing, managing of refugee/asylum claims (the STCA), visa policy coordination, advanced passenger information/passenger name record, joint passenger analysis units, immigration officers overseas, clearance away from the border, compatible immigration databases, customs data, integrated intelligence, finger prints, removal of deportees, and the freezing of terrorist assets (“U.S.-Canada Smart Border/30 Point Action Plan Update”). The Smart Border Action Plan outlines non-citizens, migrants, people outside of the border, and terrorists as risks to the Canadian and U.S. state legitimizing the implementation of the aforementioned policies to restrict their movement into and within the nation’s borders (“U.S.-Canada Smart Border/30 Point Action Plan Update”). This ability to name risks, to securitize the border, and to control the movement of bodies that are considered risky is part of the ongoing legacy of Canadian and U.S. imperialism (Magnet 2011, Simpson *et al.* 2011, Cote-Boucher 2008, Razack 2008). In Magnet’s work on the Smart Border Declaration we can see how this occurs through the expansion of Canadian and U.S. borders in surveillance through the use of biometric technologies to identify, surveil, and stop ‘security threats’ before they cross into Canada or the U.S. or cross the Canada-U.S Border (Magnet 2011). Furthermore, many

of the steps in the Smart Border Action Plan such as having immigration officers overseas moves the Canadian and U.S. border further outside of its territorial boundaries into other states, allowing Canada and the United States to reassert and renew its imperial processes (Magnet 2011). If U.S. imperialism was threatened by the September 11th attacks, the Smart Border Action Plan lent itself to reasserting the United States' 'right' to imperialism and the right to control the movement of the often racialized bodies of people who were coming from and living in the global south or the Middle East.

As has been the case in Canada and the United States, the Smart Border Action Plan institutionalized imperial thinking in that it fell along racialized lines that bolstered what I call racialized imperial policies of violence. Racialized imperial policies of violence are state policies that reassert state imperialism while simultaneously reproducing the state's claim to whiteness and legitimizing racialized violence. Racialized imperial policies works with Sherene Razack's race thinking in her work, *Casting Out: The Eviction of Muslims from Western Law and Politics* (2008). For Razack, race thinking goes much further than racism as it shows how nationality and skin colour and for Razack, 'Canadian values', can become inheritable traits (Razack 2008). Race thinking can become a part or a guiding force in political projects and "when race thinking unites with bureaucracy...it loses its standing as a prejudice and becomes instead an organizing principle" (Razack 2008, 9). In her work, race thinking enables and bolsters the idea of a culture clash; where the West is secular, egalitarian, rational, and modern (i.e. Canadian values) and the East is steeped in culture, religion, tradition, is fatally pre-modern, patriarchal, and barbaric (Razack 2008). Race thinking explains the narratives that are used to create and justify certain political projects and actions on behalf of the state, as well as provides the reasoning for how Western states

legitimize their claim to the violence that is often part of these projects. Racialized imperial policies of violence takes race thinking a step further by addressing how race thinking gets put into practice through state policies and the actual violences that occur. Racialized imperial policies of violence is the material processes that emerge from race thinking and also includes how these policies and violences are part of ongoing imperial projects.

Racialized imperial policies of violence are present within the Smart Border Action Plan and Canada's securitization of the post- 9/11 border. This is particularly evident when we look at the way that Arab and Muslim or Arab/Muslim 'looking' citizens and non-citizens were constructed as terrorists, threatened with violence, and discriminated against after 9/11 within Canada and at the Canada/U.S. border (Bakailan 2009, Razack 2008, Abdo 2006). The discourses of risk and terrorism in association with refugees, non-citizens, and 'Muslims' constructed these bodies as risky and thus in need of intense surveillance, screening, and control (Bakailan 2009, Razack 2008, Abdo 2006, Bhandar 2004). For Cote-Boucher, "the dangerous objects hence fashioned are evaluated through elaborate categorizations of risk for the establishment of risk profiles. Therefore, danger is assessed through calculated distinctions based on physical descriptions, attributed religion, citizenship statuses, and immigration history" (Cote-Boucher 2008, 149). These risk profiles stem from race thinking where orientalist ideas of Muslim/Arab culture and peoples are constructed as dangerous, backwards, barbaric, and fatally pre-modern (Razack 2008). Race thinking turns into racialized imperial policies of violence when we consider the ways that race thinking gets executed through intense screenings, fingerprinting, detention, and intimidation tactics at the border. The implementation of certain parts of the Smart Border Action Plan caused controversy such as the United States use of fingerprinting, registering, and photographing

persons crossing the border. U.S. customs officials were accused of racial profiling through their targeting of people born in Iran, Iraq, Libya, Sudan, Syria, Pakistan, Saudi Arabia, or Yemen (Bhandar 2004, Roach 2003). The U.S. customs official's surveillance of travellers born in these countries caused controversy because the increased surveillance is based solely on racist understandings of what a 'terrorist' looked like. For the U.S. customs officials a terrorist looked like a brown or 'Arab-looking' man (Bhandar 2004, Roach 2003).

Furthermore, Arab/Muslim travellers from Canada to the U.S. reported increased surveillance, detention, and being denied entry to the U.S. (Bakailan 2009, Cote-Boucher 2008, Bhandar 2004, Roach 2003). The extreme intimidation that Arab/Muslim travellers experienced from U.S. border officials as well as the five day jailing of three Canadian computer scientists led to the Canadian government issuing a travel advisory for Canadian citizens born in predominantly Muslim countries (Roach 2003). While race thinking and orientalism formed the basis for who could be considered a terrorist, what a terrorist looked like, and what was part of a risk profile, it was racialized imperial policies of violence such as fingerprinting and detaining 'high risk' travellers that led to the jailing and removal of racialized groups of Muslim/Arab men at the Canada-U.S. border.

The risk profile builds nicely on the risky refugee trope, where the risky refugee became a stand in for all non-citizens who were considered risky within Canada. Perhaps one of the most disturbing uses of the risk profile, the risky refugee narrative, and the terrorist narrative was the creation of security certificates that is part of the *Immigration and Refugee Protection Act* (which also contains the Safe Third Country Agreement) (Aitken 2008, Razack 2008, Bell 2006). According to the *Immigration and Refugee Protection Act*, the issuing of security certificate permits the detention and expulsion of non-citizens who are

deemed a security threat (Aitken 2008, Razack 2008, Bell 2006). The detainees have no opportunity to be heard before a certificate is issued and much of the hearings are held in secret without the detainee's legal counsel being present (Razack 2008). All non-residents who have a security certificate issued against them must be detained until they are deported, the security certificate against them has been struck down, or until 120 days have passed and they file a successful application for release (Razack 2008). In Razack's (2008) work she highlights the ways that racist and orientalist understandings of Arab/Muslim men informed what was considered risky and how these characteristics were part of a risk profile. These characteristics ranged from one's skin colour, nationality, social group, and even what one is studying (Aitken 2008, Razack 2008, Bell 2006). I believe that this risk profile was the basis for the racialized imperial policies of violence that led to the violences of baseless accusations, imprisonment, deportation, detention, and emotional anguish that security certificates caused.

The racialized imperial policies of violence that Canada enacted due to the securitization of the border and the Smart Border Action Plan not only created everyday violences in racialized Muslim and Arab people's lives, but they also did double duty in helping Canada to try and remove the cloak of risk and danger that it had been dressed in by the U.S. since 9/11 and reassert its legitimacy as a white imperial nation. While many Canadian politicians condemned the racial profiling and restrictive policies that were being used against racialized Muslim groups, many other politicians and scholars supported these policies. Michael Ignatieff who is an academic, an author, and was the Canadian Liberal Party leader from 2008-2011 published *The Lesser Evil* (2004), which was largely supported and seemed to represent the political ideology of the Canadian state. Indeed, the Canadian state can be seen adopting some of Ignatieff's ideology in its support of the war in

Afghanistan (Kreps 2010, Moens 2008, Smith 2007), in its use of security certificates (Aitken 2008, Razack 2008, Bell 2006), and in Canada's response to the torture, detention, and trial of 15 year old Omar Khadr (Shephard 2008, Dore 2007). The *Lesser Evil* argued that Western democracies may have to engage in indefinite detention of 'high risk' persons, pre-emptive wars, assassinations and coercive interrogations to combat terrorism (Ignatieff 2004). He suggested that liberal democracies' freedom was being threatened by 'terrorists' and that these racialized imperial policies of violence may be necessary to take because they are the lesser of two evils (Ignatieff 2004). Underpinning Ignatieff's arguments within his book is the concept of culture clash where Middle Eastern countries are constructed as barbaric, pre-modern, and steeped in culture and Western countries are constructed as liberal, democratic, free, and progressive (Razack 2008). While Magnet's (2011) work points out how the Canadian state underwent racialization and thus shifted its privileged position within the U.S. imaginary after 9/11, Canada's enacting of racialized imperial policies of violence sought to undo this racialization and reassert its whiteness. These policies allowed Canada to do that by drawing on the risky refugee/migrant trope that Canada has historically used, and associating terrorism and risk with Muslim immigrant bodies (Magnet 2011, Jiwani 2011, 2005, Cote-Boucher 2008, Razack 2008). I would argue that this allowed Canada to show how it was non-white, non-'Canadian' bodies that were dangerous, and that the Canadian state in fact, was working with the U.S. to fight these 'threats' in the name of security. Under these policies Canada was able to attempt to distance itself from racialization and the risk associated with it while reasserting its rights to control the movement of migrants. It is on the basis of security, of Canada-U.S. 'cooperation', and of the legitimacy that the Canadian state had granted itself to control often non-white bodies that the Safe Third Country Agreement emerged.

The Safe Third Country Agreement: “None is too many”

In the late 1980s-1990s Canada made a failed attempt to create a Safe Third Country Agreement between the United States and Canada (Abell 1997, Hailbronner 1993). During this time period Sergio Marchi, Canada’s Minister of Citizenship and Immigration stated that a Safe Third Country Agreement would not move forward because “I’m not prepared to water down our standards . . . to satisfy an agreement. . . If their standards are lower, I want theirs brought up to scratch” (Canadian Press 1993). Minister Marchi stated this in 1993 in response to concerns about the United States not adequately providing safety to asylum seekers entering the country (Canadian Press 1993). Less than ten years later on December 5, 2002 Canada and the United States signed a Safe Third Country Agreement (Macklin 2003, Roach 2003). In 2002 as opposed to 1993 the discussion surrounding the Safe Third Country Agreement changed from one about humanitarian responsibilities and high standards to security risks and the control of risky refugees. On December 6, 2001 a Liberal-dominated House of Commons committee recommended that Canada detain more undocumented refugees, more strictly enforce deportation orders, and engage in more intense questioning of undocumented people at the airport (Campbell 2001). Furthermore, Conservative and Liberal politicians at the committee meeting showed their support for the signing and implementation of a Safe Third Country Agreement (Campbell 2001). While some of the parties were calling for even more restrictive refugee policies in the name of security, the Bloc Quebecois and the New Democratic Party were highly critical of both the committee report and the Safe Third Country Agreement (Campbell 2001). According to NDP immigration critic Judy Wasylycia-Leis the report “tips us away from our humanitarian

obligations and away from active protection of human rights... This committee report, along with government actions over the last few days, goes much beyond harmonization and actually takes us into the direction of Americanization” (Campbell 2001). Judy Wasylycia-Leis’ statement called attention to the shifting focus of Canada’s humanitarian obligations to asylum seekers to the restrictive ‘Americanization’ of the Safe Third Country Agreement.

The Americanization of the Canadian refugee system was not the only criticism levelled at the Canadian Liberal party for their desire to follow through on a Safe Third Country Agreement. Both before and after the signing of the Safe Third Country Agreement critics had accused the Canadian government of pursuing this agreement as a way to reduce the number of refugees that Canada had to process instead of actually trying to ‘secure’ the Canadian border in any meaningful way (Macklin 2005, 2003, Cote-Boucher 2008). The NDP party was amongst the most vocal of Canadian political parties to speak out against the agreement stating that it “serves no clear purpose except to cut back on the number of refugees coming to Canada” (O’Neill 2001). While the Canadian government consistently denied that the Safe Third Country Agreement would close off the border to many refugees or that it was serving the purpose of reducing refugees, Minister of Citizenship and Immigration Elinor Caplan did admit that “the numbers that are coming through the United States... to Canada suggests that a safe third country agreement would be beneficial” (Thompson 2001). Caplan did not clarify who the agreement would be beneficial for, however, when we consider that at the time about 60% of the 50,000 asylum seekers that arrived in Canada came through the U.S. first it becomes clear that it was indeed ‘beneficial’ in the eyes of the Canadian government (Humphreys 2002). This was beneficial for the Canadian government as they would not have to process, support, and accept large numbers

of asylum seekers nor pay the costs associated with this processing and supporting (Humphreys 2002). What was 'beneficial' for the Canadian state held a high cost for refugees, particularly those from South America who often travel through the United States on their way to Canada (CCR 2005). Minister Caplan was one of the only politicians who supported the Safe Third Country Agreement to admit that Canada did 'benefit' from the decrease in the number of asylum seekers crossing the border while most politicians simply stated that this measure did not shut down the border and that Canada was still open to asylum seekers.

The Safe Third Country Agreement was signed by Canada's Deputy Prime Minister John Manley and the United States Homeland Security Director Tom Ridge in Niagara Falls amongst much fanfare (Humphreys 2002). Upon signing the agreement Minister Manley reiterated that the agreement was a huge success as it increased the security at the border and prevented refugees from engaging in 'asylum shopping' stating, "It's not a matter of shopping for a country that you want, it's a matter of escaping the oppression that you face" (Humphreys 2002). This statement by Minister Manley accomplishes two things at once. First, the Minister successfully reiterated the risky refugee trope associating refugee seekers with being opportunistic, having false intentions, being sneaky, and trying to take advantage of the Canadian refugee system by suggesting that they shop around. Secondly, Minister Manley also attempts to legitimize the Safe Third Country Agreement by suggesting that asylum seekers should not have a choice in what country they apply for asylum but rather should just be grateful for escaping the oppression that they face. The Safe Third Country Agreement now goes beyond border security and controlling the movement of security threats- it also justifies restrictive policies against refugees that the Canadian government

does not believe deserves to be in Canada. Through suggesting that asylum seekers should have no say or choice in where they apply for refugee status, the Canadian government reinforces its legacy as a colonial and imperial nation determining who ‘deserves’ to be included in the Canadian nation (Thobani 2007). In this statement asylum seekers are not only stripped of their agency and any sense of autonomy they may have in controlling where they choose to locate after fleeing their home countries, but this removal of their autonomy is apparently justified due to the ideology that they should just be grateful that they were able to ‘leave the oppression’ they face in the first place. The statement made by Minister Manley suggests that the Canadian state knows what is best for refugees and that to prevent asylum seekers from being opportunistic and ‘shopping’ around for the best deal the Canadian and U.S. government must step in. This narrative of the paternalistic Canadian state who knows best for the often racialized ‘other’ is reminiscent of the rhetoric that was used during the time period where First Nations children were taken from their families and adopted or placed in residential schools (Wakeham 2011, *Smillie-Adjarkwa 2009*, Miller 2000, 1996, Carney 1995, Zimmerman 1992). In the case of residential schools, the Canadian government forcefully removed First Nation’s children from their homes because they believed even well-meaning First Nation’s families could not be trusted to ‘successfully’ raise their children (Wakeham 2011, *Smillie-Adjarkwa 2009*, Miller 2000, 1996, Carney 1995, Zimmerman 1992). Residential schools also allowed the government to try and “kill the Indian in the child” through cultural genocide and trying to raise First Nations children with white ‘Canadian values’ (Wakeham 2011, *Smillie-Adjarkwa 2009*, Miller 2000, Miller 1996, Carney 1995 Zimmerman 1992). The narrative that was put forth after the signing of the Safe Third Country Agreement followed this narrative in many ways by reiterating the imperialistic role of the paternal Canadian state, reinforcing the risky

degeneracy of asylum seekers, and by forcibly removing often racialized asylum seekers from the Canadian state. This paternalistic attitude of the Canadian and U.S. nation was best exemplified by Tom Ridge when he responded to critic's concern that the Safe Third Country Agreement would negatively impact refugees by stating that both countries would remain welcoming to refugees because "Both countries have big hearts" (Humphreys 2002). With these statements the Canadian Minister and the American Director are able to position the two countries as big hearted imperial nations who were being taken advantage of by risky refugees, thus legitimizing the signing of the Safe Third Country Agreement.

Once it became clear that the agreement was going to be signed overcrowding in refugee shelters and backups at the Canada-U.S. border started to occur. One of the refugee shelters that experienced this overcrowding was Vive la Casa located in Buffalo, New York (Herbeck 2002). Vive la Casa is a shelter that provides assistance and housing for asylum seekers in the United States. Its official capacity is 118, however, at the end of May in 2002 Vive la Casa was providing shelter for nearly 300 asylum seekers (Herbeck 2002). Vive la Casa was not alone in being overcrowded with asylum seekers who were afraid that if they did not get into Canada before the signing of the Safe Third Country Agreement they would be sent back to the persecution that they were fleeing. One of these asylum seekers who was staying at Vive la Casa before the signing of the Safe Third Country Agreement was Nestor and Amanda Victoria and their two young daughters (Herbeck 2002). The Victorias had fled persecution in Colombia where according to Nestor, "I got a phone call threatening my life...I left Colombia after that, and my family wasn't able to join me until eight months later. We have to get into Canada. I can't go back to Colombia. . . . I can't" (Herbeck 2002). While Canadian officials such as Elinor Caplan and John Manley were highlighting the

'benefits' of the Safe Third Country Agreement for the Canadian state, the Victorias story poignantly highlights the high personal cost for those who do not benefit from the Safe Third Country Agreement. In a Canadian made documentary *Seeking Refuge* the cost of the Safe Third Country Agreement was not only someone's autonomy, it was their life. *Seeking Refuge* follows the stories of four asylum seekers within Canada, including a woman named Esly who left Honduras. Esly left Honduras while pregnant with her common law husband after she had been gang raped and their lives had been threatened. Esly and her partner had travelled through the United States first before arriving in Canada. Esly had a cousin in Canada and thus was able to enter into Canada under one of the four exceptions in the Safe Third Country Agreement. Her partner, however, was not allowed to enter Canada due to the fact that they could not prove that they were legally in a common law relationship (which Esly and her husband identified as a marriage). Esly's partner was subsequently sent back to Honduras where he was kidnapped and murdered.

The Victorias' case and Esly and her husband's cases highlight the true violence that racialized imperial policies of violence such as the Safe Third Country Agreement inflict. Not only can a tragedy be seen with Esly losing her partner and her child losing a father, but there is also a queer reading to be made here. In her case, Esly and her partner also paid the price of having a relationship that did not fit into the state sanctioned model of a heterosexual relationship by not being able to *prove* that they were in a legally recognized partnership (*Seeking Refuge*). Esly and her husband's experiences highlight what queer theorists have been noting extensively in North America; that in order to be included within the confines of the nation and to be able to access rights, one often has to fit into a state sanctioned relationship (Josephson 2005, Butler 2002, Cott 2000, Ettelbrick 1997). For those

who do not fit a state sanctioned relationship (read white, monogamous, heterosexual, married, and cis-gender) they often face the burden of having to prove the legitimacy of their relationship to the state (Butler 2002, Boykin 2000, Cott 2000, Ettelbrick 1997). While Canada legally allows for same-sex marriage, the Canadian state does not recognize the multiple partners in a polyamorous relationship (Ashbee 2007, Bala 2005) and engages in intense surveillance measures and citizenship restrictions on marriages where one partner comes from abroad (Curry 2008). As such, while Esly was in a heterosexual relationship she could not prove that it was a legitimate relationship with state papers and state involvement thus, her partner and their relationship were excluded from national belonging. This also falls along racialized and imperial lines where there is a set of different rules for those who are 'Canadian' and those who are not, as common law couples are recognized much more easily within Canada (Bala 2012).

