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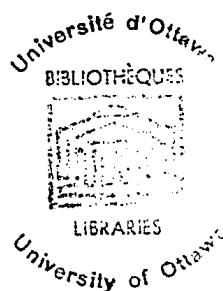
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IMMIGRATION OFFICERS AS AGENTS OF SOCIAL CONTROL: A STUDY OF
DECISION-MAKING PRACTICES WITH REGARD TO SUSPECTED OR
CONVICTED CRIMINALS AT A CANADIAN PORT OF ENTRY

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Submitted to the School of Graduate Studies, University of
Ottawa, in partial fulfilment of the requirements for the
degree of Master of Arts in Criminology.

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The views expressed in this study are those of the author and not necessarily those of the Canada Employment and Immigration Commission.

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CHAPTER I

THE DECISION-MAKING PROCESS

The Research Problem

Prior to entering a masters programme in criminology I worked as an immigration officer at a port of entry for four months. I was then and continue to be surprised at how little is known about immigration officers, their role, the place in which they work and how their decision-making affects peoples' lives. When I told acquaintances where I worked I often received the response: "Oh, you're the guy who searches my car when I return from shopping in the States." As I became accustomed to the immigration officer role I concluded that there is an interesting and at times exciting component of the job amidst the otherwise monotonous daily routine of completing an overwhelming number of paper forms for often unknown reasons.¹ This interesting component stems in part from never knowing who is going to enter the immigration waiting room upstairs in the port next. Officers construct images of individuals who enter the port seconds after making contact with them. These images shape officers' decisions as to who can enter Canada. For me to classify persons into types or give a number of examples would not begin to describe the incredible assortment of individuals that entered, without

¹ I will discuss the effects of bureaucratic paper work in more detail in a later chapter.

any warning, the office where I was employed, nor would it describe the feelings of officers towards the unpredictable nature of this aspect of their work. This is not to say that many individuals who entered the waiting room were not seen as similar to those who came before and therefore as predictable and somewhat uninteresting. Yet even these "uninteresting" individuals often left lingering doubts in the minds of officers- everyone was potentially something other than what they claimed to be. Whether they claimed to be businessmen, truck drivers or sight-seers all were potentially wanted fugitives, escaping child abductors, someone hiding a criminal past, or even a terrorist. My learning to view people in this manner began my first day of work at the port when a customs officer took me aside and said: "The first thing you got to know is that everybody, and I mean *everybody* lies." Never knowing who was going to enter the waiting room and never being completely sure of who it was that left made the work interesting.

This research stems from what interested me then and continues to interest me now- the social process that occurs when an individual driving on an interstate highway is suddenly drawn into the social control apparatus, examined, and finally released onto the highway headed in either a north or south direction. It is during this period of contact that an immigration officer has to come to terms with who or what a person is far beyond what his passport or who he says he is.

The unquestioning compliance that individuals usually show during this period in answering an array of sometimes very personal questions put to them by officers and the ease in which officers are able to extract the information they require and, if necessary, refuse individuals entry are only two of many features of this unique situation that intrigue me.

Various types of individuals are drawn into these strands of the control "net," (Cohen, 1985: 56) but only those who have been suspected of or actually convicted of criminal offences will be dealt with here. The general focus of this study is to determine the factors that affect immigration officer's decision-making practices surrounding these individuals at a port of entry. More specifically I want to discover the answers to a number of questions. I want to know what kinds of criminals are detected at a port and why certain kinds are detected. I want to know how officers are supposed to decide who among those detected are to be refused and who are to be allowed in as well as who is actually refused or allowed in. Finally, I want to know why certain individuals are allowed in and others refused. The information I will use to answer these questions will be mostly quantitative in nature. To fully answer the "why" question, however, I am required to ask two additional questions about the social process of decision-making: (1) what is the role of interactions with other officers and individuals suspected of

being criminals in decision-making? and (2) what is the role of the physical and the bureaucratic setting in which this interaction takes place? The information used to answer these two questions will be mostly qualitative in nature. Finally, I want to know what implications for decision-making policy might stem from answers to these questions and what these answers suggest about the decision-making of agents of social control in general. Aside from my personal interest there are a number of reasons why this study is important.

A visitor is defined under the Immigration Act, 1976 as a non-Canadian citizen or non-permanent resident entering Canada for a temporary purpose. In 1986 alone 38 million visitors came through ports of entry into Canada from the United States and an additional 2 million came through ports from overseas (Canada, 1988: 6). With the signing of the Free Trade Agreement between the United States and Canada in 1988 an increased volume of goods has been entering Canada from the United States and will likely continue to do so in coming years. Along with these goods will come a comparable increase in the number of visitors who are involved in buying, selling, and distributing them. Of the millions of visitors from foreign countries, thousands will have been convicted of criminal offences. If these persons are detected by customs and immigration personnel they may be considered inadmissible under the Immigration Act and may be refused entry immediately or after a review as a result.

A large number of visitors are not plain tourists. Rather, they are depending on the Commission to issue them employment or student authorizations to work or study in Canada. If they are deemed inadmissible by immigration personnel and refused entry, this decision legally over-rides any authorizations of this type they may have been issued from consulates or embassies outside of Canada. If an individual is ultimately refused entry the effects on the individual and/or his family are often serious and for some may be devastating.