The Safe Third Country Agreement inflicts violence on racialized populations as it predominantly targets asylum seekers who come from South and Central America who often must travel through the United States to reach Canada. According to the Canadian Council for Refugees (CCR) report *Closing the Front Door on Refugees*, the number of refugee claimants at the land border in 2005 had only half as many claims as the year before (CCR 2005, 4). Colombian refugees have been greatly impacted by the Safe Third Country Agreement with only 30% of the number of Colombian refugees making claims in Canada in 2005 as they did in 2004 (CCR 2005, 8). The effects of this are particularly devastating when the acceptance rates between the U.S. courts and Canadian courts are compared for 2004 where the acceptance rate for Colombian refugees in Canada was 81% compared to only 45% in the U.S. (CCR 2005, 9). Additionally there are gendered implications to the

Safe Third Country Agreement as the CCR also noted that the U.S. handling of gender based claims was inconsistent and subsequently women in need of protection were falling through the cracks (CCR 2005, 18). The racialized imperial violences that are produced by the Safe Third Country Agreement continue Canada's long legacy of harming racialized and gendered persons within Canada at the detriment of these people but for the 'benefit' of the Canadian state.

Conclusion

As I noted earlier, racialized imperial policies of violence reassert imperialism while reproducing a state's claim to whiteness. Following the September 11th attacks both Magnet and I have argued that Canada became racialized and associated with risky refugees. The Safe Third Country Agreement, the violence it produced, and the control that it gave the state to decide who dies, who lives, and to systematically reduce the numbers of particular racialized groups of asylum seekers, reasserted Canada's standing as an imperial white nation. It called upon historical imperial practices of stripping the autonomy of racialized persons and of criminalizing and governing racialized persons that is reminiscent of the Canadian state before it became 'tainted' following 9/11. In this way, Canada was able to reimagine itself as 'white' and paternalistic and attempt to repair the fissure that had been created in the U.S. imaginary regarding Canadian dangerousness. It also economically allowed Canada to spend less, as Canada did not have to pay for or support a large number of asylum seekers (Cote-Boucher 2008, Dobrowolsky 2008). While Canada may have had to make concessions and lose some of its sovereignty to finally have a Safe Third Country Agreement between Canada and the U.S., it was certainly a 'beneficial' perk of the new security measures. The Canadian Council for Refugees noted Canada's quest for lower

numbers of refugees naming the Safe Third Country Agreement, “The None is Too Many Agreement” which is a reference to Canada’s refusal to accept Jewish refugees during WWII (“Safe Third Country”). The employment of the Safe Third Country Agreement as a racialized imperial policy of violence allowed the Canadian government to focus on the securitization of the border and statistical representations of refugees. Furthermore, it allowed the Canadian state to wilfully ignore the imminent deaths of refugees that the Safe Third Country Agreement would cause while still allowing the state to call itself “big hearted”. It becomes clear that racialized policies of violence such as the Safe Third Country Agreement must be challenged, and that such challenges have the potential to undermine the white, imperial foundations of the Canadian State.

Chapter Three: The Safe Third Country Agreement Year One Reports: New Policies, Old Constructions

In November 2006, the Canadian government released a first year report of the Safe Third Country Agreement (STCA) entitled, *A Partnership for Protection: Year One Review*. This was a joint review conducted by Citizenship and Immigration Canada and the United

States Citizenship and Immigration Services and was monitored by the United Nations High Commissioner for Refugees (Citizenship and Immigration Canada 2006). A first year report of the agreement was mandated as part of the Safe Third Country Agreement and while the Canadian and U.S. government complied, they did so nearly a year later than the mandated date (Citizenship and Immigration Canada 2006). The report was initially supposed to be released at the end of 2005, however, according to the Canadian government there were some issues with data collection and analysis that resulted in the report on the first year of the Safe Third Country Agreement being released in 2006 (Citizenship and Immigration Canada 2006). The government's year one report outlines what the government considers to be the major successes of the Safe Third Country Agreement including increasing public confidence in the Canadian asylum system, in increasing the 'orderly' management of refugees, of building Canadian-American responsibility sharing and co-operation, and in ensuring the protection of refugees (Citizenship and Immigration Canada 2006).

In response to the government's year one report and their proclamation of the Safe Third Country Agreement as a success refugee rights groups such as the Canadian Council for Refugees and Amnesty International Canada responded with their concerns. Nafziger, refugee co-ordinator for Amnesty International Canada, pointed out the short-comings of the government report, "Yes, the report reviewed what the agreements meant to do, but it didn't look at whether it's something right or wrong to do. We fundamentally object to the existence of the agreement because it's based on the premise that Canada and the U.S. share the same protection for asylum seekers" (Keung 2006). The Canadian Council for Refugees also chose to respond to the government's year one report by creating a year one report of their own entitled, *Closing the Front Door on Refugees*. Unlike the Canadian government's

year one report, the CCR's report was completed within the first year timeline. The Canadian Council for Refugees is one of the leading refugee rights organizations within Canada and seeks to engage in networking, information-exchange, and advocacy on behalf of refugees within Canada. The Canadian Council for Refugees report was in stark contrast to the government's report stating that the Safe Third Country Agreement was both a failure and a "silent killer" (CCR 2005, iii).

Within these reports are two main actors, the Canadian state ('Canada') and the refugee. This chapter seeks to look at how the Canadian state and the refugee are constructed within the Canadian government's year one report and the Canadian Council for Refugees' year one report. I will examine the ways that state exaltation shapes these constructions of the state and the refugee, and the way that the discourses about the Canadian state and the refugee are racialized and gendered. The government's year one report has subsections for both Canada and the United States, however, for the purpose of this analysis I will be focusing only on the Canadian section of the report. I have chosen to focus specifically on the Canadian section as it provides an insight into the ways in which the Canadian government wants to shape the discussion about the Safe Third Country Agreement, and about the role that the Canadian state and refugees play in it. The ways that the government has chosen to portray itself, refugees, and the Safe Third Country Agreement (which I will explore in this chapter) in the report can help to elucidate how the Canadian state imagines (or wants to imagine) itself, and also what role it sees refugees playing in this imaginary. The Canadian Council for Refugees' report offers a different perspective on the Safe Third Country Agreement, the Canadian state, and the refugee by providing an analysis from the non-dominant positions of refugees and advocates. I hope to show in my analysis of the

Canadian government's report and the Canadian Council for Refugees report the ways in which exaltation shape national discussions and constructions, and how competing discourses about refugees and the Canadian state can create spaces for resistance and change. Finally, I seek to put forth suggestions about how we speak about refugees and the discourses surrounding refugees that challenge state exaltation and state violences.

Exaltation and Canadian Constructions

When thinking about the ways that the Canadian state and the refugee are constructed within the government report and the Canadian Council for Refugees report, Sunera Thobani's conceptualization of state exaltation is useful to help understand these constructions. Exaltation is a process that is embedded in colonialism, whereby the nation and the 'national' are deemed superior (Thobani 2007, Bannerji 2000). For Thobani, all examinations of the nation and exaltation "requires the highlighting of the complex racial hierarchy developed by colonizing powers that introduced and sustained force relations not only among settlers and aboriginal peoples but also among the other racialized groups ranked in the Canadian hierarchy as lower than whites but higher than aboriginal peoples" (Thobani 2007, 17) Within Canada, exaltation is a racialized process that affords the 'white' Canadian state power and also perpetuates Canadian colonialism. Simpson *et al.*'s (2011), Thobani's (2007), Razack's (2008, 2004, 1998), and Bannerji's (2000) work deal explicitly with the ways in which Canada and Canadians ignore their colonial history while still having colonialism shape the majority of the relationships between the government and racialized persons, immigrants, refugees, and Aboriginal peoples.

Colonialism and exaltation shapes the Canadian state's relationships with racialized persons within Canada, including refugees, immigrants, and Aboriginal peoples, by affording the Canadian state the power to create and determine discourse (Thobani 2007, Mackey 2002). As such, the Canadian state is able to tell a particular story about Canadian 'tradition' and 'values' that ignores and erases Canadian colonialism (Simpson *et al.* 2011, Razack 2008, Thobani 2007, Mackey 2002, Bannerji 2000). One of the narratives state exaltation allows the Canadian state to tell about itself is that Canada is a 'nice' and 'humanitarian' nation (Razack 2004, Mackey 2002). Razack discusses the ways that Canadian niceness and Canadian state exaltation operate in her work on Canadian peacekeepers in Somalia (Razack 2004). In her discussion on the Somali affair and the national mythology of Canadians as kind peacekeepers, Razack complicates these tidy constructions by highlighting the racial context of peacekeeping and the way it contributes to the national story (Razack 2004). For Razack, peacekeeping is a construction that allows white Northern states to secure their identity and allows for "the articulation of Canada as a middle-power nation that is nicer and less aggressive than the United States. Never having been a colonial power or engaged in aggressive occupations...Canadians are content to see themselves as playing a secondary, more innocent role in world affairs..." (Razack 2004, 33). Thus, exaltation allows the Canadian state to construct itself as kind and caring, especially when the Canadian state is coming into contact with racialized 'others'.

Exaltation often leads to the concept of culture clash whereby Canada and other Northern and white nations are constructed as superior in relation to the 'barbaric', 'chaotic', and 'repressive' south/east (Razack 2008). Razack explores the ways that culture clash creates racist policies for racialized peoples in her work *Casting Out: The Eviction of*

Muslims from Western Law (2008) and *Dark Threats and White Knights* (2004). In *Casting Out*, Razack traces the ways that culture clash plays out along racialized lines where the white, 'superior' Canadian state must protect Canadians from brown, Muslim 'terrorists', must protect brown women from brown men, and also must protect women in Canada from the threats of Islam (2008). One of the most violent outcomes from this conceptualization of culture clash is the security certificates that are issued against Muslim men (Razack 2008). The power of exaltation allows the government to frame those who have security certificates issued against them as violent, while the Canadian state maintains its position as superior, despite the immense violence that the certificates create. Razack also explores the way that culture clash was used during the Somali affair when she discusses how the Canadian peacekeeper's violence was explained in Canadian discourse (2004). In trying to understand how the 'superior' Canadian peacekeepers could commit such atrocities the concept of culture clash and exaltation was used to describe the global south and the people of Somalia as 'evil' and 'barbaric' (Razack 2004). As a result, the Canadian peacekeepers who committed these acts did so because of the trauma and "brushes...with southern evil" (Razack 2004, 30). In this way, Canada maintained its exalted status through the employment of culture clash and trauma narratives (Razack 2004). These examples highlight the power that exaltation gives the Canadian state in allowing the Canadian state to put forth the dominant narrative of Canada as kind, superior, and humanitarian.

Exaltation reveals itself not only in the ways that the Canadian nation is able to construct itself as superior, but also in what stories and narratives are heard and seen and which ones are erased. The processes of exaltation creates multiple axis of violence that disproportionately affect racialized, gendered, sexualized, and othered groups of people

within the Canadian geopolitical landscape (Thobani 2007, Jiwani 2006). Yasmin Jiwani speaks to these violences and the ways that they are erased in her work *Discourses of Denial* (2006). Jiwani states,

“It is the normalization of violence that renders it invisible, or only visible under certain conditions and within prescribed definitions. Hence, the violence of colonialism, of nation building, are made invisible. Similarly, the violence of racism, sexism, ableism, and other structures of domination are veiled from view, leaving only the most explicit traces of victimization, which are subsequently subsumed and marginalized in the subjugated discourses of the communities so affected” (9)

What Jiwani points to in the above passage is the common occurrence of invisibilization within both the Canadian nation and state policies that create the space for structural and material violence to occur (Jiwani 2006). Furthermore, it highlights how exaltation creates a space for dominant discourses that are produced by the Canadian nation to be heard while the stories and narratives from refugees and racialized persons are erased or silenced.

Exaltation not only allows the Canadian state to determine how the Canadian state is constructed (superior, kind, humanitarian), what stories get told and what stories get erased, but also determines what language is used to construct and talk about the Canadian state, Canadian policy and racialized others. In her work, *Sex and Death in the Rational World of Defense Intellectuals* (2001), Carol Cohn discusses the role that rational language plays in erasing state violence and loss of life. Cohn talks about how rational ‘technostrategic’ language is used to erase emotion or personal loss in the discussion of mass killings and nuclear bombing. Using rational language such as ‘clean bombs’ to describe non-nuclear

bombs highlights how rational language removes the personal from discussions of policies that affect people and instead puts the discussion into the realm of the abstract. Furthermore, Cohn's discussion points out the way that rational language is a tool that is utilized by exalted states to define whose safety matters and whose security gets considered. In Cohn's work, the security of the U.S. is of paramount importance and the safety of those who are being killed by 'clean bombs' is erased and deemed unimportant. As such, Cohn's work shows the ways that state exaltation utilizes rational language to erase the personal costs of those who are not part of the exalted state for the benefit of the exalted state. When considering how the process of exaltation shapes the Canadian government's constructions of the Safe Third Country Agreement, refugees, and the state itself, I will use the government's year one report to highlight the different ways exaltation reveals itself through what language is used, who gets to access the realm of safety, and who's stories or responsibilities gets erased.

The Canadian Government: A Partnership for Protection: Year One Review

Culture Clash: Exalted Canada and Risky Refugees

The images of Canadians as kind and friendly are abundant and are key to Canadian nationalism and mythology (Magnet 2011, Karim 2009, Millard *et al.* 2002, Ferguson 1997). A particularly salient example of this construction of the 'nice Canadian/nice Canada' can be seen in the beer company Molson Canadian's advertisement, *The Rant*. *The Rant* is a commercial where a white male actor who is called the average Joe speaks in front of a movie theater screen about 'being Canadian' while iconic Canadian images play behind him. At one point 'Joe' states, "And I don't know Jimmy, Sally, or Suzy from Canada although

I'm certain that they're really, really nice...I believe in peacekeeping not policing, diversity not assimilation..." (*The Rant* 2001). While Joe admits that he does not know Jimmy, Sally, or Suzy he can be sure that they are very nice people based on the fact that these people are Canadian. What Joe and the *The Rant* point to is a crucial sentiment and construction in the Canadian mythological identity; that Canada and by default Canadians, are kind, tolerant, multicultural loving peacekeepers (Magnet 2011, Karim 2009, Jiwani 2006, Razack 2004, Millard *et al.* 2002, Bannerji 2000, Ferguson 1997). This narrative is constantly being reiterated by the Canadian state, and can be seen in relation to refugees and the Safe Third Country Agreement in surprisingly similar ways as *The Rant*. While the Canadian government did not hire the Molson Canadian advertisers to write their Safe Third Country Agreement year one report, this nationalistic sentiment is present from the very beginning of the report. In the introduction the report states, "Canada and the U.S. are both committed to their international obligations towards refugees, which reflect their enduring humanitarian tradition and values of compassion and fairness" (Citizenship and Immigration Canada 2006, 1.0). The government's assertion that Canadian and American values are based on fairness and compassion highlights Thobani's (2007), Razack's (2008), and Simpson *et al.*'s (2011) discussion of the way that exaltation obfuscates Canada's and America's values and traditions of colonialism and imperialism. As such, in the above sentence, the Canadian state is exalted as the state is associated with fairness and humanitarianism despite the fact that statistics within the report and analysis by the CCR show that the Safe Third Country Agreement and the government are far from humanitarian (CCR 2005). The CCR report shows (which I will explore later in this chapter) that the Safe Third Country Agreement has deadly consequences for (racialized) women and racialized refugees.

This construction of the Canadian state as fair and kind can take place despite the evidence that this policy has deadly outcomes for gendered and racialized persons because of the process of exaltation. As noted by Razack (2008), Thobani (2007), Bannerji (2000), exaltation is the process whereby the Canadian state and 'white' Canadians are deemed superior and good, and have the power to create and determine discourse. As such, the Canadian state is able to tell a particular story about Canadian 'tradition' and 'values' that ignores the facts in the report and that erases the Canadian tradition of colonialism. Thus, in the very beginning of the report the Canadian state has exalted itself as fair and kind and also framed the discussion about the Safe Third Country Agreement and refugees in a way that removes the colonial context of the government's relationship with racialized others.

What is particularly interesting in the government's statement is unlike *The Rant*, which differentiates Canadians from Americans, this particular dialogue collapses Canadians and Americans into the same category of 'niceness'. The collapsing of the American and Canadian state into the same category was likely done purposefully and strategically in response to the promotion of the Safe Third Country Agreement as partnership building (CIC) as well as the criticism that was emerging from NGOs and scholars regarding the actual safety of the United States for refugees (CCR 2005, Macklin 2005, 2003, Roach 2003). This deviates away from the traditional ways that Canada has constructed itself as different from the United States; as just a little bit kinder and a little bit nicer (Razack 2004, Mackey 2002, Millard *et al.* 2002, Lipset 1990). As noted in Razack's work on the Somali Affair, the construction of Canada as nice and less aggressive than the United States is what helped to assuage public outrage and insecurity following the aftermath of the Canadian peacekeepers role in the torture of Somali citizens. It is this niceness and exaltation too, that

allows the Canadian state to reiterate its humanitarianism, its commitment to refugee protection, and to refer to the Safe Third Country Agreement as ‘reasonable’ and ‘appropriate’ despite evidence to the contrary (Citizenship and Immigration Canada 2006). However, Canadian niceness does change in the report in some ways from Razack’s discussion of peacekeeping. In the report and post-9/11 Canadian niceness is hardened, I would argue, by associating Canada with the United States. In this way, Canada is not just a peacekeeping country, but rather a strong partner that is similar to the United States when it comes to the “orderly handling of refugees” (Citizenship and Immigration Canada 2006, 1.1). This ‘toughening up’ of Canadian niceness by associating Canada with the United States serves to shore up support for Canada as an ally to the United States and as serious about security in the post-9/11 landscape (Magnet 2011, Bhabha 2003). This association of Canada with the United States also proved useful in ‘softening up’ the United States so that their mistreatment of refugees after the terrorist attacks could be overlooked and ignored (Bhabha 2003). What this shift highlights, are the ways that exaltation (Thobani 2007) allows northern states imagined to be white to create, reinforce, and *change* national discourses while still being able to maintain an image of superiority, power, and ‘niceness’ (Thobani 2007). It also shows the power that the Canadian state has to shape the dominant discourse in refugee policy about its role and image in relation to the Safe Third Country Agreement. In the government’s year one report the Canadian state can be both ‘fair’ and ‘tough’ on the refugees that they deem as bogus (Citizenship and Immigration Canada 2006).

The framing of the Canadian government as kind, fair, and firm follows the script that is outlined in what Razack (2008) calls a culture clash between the Canadian state

(western states) and the Middle East. As noted by Razack, exaltation often leads to culture clash whereby Canada and other Northern and white nations are constructed as superior in relation to the ‘barbaric’, ‘chaotic’, and ‘repressive’ south/east (2008). This concept of culture clash is present within the report and is exemplified when the government states, “The complexity and disorderly nature of contemporary mixed immigration flows increases the burden on states by making it more difficult for states to properly distinguish between refugees who need protection and other migrants, resulting in significant strains on asylum systems” (Citizenship and Immigration Canada 2006, 1.1). In this passage refugees are constructed as disorderly, complex, and as significant strains. Furthermore, the government suggests that the Canadian system itself is not disorderly but rather that it is the disorderly nature of refugees that causes the system to be ineffective and over-burdened (Citizenship and Immigration Canada 2006, 1.1). It is in this construction of refugees as disorderly and of the Canadian state as organized that we can see how Thobani’s (2007) concept of exaltation allows the Canadian state to define racialized asylum seekers of the global south in opposition to the Canadian state that is now not only kind, but also naturally organized and efficient. This construction of the Canadian state as organized remains within the report despite the fact that the Safe Third Country Agreement made the asylum system more disorderly resulting in increased assessment times, confusion amongst lawyers and NGO’s, and appears to have contributed to an increase in human trafficking (CCR 2005, Macklin 2005).

The concept that there is a ‘clash’ between the Canadian state and the refugee is put forth in the report, I would argue, to justify the regulation of racialized bodies by the ‘white’ Canadian state. As noted by Thobani, exaltation is a racialized process where non-white

bodies' access to national belonging and citizenship is based on a colonial racial hierarchy that reinforces white state domination at the expense of racialized persons (2007). This racial hierarchy shapes the ways in which the Canadian government speaks about refugees in the first year report. For example, we see that this report treats refugees as a group that is meant to be managed and controlled. Consider the following quotation,

“Canada and the U.S., like other developed countries, face challenges in monitoring pressures on domestic refugee protection systems resulting from the global growth of migration...As part of these mixed flows, some migrants attempt to make use of refugee protection systems to secure entry to developed countries. In addition, some asylum seekers may pass up earlier opportunities to obtain protection in order to claim refugee protection in a country of their choice, often for reasons unrelated to a need for protection...”(Citizenship and Immigration Canada 2006, 1.1).

In this quotation, the government is rearticulating the notion of the risky refugee. In my previous chapter, I discussed how refugees are constructed as risky based on racialized and gendered characteristics (Dobrowolsky 2008, Razack 2008, Ibrahim 2005, Macklin 2005, 2003, Thobani 2000). They are seen as posing risks to the economy, to social systems, to public health, as being more likely to commit crimes, and since September 11th, are constructed as terrorists (Dobrowolsky 2008, Razack 2008, Ibrahim 2005, Macklin 2005, 2003, Thobani 2000). This concept of the risky refugee is rearticulated in the government's report and the above passage as the state is delegitimizing asylum seekers claims by suggesting that many refugees are really economic migrants. As noted by the government, these 'bogus' refugees pass up earlier opportunities for asylum and are trying to cheat their way into the system by accessing the asylum system instead of the immigration system

(Citizenship and Immigration Canada 2006). Thus their attempt to enter Canada is based on 'choice' and not protection.

Constructing these asylum seekers as risky and devaluing their claims by suggesting that they are really economic migrants reinforces culture clash narratives of Canada as lawful and of refugees as criminal, and justifies the subsequent state monitoring of refugees. As noted in the above passage, the government constructs Canada as a developed country and also suggests that Canada needs to monitor the movement of often non-white bodies. This notion that refugees need to be 'monitored', 'identified', and 'controlled' is reiterated countless numbers of times within the government's report (Citizenship and Immigration Canada 2006). The process of exaltation that reifies the Canadian state as kind and fair and reinforces the notion that racialized asylum seekers are 'risky' draws attention to the colonial nature of exaltation. The Canadian state has a long historical relationship with the colonial process of 'monitoring', 'controlling', and 'identifying' racialized bodies (Simpson *et al.* 2011, Alfred 2009, Thobani 2007, Alfred and Corntassel 2005, Chrisjohn and Younge 1997). A clear articulation of this is the way that the Indian Act in Canada has focused on 'identifying' who is 'truly' an 'Indian' under Canadian law, on 'managing' the reserves, and on 'controlling' resources and funding (Simpson *et al.* 2011, Alfred 2009, Alfred and Corntassel 2005, Chrisjohn and Younge 1997). As noted by Thobani, you cannot look at Canadian exaltation outside of colonialism and the language that is present within the first year report is undeniably colonial (2007). The parallels that can be drawn between the process of monitoring and managing Indigenous bodies and refugee bodies highlights the deadly nature of exaltation. Exaltation is born in colonialism as colonialism shapes the white Canadian nation's relationships with all peoples in Canada (Thobani 2007, Bannerji 2000).

Furthermore, exaltation perpetuates colonial relationships by reinforcing exalted characteristics of superiority onto the Canadian nation that legitimizes the Canadian state's control of racialized bodies (Thobani 2007, Bannerji 2000).

State Erasure

Exaltation leads to the construction of refugees as risky and of the Canadian nation as a kind colonial power (Razack 2008, Thobani 2007, Bannerji 2000). This process of exaltation also shapes whose story gets told and how (Thobani 2007, Jiwani 2006, Bannerji 2000). As evidenced in Jiwani's work, exaltation often leads to the violent erasure of marginalized peoples' stories, experiences, and voices (2006). With respect to the government's year one report, this erasure is accomplished through the exaltation process that allows the government to tell the Safe Third Country Agreement's story in a way that erases the violences that it creates (Jiwani 2006). In the government's report the government states, "The ongoing collaboration has made an important contribution to the success of the Agreement and has in turn contributed to securing public confidence in the fairness and merits of the agreement" (Citizenship and Immigration Canada 2006, 2.5). There are several more statements to this effect throughout the report highlighting the success of the agreement and the increase in public confidence in the asylum system (Citizenship and Immigration Canada 2006). There is nowhere in the report and no addendums or appendixes that show evidence that there was a lack of public confidence in the asylum system in the first place or that the Safe Third Country Agreement has done anything to increase public confidence (Citizenship and Immigration Canada 2006). Furthermore, the Canadian government does not expand on who the 'public' is and never conducted a referendum to determine what the public's concerns are.

When determining who the ‘public’ is that the government is referring to and what their concerns are it is useful to consider who the Safe Third Country Agreement affects. The Safe Third Country Agreement disproportionately affects Colombian and (Colombian) female asylum seekers as the United States asylum system does not grant protection to these groups nearly as effectively as Canada has (Hamlin 2012¹, 2012², Arnett 2005, CCR 2005, Macklin 2005, Asthana 2001). Female asylum seekers fleeing gender based violence and Colombian (including female Colombian) asylum seekers have a higher chance of having their claims denied in the United States, of being detained, and of being deported (Hamlin 2012¹, 2012², Arnett 2005, CCR 2005, Macklin 2005, Asthana 2001). As such, it is unlikely that the government was referring to the public confidence of asylum seekers in Canada, of Humanitarian or Refugee advocacy groups, or of the public confidence of immigrants. Thobani (2007), Jiwani (2006), Mackey (2002), Razack (2008, 1998), and Bannerji (2000) highlight that often how the government determines who the public is and what the public wants is based on a white, colonial, masculinist perspective. Thobani highlights how the ‘public’ in Canada is often white and masculine in state policy in her discussion of Canada’s Immigration Policy Review in the 1990s (2000). In the case of the Immigration Policy Review, Thobani argues that the national discussion of Canada’s immigration system was based on a sexist and racist construction of the Canadian state as white and male and of Canada’s immigration problem as immigrant women of colour (Thobani 2000). She notes how the ‘public’ discussions never included Canadians of colour as they were constructed as outsiders to the ‘white’ Canadian state (Thobani 2000). In the case of the Safe Third Country Agreement, the government is erasing the experiences of racialized and gendered asylum seekers, refugees, and members of the Canadian ‘public’ and instead focusing on the exalted members of the public’s (read white, colonial, and male) confidence in the asylum system.

Given that the exalted members of the public have often harboured anti-immigrant and anti-refugee sentiment it is not surprising then that the government would say that the agreement has restored the 'publics' confidence in the asylum system as the Safe Third Country Agreement drastically reduces the number of refugees that make it to Canada (Cote-Boucher 2008, Thobani 2007, Ibrahim 2005, Li 2003, Esses *et al.* 2002).

The above passage also shows the government's determination of the Safe Third Country Agreement as a 'success' (Citizenship and Immigration Canada 2006). The initial purpose of the Safe Third Country Agreement according to the government was to increase co-operation between Canada and the U.S. through responsibility sharing, 'strengthen the integrity of the institution of asylum', increase public confidence in the asylum system, and create a more efficient way to monitor and manage refugee flows (Citizenship and Immigration Canada 2006). The report does not provide much support to suggest that the government successfully accomplished any of these objectives. The Safe Third Country Agreement at the time of the report increased refugee processing times and created mass confusion amongst border staff, asylum seekers, NGO's, and lawyers (CCR 2005, 27). In terms of strengthening the integrity of the system, the government was not very clear on what this meant and the CCR notes that the Safe Third Country Agreement likely increased the amount of human trafficking after it was implemented (CCR 2005). Lastly, since it was unclear if there was a lack of 'public confidence' in the asylum system in the first place, it is very difficult to objectively determine if the Safe Third Country Agreement has done anything to increase it. As such, the only thing that the Safe Third Country Agreement can be determined successful at is drastically reducing the numbers of refugees, particularly Colombian refugees. According to the CCR's report on the Safe Third Country Agreement

in 2004 3,521 Colombian refugees made a claim at the Canada/U.S border (CCR 2005, 8). In 2005 the projected number of Colombian asylum claims at the Canada/U.S. border was 852 (CCR 2005, 8). This is a drastic difference of 2,669 people (CCR 2005, 8). These numbers indicate the real ‘success’ of the Safe Third Country Agreement which is the reduction of racialized refugees and the erosion of Canada’s responsibility towards refugees.

The government’s report does not address how the Safe Third Country Agreement has specifically affected different groups of asylum seekers, and largely collapses all asylum seekers into one homogeneous group. The government report does address the gendered impacts of the Safe Third Country Agreement stating, “Initial evidence has not shown that the Agreement impacted claimants of different genders in a substantially divergent manner” (Citizenship and Immigration Canada 2006, 4.3.2). While the percentage of female asylum seekers did not negatively change after the implementation of the Safe Third Country Agreement, real numbers of asylum seekers was drastically reduced after the implementation of the Safe Third Country Agreement from 8,896 in 2004 at the land border to 4,033 in 2005 (CCR 2005, 3). Given that the U.S. asylum system is notorious for not protecting female asylum seekers adequately in relation to gender-based violence (Hamlin 2012¹, 2012², Arnett 2005, CCR 2005, Macklin 2005, Asthana 2001), it appears that the Canadian government chose to erase the gendered impacts of the Safe Third Country Agreement. It is clear when looking at the Safe Third Country Agreement that the government produces discourses that actively erase racialized and gendered asylum seekers. It physically erases them by creating impediments for them to actually remain within the Canadian border and it erases them by ignoring the racialized and gendered inequalities of the Safe Third Country Agreement (Macklin 2005, 2003). Perhaps most disturbingly, is that the report makes no

mention of the potential deadly implications that the Safe Third Country Agreement has for persons who are in need of protection but unlikely to find it in the U.S. asylum systems (Citizenship and Immigration Canada 2006). The violence that is produced then, is both the discursive erasure of the systemic inequality reproduced by the Safe Third Country Agreement and the material erasure of asylum seekers from the Canadian nation (Macklin 2005, 2003). This process of erasing refugee's stories and bodies from the state while calling the agreement a success and as increasing the public's confidence highlights the high costs racialized and gendered persons pay for this process Thobani (2007) calls state exaltation, as state exaltation allows the Canadian government to tell a particular story about the Safe Third Country Agreement. This story erases state violence, the negative consequences for asylum seekers, and allows the government's story to be the dominant one, thus leaving the violences of the Safe Third Country Agreement unchallenged.

The Rational Language of State Exaltation

As noted by Jiwani, the process of erasing the violence that comes from nation building and structures of oppression occurs when these structures and violences are made invisible (2006). One of the ways that the erasure and invisibilization occurs is through the utilization of rational language. As noted by Cohn, rational language often removes the personal from policy decisions and state violence and moves the discourse into the realm of the abstract (2001). In the government's report the government states, "Since the implementation of the Agreement, there has been a significant decrease in the number of refugee claims made at the land border. This has allowed the government to better manage claims at the land border" (Citizenship and Immigration Canada 2006, 4.3.1). The government speaks about the significant decrease of refugee claims at the Canadian border

and refers to this as a success to better ‘manage claims’ at the border (Citizenship and Immigration Canada 2006). What is not being said in this report, and what rational language such as ‘manage’ allows to be erased, is the personal cost of such staggering decreases in claims. For those fleeing persecution, gender based violence, assault, and death, a decrease in claims and acceptance has serious material costs. Better bureaucratic management of ‘refugee claims’ and the language that masks the human cost of such ‘management’ serves, I believe, a purpose for the Canadian state. When the personal costs of the Safe Third Country Agreement are removed from the discussion and rational language is employed, the Canadian state is imagined to be outside of state violence, rape, torture, emotional turmoil, and the death of the asylum seekers that do not make it past the border for the sake of better management and bureaucracy (Ehrlich 2008, Van Djick 2008, 1992, Cohn 2001). Such a staggering decrease in refugee claims (as noted by the CCR report) does not cause alarm when the discussion is framed with abstract language that makes the issue about management, strategy, and orderliness instead of persecution, protection, and humanitarian responsibilities.

The government employs rational language throughout the report to remain unimplicated in the violence that emerges from the systematic erasure of refugees from the Canadian landscape and the state violence produced by the Safe Third Country Agreement. The government states, “The transparent and consultative process that characterized the development of this agreement continued after implementation” (Citizenship and Immigration Canada 2006, 2.5). Later in the report the government adds, “The agreement creates a binding cooperative regime that concretely allocates responsibility for the adjudication of refugee status claims based on objective criteria while ensuring that asylum

seekers have access to a fair and full protection process...” (Citizenship and Immigration Canada 2006, 3.1). Statements such as these are present throughout the report and are jargon heavy and lack concrete examples. As such, it is not surprising that the UNHCR asked the Canadian government to use more accessible language in their reports and in the information that they provide for asylum seekers and NGOs (Citizenship and Immigration Canada 2006, 4.2.2). I do not believe that this jargon filled language is accidental but is rather deployed to lend authority to the state. This process of gaining authority based on the employment of rational language has historically been both gendered and racialized, where white men have occupied the rational and thus authoritative position (Mills and Mullany 2011, Ehrlich 2008, Van Djick 2008, 1992, Cohn 2001). The positioning of the state as an authority and as the users of rational language allows the government to state that the criteria for the Safe Third Country Agreement is ‘objective’ and ‘fair’, and that subsequently so is the Canadian state (Citizenship and Immigration Canada 2006). This use of rationality to designate the Canadian government as fair and thus not to blame for the violence that may happen to asylum seekers due to the Safe Third Country Agreement is part of the exaltation process (Thobani 2007). Thobani argues that exaltation gives the Canadian state the power to name, describe, and imagine, to determine what characteristics are exalted, to apply these exalted characteristics to all of the state’s actions, to determine and construct dominant discourse, and to maintain that they are unimplicated in systems of violence (2007). The employment of rational language and the authority that is associated with it that gets used in the government’s report maintains the Canadian states exalted status and removes the personal cost of the Safe Third Country Agreement for Refugees.

The Canadian Council for Refugees: *Closing the Front Door on Refugees*

The Canadian Council for Refugees report provides a case study of how dominant discourses of state exaltation (such as the kind exemplified in the government's report) can be challenged. I hope to highlight how bringing personal narrative into refugee and Safe Third Country Agreement discourse can offer sites of resistant for asylum seekers, refugees, and their allies. Finally, the CCR report can also shows some of the difficulties of challenging state exaltation by still reiterating troubling gendered narratives about refugees.

The Silence of Security

The Safe Third Country Agreement emerged out of a security rhetoric following the September 11th attacks (as explored in the previous chapter), and the Canadian government's report builds on this rhetoric with their reiteration of the need for protection. This protection by the state is for Canadian citizens and the state as well as refugees who are seeking protection (Citizenship and Immigration Canada 2006). When looking at how state security and protectionist discourses operate it is important to ask who is the state protecting? Whose security matters? The CCR's report would suggest that refugee's protection and safety is of little concern and of little value. While the government's report may utilize protectionist discourse, the Safe Third Country Agreement does very little to protect refugees (Citizenship and Immigration Canada 2006). This calls into question the whole concept of security and the ways that 'security' for some can create insecurity for others (Magnet 2011, Cote-Boucher 2008, Neocleous 2008, Ibrahim 2005, Roach 2003). In the CCR report the CCR states, "It is no exaggeration to describe safe third country as a 'silent killer'" (CCR 2005, iii) Feminist critical security studies theorists take up this notion of silence and (in)security and these themes are particularly prominent in Lene Hansen's work *The Little Mermaid's Silent Security* (Hansen 2000). Hansen challenges the field of critical security studies

reliance on speech acts, arguing that in many cases women are constrained to speak their security and thus are “prevented from becoming subjects worthy of consideration and protection” (Hansen 2000, 285). Furthermore, Hansen highlights the many cases where remaining silent is security for women. She points to cases where women who have reported their rapes in Pakistan have experienced both legal and familial threats to their well-being and lives (Hansen 2000). In cases such as these, silence may in some ways keep women safer in the moment even though not addressing these issues does little for women’s security more broadly.

Hansen’s critiques of the conceptualization of security in critical security studies and in the ways that gender is often erased or not spoken about in security studies, is present within the CCR report. I would argue, and the CCR report shows, that gender is not the only category that gets subsumed and silenced in security studies, so does race. The CCR frames the Safe Third Country Agreement and many of the provisions emerging from the Smart Border Action Plan as interdiction measures and states,

“The effects of interdiction is to render the human rights violations suffered by asylum seekers invisible in the country of intended asylum since they never arrive. Thus, the impact of safe third is largely invisible: there are no media reports about individuals being deported to the threat of death or torture; citizens do not lobby on behalf of families who never make it here (CCR 2005, iii).

The report is highlighting the hole that Hansen notes in her discussion about the limits of security, where the absence of the ability to contribute to the public discourse on security renders refugees’ security invisible (Hansen 2000). This in turn, makes asylum seekers

situation even more perilous as their security is threatened within the countries they are fleeing from and also in the countries that they are seeking asylum in, as the laws and policies do not work to ensure their security (CCR 2005). The Safe Third Country Agreement does very little to ensure the security of refugees as it makes crossing the border perilous, increases the wait times and emotional trauma (due to increased interrogations and the fear of being denied or deported) for those being processed, and ensures that many asylum seekers who would otherwise qualify for refugee status in Canada do not get here (CCR 2005). As such, the ability to speak and name security is a crucial part in being able to access and obtain security (Hansen 2000). This is where we can see the power of state exaltation emerging once again, as the state is able to control the security discourse and thus erase the security concerns of gendered and racialized refugees in place of the white Canadian nation.

The CCR report, like Hansen, notes the especially difficult position that female asylum seekers are put in as a result of the Safe Third Country Agreement (CCR 2005). For women fleeing gender based persecution, Canada's asylum system is much more likely to protect them than the U.S. system (Hamlin 2012¹, 2012², Arnett 2005, CCR 2005, Macklin 2005, Asthana 2001). However, the Safe Third Country Agreement makes it difficult for many women to apply for asylum in Canada. According to the UNHCR (as cited in the CCR report), "Interception on land and at sea, security checks and other measures have made legal access to a territory where asylum can be claimed increasingly difficult. Resort to smugglers has increased as has exposure to trafficking of women and children..." (CCR 2005, 6). The CCR report goes on to highlight testimonials from NGOs about cases where they believe smuggling to have been used (CCR 2005). The government report only speaks of smuggling

in the criminalistic sense, speaking about how there has not been an increase in smuggling charges (Citizenship and Immigration Canada 2006). While the government claims that the Safe Third Country Agreement 'secures' the Canadian asylum system as well as the Canadian and U.S. state, it becomes clear that the Safe Third Country Agreement has created greater insecurity for women who are already vulnerable by increasing their risks of exploitation, denial, and deportation (Asthana 2011, CCR 2005, Macklin 2005).

Furthermore, as Hansen discusses, in the case of smuggling for many women silence is security. Whatever abuses these women experience at the hands of the smugglers (and the CCR notes that many women have experienced abuse) the women are unable to pursue charges or any recourse for these violences when they arrive in Canada or the United States (CCR 2005). If a woman were to speak of the abuse or report it to the Canadian state she risks being detained and deported for illegally entering the country (CCR 2005, Macklin 2005). This creates a catch 22 for women; in order to flee persecution and insecurity from their home country they must leave for another country, but in order to enter that country and avoid being prevented entry due to the Safe Third Country Agreement a woman must pursue dangerous means of entry and remain silent about it. This is dangerous for women as their lives are perilous and insecure even when living in Canada as they are here illegally.

Furthermore, it is also dangerous because their stories remain absent from the national discourse out of necessity to ensure their ability to continue living in Canada (CCR 2005, Macklin 2005). As such, security is a dubious term that has very different gendered impacts for asylum seekers.