No statistics are compiled on individuals refused at ports of entry because they have been convicted of criminal offences. Rather, the numbers of persons who are considered to be inadmissible under all sections of the Immigration Act together are recorded by the Commission. These numbers are not available to the public. Refusing individuals entry because of a criminal record, based on my experience at the port of entry at which I worked, was a daily routine, not a rare occurrence. When every port of entry in Canada and the magnitude of the numbers of individuals coming through ports in a single year are taken into account, it can be seen that this decision-making process may be affecting a large number of persons. Little is known about who is allowed into Canada and who is refused entry. Nor is much known about how examining officers decide to recommend entry or how senior officers decide to grant entry during a review or the

relationship between these two decisions.

The results of this study, besides contributing to the social scientific literature regarding agents of social control, might have implications for immigration policy particularly with regard to guidelines for the decision to allow individuals who have been convicted of offences into Canada. The Immigration Commission's responsibility is to uphold what is set out in the Immigration Act, 1976, but it is also required as a representative of the Government of Canada to be just in its dealings with foreign individuals.

To begin, since most people are likely to be unfamiliar with port of entry procedures, immigration regulations, the differing roles of port personnel, and the language used by them, I will describe decision-making procedures at ports of entry and the criteria that are supposed to be used by officers to make decisions. Canadian Citizens and permanent residents of Canada who frequently exit and then re-enter Canada are generally familiar with the decision-making of Canada Customs personnel, which is only one stage of the process. Citizens and residents rarely come into contact with subsequent stages that involve Immigration Commission personnel unless they were travelling with persons of foreign citizenship. This overview provides a basic understanding of the decision-making process and some of the parameters in which officers work. Also important is a knowledge of the terms used by immigration officers (eg.

"inquiry," "20 report," and "P.I.L.," among others).

The Primary Examination

The first stage in the decision-making process that occurs at a port of entry lies with Canada Customs. Every individual attempting to enter Canada through a port of entry by land or air² is required to be first examined by a customs officer to determine, among other things, admissibility to Canada (Canada, 1989a: 20). This stage is termed the primary examination and takes place at border crossings and airports on what is termed the Primary Inspection Line (P.I.L.). When persons are referred by customs officers to immigration officers (IOs), for whatever reason, the examination that subsequently takes place is termed the secondary examination.

A customs officer is designated as an immigration officer under the Immigration Act, 1976 (from here on referred to as "the Act") and is required therefore to ask four basic questions on behalf of the Immigration Commission. They are: "What is your citizenship?"; "Where do you live?" or any question concerning destination; "What is your purpose for

² Some remote ports of entry in the North West Territories and the Yukon as well as six small ports of entry in Newfoundland are manned by R.C.M.P. officers. Some ports of entry (harbors) are manned by police officers of the National Harbors Board. At these and other remote ports of entry, the rest of which are manned by customs officers alone, officers carry out the functions of both customs and immigration officials. Other exceptions to the above include Atmospheric Environment Services Officers and members of the Canadian Armed Forces at extremely remote northern locations. The vast majority of individuals, however, enter Canada by land or air. Those entering by sea or those arriving at the remote ports of entry will not be dealt with here.

coming to Canada?"; and finally "How long will you be in Canada?". The last three questions are required to be asked of individuals only if the response to the first indicates that the individual is other than: 1) a Canadian Citizen, 2) a permanent resident of Canada, or 3) a status Indian of Canada. Individuals in these three categories enter by right and therefore their purpose, length of stay and destination is of no importance under the law. If an individual is other than a member of one of the categories listed above, or if he³ is a permanent resident who admits to or is suspected by a customs officer to have been outside of Canada for more than 183 days and is not in possession of a returning resident permit he enters by privilege and not by right.

Immediately following the primary examination, if the customs officer considers an individual who would enter the country by privilege to be admissible to Canada as outlined in the Act, the officer has the authority to allow him to enter. If, on the other hand, the officer questions the admissibility of the individual for any reason, the officer is required to immediately refer him to an IO for a secondary examination. At some ports, such as the one at which this research was carried out, persons requiring a passport to enter Canada (basically those individuals who are not citizens of the United States or Resident Aliens) are immediately

³ For simplicity I will use the masculine form to refer to both males and females.

referred to have their passport stamped for entry and undergo a secondary examination. These are the requirements of immigration law and policy. In practice, of course, customs officers have been known to occasionally ignore them. For instance, they may wave a Canadian vehicle through after asking, "bring anything back"?

The criteria used by customs officers to decide who is referred to immigration vary. At the port in which I worked there was an unwritten policy that all truck drivers who had not been through the port in the last six months were to be automatically referred.⁴ Other than this criterion officers apparently had differing rationales for referring people to immigration. Officers related that their formal customs training placed little emphasis on referring persons to immigration generally let alone referring for suspicion of criminality. Many suggested that tattoos were good indicators that someone had been in prison and therefore had been

⁴ Customs and immigration officers related that this policy was implemented by management six years ago as an "experiment" to see how many truck drivers coming through the port had been convicted of criminal offences. It has been a standard policy since. My experience has been that no customs officers deviate from it. It is not clear why the policy has endured. One officer suggested it has continued because truck drivers are the "scum of society" and are more likely to have been convicted of criminal offenses than other visitors to Canada. Another officer related that while it was begun for that reason, it has continued only to secure "stats" for the Immigration Commission and is simply one part of the port manager's "empire building" plan which has included the recent conversion of the port from an 18 to a 24 hour a day operation. This latter explanation is not an unreasonable one. A bureaucracy requires "stats" to justify itself and to justify what most bureaucracies strive for - expansion.

convicted of a criminal offence. Other than this criterion most apparently referred individuals because of a general uneasiness they felt during the primary examination, rather than because they suspected that the individual was a criminal. One officer related: "I get a funny feeling about some guys on the line...[the P.I.L.] I just can't explain it...its in the way they answer ...too fast or too slow or how their eyes move." Some other criteria customs officers used for referring were: "I send them up when I just don't like their faces"; "I send up everyone who I'm going to search for drugs or guns"; and "If they're jerks they get sent up." One officer related that she refers everyone who has a bulbous nose and a pock marked face, both of which she claimed are indicators of alcoholism which, in turn, is a good indicator of a person having a criminal record for Driving While Intoxicated offences.