Security is not merely the absence of persecution and torture but also the freedom from racism, sexism, discrimination, and access to equal education, meaningful employment

opportunities, and state resources (Hansen 2000). This does not seem to be the case for asylum seekers in Canada, “Deterrence measures and other restrictive policies mean that many asylum seekers in many countries face detention, poverty, lack of legal aid, broad ineligibility criteria and narrow interpretation of the refugee definition, xenophobia and racism, and the risk of deportation” (CCR 2005, 7). These challenges that face refugees, particularly, female and (female) racialized refugees, highlights the limits and failures of the concept of security. The main issue that I see with the concept of ‘security’ is that who gets to define, determine, and access the realm of the safe or secure falls along gendered, sexualized, classed, racialized, and ableist lines (Van Djik 2008, Macklin 2005, Hansen 2000). In such cases, it is those who are ‘othered’ that always remain outside of both the security discourse and security regime (Van Djik 2008, Macklin 2005, Hansen 2000). A perfect example of this exclusion of certain persons from accessing security is noted within the CCR report. In the report the CCR highlights how Colombian asylum seekers seeking refuge in the United States may be labelled terrorists and lose their claim for asylum, for ‘funding’ terrorist organizations within Colombia even if this funding was done under threat or duress (CCR 2005, 9). What the case of Colombian asylum seekers points to then, is the power that exaltation gives to elites, to states, and in some cases to academics (Michael Ignatieff) to define security and who gets to access it. Thus, I think that the CCR report highlights the need for academics to consider how useful ‘security’ discourse is if security is part of a power system that reinforces the domination of ‘othered’ people for the benefit of those in power (Razack 2008, Cohn 2001). It is important to ask does it make sense to reframe the security discourse to speak about the social security issues of those who do not have access to power, or are we just looking at the other side of the same coin (Neocleous 2008)? I would argue that the security paradigm itself is fraught and thus may not be all that

useful for those working towards social justice for refugees and for refugees themselves. This is very much a case of “the masters tools will never dismantle the master’s house” (Lorde 2007) While security discourse may be useful to examine the way exalted states create discourse and policy in the name of security, I am not convinced that it is useful to try and apply the same security discourse to those who are being hurt in the name of this exalted state ‘security’. A reconceptualization of what it means to be secure and safe for refugees is needed to better understand the process and understand it outside of the white, masculinist exalted state security.

The Personal is Political

While the government report relies heavily on statistics, rhetoric, and rational language the CCR report has a large amount of personal narratives and stories in their report. There is a conscious and obvious effort to both contextualize and humanize the statistics that are available (CCR 2005). When discussing the case of Colombian refugees the report states, “Overall in 2005, there are only 30% of claims made by Colombians in 2005. That difference represents a shortfall of over 2,500 Colombians who are ‘missing’; that is Colombians who would have sought refuge in Canada had they not found the door closed to them” (CCR 2005, 8). When speaking about the reduction in land border claims the CCR goes on to note, “In fact there were 3,110 claims fewer than that made representing potentially 3,110 people who didn’t make a claim because safe third. The more than 3,000 people may be held in immigration detention in the US, trying to survive without status in the US...” (CCR 2005, 5). Instead of using rational language and statistics that moves the discussion of the Safe Third Country Agreement implications into the realm of the abstract, the CCR makes a concerted effort to ground these statistics into the lived experiences of

refugees. The report shifts the discussion from a reduction in the numbers of aggregate groups into the reduction of actual people who face intense hardship (CCR 2005). This is important in the Safe Third Country Agreement discussion as it disrupts the rational political discourse that erases refugees from the Canadian state.

The CCR's year one report shares individual cases of refugee's stories and how they have been impacted by the Safe Third Country Agreement. These accounts are quite compelling. They offer a narrative that is often missing from the Canadian state discourse where refugees are risky, are criminals, are not 'genuine', or are actually economic migrants trying to abuse the Canadian asylum system (Magnet 2011, Razack 2007, Thobani 2007, 2000, Ibrahim 2005, Macklin 2005, 2003, Murdocca 2003). In its place is the real life persecution of the often silenced voices of racialized and gendered persons. One such story that is provided is the story about Joseph (not his real name);

“...worked in the Kenyan Ministry of Lands and Administration where he used his position to secretly save some of the original land titles for those whose lands were being distributed by the government to its supporters. His activities were discovered and he fled for his life. Shortly after he left, his father was clubbed to death by men seeking Joseph's whereabouts. Joseph sought asylum in the US, but on the day of his hearing in a Chicago immigration court he was unavoidably delayed by heavy traffic and was ordered deported in his absence. The Immigration Judge advised him to file a motion to reopen. However, the motion was denied and the appeal on the motion's denial was upheld by the Board of Immigration Appeals. In spring 2005, Joseph approached a refugee NGO about making a claim in Canada, but was told his claim would not be eligible because of safe third country. Joseph believes that his life is still

in danger in Kenya because he is known to the bureaucracy and is considered a threat to the owners of the appropriated lands. He sees no alternatives but to continue to live without status in the United States, hoping not to be caught by the immigration authorities (CCR 2005,10).

I have chosen not to summarize his statement in attempt to maintain the integrity or closest version of Joseph's story. Joseph's story is one amongst many that the CCR used within their report to illustrate the devastating impacts of the Safe Third Country Agreement on many refugees (CCR 2005). Stories such as Joseph's are utilized to highlight the precarious nature and often arbitrariness of the Safe Third Country Agreement as well as to highlight the personal suffering that the policy reinforces (CCR 2005). What is particularly important in the CCR report for any discussions about the Safe Third Country Agreement is the inclusion of the voices of those who are affected by the Safe Third Country Agreement and who are often erased through exaltation.

When thinking about how personal stories get taken up in the CCR's year one report Feminist poet and scholar Audre Lorde's work is incredibly useful. Audre Lorde works extensively with the importance of personal narrative, of defining one's difference, with challenging moments of silence, and with reclaiming language (Lorde 2007). While Lorde's work is deeply personal, I believe that it provides important insights into the need for personal stories and narratives within refugee discourse. Lorde states, "I'm not going to be more vulnerable by putting weapons of silence in my enemies' hands" (Lorde 99, 2007). Lorde and many asylum seekers occupy different spaces within the political landscape and difference in access to language and the ability to be heard due to citizenship status, however, Lorde points to the ways that the dominant, patriarchal white culture which thrives

in North America strategically uses silence as a weapon against those who are gendered and/or racialized (Lorde 2007). In the case of refugees, it is this silence and erasure of the horror of their experiences that has allowed racist narratives of risky and cheating refugees to replace the very real threat of persecution and need for asylum. Thus, when the CCR utilizes personal narratives, it is not so easy to ignore the racialized imperial violences of the Safe Third Country Agreement and the high price refugees pay for it (CCR 2005). In the same way that Lorde uses the reclaiming of the personal and of language to challenge systems of domination; the CCR's inclusion of personal narratives of refugees brings refugee's voices into the refugee discourse and implicates the government in these people's well-being. As Lorde's work shows us, there is power in the telling of personal narrative and there is power in the CCR's inclusion of asylum seekers stories.

Lorde understands the importance of personal story telling but does note the risks of co-optation, "I have come to believe over and over again that what is most important to me must be spoken, made verbal and shared, even at the risk of having it bruised or misunderstood" (Lorde 2007, 40). While the CCR report does the important work of including personal narratives within their report, it does not do so unproblematically. This becomes particularly clear when we look at the section on gender based persecution and the impacts the Safe Third Country Agreement has on this (CCR 2005). The CCR report in an attempt to highlight the ineffectiveness of the U.S. asylum system to protect women fleeing gender based persecution, focuses only on what it calls female genital mutilation (FGM) (CCR 2005). These are the only stories included and they are both horrifying and incredibly graphic. One such story is Fatima's:

Fatima (not her real name), a woman from Guinea, began to suffer serious problems when her father died. Her uncle took all of the property that her father had left for her, her mother and her sister and told Fatima that she would have to marry his friend. He threatened to kill her if he saw her with her boyfriend. After about a month she was summoned to her aunt's house. As she walked into her aunt's living room, four of her aunts overpowered her, held her down, and ripped her clothes from her body. She then fainted when she saw them pull out a knife. As they were slicing through, removing her clitoris, more blood than usual gushed forth. To keep her alive, they had to stop and bring her to a hospital. Her uncle then came to see her while she was lying there and said that they would finish the job. (CCR 2005, 18)

The report also cites Gertrude Nkonye Chidi's experience in the U.S. asylum system, where she requested asylum based on her reasonable fear of having FGM performed on her (CCR 2005). In her excerpt the CCR notes that "60% of Nigerian women are subject to female genital mutilation" (CCR 2005, 17). In both cases, neither of the women was successfully granted asylum in the United States, and because of the Safe Third Country Agreement they were not able to apply in Canada.

While cases such as Fatima's and Gertrude's are incredibly important in the discussion of gender-based persecution, they are fraught with problems in how they are spoken about in the CCR report. The fact that the CCR only focuses on FGM and presents it in a very salacious and explicit way, highlights what Razack talks about in her work *Looking White People in the Eye* (1998). Razack notes that stories about violence against women (structural, physical, and sexual) become complicated in the Canadian landscape with its colonial and racist underpinnings so that women's stories need to be told in a particular way

in order to be believed or understood (1998). For refugee women, their stories often have to be told in a way that reinforces imperial and colonial notion of third world barbarity, female incapacity, and first world superiority (Razack 1998). Razack points out the inherent shortcomings of this approach, “Pathologizing the victim is, however, a short-hands means of communicating gender-based harm and racism is a handy tool in this endeavour...In refugee hearings both female incapacity and Third World dysfunction are reconfirmed and the cycle of imperialism continues uninterrupted” (Razack 1998, 112). In only speaking about FGM and describing it in graphic terms that were not used in other people’s stories, the CCR reiterates third world barbarity and the ‘horrific’ practices of the ‘other’. There is little contextualization of the issues, nor is there a conversation of domestic violence being part of gender based persecution (CCR 2005). This eclipses all the ways that women can be persecuted based on gender, and instead exoticizes in a way gender-based violence into an abhorrent practice that ‘others’ do. Forced FGM (I would like to note that I find this term problematic), is absolutely a reason to seek asylum and is an important part of the gender-based persecution discussion. However, it does not constitute all the ways violence is perpetrated against women based on their gender, and to suggest so is troubling and does little to disrupt first world imperialism and sexism.

Moving Forward

The issues presented in the report beg the question, how do we move forward? How do advocacy groups best represent refugees in a political landscape that is based on whiteness, colonialism, sexism, heterosexism, classism, and othering? Despite their best attempts the CCR still put forth some problematic narratives in their report. Razack provides academics, activists, and advocacy groups with a framework on how to move forward with

refugee rights while trying to avoid the pitfalls of state exaltation (Razack 1998). Razack suggests that first we acknowledge the damage that forcing women to tell stories that fit into colonial and imperial narratives create, as women must find ways to fit the trope of the pitiable woman from the global south in order to find protection (Razack 1998). Razack suggests that we take a more nuanced approach to refugee claims, one that is not based on pity or cultural tropes but rather an approach that looks at the complexity of the claimant's story and country of origin (Razack 1998). This includes looking at how global class structures and geopolitics contributes to state insecurity. It calls for accountability from the global north and their activity in the processes that leave the global south in precarious and dangerous positions, instead of solely relying on the supposed 'inherent degeneracy' of the global south (Razack 1998). Razack calls for "...an unmasking of the trope of pity and compassion and a move towards a more political understanding of why women flee and what our responsibilities are to them. They flee from domestic violence, but they also flee from the conditions that inhibit their regular means of resistance...The real task is to critically examine our own stake in keeping them out." (Razack 1998, 129). This calls for a more accountable government, a more nuanced look at asylum seekers lives and stories, as well as a more careful depiction of the stories emerging from asylum seekers (Razack 1998). The task is a challenging one, especially when we consider Lorde's acknowledgement of the way that stories and language are embedded with domination and power, however, we must move forward with elucidating the silences that are produced by and reinforce state exaltation. Much like the CCR states, the Safe Third Country Agreement is a silent killer and it is efficient in silencing the voices of asylum seekers and the Canadian state's complicity in state violence. As such, the task for scholars and activists in changing state policy and deadly silence is to call attention to state exaltation in discourse and in policy, and to change

discourse by finding platforms for asylum seekers to speak their stories and disrupt state discourse. If silence is a killer, then it is important that asylum seekers, critics, advocates, and activists speak.

Chapter Four: Roma(nticizing) Bill C-31: Demolishing and Utilizing Camp(s)

In February of 2013, Jason Kenney, Canada's Minister of Citizenship, Immigration and Multiculturalism declared the changes Bill C-31 made to Canada's immigration and

refugee system a success. According to Minister Kenney, "Canada is a fair and generous country, but the message has been received loud and clear that we will not tolerate continued abuse of Canada's asylum system. The recent reforms are a clear success, as we have already seen a dramatic drop in claims from countries that historically have had a high number of unfounded claims" (Mena Report 2013). For Minister Kenney, what is so successful about Bill C-31 is not only the dramatic reduction of refugee claims but also the overwhelming 'savings' from Canada's coffers from the designated country of origin policy, and the reduction in social services given to asylum seekers. Minister Kenney noted that as of February 2013, asylum claims received in Canada each week were down by 70 percent and that if "trends continue Canadian's will save an additional \$420 million over five years in a reduction of social assistance, education, and health care costs associated with asylum seekers" (Mena Report 2013). Minister Kenney's statement and the reiteration of Bill C-31 as a success by the Canadian government marks a disturbing trend in Canadian refugee policy where the reduction of asylum seekers and the reduction of providing basic social services to those fleeing persecution is a 'success'. Minister Kenney noted that a clear message has been sent out that Canada will not tolerate abuse and that by extension that Canada will not allow certain asylum seekers to belong to the nation. This begs the questions of what is the message that is being sent out by the Canadian state and who is (supposed to be) hearing it?

In this chapter I will be using Bill C-31's designated countries of origin policy to examine who gets to belong to the Canadian nation and how the Canadian nation and refugees are constructed in the designated country of origin policy? In order to examine how the Canadian nation constructs both the state itself and refugees coming to Canada, I will be

looking at the discourses about the nation and refugees on the Citizenship and Immigration Canada website. Much in the same way that the Safe Third Country Agreement did immense cultural work on behalf of the state by constructing refugees as risky and by reinforcing racist and sexist structures within the Canadian asylum system (as I argued in Chapter Two and Chapter Three), so too does Bill C-31's designated country of origin policy reinforce racist and ableist structures in Canada's asylum system. This chapter will highlight how the Canadian nation draws on systems of domination- including race, class, ability, and sexuality-to reinforce colonial and imperial understandings of the nation and of refugees. Furthermore, this chapter will show how these systems of domination ultimately result in greater obstacles for those who are seeking asylum.

What are Designated Countries of Origin and What is the Citizenship and Immigration Canada Website?

Bill C-31 has many additional sweeping provisions that have changed the immigration and refugee system, however, in this chapter I will be focusing specifically on the designated country of origin provision in the Protecting Canada's Immigration System Act. Designating a country as 'safe' is a process that starts when a country is triggered for review based on quantitative and/or qualitative criteria. According to the CIC website quantitative thresholds are, "combined rejection, withdrawal and abandonment rate of asylum claims at the IRB of 75% or higher; or combined withdrawal and abandonment rate of asylum claims at the IRB of 60% or higher" ("Backgrounder- Designated Countries of Origin"). Quantitative triggers "will apply for countries having at least 30 finalized claims in any consecutive 12-month period in the three years preceding designation" ("Backgrounder- Designated Countries of Origin"). For countries that do not meet the minimum of thirty claims finalized in any consecutive twelve month period during the three

years prior to designation, than qualitative criteria can be used to examine a country's 'safety' ("Backgrounder- Designated Countries of Origin"). The qualitative criteria that are the basis for designation are:

- Existence of an independent judicial system
- Recognition of basic democratic rights and freedoms, including mechanisms for redress if those rights or freedoms are infringed
- Existence of civil society organizations ("Backgrounder- Designated Countries of Origin")

Countries that meet the criteria are not automatically designated but are further reviewed by the Immigration and Refugee Board. The subsequent review examines if the country has; "democratic governance, protection of right to liberty and security of the person, freedom of opinion and expression, freedom of religion and association, freedom from discrimination and protection of rights for groups at risk, protection from non-state actors (which could include measures such as state protection from human trafficking), access to impartial investigations, access to an independent judiciary system, and access to redress (which could include constitutional and legal provisions) ("Backgrounder- Designated Countries of Origin"). After this review, the Minister of Citizenship, Immigration and Multiculturalism has the final decision on whether to designate a country or not. For those seeking asylum from a designated country of origin, their claims will be processed within 30-45 days ("Backgrounder- Designated Countries of Origin"). If their claim fails they will not have access to an appeal and their deportation will be organized ("Backgrounder- Designated Countries of Origin"). These time lines severely restrict an asylum seeker's ability to collect the evidence and organize themselves for their review. This change also makes it much more difficult for refugees who are experiencing trauma (Shacknove & Byrne 1996). Thus, these

shortened timelines make it much more difficult for an asylum seeker from a designated country of origin to make a successful claim (Costello 2005, Lavenex 2001, Shacknove & Byrne 1996). The ultimate goal of designating a country, according to the Canadian government, is to speed up processing times and to free up the asylum system for the refugees who ‘truly’ need it- a claim that I will complicate in this chapter.

All of the information about Bill C-31 and designated countries of origin is on the Citizenship and Immigration Canada (CIC) website. This is a website run by the Canadian government that provides information about how to immigrate to Canada, how to apply for refugee status, as well as provides information on any (possible) changes to the Canadian immigration and refugee system. This website provides background information, ‘how to’ guides, links to news releases and press statements made by the government, and is a direct source of information from the Canadian government to the public. As such, it is a ripe source to look at what the government is saying about immigration and refugee policy changes and is also an excellent source to see how the government wants to construct Canada, immigrants, and refugees.

Disability, Whiteness, and Homonationalism

When looking at the way that the Canadian state constructs both itself and refugees in relation to Bill C-31’s designated countries of origin it is important to consider how this particular case study fits into my Master’s thesis more broadly. The crux of my thesis is to examine how state exaltation constructs the Canadian state, refugees, and security through refugee policy and to look at how this reifies systems of domination. When examining Bill C-31’s designated countries of origin I was struck by the way that the Canadian government constantly reiterated that the refugee system was broken and crippled due to the fact that

asylum seekers coming from ‘safe’ countries were clogging up the system. This reiteration that refugees are disabling and crippling brought in ability as another system of domination that is exalted. Ability becomes an exalted category when it is naturalized, idealized, privileged, and affords those who conform to able-bodied ideals with power (Thobani 2007). As such, in this chapter I use critical disability studies to examine how disability operates within the CIC website’s discussion of designated countries of origin. I will also be using critical whiteness studies and the concept of homonationalism to examine how race and sexuality are also exalted categories that create hierarchies of domination and power. In Chapter Two, I examined how refugees are constructed as risky and how security narratives operate through the Safe Third Country Agreement. In Chapter Three, I examined how state exaltation shapes the Government’s year one report of the Safe Third Country Agreement. In Chapter Four, I hope to look more in depth at how systems of domination -including disability, whiteness, and sexuality- are reified through the government’s constructions of the state, refugees, and safety in Bill C-31. As I noted in my introduction, I am approaching my work using interlocking systems of oppression as a theoretical tool and this “requires that we keep several balls in the air at once, striving to overcome the successive process forced upon us by language and focusing on the ways in which bodies express social hierarchies of power” (Razack 2008, 63). As such, when we are considering how whiteness, disability, and homonationalism operate in the CIC website’s discussion of designated countries of origin it is imperative that we do not see these systems as discreet, but rather as upholding one another. I have chosen to focus on these three categories in this chapter instead of in my literature review in my thesis introduction to provide an in-depth analysis of the particular systems of domination that are reified by designated countries of origin. In my thesis introduction I addressed how state exaltation reifies all systems of domination in Canada.

Focusing on ability, whiteness, and sexuality in this chapter helps to give concrete examples of these systems, but is not meant to suggest that these are the only systems that are reinforced by state exaltation. As such, an in-depth discussion of disability, whiteness, and homonationalism is provided here to contextualize my discussion of designated of countries of origin and to provide a more concrete example of how the state and refugees are constructed in relation to systems of domination.