Inadmissible Persons

Before describing the secondary examination it is necessary to outline the general categories of persons who are considered to be inadmissible to Canada according to section 19 of the Immigration Act and who are supposed to be referred by customs to immigration. Rather than reproduce the exact wording of this section (see appendix B for this) I will use my interpretation of the Immigration Enforcement Manual (Canada, 1989b: 27-31(2)) and describe each category of inadmissible persons.

The following, then, are the categories of persons considered to be inadmissible to Canada:

- 1) Those who because of a severe or chronic illness are deemed to be a danger to public health and safety or who might cause excessive demands on health or social services in Canada.
- 2) Those who apparently do not have the means or are unwilling to support themselves while they are in Canada, or have not satisfied an IO that they will be provided for. Persons often fall into this category and, for whatever reason, one of the various criminal categories.
- 3) Those who have been convicted of an offence considered to be equivalent to an offence in the Criminal Code of Canada for which a maximum term of imprisonment of ten years or more may be imposed, except those who have obtained a waiver letter from a Canadian Consulate or Embassy that indicates they have been "rehabilitated" (Canada, 1989c: 13). The decision-making surrounding this category, which refers to those persons who according to the Act have been convicted of serious crimes, and category (11) will be examined in this study.
- 4) Those for whom there are reasonable grounds to believe will commit indictable criminal offences in Canada or will engage in activity that is part of "organized" crime.
- 5) Those for whom there are reasonable grounds to believe have engaged in or will engage in acts of espionage or subversion against democratic government, institutions or processes.
- 6) Those for whom there are reasonable grounds to believe will

engage in or provoke the subversion of any government by force.

7) Those for whom there are reasonable grounds to believe will engage in acts of violence that might endanger the lives of persons in Canada or are likely to participate in the unlawful activities of an organization that is likely to engage in such acts.

8) Those who are not genuine immigrants or visitors.

9) Those who are required to have consent of the Minister of Immigration to enter Canada and do not have such consent (eg. those who have previously been deported by immigration personnel).

10) Those who have committed a war crime as defined in the Criminal Code of Canada.

11) Those who have been convicted of an offence that would be equivalent to an indictable offence in the Criminal Code of Canada for which a maximum term of imprisonment of less than ten years may be imposed, except those who have obtained a waiver letter from a Canadian Consulate or Embassy that indicates they have been "rehabilitated" (Canada, 1989c: 13). The decision-making surrounding this category, which refers to those persons who according to the Immigration Act, 1976 have been convicted of non-serious crimes, and category (3) above will be examined in this study.

12) Those who have been convicted of two or more offences not arising out of a single occurrence that would equate to

summary offences in the Criminal Code of Canada and no part of the sentences were served in the last 5 years (for those over 21 years of age at the time) or the last 2 years (for those under 21 years of age at the time).⁵

13) Those who are immediate, dependent family members of inadmissible persons, such as children.

14) Those who do not comply with any of the conditions or requirements of the Act or Immigration Regulations, 1978. This category includes those persons who do not have proper identification, visitor visas, proof that Canadians will not be put out of work by their entering Canada, and authorization to attend school etc.

The Secondary Examination

IOs conduct secondary examinations of individuals who are suspected by customs officers on the P.I.L. as being a member of one of the inadmissible classes described above or, at some ports, as being in need of having their passports stamped for entry. This examination takes place at either a counter separated by glass or in an enclosed office, both in a set of rooms or a building separate from Canada Customs. The exact location of immigration personnel's operations varies, but it is often upstairs in the same building as Canada Customs.

⁵Because this category pertains to criminality it is as relevant to this study as sections (3) and (11) above. However, given my experience that individuals that fall into this category are virtually never encountered, I did not include it.

The secondary examination is an approximately one to twenty minute interview where the individual who is suspected of being inadmissible is asked numerous questions regarding his or her possible inadmissibility. The length of the interview depends entirely on when the IO becomes satisfied that the person is or is not inadmissible. The exact line of questioning varies by officer and port, but the interview is essentially an expansion of the four questions that are asked in the primary examination. There are also likely to be questions to ascertain "tombstone data" (name, date of birth, place of birth, etc.) and general questions regarding each of the inadmissible classes. If the IO was aware of why the individual was referred, then questions would likely centre around this (eg. if he was suspected at the P.I.L. for previously working illegally, then questions would centre around past and present employment).

Questions regarding a subject's criminal record during examinations would vary by officer and port. In some cases such questions are not asked at all.⁶ At the port in which I carried out my research the questions officers were required to ask in succession were: (1) Have you ever been arrested or convicted of any misdemeanour, felony or any offence?"; (2) "Have you ever been in jail?"; and (3) Have you ever had any

⁶ An officer from a port in another region, while visiting the port at which my research was conducted, related that questions regarding criminality are not always asked "unless it is an issue of some concern."

problems with the police?". If following an examination an IO thought that an individual was not telling the truth; was unsure of a particular detail of an individual's answers to these questions; and/or the individual admitted to being convicted of a criminal offence, the IO would immediately check American state computer and National Crime Information Centre (NCIC) data bases to see whether the individual had a criminal record or had ever been arrested etc.. This is done through the cooperation of American government personnel using the individual's "tombstone" data and relaying it over the telephone. The IO would examine the individual further and confront him with any new information regarding his criminal past, should any be received from these sources.

Without exception, the names of persons who undergo secondary examinations are also checked on the Canadian nation-wide immigration computer system and the card-ex of names of those who have been previously investigated under section 20 of the Immigration Act at the port.

These examinations are conducted by "immigration examining officers" (EOs) and, in rare instances when port traffic demands it, those designated as "senior immigration officers" (SIOs). In this study I will use "IO" as the generic term for both. SIOs are one pay level higher than EOs and, though they do not have formal authority over the latter type of officer, are responsible for evaluating their performance.

If an EO decides that an individual is a member of one of the inadmissible classes a report under section 20 of the Immigration Act is completed. Section 20(1) of the Act reads:

Where an immigration officer is of the opinion that it would or may be contrary to this Act or the regulations to grant admission to a person examined by the officer or otherwise let that person come into Canada, the officer may detain or make an order to detain that person and shall

- (a) subject to subsection (2), report that person in writing to a senior immigration officer; or
 - (b) allow that person to leave forthwith.⁷
- (Immigration Act, 1976 (their emphasis)).

This process is referred to by officers as a "20 report" and involves completing up to four forms and entering into the nation-wide immigration computer system: "tombstone data" pertaining to the individual, the section(s) (eg. minor criminality) that they fall under, and why an individual fits is described in that section. This collated information can apparently be used for identifying the individual at a later time should the need arise. Following this the EO explains to the individual why he has been "20 reported" and recommends to the SIO whether or not the individual should be granted entry. From here the SIO reviews the case and decides whether entry will be granted. This is the next stage in the

⁷ "[A]llow[ing] that person to leave Canada forthwith" is an alternative to completing a "20 report" that is outlined in the Act. It means that the visitor does not have the benefit of, or is given the option and chooses not to undergo, an SIO review. My experience has been that this option is rarely used by officers where persons fall into a criminal category. Although it is not formal policy, this is the norm apparently because a "20 report" is a permanent record of a person's inadmissibility whereas allowing an individual to leave is not.

decision-making process. For now this cursory description of the process will suffice; I will present more detail later.

The "20 Report" Review

A review, in most cases, is carried out immediately after an individual has been "20 reported." The exception to this is when a SIO is not on shift. Should this occur the inadmissible person is "directed to return" to the United States (at border crossings only) and is requested to return to the port usually the next day at a scheduled time when a SIO is on shift. Often these individuals who have been directed to return, stay in the United States and do not return.

When the port is extremely busy an SIO "paper review" or when an inadmissible person's entry is particularly urgent and an EO is willing to recommend entry while a SIO is not on shift, a "telephone review" is carried out. In these two situations the pertinent circumstances of the case are relayed to the SIO personally or over the telephone by the EO. The SIO then makes a decision and passes the results on to the EO who takes matters from there. The SIO does not actually speak to the individual in these cases. While these are two exceptions that occasionally occur, the vast majority of reviews between SIOs and persons deemed to be inadmissible take place face to face.

In this stage of the decision-making process the SIO first reviews the circumstances of the case with the person

deemed to be inadmissible. If an individual has been reported for criminality the SIO would ask the individual for his or version of the offence, the outcomes in terms of sentences, and if there were any other offences committed in the past. At this point the SIO usually has the benefit of having information regarding the offence before him, obtained from criminal records stored on American state computer or National Crime Information Center data bases. However, this information is sometimes not available, particularly if the offence is more than twenty years old or is very recent. From all of this information the SIO determines whether the offence equates to an offence under Canadian law. In this case the SIO might consult the Canadian Criminal Code and, if in doubt, immigration manuals detailing past legal decisions. At other times Federal Acts of Parliament such as the Food and Drugs Act might apply. If the SIO determines that the offence is equivalent to an indictable offence and the individual has indeed been convicted, then the individual is said to be "found described" in the Immigration Act. The "20 report" is then considered to be valid. At this point the SIO must decide whether to grant entry. The policy regarding to the criteria to be used in decision-making will be discussed later. Whatever the decision, the individual is informed of his or her right to an immigration inquiry should the individual decide to take the matter further (Canada, 1989a: 30).

Reviews generally take about a half-hour to complete. Following the review the individual is either admitted to Canada for a specified length of time or is "allowed to leave" by the SIO. The individual would be admitted if the report by the EO is considered to be invalid and he is "found not described" or if the SIO decides that grounds to warrant entry exist. If the SIO decides that grounds to warrant entry do not exist, the individual would be "allowed to leave" and, assuming he chooses not to go to an inquiry, would be required to return to the United States.⁸

Assuming that the SIO decided to grant entry there are two separate procedures. According to 19(3) of the Act a SIO can grant entry to those persons in the minor criminal category who are seeking entry for up to 30 days. For those individuals in this category who are seeking entry for longer than 30 days or those who are in the serious category seeking entry for any amount of time, a Minister's Permit, which is a formal immigration document, is required. In order to obtain a Minister's Permit for an individual an SIO would carry out the same procedure as for a 19(3) entry, but has to complete three additional forms, FAX a written request to Regional Headquarters (RHQ) and make a long distance telephone call to back up the FAX. The written request generally includes "tombstone data," the offence the individual has been

⁸ At airports individuals in this situation would have to return to the country whence they came.

convicted of, and the circumstances of the offence. Based solely on this information the director of the region, on behalf of the Minister of Employment and Immigration, would then decide whether the individual should be given the Minister's Permit.⁹ This all occurs while the individual waits at the port of entry.