Disability

When thinking about the ways that disability and state belonging intersect, Robert McRuer's analysis of what he calls compulsory able-bodiedness provides a lens to see how disability and national belonging are intimately related (2006). His analysis is crucial to examining my project as it helps elucidate how ability is an exalted category that has been constructed as the 'default' or privileged 'norm' by the state (McRuer 2006). For McRuer, "Like compulsory heterosexuality... compulsory able-bodiedness functions by covering over, with the appearance of choice, a system in which there is actually is no choice. And even if these compulsions are in part tied to the rise of industrial capitalism, their historical emergence and development have be effaced" (McRuer 2006, 8). McRuer argues that heterosexuality, able-bodiedness, and I would argue following theorists including Razack (2008, 2004, 1998), Thobani (2007), Jiwani (2006), and Bannerji (2000) whiteness, are seemingly invisible privileged categories that structure all relations within the Canadian state, and yet where these structures begin and end are indistinguishable (McRuer 2006). These structures are disciplining, and reproduce ableist understandings of the Canadian nation. Compulsory able-bodiedness then, is constructed as the 'natural' state of the Canadian nation. Indeed scholars such as Snyder and Mitchell (2010) have built on Jasbir

Puar's (2007) concept of homonationalism, and have called compulsory able-bodiedness of the nation ablenationalism. Puar argues that homonationalism is the process whereby certain queer bodies-ones that conform to 'normative' expressions of sexuality and citizenship-are included within the nation to reify 'normative' sexuality and state exceptionalism (2007). For Snyder and Mitchell ablenationalism is "the degree to which treating people with disabilities as an exception valorizes able-bodied norms of exclusion as the naturalized qualification of citizenship" (2010, 13). Thus when we hear a government official stating that a system is being 'crippled' by some outside force compulsory able-bodiedness and ablenationalism become useful tools to see how able-bodiedness is a key part of Canadian nationalism.

Disability within the Canadian nation is often pathologized along racialized lines (Wong 2012, Vernon 2011, Ibrahim 2005, Murdocca 2003). To belong in Canada and to embody Canadian nationalism means that one is not only able-bodied but also white (Wong 2012, Magnet 2011, Vernon 2011, Ibrahim 2005, Murdocca 2003). When we consider how refugees get constructed we must consider how they are often constructed as diseased, pathological, or disabled. Carmela Murdocca (2003) explores the way that black immigrants and refugees coming to Canada in the 1990s were constructed as diseased and pathological. In the 1990s there was an Ebola panic in Canada where multiple people were suspected of having Ebola. This caused a panic and subsequently led to pathologization of black immigrants and refugees as being the source of the disease (Murdocca 2003). In the case of the Ebola panic, Murdocca argues that black immigrants and refugees were constructed as vectors of disease with the power to infect 'pure' white Canadians. The subsequent discussions during and following the Ebola panic fell along racialized lines where the black

body was constructed as degenerate, and the white 'Canadian' body was constructed as respectable and pure (Murdocca 2003). According to Murdocca,

“The Canadian national story, then, has historically been interwoven with a colonial story of racial purity (white purity) and the absence of disease. The historical interdependency of racial purity and the absence of disease serves as just one example of the way in which racist ideologies of the innate degeneracy of "undesirable" populations served the purpose of carving out white supremacist ideals of national belonging” (Murdocca 2003, 4)

Murdocca argues that this construction of the racialized refugee as diseased and disabling proves useful when the Canadian state seeks to create more restrictive immigration and refugee policy, and that this process of creating policies of national belonging or exclusion are based on what I would call ableist white supremacy (2003). As such, who gets to belong to the Canadian state and who gets constructed as not belonging is shaped by whiteness and ability.

Being part of the Canadian nation also requires that one be a good neo-liberal capitalist worker (Snyder and Mitchell 2010¹, Snyder and Mitchell 2010², Thobani 2007, Barnes and Mercer 2005, Little 2001). Working and the ability to earn money for one's labour are key sources of value and worth within a capitalist society (Snyder and Mitchell 2010¹, Snyder and Mitchell 2010², Thobani 2007, Barnes and Mercer 2005, Little 2001). Those that do not work, who cannot work, and who receive government assistance are devalued and often excluded from basic citizenship rights and belonging (Magnet 2011, Snyder and Mitchell 2010¹, Snyder and Mitchell 2010², Thobani 2007, Eubanks 2006,

Barnes and Mercer 2005, Little 2001). The inability to work in a way that produces a wage and conforms to neoliberal capitalism marks an individual as disabled. Indeed, the term disability was coined in the mid-1800s to designate those who were incapable of work due to injury (Snyder and Mitchell 2010²). Not working marks someone as a burden or as a non-productive member of the Canadian nation (Snyder and Mitchell 2010², Thobani 2007, Power 2005, Barnes and Mercer 2005). This is further compounded if the individual is not working and receiving social assistance (whether it is for a disability or not). Those who are receiving social assistance receive a special kind of scorn, one that seeks to devalue the individual's worth as a citizen and also strips them of many citizenship rights and national belonging (Magnet 2011, Barnes and Mercer 2005, Power 2005, Little 2001). This stripping of rights of those that are on social assistance can include intense surveillance and criminalization, the regulating of their behaviours (how they can spend their money and on what), and also involves relegating these individuals to a life that falls below the poverty line (Magnet 2011, Eubanks 2006, Power 2005, Little 2001). The discrimination against those who are disabled is not only based on ableist structures but also on the view that they are 'disabling' Canadian social assistance programs. For the Canadians that cannot conform to neoliberal capitalist citizenship, they are excluded from national belonging and many of the rights that go with it (Thobani 2007, Power 2005). As a result, being constructed as disabled or disabling, shapes the level of belonging that you can have within the Canadian nation and can also justify your exclusion from it. When we think about how ableism shapes who gets to belong we can see that it is not only based on ability but is also classed and racialized.

Whiteness

In her book *White Femininity*, Katerina Deliovsky defines whiteness as “a structural feature of power and privilege that is actively accessed and maintained” in the everyday lives of white people (2010, 7). Narratives of whiteness which entail privilege, access to power, and an entitlement to citizenship rights shapes who gets to belong to the Canadian nation (Magnet 2011, Deliovsky 2010, Hage 2000). Whiteness operates in much the same way as compulsory able-bodiedness does in Canadian state exaltation and policy creation. Much of the Canadian national identity relies on whiteness, with Canadians being represented by white men (as evidenced in Molson Canadian’s *The Rant* commercial) and access to services and privilege being shaped by whiteness (Magnet 2011, Thobani 2007, Jiwani 2006, Razack 2004, 1998, Mackey 2002, Bannerji 2000). What whiteness means, and what it is to be white, is not a fixed category and may change over time (Dyer 1997). Earlier constructions of whiteness and state belonging within the Canadian state excluded the Irish, those coming from the Mediterranean, and Jewish immigrants (Jiwani 2006, Sacks 2003, Dyer 1997). While these groups were initially racialized and deemed non-white, these constructions have changed to include Irish, Mediterranean, and Jewish immigrants as part of the white nation (Jiwani 2006, Sacks 2003, Dyer 1997). This particular example highlights the fluidity of whiteness, and its ability to be used to construct particular groups of being (un)deserving of state belonging and white privilege. In his book *White*, Richard Dyer (1997) argues, “The instability of white as a skin colour is not only a means of policing who at any given historical moment is going to be included in or out of the category, but also to differentiate within it, even among those whose racial identity is not in question” (57). What Dyer’s work points to is the instability of whiteness and also the hierarchal nature that classifies white people within it as well (Dyer 1997). What and who is considered white is historically, contextually, geopolitically, culturally, and temporally contingent.

In Thobani's (2007) words, being 'white' in the Canadian state is an exalted category which has white people's experiences marked as human experiences. The white person's position, and arguably the white state's position, is constructed as a universal experience that is often 'unraced' (Dyer 1997). This position comes with invisible privilege that allows white people to see themselves represented, to be free from race-based discrimination, to freely access public spaces, and to feel entitled to govern and control people and spaces (McIntosh 2003, Foner 2003, Hage 2000, Dyer 1997). In relation to the nation, those who are white are in a dominant position and thus feel entitled to govern the space of the nation. In his book, *White Nation* (2000), Ghasson Hage refers to this sense of entitlement to govern as the 'aristocratic ideal'. The 'aristocratic ideal' naturalizes certain characteristics that give one capital within the nation, so that those who possess this capital are part of the national aristocracy that can impose their "aspirations and ideals into national aspirations and ideals" (Hage 2000, 65). Those who do not possess this capital are excluded from the national aristocracy and are subsequently put in the position to be governed. As such, when we consider that the construction of the Canadian nation is based on whiteness, it is those who are white who get to belong and get to set the parameters of belonging for those who are not. Furthermore, since whiteness is not a fixed category and is culturally specific, who gets to be white in Canada is an ever-changing category.

Homonationalism

Homonationalism operates in much the same ways as whiteness does in Canada in that who gets to be included in the Canadian nation can shift and change depending on what

is useful for the state at the time. In her book *Terrorist Assemblages: Homonationalism in Queer Times*, Jasbir Puar explores the way that homonationalism has been utilized in U.S. politics post-9/11 to further U.S. patriotism and garner support for U.S. imperialism (2007). Puar argues, “These proliferating sexualities, and their explicit and implicit relationships to nationalism, complicate the dichotomous implications of casting the nation as only supportive and productive of heteronormativity and always repressive and disallowing of homosexuality” (Puar 2007, 39). Homonationalism becomes present within the U.S. state discourse when it becomes useful to include certain queer bodies into the folds of the nation. This inclusion, however, is not all encompassing, but rather falls along racialized lines. White, homonormative, gay men are included in the national discourse while queers of colour and non-homonormative queers remain on the periphery of the nation (Puar 2007, Duggan 2004). The inclusion of the homonormative (Duggan 2004) white queers became a useful tactic within the U.S. to justify the imperialistic violence towards Afghanistan and Iraq. The invasion of Iraq and Afghanistan was in part justified because the citizens of Iraq and Afghanistan are considered backwards and barbaric because, unlike the U.S., they do not accept queer people (Puar 2007). However, Puar argues that this construction that the U.S. includes and accepts queer people is problematic because queer people are systematically excluded within the United States politically, economically, and socially (2007). Puar highlights how certain queer bodies are used tokenistically while others are slated for death, exclusion and torture. In Puar’s work the queers who are slated for death are those that help further U.S. imperialism and consist of those constructed as Muslim ‘terrorists’.

Puar notes that homonationalism emerges out of U.S. exceptionalism. U.S. exceptionalism involves narratives of excellence whereby the U.S. nation is associated with

superiority (Puar 2007). This discourse of U.S. exceptionalism allows the state to distance itself from empire or imperialism and of empire's shortcomings and instead, see all the violences and exclusions of the state as morally and culturally superior (Puar 2007). For Puar, in order for the state to continually reassert its exceptionalism in the context of the global war on terror and the subsequent scandals such as Abu Ghraib, the state (U.S.) has had to "temporary suspend heteronormative imagined communities to consolidate national sentiment and consensus through incorporation of some homosexual (not all) subjects" (2007, 3-4). By including some queer bodies in the nation (such as repealing the Don't Ask Don't Tell policy and allowing gay U.S. soldiers) the United States is able to assert its superiority and suggest that it is exceptional because it includes queer bodies. It also allows the U.S. to draw on narratives of a culture clash which Razack argues are based on orientalist constructions of the Arab world, that position the U.S. as progressive and the Middle East as barbaric and backwards (2007). What Puar's work shows, and what is useful when applying it to Canadian state policy, is the way that certain queer bodies are utilized by the state to mark the state as exalted. Through this exaltation the state is able to use queer bodies to reinscribe the boundaries of the nation along gendered, classed, racialized, and ableist lines. This reinscription of national boundaries and belonging can be seen in the Citizenship and Immigration Canada's website, and critical disability studies, critical whiteness studies, and homonationalism provide a lens to examine how the constructions of refugees and the state are informed by gender, race, sexuality, and ability.

**Designated Countries of Origin and the Citizenship and Immigration Canada Website:
A Case Study**

Crippling the Refugee

At a news conference following the passing of Bill C-31, which was transcribed and posted on the Citizenship and Immigration Canada (CIC) website, Jason Kenney Canada's Minister of Citizenship, Immigration and Multiculturalism stated, "As you know, in the last parliament, we adopted the Balanced Refugee Reform Act, which provides for a faster but fairer refugee determination system. It helps us to correct the dysfunctionality of the current broken system, but since the adoption of that law in 2010 we've seen a troubling growth in fake asylum claims..." (Kenney 2012). The 'purpose' of designated country of origin practices according to the Canadian government is to fix a 'broken' and 'dysfunctional' Canadian asylum system by deterring and removing 'unfounded claims' that are slowing the system down ("Backgrounder- Designated Country of Origin"). References to an ineffective system that is slowed down by unfounded refugee claimants is present throughout much of the releases by the government on the CIC website and functions as one of the main justifications for designated countries of origin ("Backgrounder- Designated Country of Origin"). This consistent reiteration of the 'crippling' and 'disabling' nature of refugees works to accomplish what McRuer calls compulsory able-bodiedness (2006). It does this by suggesting that the Canadian asylum system would be healthy and flourishing if it were not for the disabling burden of 'unfounded' refugees. The Canadian state goes further and builds on the construction of refugees as risky (as explored in both Chapter Two and Chapter Three) by suggesting that they are a risk and the cause of Canadian disabledness. In constructing refugees as both disabled and disabling, the state is able to expel/remove/deport certain bodies that do not belong to an able-bodied Canadian state. As noted by Murdocca (2003), in constructing refugees as disabled the government can attempt to keep an increased number of refugees out of Canada.

The pathologization of racialized immigrants and asylum seekers is noted in Murdocca's work on the Ebola panic in the 1990s (2003). The Ebola panic is not the first time that refugees of colour have been constructed as diseased, pathological, or disabled (Wong 2012, Vernon 2011, Ibrahim 2005, Murdocca 2003). In the 19th Century, the Canadian government advertised immigration opportunities to communities in Oklahoma in an attempt to have immigrants come continue to settle the prairies (Vernon 2011). What the government did not expect were the number of black immigrants that were attempting to make their way across the border to live on the Canadian prairies. As a result, the Canadian government drafted an Order –in-Council stating, “for a period of one year from and after the date hereof the landing in Canada shall be and the same is prohibited of any immigrants belonging to the Negro race, which race is deemed unsuitable to the climate and requirements of Canada” (Vernon 2011, 37). Based on the construction that black immigrants were not suited for the harsh Canadian climate, “Black people as a whole were made disabled in the national imagination of Canada: they were unable to function and did not belong” (Wong 2012, 9). This example highlights how the boundaries of national belonging are based on race and ability; where those who are non-white or disabled are excluded from the nation.

Canada has a historical legacy of constructing racialized refugees as pathological, diseased, or crippling to create restrictive immigration and refugee policy (Wong 2012, Vernon 2011, Ibrahim 2005, Murdocca 2003). Some of these policies include the *Continuous Passage Act*, the *Chinese Immigration Act*, and the above example where black Americans were prevented from immigrating to Canada (Ward 2002, Thobani 2000, Abu-Laban 1999). Designated countries of origin continues on with this legacy of constructing

racialized refugees as disabling and can be seen on the CIC website. According to one statement by an immigration and refugee lawyer that was posted on the CIC website, "...I represent many claimants from, let's say Africa, the Mid East countries, who base their claim on gender violence or Christian persecution in Certain Middle East countries, and they have to wait, because the system is so clogged up..." ("News Release- Harper Government Introduces the *Protecting Canada's Immigration System Act*"). Embedded within this statement is a troubling sense of privilege from this lawyer in the way that he tokenistically uses African women and Middle Eastern asylum seekers. This privilege is evident in the way that this lawyer feels entitled to use gendered and racialized groups of asylum seekers, which are groups that he does not belong to, to justify the exclusion of thousands of other asylum seekers through the designated country of origin policy. Furthermore, it highlights the criticisms emerging from feminists of colour and feminists from the global south of white, westerners using men and women from the global south to reify colonial and imperial constructions of the global north as superior and the global south as primitive (Razack 2008, 2004, 1998, Ortega 2006, Mohanty and Russo 1991, Mohanty 1988). This lawyer's statement and the privilege he has that makes him feel entitled to use gendered and racialized groups to justify exclusionary refugee policy is mirrored by the Canadian government in the way the Canadian government decides which asylum seekers 'truly' need asylum. While in the lawyer's statement, blackness or Middle Eastern-ness is constructed as 'truly' in need of protection this is not any less racist than the Oklahoma or Ebola examples. Razack's work in *Looking White People in the Eye* (1998) highlights the ways that racist narratives inform immigration and refugee officials on what a 'real' oppressed person looks like, and how this is often based on racist and colonial understandings of the other. These racist and colonial understandings of the other include seeing the other as a victim in need of saving, in viewing

certain nations and races as degenerate, and in the idea that these countries/cultures are barbaric and backwards (Razack 2008, 1998). In this case, African women and Middle Eastern Christians are 'real' refugees due to their otherness, and the 'degeneracy' of their countries. Their blackness or Middle Eastern-ness is still associated with disease and degeneracy as their countries are constructed as oppressive. This construction of Africa or the Arab World as degenerate reifies Canadian whiteness, superiority, and able-bodiedness, in that Canada is able to 'save' those that are coming from 'degenerate' countries (Razack 2004). Razack (2004) notes how this construction of Canadians as saviours can be seen in peacekeeping narratives where peacekeeping narratives allows Canadians to imagine themselves as good white humanitarians who are rescuing racialized bodies from the brutality of their own countries. Much in the same way that peacekeeping allows Canadians to imagine themselves as good white humanitarians, constructing African and Middle Eastern asylum seekers as emerging from disability to Canadian able-bodiedness allows Canadians to imagine themselves as able-bodied humanitarians. Furthermore, it allows certain asylum seekers to still be associated with disability as they are 'clogging' up the system and making the system ineffective.

The racist 1990s immigration policy, the Ebola panic, and the immigration and refugee lawyer's (as quoted above) statement about designated countries of origin highlight the paradoxical nature of Canadian state able-bodiedness and whiteness. The paradox of Canadian state able-bodiedness and whiteness is that racialization can and does get used to both exclude racialized bodies and at times to symbolically include them within the folds of Canadian protectionist discourse. I say symbolically, because racism towards immigrants and refugees is still present within the Canadian nation (Thoabni 2007). This means that the

inclusion that these immigrants and refugees experience within Canadian national belonging is often symbolic to prove that 'we' are tolerant. This can be seen in the immigration and refugee lawyer's statement on the CIC website when he is suggesting that the Canadian asylum system is for African women or Middle Eastern Christians, although he provides no evidence that the asylum system is actually protecting them. While these immigrants and refugees may be included symbolically with the Canadian nation, in reality, immigrants and refugees experience discrimination and exclusion in Canadian politics, economy, and civil society (Thobani 2007). In this way, state exaltation allows the Canadian state to shape the narrative and discourse about race and ability, and as Murdocca (2003) aptly argues, use it to create repressive refugee policies such as designated countries of origin.

Being able to work and not needing government assistance plays an essential role in Canadian understandings of worthwhile citizenship and national belonging (Snyder and Mitchell 2010¹, Snyder and Mitchell 2010², Thobani 2007, Barnes and Mercer 2005, Little 2001). While this ideology shapes the discourses and relationships within Canadian society, work and citizenship rights do not necessarily go hand in hand in practice. Racialized and non-citizen bodies have been increasingly included in the Canadian labour market while still being excluded from Canadian services and citizenship rights (Wong 2012, Nakache and Kinoshita 2010, Preibisch and Binford 2007, Thobani 2007). Temporary foreign worker programs are a perfect example of how work does not necessarily equal citizenship rights or national belonging. Working also does not guarantee that one will be free from discrimination and anti-immigrant, racist sentiments as many temporary workers still experience violence based on white supremacist underpinnings of the Canadian state (Rahi 2011, Depatie-Pelletier 2011, Gayet 2011, Yousefi 2011, Preibisch and Binford 2007).

While being able to work may afford access to certain privileges, it does not exhaustively apply to all and is shaped by other systems of domination. This ability/inability to work is an important part of the designated country of origin discussion and the construction of refugees as being disabled and disabling Canadian social assistance services. When speaking about why designated countries of origin are important Jason Kenney stated, “The vast majority...of those European claimants abandon or withdraw their own claims, choosing of their own volition not to seek Canada’s protection, but virtually all of them enroll in Canada’s generous welfare social income, health care, subsidized housing and other social support programs (Kenney 2012). The CIC echoes Kenney’s statement with, “Too many tax dollars are spent on asylum claimants who are not in need of protection” (“Backgrounder- Designated Countries of Origin”).