Inquiries

Under the Act everyone who has been "20 reported" has the right to an immigration inquiry (Canada, 1989a: 30). Therefore, every decision by an IO has the potential to be overturned. At inquiries, individuals have the right to receive a copy of the "20 report," speak in their own defence, obtain counsel, use an interpreter, and know, if applicable,

⁹ My experience is that RHQ seldomly turns down a SIO's request for a permit. The only occasion that veteran officers could recall such a request happened to occur while I was on shift. The case involved a White, fifty-five-year-old truck driver who had been convicted, 15 years earlier, of an offence which was considered to be equivalent to Sexual Assault in the Canadian Criminal Code. He had received two years probation. On this particular day he was destined to Bigtown to deliver a load of industrial machinery. Both the EO and the SIO decided that a minister's permit was in order, but a few minutes after sending the FAX, the director telephoned the port to refuse the request. Interestingly, three weeks later, officers encountered an almost identical case. The only differences were that this driver had been convicted 14 (rather than 15) years earlier of Sexual Assault, had received three (rather than two) years probation, had also been convicted of Theft 30 years earlier, and was destined north of Bigtown to pick up a load and return to the U.S.. In this case a minister's permit was granted by the director. Normally this disparity might not seem significant given the effect, which I discuss later, that a client's deference and appearance can have on officers' decision-making. However, it should be recalled that at this stage, the director and personnel at RHQ have only the FAX information sheet to base their decisions on: they never interact with or see the client in question.

the basis for which they are being removed from Canada (Canada, 1989a: 30-31). Inquiries are conducted by independent adjudicators who have a background in immigration law. The Case Presenting Officer representing the Immigration Commission and the individual's counsel present their cases and the adjudicator ultimately decides whether the individual will be refused or granted entry to Canada.

The number of persons judged to be criminally inadmissible who choose to exercise their right to inquiry because they have been refused entry or for other reasons is probably very small.¹⁰ By far the majority of individuals decide that it is not in their interest to have an inquiry and choose to return to the United States or other country whence they came.

The Equivalencing Process

The process of equating an offence committed under foreign criminal law to an offence in the Canadian Criminal Code is undertaken by an officer while a person who has undergone a secondary examination waits to be released. While this process may appear to be straightforward, it is not always so.

First, IOs have to determine whether a person suspected of being inadmissible has been convicted of an offence. A conviction is defined as "a finding by a competent

¹⁰ My experience is that persons in the criminally inadmissible categories at ports of entry virtually never go to an inquiry.

court or other authority, which has not been sent aside upon appeal, that a person is guilty of an offence" (Canada 1989c: 3). The following foreign dispositions are deemed by the Commission's legal advisors to be equivalent to a conviction in Canada: suspended impositions, suspended sentences, and nolo contendere (Canada, 1989c: 4). When an individual who has admittedly been in contact with the law cannot remember exactly what the disposition of the offence was (or even if there was one) and/or when National Crime Information Center and state queries are incomplete or slow in responding, neither of which are uncommon, the IOs' decisions regarding whether there is a conviction becomes a subjective one.

Second, once it has been determined that an individual has been convicted, the actual offence has to be equated and then the section of the Act that it falls under has to be determined. Rather than discussing all the potential problems associated with this, it might be helpful to use two hypothetical examples.

In 1974 an individual, now seeking entry, was convicted of Auto Theft for stealing a 1970 Mustang in the state of Illinois. First the EO and SIO must determine whether this constitutes Joyriding, a summary offence, or Theft, a hybrid offence (one that can be summary or indictable depending on how the crown decides to proceed). Let us assume that the EO and SIO deem it to be the latter. If a foreign offence equates to a hybrid offence in the Criminal Code, the

Federal Court of Appeal has decided that it is to be considered as indictable (Canada, 1989c: 17). Thus, this individual's foreign offence would be indictable. Following the determination that the individual was actually convicted, the EO and SIO would then have to see whether the foreign Auto Theft offence equates to Theft Over \$1000 or Theft Under \$1000. If it is the former, according to the Act, the person would fall into the serious criminal category (3). If it is the latter he would fall into the minor or non-serious criminal category (11). To decide which is applicable, the value of the automobile would have to be determined. What is a 1970 Mustang worth? After much probing the individual in question claims it was worth \$900 (U.S.) in 1974. Let us assume that the EO and SIO are willing to accept this figure. What, then, is \$900 (U.S) equivalent to in Canadian Funds? The Federal Court of Appeal has ruled that the rate of exchange at the time of the offence has to be used (Canada, 1989c: 13). What was the rate of exchange on the day the individual was convicted? Let us assume that it was 1.13, which means the value of the automobile in 1974 was \$1017 CDN. The individual is considered to fall under the serious criminal category and therefore in order to be granted entry, assuming an SIO decides to recommend for one, a Minister's Permit would have to be obtained.

Other offences such as assault are similarly problematic and make the process complex. Let us assume that

all a middle-aged individual can recall was that in 1969 he was involved in a fight in a bar, that he gave his opponent a split lip and knocked out his tooth. The police then arrested the individual and placed him in jail. The individual, now seeking entry, claims he was released the next day after "some paperwork." Was he convicted? If so, does his offence equate to the summary offence Causing a Disturbance which includes "fighting" or an Assault offence in the code? If the latter, is it Simple Assault which is, according to the Act, a non-serious or minor category, or is it one of the more serious assaults in the Code? If the latter was it, for instance, "Assault Causing Bodily Harm" and therefore is the damage done "more than transient or trifling in nature"?

While it might be argued that the task of applying sections of the Criminal Code to situations facing EOs and SIOs is no different from that facing Canadian police, it should be pointed out that the latter generally have more and better information to base their decision on and often have more time to decide. From the above examples, which are commonly encountered, it can be seen that equivalencing can be complex and subjective. This has important policy implications to be discussed in the concluding chapter.

Criteria for Entry Decisions

The criteria that EOs and SIOS are expected to use to decide whether to grant entry of persons who fall into

sections (3) and (11) above are described in two official sources: the Immigration Act and the Immigration Manuals, which are the Commission's interpretation of the Act.

In section 3, the 10 basic objectives of the Act, on which all immigration policy is to be based, are outlined. Objectives A.3(a) and (h) seek to encourage and facilitate the admission of foreign nationals as visitors. At the same time objective A3(i) seeks "to maintain and protect the health, safety and good order of Canadian society" and objective A3(j) seeks "to promote international order and justice by denying the use of Canadian territory to persons who are likely to engage criminal activity." The first two objectives in many situations encountered can be in direct contrast to the latter two. Which objective is to take precedence, unless it is spelled out in policy, is, in many cases, apparently up to the EO and SIO.

In section 19(3) of the Act, which covers 19(3) discretionary entries, it states that a SIO "may grant entry...where, in the opinion of the officer or adjudicator, the purpose for which entry is sought justifies admission" (Their emphasis). No specific criteria are outlined for the granting of a Minister's Permit in the Act.

The Immigration Selection and Control Manual (1989c: 14) outlines immigration policy to be applied at ports of entry in this subject area, it states:

It has been the long standing policy of the Commission to allow entry to Canada for a legitimate temporary purpose

of individuals known to be inadmissible because of a criminal conviction...

For cases that fall into the non-serious criminal category the manual states they:

will usually involve short visits for humanitarian and compassionate reasons, vacation or business trips. In cases which involve non-serious convictions and in which no public controversy may be involved entry may normally be granted under 19(3)... If it is evident that there is a potential for public controversy if an individual is allowed to come into Canada, but it is deemed that the individual should be admitted nevertheless, C.I.C.'s ...should refer the case to the appropriate Director, Immigration for guidance.

For cases that fall into the serious criminal category the manual states they:

may also involve short vacation or business trips but will usually be a specifically planned trip arranged for legitimate reasons such as a Court appearance; to accept an invitation by a federal or provincial government; or to give a speech, lecture or public appearance; for entertainment or education (including appearances on radio or television) and destined to a reputable sponsor in Canada.

The manual goes on to state:

It is essential that persons in these inadmissible classes seeking to come to Canada under reputable auspices to give speeches, lectures or public performances are not refused simply because they may express extreme or unpopular opinions on political, social religious or other subjects.

However, it is also states that:

Permits should not be considered where there is good reason to believe that:

- (i) the individual will engage in criminal or subversive activities or meet with such groups in Canada;
- (ii) the sponsoring body is not reputable...and
- (iii) entry will result in serious public disorder.

These criteria are the only criteria which an EO and

SIO are required to consider in deciding whether an individual who is considered to be inadmissible will be allowed in. It can be seen that aspects of these guidelines are open to interpretation and therefore make decision-making subjective. For instance, how is an officer to decide whether an individual "will engage in criminal or subversive activities" or what the definition of "reputable" is or whether his or her entry has potential for "public controversy"? Is not the admission of any individual with a criminal record a potential public controversy? There are three basic themes that are implied in this policy. These are: (1) public controversy, (2) the purpose of the visit and (3) the dangerousness of the individual. Because these policy guidelines are unclear regarding which is to take precedence, the decision to allow a criminally inadmissible individual into Canada is essentially a subjective one: it is completely up to the officer in the vast majority¹¹ of cases. This is all aside from the fact that after eight months of making these decisions it is only through this research that I became aware that such policy guidelines ever existed. I have never heard

¹¹ Cases that involve criminally inadmissible individuals seeking entry to attend court, give speeches, lectures and performances (other than the occasional prominent rock musician such as Keith Richard) or have been invited by government are extremely rare and, based on my experience, make up a minuscule percentage of those criminally inadmissible persons seeking entry. In fact, the only inadmissible persons I have encountered of this type were those seeking entry to give performances and this happened on perhaps three occasions in an eight month period.

nor seen in writing any of the Commission's personnel refer to them, even during the training sessions that I underwent.

Rehabilitation

In the Act there are provisions for criminally inadmissible individuals to satisfy the Canadian Government that they have "rehabilitated themselves." For those convicted of a serious offence, according to the Act, at least five years must have elapsed since the termination of the sentence imposed for that offence to be eligible. This is the same for those convicted of an offence considered to be non-serious and who were over 21 years of age at the time they were convicted. For those convicted of a non-serious offence and who were under 21 years of age at the time at least two years must have elapsed since the termination of the sentence to be eligible.

The process of satisfying, according to section 19 of the Act, "the Minister (or Governor-in-Council as the case may be) that they have rehabilitated themselves" involves sending copies of court convictions, letters from "respectable" citizens, and pardons, among other documents, to a Canadian Consulate abroad (Canada, 1989c: 20). Information concerning these procedures is given to individuals when they are originally reported for criminality at a port of entry. When these and other documents are sent the application is then considered. Successful applicants would be given a "waiver letter" they could present at a port should they want

to enter Canada in the future. The Immigration Selection and Control Manual (Canada, 1989c: 19-3) states:

Immigration officers [outside of Canada] must satisfy themselves that rehabilitation has taken place. Acceptable evidence will be left to the discretion of individual officers and the type of documentation to be requested will depend on the nature and severity of the crime committed as well as the time which has elapsed...