The ‘wasted tax dollars’ and ‘abusing the system’ discourses that are used to condemn asylum seekers from designated countries of origin mimics those that are used for welfare or disability recipients (Thobani 2007, McRuer 2006, Power 2005, Langan 1992). It suggests that these non-workers and ‘system abusers’ are disabling Canadian social assistance programs and are creating an undue burden on them given that they are not ‘contributing’ to the Canadian economy. To be seen as contributing in a neoliberal capitalist state is to be earning a paid wage for one’s labour (Snyder and Mitchell 2010¹, Snyder and Mitchell 2010², Thobani 2007, Barnes and Mercer 2005, Little 2001). Being able to work and being a ‘contributing’ member of society is an exalted category, and this exalted category is reified in the designated country of origin policy as only the ‘Canadians’ that fit into the ableist, sexist, and white supremacist model of a good citizen get to be part of the Canadian nation (Thobani 2007). This narrative is more complicated, however, as claimants

coming from designated countries of origin are not allowed to work under Bill C-31 (“Backgrounder- Designated Countries of Origin”). Under Bill C-31, “To further reduce the attraction of coming to Canada to make an unfounded claim, DCO claimants will be ineligible to apply for a work permit until their claim is approved by the IRB or their claim has been in the system for more than 180 days and no decision has been made” (“Backgrounder- Designated Countries of Origin”). This puts asylum seekers from designated countries of origin in a catch 22- they are seen as not contributing to the system and abusing Canadian social assistance programs, but they are not allowed to work should they want to or feel compelled to ‘contribute’. These systems of domination in Canada that restrict asylum seekers prevent them from accessing the realm of national belonging through their labour as well as solidify refugees as a disabling burden on the Canadian system through their ‘inability’ to work. Thus, asylum seekers from designated countries of origin under Bill C-31 are both disabled and disabling due to white supremacist structures that shape Canadian refugee policies. In the same way that ableist structures prevent many of those who have disabilities from accessing the paid labour force, these ableist structures are reified in Bill C-31 to prevent and exclude asylum seekers from the Canadian political sphere, economy, and civil society. This constructs asylum seekers as worthless and disabling and this construction reifies state ablenationalism.

White Belonging and White Exclusion: The Case of the Roma

When looking at designated countries of origin the Canadian government makes a concerted effort to clarify that designated countries of origin are only meant to target generally non-refugee producing countries that have robust human rights (“Backgrounder- Designated Countries of Origin”). Throughout the CIC website and in press releases the

Canadian government consistently references citizens of the European Union, particularly Hungarian refugees, as an example of asylum seekers that come from ‘safe’ countries and that have high numbers of withdrawn or unsuccessful claims (“Backgrounder- Designated Countries of Origin”). As of February 15, 2013 the following countries have been designated; Australia, Austria, Belgium, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Israel (excluding the Gaza Strip and West Bank), Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Mexico, Netherlands, New Zealand, Norway, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, United Kingdom, and the United States of America (“Designated Countries of Origin”). I would argue that most of the countries on this list, save Mexico, are associated with whiteness. Deliofsky explores the imagined whiteness of European countries and argues that the construction of Europe as white is based on imperial fantasies of racial purity and superiority (2010). This conceptualization of Europe as ‘white’ took place after the 17th Century with the codification of slavery, and resulted in the increase of colonial capitalist imperialism and an understanding of Europe and Europeans as ‘white’ (Deliofsky 2010).

While a designated country of origin list comprised of mostly white nations initially appears to be contradictory to Canada’s imperialist legacy of excluding racialized immigrants and refugees, when we begin to look at what this list means we can see that this does not diverge much from the building of Canada as able-bodied, white, and imperialistic (Magnet 2011, Razack 2008, Thobani 2007). The countries that Canada will designate as designated countries of origin have been deemed by Canada as respecting “human rights” and offering “state protection” (“Backgrounder- Designated Countries of Origin”).

Furthermore, these designated countries are much like Canada in the sense that these countries are deemed as being “likely to provide necessary protection to their citizens” (“Backgrounder- Designated Countries of Origin”). These designated countries according to the Canadian government are not in need of the same protection as claimants from Asia and Africa (“Backgrounder- Designated Countries of Origin”). This sentiment does not account for the geopolitical climate within European countries that have racialized the Roma people, demolished their camps, or in the case of France, forcibly expelled Romas back to their countries of origin (BBC 2010). Regardless of the dangerous situation in Europe for the Roma, in creating more restrictive immigration policies against traditionally ‘white’ countries due to the fact that they are like Canada, capable of protecting citizens, Canada aligns itself with both tolerance and whiteness. In defining these ‘white’ nations as tolerant and as protectors ‘like us’ Canada is able to re-imagine itself as a white nation that needs to protect racialized others. Both nationally and globally, Canada and the European Union are linked with the progressive whiteness of the west reinforcing orientalist, racialized discourses about the barbaric others that Canada must rescue refugees from (Deliovsky 2010, Razack 2008)

However, who gets to be ‘rescued’ and whose situation gets to be considered ‘dangerous’ falls prey to state exaltation yet again in that the exalted Canadian state gets to define what/who is safe and what/who is dangerous based on systems of domination (Razack 2008, 2004, 1998, Thobani 2007, Ibrahim 2005, Murdocca 2003). Constructing designated countries of origin as white and subsequently safe, does not account for the ways that whiteness and racialization are not only historically dependent but also culturally dependent (Dyer 1997). Exaltation is present here as the Canadian state gets to be the knower and the

namer of what is white and who occupies that category despite the fact that this category does vary culture to culture (Thobani 2007, Dyer 1997). While asylum seekers from Hungary may be collapsed into one racial category, that of 'white' in Canada, the situation is quite different in Hungary and the European Union more broadly (Kosa *et al.* 2007, Fox 2001, Kende 2000, Szikinger 2000). Many of asylum seekers that are emerging from the European Union, and particularly Hungary, are the Roma. The Roma do not currently, nor historically hold racial privilege nor are considered part of white state nationalism in Europe (Thomas 2012, Nacu 2012, Aradau 2012, Woodcock 2012, Sigona 2012, New and Merry 2012, Kosa *et al.* 2007, Fox 2001, Kende 2000, Szikinger 2000). According to another lawyer, whose statement has been posted on the CIC, "Now those Europeans who do not feel safe in their countries such as the Roma in the Czech Republic or Hungary, they do have one of 26 other countries where they can go. So the safe countries of origin, they are quite logical" ("News Release- Harper Government Introduces the *Protecting Canada's Immigration System Act*"). Within this statement is the acknowledgement that some countries may not be safe for the Roma despite being designated as safe, while also stating that it is not Canada's job to offer protection because there are other countries that can. This exhibits a 'not in my backyard' mentality where the 'problem' of the Roma is constructed as an issue for Europe, not Canada. As I argued in my previous chapter in relation to the Safe Third Country Agreement, what and who is considered safe is a fraught category that is shaped by systems of domination that lead to state exaltation. When looking at the case of the Roma in Europe, it is difficult to objectively determine these groups of asylum seekers as safe or that their claims are unfounded based on nothing more than the country that they come from.

The racialization of the Roma and the subsequent persecution of the Roma have a long history within Europe (Barsony 2008, Kende 2000). The Roma have faced intense persecution in Eastern Europe after the fall of the Communist government, and faced torture and mass murder under the Nazi Party during WWII (Barsony 2008, Kende 2000). Indeed during the holocaust the Germans had dubbed the Roma (also referred to as Gypsies) as Mischlinge, or mixed-breed (Zimmerman 2001). The racialized imperial policies of violence used historically by the Ottoman Empire and the Nazis (to name a few) have not tapered off in recent history, and Europe is still not entirely 'safe' for the Roma. The Roma in Hungary experience intense discrimination, historical legacies of removing children and placing them with 'real' Hungarian families, mass evictions, and 53% of Roma live in permanent poverty (Thomas 2012, Nacu 2012, Sobotka 2001, Kende 2000). Roma children are often segregated into schools that are for children with learning disabilities despite not having any learning disabilities (Thomas 2012, Nacu 2012, Sobotka 2001, Kende 2000). Furthermore, there are wide spread instances of what Razack (2008) calls "race thinking" in that the Roma in Hungary are constructed as being thieves, unintelligent, and lazy (Thomas 2012, Nacu 2012, Sobotka 2001, Kende 2000).

One poignant example in recent history took place in 2000, where 46 Roma people from Zámoly took the Hungarian state to the International Court of Human Rights. The process began in 1997 in Zámoly where the municipality had the homes of six Roma families demolished because of their allegedly life-threatening state (Kende 2000). The families consisting of 17 children and 13 adults moved to a cultural center in the village and shared one room without electricity or gas for four months (Kende 2000). They were eventually forced to move out of this room and were granted a plot of land by the National

Gypsy Self-Government. They did move back to Zámoly into small wooden bungalows. Upon their return, they again were victims to arsonists who burnt down their homes. Finally, they were resettled in Budapest by the National Gypsy Self-Government (Kende 2000). The resulting controversy of the Roma's challenge of the Hungarian state elicited an encouragement from the Hungarian Prime Minister for the Roma "to learn more and to work more" (Kende 2000, 189). The Roma in this case fled to France and filed for asylum, with a mixture of successful and unsuccessful results. This was before Hungary's ascension to the European Union. Now that Hungary is part of the European Union, which is also known as fortress Europe due to the increasing interdiction measures that have been used to deter asylum seekers, it is increasingly more difficult for Hungarian Romas to find asylum (Thomas 2012).

While the lawyer above may have asserted that the Roma have 26 countries to choose from to seek asylum, the geopolitical climate in Europe is not nearly as friendly as this lawyer suggests. Following the election of conservative Nicholas Sarkozy as Prime Minister in France there has been increasing anti-immigrant and anti-Roma legislation and practices by both the state and French citizens towards the Roma (Thomas 2012, Nacu 2012). Roma within France have experienced mass discrimination, limited housing and employment opportunities, demolition of homes, deportations and 'repatriations, and are liable to receive notification to leave France if they become an "unreasonable burden for French social assistance system" (Nacu 2012, 29). The situation for the Roma is even more dire in Italy where discrimination and expulsion of the Romas has a decidedly violent history during WWII. Since then, with the election of Silvio Berlusconi, the Roma have been subject to the new 'security package'. The security package includes fingerprinting and

registering the Roma, the demolition of unauthorized camps, and the criminalization of undocumented migrants (Aradau 2012). Tensions towards the Roma in Italy have resulted in the criminalization of the Roma as well as multiple arson attacks where Roma communities have been attacked with Molotov cocktails (Aradau 2012). The Italian state has done very little to protect the Roma or denounce the crimes against them, and instead have continued on with these racist polices while asserting that they are not racist (Aradau 2012, Woodcock 2012, Sigona 2012). The Romanian gypsies (I use the term gypsy here as it is the term chosen by many Gypsy rights and activist groups) in Romania face intense discrimination as well as the camps are often torn down and demolished leaving the gypsies in a precarious and unstable situation (European Roma Rights Center 2001). Identification, discrimination, deportation, and criminalization is not limited to these European states and can also be found in the United Kingdom, in Portugal, in the Czech Republic, and arguably, in most European countries (Thomas 2012). As such, contrary to what the lawyer said above, the European Union may not be all that safe for the Roma. Thus, saying that Europe is unequivocally safe ignores the facts and material conditions of many of the asylum seekers lives who are emerging from Europe and seeking asylum in Canada. In its place, the Canadian state utilizes the power of exaltation to replace the facts with an imperialist discourse that allows the Canadian nation to state that Europe is safe despite evidence to the contrary, and create a designated country of origin policy based on this exalted assertion that Europe is safe (Thobani 2007).

As noted by Thobani (2007), and as I argued in Chapter Three, state exaltation allows the Canadian nation to construct refugees in particular ways (i.e. risky) that allows the Canadian state to make it more difficult for asylum seekers to achieve refugee status.

Furthermore, exaltation allows the Canadian nation to control dominant constructions of the nation and refugees (Thobani 2007). In the case of designated countries of origin Canadian state exaltation allows the Canadian state to construct European nations as a monolithic white group that is humanitarian and thus safe, without considering the different history, and applications of who gets to be white in white nations. As such, we can see the violences in state exaltation in getting to name particular countries as safe when they may in fact not be. Much as Murdocca (2003) argued, race-based constructions of refugees are often used to restrict refugees' mobility and access to asylum, and we can see that designated countries of origin policies do exactly that. The naming of the European Union as unequivocally safe for the Romas highlights Canada's exalted status and ongoing imperialistic sense of entitlement to name and to impose Canadian categories of whiteness and safety on a diverse group of nations because Canada has decided that they are like 'us' (Deliovsky 2010, Razack 2008, Thobani 2007). This allows the Canadian state to ignore the different histories of racialization in Europe to Canada's own benefit in reducing the numbers of refugees. Thus, it is imperative that we see the ways that state exaltation allows the Canadian state to designate countries as safe (the Safe Third Country Agreement included), even though there is ample evidence to the contrary.

Queer Anecdotes and Canadian Homonationalism

With the reinscription of the imperialist construction of Canada as 'able-bodied', 'white', and exalted we are able to see the emergence of homonationalist discourses and discourses based on exceptionalism. Jason Kenney is quoted as saying in regards to questions about designated countries of origin, "I think it's an insult to the good name of our refugee system. We're there to protect the gay Iranians who are being persecuted, the North

Korean Christians, the dissidents in totalitarian regimes, not the citizens of the EU” (CTV 2012). Jason Kenney’s statement deviates away from Canada’s historical legacy of excluding queer immigrants and asylum seekers (Goldberg 1993). This changes the historical construction of Canada from being a place that was not open to queer immigrants to now being constructed as a country that is here to welcome and protect queer asylum seekers (Goldberg 1993). In distancing itself from protecting citizens from the European Union and instead constructing itself as protectors of particular marginalized groups, the Canadian nation begins to construct itself as different from ‘repressive’ eastern countries, and thus exalted (Razack 2008). The idea that ‘gay Iranians’ are in need of protection instead of say, gay Roma citizens of the European Union, allows the Canadian government to lay the foundation for an argument based on Canadian exceptionalism. The Canadian state suggests that it is the barbaric others of the Middle East or of North Korea that are unlike us or the European Union; in that they do not tolerate freedom of religion or homosexuality (Razack 2008). Their lack of acceptance and support for queer persons within their communities reiterates culture clash narratives of the east as backwards, misogynistic, barbaric, and homophobic while reifying the Canadian state as exceptional (Razack 2008, Puar 2007). This exceptionalism leads to the Canadian state being constructed as progressive, tolerant, free, and superior (Razack 2008, Puar 2007). As a result, I would argue, gay Iranians serve to shore up support for designated countries of origin as their bodies get used to reassert the notion of Middle Eastern barbarity, Canadian superiority, and ‘real’ refugees.

Jason Kenney’s quotation utilizes homonationalist discourses and discourses of Canadian state exceptionalism to align Canada with progressiveness and also justify designated countries of origin. In this case, while the Canadian state isn’t explicitly making a

claim that ‘we’ welcome queer people of colour at the exclusion of the often white queers emerging from the European Union, I would argue that it is implicit within Jason Kenney’s statement. As Puar notes, exceptionalism positions the state to see its violences and exclusions as morally superior (2007). She argues that in order for the state to continually reassert its exceptionalism that the state must include some queer subjects (2007). Using Puar’s concept of exceptionalism, I would argue that in Minister Kenney’s statement the Canadian state and Minister Kenney include queer refugees of colour to reinforce narratives of Canadian superiority through positioning the Canadian state as progressive and as saviors. While Puar’s (2007) work talks about the inclusion of white homonormative queers in the United States to reinforce U.S. exceptionalism, Minister Kenney’s statement shows how queer bodies of colour get taken up in Canada to show that there are ‘real’ refugees that the Canadian state must protect. These ‘real’ refugees often fit into colonial narratives, that Razack argues, shapes whether or not an asylum seeker will be seen as truly in need of protection or ‘saving’ (2008). For Razack, our colonial understandings of what a real refugee is are based on the refugee being a victim without autonomy, gendered and/or racialized, and emerging from a country that Canada considers barbaric (2008). This inclusion of queer bodies of colour in Canadian refugee discourse is a limited form of inclusion that queer refugees of colour experience within the Canadian nation.

While it is very important to note that discursively queer bodies of colour are being included into the national framework through Minister Kenney’s comments, there is nothing to suggest in Canada that Canada is truly here for queers of colour. Indeed, one need only speak to a two-spirited indigenous person in Canada to understand how queerness, colonialism, and racism often lead to national exclusion (Deschamps 1998). This exclusion

is felt in the daily lives of two-spirited people and is described in a guide for Native communities on two-spiritedness with the authors stating, “A white man comes up to you and mutters ‘squaw.’ Your friend is beaten up on the street and you don’t know if it’s because the attacker didn’t like Indians or fags” (Deschamps 1998, 13). The discursive inclusion of queers of colour without actual access to meaningful rights or citizenship opportunities mirrors Canadian state multiculturalist policy (Simpson *et al.* 2011, Jiwani 2006, Mackey 2002, Bannerji 2000). The discursive inclusion of queers of colour mirrors Canadian state multiculturalism in that Canadian state multiculturalism is often done tokenistically without actually affording immigrants and people of colour with meaningful citizenship rights (Simpson *et al.* 2011, Jiwani 2006, Mackey 2002, Bannerji 2000). For example, while Minister Jason Kenney may speak fondly of Canadian multiculturalism and attend religious and cultural festivals he simultaneously works to exclude refugees and immigrants from citizenship rights and opportunities. The same too, can be said for the ways that Minister Kenney says that Canada is here for gay Iranians while continually creating interdiction measures for queer asylum seekers trying to access Canada (including through policies such as designated countries of origin). In the construction of Canada laid out by Minister Kenney, certain queer bodies- which as noted by Razack (2004), are ones that can conform to colonial, imperial, and orientalist scripts of true victimhood- can access the Canadian asylum system, while other queer bodies (ones who conform to white ‘progressiveness’) are excluded. Designated countries of origin make it very difficult for queers coming from European Union countries that do not have strong LGBTQ rights (such as Hungary) to be included in the Canadian nation, despite the fact that white homonormative queers in the Canadian state are generally the only ones who are included in state representation and meaning (although this is limited in many ways). Thus, what this

example highlights is the way that homonationalism allows the Canadian state to tell a particular story about Canadian whiteness and superiority while reinscribing 'othered' states inferiority. This reinscription is done to achieve the national project of reducing the numbers of asylum seekers that can actually access the realm of the Canadian asylum system. I want to be clear that I am not suggesting that queer asylum seekers of colour have it 'easier' in Canada or are able to access the Canadian asylum system more easily than queer asylum seekers from the European Union. What I am suggesting is that homonationalist and orientalist discourses are utilized by the Canadian state to disenfranchise queer asylum seekers more broadly while suggesting that the Canadian state is there to protect them.

Conclusion

The government's dedication to designated countries of origin is unlikely to wane, as they have launched a campaign as of January, 2013 in the two major refugee-producing Hungarian cities (Keung 2013). This \$3,000 tax payer-funded ad campaign was launched after Jason Kenney's visit to Hungary in in October 2012 (Keung 2013). The billboards state: "Communication from the Government of Canada. To deter abuse, Canada's refugee system has changed. People with unfounded claims will be deported faster" (Keung 2013). This advertising campaign does not provide much hope for those of us working to prevent or call attention to refugee rights abuses. However, wherever there is power there is resistance and it is imperative that we continue to resist and we continue to bring refugees stories into the dominant narrative. This April 4th the Canadian Council for Refugees launched the Proud to Protect Refugees campaign which seeks to "promote a positive vision of what we want for refugees and of the important contributions refugees make to our communities" ("Proud to Protect Refugees' campaign launched across Canada this Refugee Rights Day"). State

exaltation has allowed the repressive Harper government to continue on with restrictive refugee policies, and to reinscribe able-bodiedness and whiteness onto the Canadian nation. Furthermore, it has allowed the Canadian state to use homonationalistic constructions of particular queer asylum seekers to promote a policy that is restrictive to queer asylum seekers more broadly. Despite the government's control of much of the nationalistic discourse, activist groups and campaigns such as the Proud to Protect Refugees campaign broaden what it looks like to be a refugee, and what it means to be part of state belonging. As part of their campaign the CCR included a series of Youtube videos of service providers, activists, and refugees on why they are proud to protect refugees. One poignant video response is from a woman named Loly Rico, who arrived to Canada as a refugee and is now working for the FCJ Refugee Center and the Canadian Council for Refugees. Loly states, "I'm proud to protect refugees because I was protected 23 years ago when I came as a refugee with my family and I was welcomed, and I believe that we need to keep welcoming people especially refugees because they need a lot of protection" ("Because 23 years ago I was welcomed as a refugee"). I believe Loly's video highlights what activists, scholars, government officials, and asylum seekers need to hear which is that despite the restrictive nature of Bill C-31 there is still hope and there is still a lot of work to do. To do some of this work we can draw on the Idle No More movement's approach which involves encouraging people to work towards decolonization at the personal level as well as at the collective level ("Pauwauwaein: Idle No More to Indigenous Nationhood Movement") So too, must those working towards refugee rights work to destabilize whiteness, to challenge the tokenistic usage of oppressed groups to create even more oppressive policy, and to challenge compulsory able-bodiedness. Finally, whenever we hear the word 'safe' or 'safety' utilized in state policy we must ask, who is this safe for? What are the costs of this 'safety'? And

finally we must determine the ways to hold both our government and ourselves accountable for the systems of domination that upholds state exaltation.