Little is known about the criteria actually used by consular or visa officers to decide whether an individual is "rehabilitated" or the numbers of applications denied.

My experience has been that it is extremely rare for an immigration officer at a port of entry to encounter an individual who has a waiver letter. This might be because most individuals are unaware of their criminal inadmissibility and the subsequent requirement that they have a waiver letter; many individuals are denied them at consulates when they have applied; many who know about the procedure simply do not carry it through; or many who carry it through do not present their letter at the port when entering and are not referred by customs to immigration.

Having described the decision-making process, the equivalencing of offences, rehabilitative procedures and inadmissible persons according to the Immigration Act. I will next discuss the literature regarding the decision-making of agents of social control.

CHAPTER II

The Decision-Making Practices of Agents of Social Control:

A Literature Review

Criminals and other deviants historically have more often than control agents been the subjects of studies in Criminology and the Sociology of Deviance. This focus changed to a certain extent following the emergence of the labelling perspective of deviance (Becker, 1963; Lemert, 1951; Schur, 1971; Tannenbaum, 1938). Societal reaction to deviant acts began to be seen as at least as important, if not more so than the deviants or the acts themselves. This perspective suggests that agents of social control, as one component of the societal reaction to deviance, may play a significant role in the process of an individual becoming deviant. A detrimental decision that an agent makes regarding an individual may affect that individual's perception of himself. That individual may then define himself as deviant and act accordingly. This is referred to as "secondary deviance" (Lemert, 1972). Studying decision-making may reveal why certain types of individuals are disproportionately labelled as deviant.

Immigration officers are agents of social control. They control the passage of people into Canada from foreign countries. Consequently, literature dealing with the decision-making of agents of social control may be relevant

to my research. Virtually every stage of the official social control process affecting an allegedly deviant individual has been studied. This includes the decision-making of various agents such as police, the judiciary, probation officers, parole officers, parole board members, and psychiatrists among others. Because the research regarding IO decision-making regarding individuals suspected to have been convicted of criminal offences is exploratory and the area is virtually unknown, studies that have been carried out on other agents of social control are only indirectly relevant. Therefore, these studies will not be covered in-depth. Instead a literature survey which summarizes the findings and the methodology used in some of the major studies regarding the various control agents will be carried out.

Most studies of this type come from the United States. The characteristics of the populations that American control agents come into contact with are not necessarily the same as those in Canada. Because of this, normally one could not generalize from the results of these studies that might tell us something about factors important in agent's decision-making to a Canadian context. The population that Canadian IOs come into contact with, however, for the most part is a U.S. population and, therefore, this is not a concern. Many of the studies described below employ different types and levels of analysis to arrive at their findings. Similarly, the size and representativeness of samples varies as well.

Because of this, rather than attempt to compare findings in any systematic way, or criticise methodologies, what the authors claimed to be their findings was taken at face value.

The Police

By far the most studies of agents of social control have examined various stages of the decision-making of the police. This may be because they are 'gatekeepers' of the social control apparatus: they represent the first means of contact between deviants and social control agencies. The decision to arrest, the decision to report offences and the decision to detain prior to trial among others have been examined. Various approaches are used to examine these decisions including individual, situational, organizational, and legal (Sherman, 1980: 70). Besides being used in studying police, aspects of each of these approaches have been used to examine the decision-making of all the agents of social control mentioned earlier. Individual approaches involve observing whether variables such as officers' education, age and sex are related to officers' decisions. Situational approaches examine the effect of variables such as the characteristics of the suspect, for example, their race, age or demeanour. Organizational approaches examine the effect of the way police departments are organized and administered on officers' decisions. Finally, legal approaches involve examining variables such as offence seriousness and prior convictions. For reasons to be discussed later in the

methodology chapter, only one aspect of the situational approach, the offender's characteristics, and three aspects of the legal approach, the number, type and seriousness of offences and/or convictions are relevant to this research and, therefore, these will be dealt with in this review. In addition, some studies that employ more qualitative methods will be included. Although in a later chapter I will discuss briefly the effects of the hierarchal arrangement of the bureaucratic structure in which IOs operate on their entry decisions, this is only a small component of what would be an organizational approach. Nor will individual approaches and aspects of the other approaches mentioned above be discussed. Each is obviously important, but they are beyond the scope of this research. The following is a description of a sample of studies of police decision-making.

The police decision to arrest has been examined. Some studies have shown that the race imputed to the suspect is important in this decision. Blacks are more likely to be arrested than Whites (Black and Reiss, 1970: 70-71; Lundman, Sykes, and Clark, 1978: 84; Smith and Visser, 1981: 172). Sherman (1980), in reviewing the results of 62 studies pertaining to police behaviour, suggests that the deference shown to the officer as well as the age, sex, and social class of a suspect are also consistently found to be important in the decision to arrest. These studies showed that suspects who are perceived to be "disrespectful" or "uncooperative,"

those who are relatively young or very old, males and lower class persons are more likely to be arrested (Sherman, 1980: 81-83). Smith and Visher (1981) found that the deference shown by the suspect, but not the suspect's age and sex, are important in decisions. Black and Reiss (1970), Sykes, Fox, and Clark (1976) and Smith and Visher (1981) found that police are more likely to arrest when the offence is considered serious.