Conclusion: Moving Forward

In this thesis, I sought to expose the threads that connect systems of domination, discourses of security, processes of exaltation, refugees, and the state together. I argued that exaltation is present in state produced discourse about refugees and the Canadian nation through the Safe Third Country Agreement and designated countries of origin. In Chapter Two, I traced how refugees have been constructed as risky by the Canadian nation, and how this risk is constructed along gendered and racialized lines. I argued that after September 11th, the risky refugee trope was again at the forefront with Canadian government officials to create more restrictive refugee policy and to prove that Canada was a safe 'white' nation.

The resulting Safe Third Country Agreement between the U.S. and Canada is what I call a racialized imperial policy of violence that works to reduce the numbers of asylum seekers to Canada based on gendered and/or racialized constructions of risk to prove that Canada is not only safe, but an ally to the United States.

In Chapter Three, I looked at the discourse produced about the Safe Third Country Agreement by both the Canadian government and the refugee rights group, the Canadian Council for Refugees. I explored how exaltation, which is a process whereby certain characteristics-including whiteness, ability, and maleness- are privileged and afforded power and citizenship rights, shaped the government's construction of both the state and refugees in ways that reified gendered and racialized systems of domination (Thobani 2007). Through my analysis of the government's report on the Safe Third Country Agreement, I highlighted how the Canadian nation is constructed as kind and fair. I argue that this reifies the Canadian state as imperial managers of gendered and racialized bodies. The government's report also builds on culture clash narratives to construct refugees as risky, disorderly, undeserving, and to strip their personal stories from state-produced discourse about refugees (Razack 2008). The Canadian Council for Refugees report on the Safe Third Country Agreement offers a reparative discourse about refugees, where refugees are deserving of national belonging, and their personal stories are important (Sedgwick 2002). Furthermore, I argued that the Canadian Council for Refugees report highlights some of the issues with the concept of security in that the concept of security is embedded in systems of domination that upholds the security of those who are privileged at the expense of those who are not. I challenged both academics and activists to reconsider whether applying security models to those who are persecuted is useful given that dominant notions about security often reinforce racist,

sexist, classist, homophobic and ableist structures (Magnet 2011, Dobrowolsky 2008, Razack 2008, Puar 2007). Lastly, I problematized how gender gets taken up in the Canadian Council for Refugee's report and drew on Sherene Razack's (1998) work to put forth a different way for activists and scholars to talk about gender.

In Chapter Four, I showed how processes of exaltation have continued in Canadian refugee policy, especially pertaining to the concept of 'safe' countries. In Chapter Two and Three, I problematized the concept of safety, and in Chapter Four I continued to do that by suggesting that it is notions of whose bodies are exalted in ways that remain connected to whiteness and ability that afforded the Canadian state the ability to designate certain countries as safe through the designated country of origin policy. I argued that state exaltation allowed the Canadian state to construct the state as exalted through the Citizenship and Immigration Canada website by reifying able-bodiedness, whiteness, and reinforcing constructions of Canadian tolerance through discourses of homonationalism. By constructing the state as abled-bodied, white, and inclusive of queer people and constructing asylum seekers from designated countries of origin as disabled/disabling, and as underserving of refugee status in Canada, the Canadian government has successfully implemented a refugee policy that prevents and makes it more difficult for asylum seekers from Europe and Mexico to attain refugee status in Canada.

In this final chapter, I would like to put forward some ideas on where and how we can move forward. On the academic level, I think there are several areas where scholars can take my work and the work of other scholars further. Firstly, it is important that asylum seeker's stories be part of refugee discourse. As such, academic work that seeks to include asylum seekers voices, stories, and conducts interviews with asylum seekers is necessary.

Secondly, scholars in all fields must be reflexive in their work and examine their understandings of risk and security, and challenge themselves to see their own positions within systems of domination.

On the immediate political level, the Canadian government needs to stop engaging in safe country practices whether it is through safe third country agreements or designated countries of origin. These policies disenfranchise countless asylum seekers who truly need protection and safety (Costello 2005, Macklin 2005, 2003, Byrne and Shacknove 1996). Furthermore, the Canadian government needs to look at asylum seekers cases on an individual case-by-case basis that is not rushed or constrained by timelines based on the asylum seeker coming from a 'safe' country. I realize that the government and many critics have said that these practices are needed for efficiency and to reduce costs; however, this is not necessarily a rational argument in that it does not appear to actually increase efficiency or reduce costs (Hailbronner 1993). According to the Canadian government's own report, the Safe Third Country Agreement did not increase efficiency but rather increased the amount of time it takes for asylum seekers claims to get processed (Citizenship and Immigration Canada 2006). Furthermore, Bill C-31 involves increases in the number of detentions of asylum seekers. We currently have overcrowding in many of our detention facilities, which means that additional centers or spaces must be found, developed, and paid for as well as the costs of detaining, feeding, and housing asylum seekers must be accounted for ("Canada Detention Profile"). As such, I am skeptical of the government boasting savings of \$420 million over five years due to Bill C-31 (Mena Report 2013) given that the refugee detention budget has been rapidly growing with detention costs totalling \$45.7 million in 2008-2009 ("Canada Detention Profile"). This is a 17% increase since 2004-2005,

and will likely only continue to grow as we detain more asylum seekers due to Bill C-31 (“Canada Detention Profile”). As such, much in the same way that I challenged the rational language that was used in the government’s year one report in Chapter Three, we must challenge the government’s rationale for implementing refugee policies.

Finally, scholars, activists, government, communities, and individuals must work to unlearn and resist systems of domination that empower and privilege some, while disempowering and oppressing others. We are all embedded in these systems in Canada—where whiteness, ability, maleness, heterosexuality, belonging to the ‘settler’ society, and being middle to upper class—shape how we engage with asylum seekers and create policy (Razack 2008, 2004, 1998, Thobani 2007, Jiwani 2006, Mackey 2002, Bannerji 2000). As such, in order to create better policy that works to offer protection to those fleeing persecution, we must engage in a process of unlearning and penal abolition (hooks 2003). This process involves challenging one’s own ideas about race, class, gender, colonialism, and refugees and similarly challenging those around you about these same concepts. Unlearning involves actively seeking information about how systems of domination operate within one’s own country and one’s daily life. Finally, it involves holding oneself, one’s community, and one’s government accountable for their actions that can and have led to the persecution and oppression of othered bodies and asylum seekers. This is not an easy process and we will make mistakes, however, it is absolutely critical if we are to change refugee discourse and policy in Canada to ensure that those who need protection receive it.

Works Cited

- "A Partnership for Protection Year One Review." Government of Canada, Citizenship and Immigration Canada. *Communications Branch*. November 2006. Web. 16 July 2013.
- Abdo, Geneive. *Mecca and Main Street: Muslim Life in America After 9/11*. New York: Oxford University Press, 2006.
- Abell, Nazare Albuquerque. "Safe Country Provisions in Canada and in the European Union: A Critical Assessment." *International Migration Review* 31.3 (Autumn 1997): 569-590.
- Abu-Laban, Yasmeeen. "Keeping 'em Out: Gender, Race and Class Biases in Canadian Immigration Policy." *Painting the Maple: Essays on Race, Gender, and the*

Construction of Canada. Ed. Veronica Strong-Boag, Sherill Grace, Avigail Eisenberg, and Joan Anderson. Vancouver: UBC Press, 1999: 69-84.

Adelman, Howard. "Refugees and Border Security Post-September 11." *Refuge* 20.4 (2002): 5-14.

Aitken, Rob. "Notes on the Canadian Exception: Security Certificates in Critical Context." *Citizenship Studies* 12.4 (2008): 381-396.

Alfred, Taiaiake. "Colonialism and State Dependency." *Journal of Aboriginal Health* 5.2 (2009): 42-60.

Alfred, Taiaiake, and Jeff Corntassel. "Being Indigenous: Resurgences against Contemporary Colonialism." *Government and Opposition* 40.4 (2005): 597-614.

Anthias, Florya, and Nira Yuval-Davis. *Racialized Boundaries: Race, Nation, Gender, Colour and Class and the Anti-Racist Struggle*. London: Routledge, 2005.

[Aradau, Claudia. "The Roma in Italy: Racism as Usual?"](#) *Roma in Europe: Migration, Education, Representation*. Ed. Anca Pusca. New York: International Debate Education Association, 2012: 43-50.

Arnett, Amy. "One Step Forward, Two Steps Back: Women Asylum-Seekers in the United States and Canada Stand to Lose Human Rights under the Safe Third Country Agreement" *Lewis and Clarke Legal Review* 9.4 (2005): 951-980.

Ashbee, Edward. "Ployamory, Social Conservatism and the Same-Sex Marriage Debates in the US." *Politics* 27.2 (June 2007): 101-107.

Asthana, Deepti. "Gender Politics: Refugee Definition and the Safe Third Country Agreement" *The Georgetown Journal of Gender and the Law* 12.1 (2011): 1-42.

"Backgrounder- Designated Countries of Origin." Citizenship and Immigration Canada. Government of Canada. 1 February 2013. Web. 10 February 2013.

Bakailan, Anny. *Backlash 9/11: Middle Eastern and Muslim Americans Respond*. Berkeley: University of California Press, 2009.

- Bala, Nicholas. "The Debates about Same-Sex Marriage in Canada and the United States: Controversy over the Evolution of a Fundamental Social Institution." *BYU Journal of Public Law* 20.2 (2005-2006): 195-231.
- Bannerji, Himani. *The Dark Side of the Nation: Essays on Multiculturalism, Nationalism and Gender*. Toronto: Canadian Scholars Press, 2000.
- Barnes, Colin, and Geof Mercer. "Disability, Work, and Welfare: Challenging the Social Exclusion of Disabled People." *Work, Employment and Society* 19.3 (2005): 527-545.
- Barsony, Janos. "Facts and Debates: The Roma Holocaust." *Pharrajimos: The Fate of the Rroma During the Holocaust*. Ed Janos Barsony and Agnes Daroczi. New York: International Debate Education Association, 2008.
- Bechar, Julie and Sandra Elgersma. "Legislative Summary of Bill C-31: An Act to amend the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act, the Marine Transportation Security Act and the Department of Citizenship and Immigration Act." *Social Affairs Division*. 4 June 2012. Web. 1 December 2012.
- Bell, Colleen. "Subject to Exception: Security Certificates, National Security and Canada's Role in the 'War on Terror'." *Canadian Journal of Law and Society* 21.1 (2006): 63-83.
- Bhabha, Faisal. "Between Exclusion and Assimilation: Experimentalizing Multiculturalism." *McGill Law Journal* 54.1 (2009): 25-90.
- Bhabha, Faisal. "Tracking 'Terrorists' or solidifying Stereotypes? Canada's Antiterrorism Act in Light of the Charter's Equality Guarantees." *Windsor Review of Legal and Social Issues* 16 (2003): 95-136.
- Bhandar, Davina. "Renormalizing Citizenship and Life in Fortress North America." *Citizenship Studies* 8.3 (2004): 261-278.
- "Bill C-11: Open Letter." Canadian Council for Refugees. April 2010. Web. 1 December 2012.

- Boykin, Keith. "Where Rhetoric Meets Reality: The Role of Black Lesbians and Gays in 'Queer' Politics." *The Politics of Gay Rights*. Ed. Craig Rimmerman, Kenneth Wald, and Clyde Wilcox. Chicago: University of Chicago Press, 2000: 79-96.
- Brunet-Jailly, Emmanuel. "Security and Border Security Policies: Perimeter or Smart Border? A Comparison of the European Union and Canadian-American Border Security Regimes." *Journal of Borderlands Studies* 21.1 (2006): 3-21.
- Buchignani, Norman, *et al.* *Continuous Journey: A Social History of South Asians in Canada*. Toronto: McClelland and Stewart, 1985.
- Butler, Judith. "Is Kinship Always Already Heterosexual?" *Differences* 13.1 (2002): 14-44.
- Byrne, R, and A Shcaknove. "The Safe Third Country Notion in European Asylum Law." *Harvard Human Rights Journal* 9 (1996): 189-228.
- Campbell, Clark. "Crack down on refugees, commons report urges." *The Globe and Mail*. 7 Dec. 2001. *Factivia*. Web. 13 Nov, 2012.
- "Canada: Total Savings to Taxpayers Now Estimated at \$2 Billion." *Mena Report*. 23 February 2013. *Factivia*. Web. 12 March 2013.
- "Canada Detention Profile." *Global Detention Project*. July 2012. Web. 10 June 2013.
- "Canada Rolls Back Refugee Protection: Bill C-31 receives Royal Assent." *Canadian Council for Refugees*. 29 June 12. Web. 15 November 2012.
- Canadian Council for Refugees. "Because 23 years ago I was welcomed as a refugee." Online video clip. *YouTube*. 21 March 2013. Web. 18 March 2013.
- Canadian Council for Refugees .v. R. Canadian Federal Court. March 2006. *Canadian Council for Refugees*. Web. 15 August 2012.
- Canadian Press. "Marchi balks at refugee pact." *The Toronto Star*. 21 Nov. 1993. *Factivia*. Web. 15 Dec. 2012.

- Carney, Robert. "Aboriginal Residential Schools before Confederation: The Early Experience." *Historical Studies* 61 (1995): 13-40.
- Cho, Karen, dir. *Seeking Refuge*. Dir. Ian Oliveri, and Prod. Nathalie Barton. InformAction Films, 2009. Film.
- Chrisjohn, Roland, and Sherri Young. *The Circle Game: Shadows and Substance and the Indian Residential School Experience in Canada*. Penticton: Theytus Books 1997.
- "Closing the Front Door on Refugees." Canadian Council for Refugees. December 2005. Web. Jul 2012.
- Cohn, Carol. "Sex and Death in the Rational World of Defense Intellectuals." *Women, Science and Technology: A Reader in Feminist Science Studies*. Eds. Mary Wyr. New York: Routledge 2001: 99-140.
- Costello, Cathryn. "Asylum Procedures Directive and the Proliferation of Safe Country Practices: Deterrence, Deflection and the Dismantling of International Protection?" *Journal of Migration and Law* 7.1 (2005): 35-69.
- Cote-Boucher, Karen. "The Diffuse Border: Intelligence Sharing, Control and Confinement along Canada's Smart Border" *Surveillance and Society* 5.2 (2008): 142-165.
- Cott, Nancy. *Public Vows: A History of Marriage and the Nation*. Cambridge: Harvard University Press, 2000.
- Curry, Bill. "Fraud Squad Chases Down Marriages of Convenience." National Globe and Mail. 21 May, 2008. *Factivia*. Web. 12 March, 2013.
- Cutler, Cara. "The U.S.-Canada Safe Third Country Agreement: Slamming the Door on Refugees." *ILSA Journal of International and Comparative Law* 11 (Fall 2004): 121-139.
- Department of Justice. Joint US-Canada Statement on Northern Border Priorities. Ottawa: FDHC, December 3, 2001. *Factivia*. Web. December 15, 2012.

- Depatie-Pelletier, Eugénie. "2011 Federal Reform: Making the Canadian Migrant Workers Pay if Employer Found Abusive." *Mistreatment of Temporary Foreign Workers in Canada: Overcoming Regulatory Barriers and Realities on the Ground*. Ed. Khan Rahi and Eugénie Depatie-Pelletier. Montreal: Centre Métropolis du Québec, 2011: 7-26.
- Deschamps, Gilbert. *We Are Part of The Tradition: A Guide on Two-Spirited People for First Nations Communities*. Ottawa: 2-Spirited People of the 1st Nations, 1998.
- "Designated Countries of Origin." Citizenship and Immigration Canada. *Government of Canada*. 26 February 2012. Web. 10 February 2013.
- Devliosky, Katerina. *White Femininity: Race, Gender, and Power*. Halifax: Fernwood Publishing Company, 2010.
- Dobrowolsky, Alexandra. "Interrogating Invisibilization and Instrumentalization: Women and Current Citizenship Trends in Canada." *Citizenship Studies* 12.5 (2008): 465-479.
- Dore, Christopher. "What to Do with Omar Khadr? Putting a Child Soldier on Trial: Questions of International Law, Juvenile Justice, and Moral Culpability." *Journal of Marshall Law Review* 41 (2007-2008): 1281-1320.
- Duggan, Lisa. *The Twilight of Equality: Neoliberalism, Cultural Politics, and the Attack on Democracy*. Boston: Beacon Press, 2003.
- Dyer, Richard. *White*. New York: Routledge, 1997.
- Ehrlich, Susan. "Language and Gender." *Handbook of Applied Linguistics*. Ed. Alan Davies and Catherine Elder. Maldon: Blackwell, 2004.
- Esses, Victoria *et al.* "Public Attitudes Towards Immigration in the United States and Canada in Response to the September 11, 2001 'Attack on America'." *Analysis of Social Indicators and Public Policy* 2.1 (2002): 69-85.

- Ettelbrick, Paula. "Since When is Marriage a Path to Liberation?" *We are Everywhere: A Historical Sourcebook of Gay and Lesbian Politics*. Ed. Mark Blasius and Shane Phelan. New York: Routledge, 1997: 757-761.
- Eubanks, Virginia. "Technologies of Citizenship: Surveillance and Political Learning in the Welfare System." *Surveillance and Security: Technological Politics and Power in Everyday Life*. Ed. R. Bernard. Walnut Creek, California: Altamira Press, 2006: 89-108.
- Ferguson, Will. *Why I Hate Canadians*. Vancouver: Douglas and McIntyre, 1997.
- "Final Text of the Safe Third Country Agreement" Citizenship and Immigration Canada. *Government of Canada*. 2002. Web. 12 January 2013.
- Flynn, Stephen. "New Reality in Canada/U.S. Relations: Reconciling Security and Economic Interests and the Smart Border Declaration." *Canada-U.S. Law Journal* 29 (2003): 9-19.
- Foner, Eric. "Hiring Quotas for White Males Only." *Privilege: A Reader*. Ed. Michael Kimmel, and Abby Erber. Boulder: Westview Press, 2003: 111-114.
- Foucault, Michel. *Power/Knowledge: Selected Interviews and Other Writings, 1972-1977*. Toronto: Random House of Canada, 1980.
- Fox, Jonathan. "Patterns of Discrimination, Grievances and Political Activity among Europe's Roma: A Cross-Sectional Analysis." *Journal of Ethnopolitics and Minority Issues in Europe* (2001): 1-13.
- "France sends Roma Gypsies back to Romania." BBC. 20 August 2010. Web. 11 Mar. 2012.
- Gayet, Anne-Claire. "International Human Rights Standards and the Canadian Seasonal Agricultural Worker Program: Canada and International Labour Organization Conventions." *Mistreatment of Temporary Foreign Workers in Canada: Overcoming Regulatory Barriers and Realities on the Ground*. Ed. Khan Rahi and Eugénie Depatie-Pelletier. Montreal: Centre Métropolis du Québec, 2011: 47-57.

- Gilroy, Paul. *After Empire: Melancholia or Convivial Culture?* Abingdon: Routledge, 2004.
- Goldberg, Suzanne. "Give Me Liberty or Give Me Death: Political Asylum and the Global Perspective of Lesbians and Gay Men." *Cornell International Law Journal*. 26.3 (1993): 605-624.
- Hage, Gasson. *White Nation: Fantasies of White Supremacy in a Multicultural Society*. New York: Routledge, 2000.
- Hailbronner, Kay. "The Concept of 'Safe Country' and expeditious asylum procedures: A Western European Perspective." *International Journal of Refugee Law* 5.1 (1993): 31-65.
- Hamlin¹, Rebecca. "International Law and Administrative Insulation: A Comparison of Refugee Status Determination Regimes in the United States, Canada, and Australia." *Law and Social Inquiry* 37.4 (2012): 933-968.
- Hamlin², Rebecca. "Illegal refugees: Competing Policy Ideas and the Rise of the Regime of Deterrence in American Asylum Politics." *Refugee Survey Quarterly* 31.2 (2012): 33-53.
- Hansen, Lene. "The Little Mermaid's Silent Security: Dilemma and the Absence of Gender in the Copenhagen School." *Millenium* 29.2 (2000): 285-306.
- Hataley, Todd. "Catastrophic Terrorism at the Border: The Case of the Canada-United States Border." *Homeland Security Affairs* 1 (2007): 1-27.
- Herbeck, Dan. "Shelter already crowded, faces new refugee influx." Buffalo News. 2 June 2002. *Factivia*. Web. 28 Nov. 2012.
- Hier, S., and J. Greenberg. "Constructing a Discursive Crisis: Risk, Problematization and Illegal Chinese in Canada." *Ethnic and Racial Studies* 25.3 (2002): 490-513.
- hooks, bell. *Teaching Community: A Pedagogy of Hope*. New York: Routledge, 2003.

- Humphreys, Adrian. "'Smart border' to turn away more refugees." *National Post*. 29 June 2002. *Factivia*. Web. 2 Dec. 2012.
- Ibrahim, Maggie. "The Securitization of Migration: A Racial Discourse." *International Migration* 43.5 (2005): 163-187.
- Ignatieff, Michael. *The Lesser Evil: Political Ethics in an Age of Terror*. Toronto: Penguin Canada, 2004.
- Jiwani, Yasmin. "Trapped in the Carceral Net: Race, Gender, and the 'War on Terror'." *Global Media Journal* 4.2 (2011): 13-31.
- Jiwani, Yasmin. *Discourses of Denial: Mediations of Race, Gender, and Violence*. Vancouver: UBC Press, 2006.
- Jiwani, Yasmin. "The Great White North Encounters September 11: Race, Gender, and Nation in Canada's National Daily, 'The Globe and Mail'." *Social Justice* 32.4 (2005): 50-68.
- Josephson, Jyl. "Citizenship, Same-Sex Marriage, and Feminist Critiques of Marriage." *Perspectives on Politics* 3.2 (June 2005): 269-284.
- Kandt, Kristin. "United States Asylum Law: Recognizing Persecution Based on Gender Using Canada as a Comparison." *Georgetown Immigration Law Review* 9 (1995): 137-180.
- Karim, Karim. "Pundits, Pachyderms and Pluralism: The Never-Ending Debate on Multiculturalism" *Race, Ethnicity, and Intercultural Communication* 34.4 (2009): 701-710.
- Kelley, Ninette. "The Convention Refugee Definition and Gender-Based Persecution: A Decade's Progress." *International Journal of Refugee Law* 13.4 (2001): 559-568.
- Kende. "The Hungary of Otherness: The Roma (Gypsies) of Hungary." *Journal of European Area Studies* 8.2 (2000): 187-201.

- Kenney, Jason. "Speaking notes for The Honourable Jason Kenney, P.C., M.P. Minister of Citizenship, Immigration and Multiculturalism." Citizenship and Immigration Canada. *Government of Canada*. 29 June 2012. Web. 1 December 2012.
- Keung, Nicholas. "Roma refugees: Canadian billboards in Hungary warn of deportation." *The Star*. 25 January 2013. Web. 10 January 2013.
- Keung, Nicholas. "Asylum bids blocked at U.S. border." *Toronto Star*. 17 November 2006. *Factivia*. Web. 20 January 2013.
- Kosa *et al.* "A Comparative Health Survey of the Inhabitants of Roma Settlements in Hungary." *Research and Practice* 97.5 (May 2007): 853-859.
- Kreps, Sarah. "Elite Consensus as a Determinant of Alliance Cohesion: Why Public Opinion Hardly Matters for NATO-led Operations in Afghanistan." *Foreign Policy Analysis* 6.3 (July 2010): 191-215.
- Kulba, Tracy. "Citizens, Consumers, Critique-al Subjects: Rethinking the 'Statue Controversy' and Emily Murphy's *The Black Candle* (1992)." *Tessera* 31 (2002): 74-89.
- Langan, Mary. "Who Cares? Women in the Mixed Economy of Care." *Women, Oppression and Social Work*. Ed. Lesley Day and Mary Langan. New York: Routledge, 1992: 67-91.
- Lavenex, Sandra. "The Europeanization of Refugee Policies: Normative Challenges and Institutional Legacies." *Journal of Common Market Studies* 39.5 (December 2001): 851-874.
- Lavanex, Sandra. "'Passing the Buck': European Union Refugee Policies towards Central and Eastern Europe." *Journal of Refugee Studies* 11.2 (1998): 126-145.
- Lazar, Michelle. "Feminist Critical Discourse Analysis: Articulating a Feminist Discourse Praxis." *Critical Discourse Studies* 4.2 (August 2007): 141-164.

- Legomsky, Stephen. "Secondary Refugee Movements and the Return of Asylum Seekers to Third Countries: The Meaning of Effective Protection." *International Journal of Refugee Law* 15.4 (2003): 567-677.
- Li, Peter. *Destination Canada: Immigration Debates and Issues*. Don Mills: Oxford University Press, 2003.
- Lipset, Seymour. *Continental Divide: The Values and Institutions of the United States and Canada*. New York: Routledge, 1990.
- Little, Margaret. "A Litmus Test for Democracy: The Impact of Welfare Changes and Single Mothers." *Studies in Political Economy* 66 (Autumn 2001): 9-36.
- Lorde, Audre. *Sister Outsider: Essays and Speeches*. Berkeley: Crossing Press, 2007. 2nd Edition.
- MacDonald, Matt. "Securitisation and the Construction of Security." *European Journal of International Relations* 14.4(2008): 563-587.
- Mackey, Eva. *The House of Difference: Cultural Politics and National Identity in Canada*. Toronto: Toronto University Press, 2002.
- Macklin, Audrey. "Disappearing Refugees: Reflections on the Canada-U.S. Safe Third Country Agreement." *Columbia Human Rights Law Review* 36.2 (2005): 365-426.
- Macklin, Audrey. "The Values of the Canada-US Safe Third Country Agreement." *Caledon Institute of Social Policy* (December 2003): 1-23.
- Magnet, Shoshana. *When Biometrics Fail: Gender, Race and the technologies of Identity*. Durham: Duke University Press, 2011.
- Martenson, Henery, and John McCarthy. "'In General, No Serious Risk of Persecution': Safe Country of Origin Practices in Nine European States." *Journal of Refugee Studies* 11.3 (1998): 304-325.
- Martinez, D. "From Theory to Method: A Methodological Approach within Critical Discourse Analysis." *Critical discourse Studies* 4.2 (2007): 125-140.

- McIntosh, Peggy. "White Privilege and Male Privilege." *Privilege: A Reader*. Ed. Michael Kimmel, and Abby Erber. Boulder: Westview Press, 2003: 147-160.
- McRuer, Robert. *Crip Theory: Cultural Signs of Queerness and Disability*. New York: New York University Press, 2006.
- "Media Release 2008." Canadian Council for Refugees. 2 July 2008. Web. 10 May 2013.
- Miki, Roy. *Redress: Inside the Japanese Canadians Call for Justice*. Vancouver: Raincoast Books, 2004.
- Millard, Gregory *et al.* "Here's Where We Get Canadian: English-Canadian Nationalism and Popular Culture." *American Review of Canadian Studies* 32.1 (2002): 11-34.
- Miller, James. *Skyscrapers Hide the Heavens: A History of Indian-White Relations in Canada*. Toronto: University of Toronto Press, 2000.
- Miller, James. *Shingwauk's Vision: A History of Canadian Residential Schools*. Toronto: University of Toronto Press, 1996.
- Mills, Sara, and Louise Mullany. *Language Gender and Feminism: Theory, Methodology and Practice*. New York: Routledge, 2011.
- Moens, Alexander. "Afghanistan and the Revolution in Canadian Foreign Policy." *International Journal* 63.3 (Summer 2008): 569-586.
- Mohanty, Chandra. "Under Western Eyes: Feminist Scholarship and Colonial Discourse." *Feminist Review* 30 (Autumn 1988): 61-88.
- Mohanty, Chandra, and Ann Russo. *Third World Women and the Politics of Feminism*. Bloomington: Indiana University Press, 1991.
- Molson Canadian. "The Rant". Commercial. *Youtube*. 8 November 2006. Web. 18 February 2013.
- Murdocca, Carmela. "When Ebola Came to Canada: Race and the Making of the Respectable Body" *Atlantis* 27.2 (2003): 1-13.

- Mutimer, Davide. "My Critique is Bigger than Yours: Constituting Exclusions in Critical Security Studies." *Studies in Social Justice* 3.1 (2009): 9-22.
- Nacu, Alexandra. "The Politics of Roma Migration: Framing Identity Struggles Among the Romanian and Bulgarian Roma in the Paris Region." *Roma in Europe: Migration, Education, Representation*. Ed. Anca Pusca. New York: International Debate Education Association, 2012: 25-42.
- Nakache, Delphine and Paula Kinoshita. "The Canadian Temporary Foreign Worker Program: Do Short-Term Economic Needs Prevail Over Human Rights Concerns?" *IRRP Study* 5 (May 2010): 1-47.
- Neocleous, Mark. *Critique of Security*. Edinburgh: Edinburgh University Press, 2008.
- New, William, and Michael Merry. "Solving the 'Gypsy' Problem." *Roma in Europe: Migration, Education, Representation*. Ed. Anca Pusca. New York: International Debate Education Association, 2012: 91-114.
- "News Release- Harper Government Introduces the *Protecting Canada's Immigration System Act*." Citizenship and Immigration Canada. *Government of Canada*. 16 February 2012. Web. 1 March 2013.
- Noble, Greg. "The Discomfort of Strangers: Racism, Incivility and Ontological Security in a Relaxed and Comfortable National." *Journal of Intercultural Studies* 26.1-2 (2005): 107-120.
- "North American Partnerships- Working with the United States." Canadian Border Services Agency. *Government of Canada*. 2007. Web. 29 Nov. 2012.
- O'Neill, Juliet. "Ottawa pushes for refugee pact with U.S." *Calgary Herald*. 8 Dec. 2001. *Factivia*. Web. 2 Dec. 2012.
- Oikawa, Mona. "Cartographies of Violence: Women, Memory, and the Subjects of the Internment." *Canadian Journal of Law and Society* 15.2 (2000): 36-69

- Ortega, Mariana. "Being Lovingly, Knowingly Ignorant: White Feminism and Women of Color." *Hypatia* 21.3 (Summer 2006): 56-74.
- "Pauwauwaein: Idle No More to Indigenous Nationhood Movement." Decolonization: Indigeneity, Education & Society. *Wordpress*. 4 March 2013. Web. 10 February 2013.
- Perle, Richard, and David Frum. *An End to Evil: How to Win the War on Terror*. New York: Random House Publishing, 2004.
- Power, Elaine. "The Unfreedom of Being Other: Canadian Lone Mothers' Experiences of Poverty and 'Life on the Cheque.'" *Sociology* 39.4 (2005): 643-660.
- Preibisch, Kerry and Leigh Binford. "Interrogating Racialized Global Labour Supply: An Exploration of the Racial/National Replacement of Foreign Agricultural Workers in Canada." *Canadian Review of Sociology* 44.1 (2007): 5-36.
- "Proud to Protect Refugees' campaign launched across Canada this Refugee Rights Day." Canadian Council for Refugees. 4 April 2013. Web. 2 March 2013.
- Puar, Jasbir. *Terrorist Assemblages: Homonationalism in Queer Times*. Durham: Duke University Press, 2007.
- Rahi, Khan. "Behind the Regulatory Screens of Canadian Temporary Foreign Worker Program." *Mistreatment of Temporary Foreign Workers in Canada: Overcoming Regulatory Barriers and Realities on the Ground*. Ed. Khan Rahi and Eugénie Depatie-Pelletier. Montreal: Centre Métropolis du Québec, 2011: 3-6.
- Razack Sherene. *Casting Out: The Eviction of Muslims from Western Law and Politics*. Toronto: University of Toronto Press, 2008.
- Razack, Sherene. *Dark Threats and White Knights: The Somalia Affair, Peacekeeping, and the New Imperialism*. Toronto: University of Toronto Press, 2004.
- Razack, Sherene. *Looking White People in the Eye: Gender, Race, and Culture in Courtrooms and Classrooms*. Toronto: University of Toronto Press, 1998.

- “Report: Roma Rights in Romania.” *European Roma Rights Center Country Report Series* 10 (2001): 6-81.
- Roach, Kent. *September 11: Consequences for Canada*. Quebec City: McGill-Queens University Press, 2003.
- Sacks, Karen. “How Jews Became White.” *Privilege: A Reader*. Ed. Michael Kimmel, and Abby Erber. 2003: 115-134.
- “Safe Third Country.” Canadian Council for Refugees. 19 March 2012. Web. 10 January 2013.
- Samson, Lindy, and Charles Hui. “Cut to refugee health program put children and youth at risk.” *Canadian Pediatric Society* (June 2012): 1-3.
- Sedgwick, Eve. “Paranoid and Reparative Reading, or, You’re So Paranoid, You Probably Think this Essay is About You.” *Touching Feeling: Affect, Pedagogy, Performativity*. Ed. Eve Sedgwick and Adam Frank. Durham: Duke University Press, 2003: 123-152.
- Sharpe, Robert, and Patricia McMahon. *The Person Case: The Origins and Legacy of the Fight for Legal Personhood*. Toronto: University of Toronto Press, 2007.
- Sheppard, Mary. “Deported Mexican Refugee Claimant Dies After Beating.” CBC News. 24 April, 2012. Web. 15 April, 2013.
- Shephard, Michelle. *Guantanamo’s Child: The Untold Story of Omar Khadr*. Mississauga: J Wiley and Sons, 2008.
- Sigona, Nando. “Locating ‘the Gypsy Problem’: The Roma in Italy.” *Roma in Europe: Migration, Education, Representation*. Ed. Anca Pusca. New York: International Debate Education Association, 2012: 71-88.
- Simpson *et al.* “Multiculturalism, Colonialism, and Racialization: Conceptual Starting Points.” *Review of Education, Pedagogy, and Cultural Studies*. 33.4 (2011): 285-305.

- Smillie-Adjarkwa, Christine. "Aboriginal Alcohol Addiction in Ontario Canada: A Look at the History and Current Healing Methods that are Working in Breaking the Cycle of Abuse." *Indigenous Policy Journal* 20.3 (2009): 1-9.
- Smith, Gordon. "Canada in Afghanistan: Is it Working?" Canadian Defence and Foreign Affairs Institute. *Government of Canada*. 26 Feb. 2007. Web. 25 Jan 2013.
- Smith, Steve. "The Contested Concept of Security." *Critical Security Studies*. Ed. Ken Booth. London: Lynne Reiner, 2005: 27-56.
- Smith, Alisa Dawn. "Rethinking First-Wave Feminism through the Ideas of Emily Murphy." MA Thesis, University of Victoria, 1997.
- Snyder, Sharon and David Mitchell¹. "Introduction: Ablenationalism and the Geopolitics of Disability." *Journal of Literary and Cultural Disability Studies* 4.2 (2010): 113-126.
- Snyder, Sharon and David Mitchell². "Disability as Multitude: Reworking Non-Productive Labor Power." *Journal of Literary and Cultural Disability Studies* 4.2 (2010): 179-193.
- Sobotka, Eva. "The Limits of the State: Political Participation and Representation of Roma in the Czech Republic, Hungary, Poland and Slovakia." *Journal on Ethnopolitics and Minority Issues in Europe* (2001): 1-24.
- "State of Impunity: Human Rights Abuse of Roma in Romania." European Roma Rights Center. 12 September 2001. Web. 10 January 2013.
- Stiles, Daniel. "Border Crisis: Time for a New Collective Review of Tri-Nation Border Security." *Transportation Law Journal* 29 (2001-2002): 299-312.
- Sugiman, Pamela. "Memories of Internment: Narrating Japanese Canadian Women's Life Stories." *The Canadian Journal of Sociology* 29.3 (Summer 2004): 359-380
- Szikinger, Istvan. "The Roma in Hungary." *Policing and Society* 10.1 (2000): 91-106.
- Tancredo, Thomas. "Immigration, Citizenship, and National Security: The Silent Invasion." *Mediterranean Quarterly* 15.4 (2004): 4-15.

- “Testimony of Bill Frelick before the Canadian Parliament on Bill C31 Protecting Canada’s Immigration System Act.” Human Rights Watch. 1 May 2012. Web. 21 February 2013.
- “The 100th Anniversary of the Continuous Passage Act.” Citizenship and Immigration Canada. *Government of Canada*. 29 October 2008. Web. 10 February 2013
- Thobani, Sunera. *Exalted Subjects: Making of Race and Nation in Canada*. Toronto: University of Toronto Press, 2007.
- Thobani, Sunera. “Closing Ranks: Racism and Sexism in Canada’s Immigration Policy” *Race and Class* 42.1 (July 2000): 35-55.
- Thomas, Dominic. “Sarkozy’s Law: The Institutionalization of Xenophobia in the New Europe.” *Roma in Europe: Migration, Education, Representation*. Ed. Anca Pusca. New York: International Debate Education Association, 2012: 17-24.
- Thompson, Allan. “Flow of Refugees at Heart of Deal.” *The Toronto Star*. 26 October 2001. *Factivia*. Web. 15 December 2012.
- “Tories aim to fix ‘broken’ immigration system.” CTV News. 16 February 2012. Web. 15 January 2013.
- UN General Assembly. “Convention and Protocol Relating to the Status of Refugees.” *United Nations*. (December 2010): 1-52.
- “Unbalanced Reforms: Recommendations with Respect to Bill C-31.” Amnesty International Canada. 17 April 2012. Web. 21 February 2013
- “U.S.-Canada Smart Border/30 Point Action Plan Update.” *U.S. Department of State*. Government of the United States of America, 2002. Web. 29 Nov. 2012.
- Van Dijk, Teun Adrianus. *Discourse and Power*. New York: Palgrave Macmillan, 2008.
- Van Dijk, Teun. “Discourse and the Denial of Racism.” *Discourse and Society* 3.1 (1992): 87-118.

- Vernon, Karina. "The First Black Prairie Novel: Chief Buffalo Child Long Lance's Autobiography and the Repression of Prairie Blackness." *Journal of Canadian Studies* 45.2 (Spring 2011): 31-57.
- Wakeham, Pauline. "Re-Centering Indigenous Ideas." *TOPIA* 26 (Fall 2011): 212-216.
- Ward, Peter. *White Canada Forever: Popular Attitudes and Public Policy Towards Orientals in Canada*. Montreal: McGill-Queens University Press, 2002. 3rd Edition
- Woodcock, Shannon. "Gender as a Catalyst for Violence against Roma in Contemporary Italy." *Roma in Europe: Migration, Education, Representation*. Ed. Anca Pusca. New York: International Debate Education Association, 2012.
- Wong, Edward. "A Critical Analysis of Ableism in Canadian Immigration Policy from 1869 to 2011." *Critical Disability Discourse* 4 (2012): 1-27.
- Yousefi, Shaghayegh. "Improving Health, Safety and Housing Conditions of Mexican Farm Workers in British Columbia: A Farmer's Perspective." *Mistreatment of Temporary Foreign Workers in Canada: Overcoming Regulatory Barriers and Realities on the Ground*. Ed. Khan Rahi and Eugénie Depatie-Pelletier. Montreal: Centre Métropolis du Québec, 2011: 73-94.
- Zimmerman, Michael. "The National Socialist 'Solution of the Gypsy Question': Central Decisions, Local Initiatives, and Their Interrelation." *Holocaust Genocide Studies* 15.3 (2001): 412-427.
- Zimmerman, Susan. *The Revolving Door of Despair*. Ottawa: Law Reform of Canada, 1992.