The methods used in these studies usually involved observation of police encounters. Black and Reiss (1970), for instance, observed 5713 police-citizen encounters in a natural setting to study police decisions to arrest.

The police decision to detain has been examined. Hagan and Morden (1981) examined this stage of decision-making in an archival study in Canada. Using police files offence related variables and suspect related variables were examined. They found that the seriousness of offence, prior convictions, prior incarceration, and behaviour toward police were important factors (Hagan and Morden, 1981: 18). Those suspects whose offence was serious, had prior convictions, had been previously incarcerated, and were "uncooperative" with police were more likely to be detained for trial (Hagan and Morden, 1981: 16). They also found that age and sex of the suspect were not important in this decision. The race of the suspect was not examined.

The police decision to report criminal acts has been

examined. Willis and Wells (1988) examined this type of police decision-making in the context of child abuse. To do this they constructed vignettes describing typical cases of child abuse police would encounter in investigations. They administered the vignettes in questionnaire form to 142 police officers. They found the perceived seriousness of the offence, the race of the family of which the alleged offender was a part, and the nature of the act were important factors affecting the police decision to report a situation as child abuse (Willis and Wells, 1988: 703). Acts perceived as more serious, perceived as "criminal," and involving white offenders were more likely to be reported to child welfare agencies. Significantly, child abuse situations that were sex-related were most often (71%) perceived as serious (Willis and Wells, 1988: 703). Most studies of decision-making have not determined the effect of differing types of offences on decisions as this one did.

Studies of police decision-making employ observation, the examination of files, and less frequently vignettes. From there quantitative analysis is carried out. Although not shown above, interviews have also been employed by researchers.

The Judiciary

The decision-making of judges and prosecutors, analogous to that of the police and particularly decision-making concerning sentencing, has been studied extensively.

Welch et al (1984: 215) in examining court files found that the race and prior record of the offender were important in the judiciary's choice of type and severity of sentences. Using a similar method Myers (1988) found that race, prior record and the seriousness of the offence were important in decisions. Welch et al (1984) suggest that there is a "substantive debate on race and sentencing disparity..." (Welch et al, 1984: 225). Peterson and Hagan (1984: 69), for instance, suggest that in judicial decision-making "the role of race is more variable and more complicated than previously acknowledged." Also using files, Gibson (1980: 352) found that offence seriousness was by far the most important variable affecting decisions. He also found that a defendant's age, sex, and number and seriousness of past convictions were important (Gibson, 1980: 352). Regarding the nature of the offence and prior record, many researchers have had similar findings (Tiffany et al, 1975; Burke and Turk, 1975; Neubauer, 1979; Myers, 1988).

Parole Officers

McCleary (1978) used participant observation to study parole officers' decisions to revoke parole and send parolees back to prison. Focusing on the interactions between parole and parolees; between parole officers and their colleagues and senior officers and on the organization of work in a parole agency, McCleary found, among other things, that differences in decision-making among parole officers can be attributed to

their individual characteristics and structural constraints such as pressure from other officers to maintain the status quo.

Parole Board Members

The decision by parole boards to release convicted criminals from prison has also been studied. Waller (1974), in his study of Ontario region inmates, found that the seriousness of the offence, prior record and age of the inmate to be somewhat related to the parole decision. In a study of the National Parole Board using past records Nuffield (1982) found that the number of previous imprisonments and the age of the inmate at admission were important factors in the decision to grant parole. Significantly, she found that the seriousness of the offence was not related to the decision.

Probation Officers

Spencer (1983) examined probation officer-defendant negotiations to see how officers decide to make sentencing recommendations. He focused on the processes of decision-making. To do this he employed interviews and participant observation. He found that officers considered attitudes and the subjective orientation of the defendant to the crime for which they were found guilty in making their decision to recommend probation to the court. A subjective orientation, for example, was whether the defendant was remorseful and admitted guilt. Using a methodology more similar to that employed in the studies of other control agents, Carter (1967)

found that prior record and current offence are important in probation officer's presentence report recommendations.

Psychiatrists

The decision-making of psychiatrists is an area outside of the formal criminal justice system that has been examined. Scheff (1966) examined the decision-making of psychiatrists with regard to the legal screening of persons alleged to be mentally ill. To do this he observed the screening procedures in four courts that dealt with mental illness cases. His major finding was that there is a presumption of illness by psychiatrists when screening takes place which is separate from the behaviour for which the individual was first brought to the attention of authorities.

To examine the decision-making of psychiatrists and other hospital staff Rosenhan (1987) and his cohorts, posing as patients, ingeniously admitted themselves to a number of psychiatric hospitals. While behaving sanely in these institutions, the pseudo-patients were never detected by the psychiatrists or staff as being sane. Rosenhan (1987) found that once patients were labeled as insane they were stuck with that label, irrespective of their subsequent behaviour. Thus, when making release decisions, psychiatrists appear to begin with the assumption that patients are insane and attempt to determine only whether patients' "illness" is in remission.

Pfohl (1978) also examined psychiatrist's decision-making regarding patients in mental institutions. He did this

by observing psychiatrists interacting with patients, recording assessment interviews and observing how psychiatrists work together with clinical psychologists and social workers in teams in coming to decisions about release. He found that diagnostic decisions regarding patients were related to and dependent upon a variety of social processes that have little to do with actual emotional disturbances of patients.

Pfohl's research and the studies of Scheff, Spencer, McCleary and Rosenhan are important not only substantively but also because they are examples of the use of a qualitative approach to understanding decision-making.

While decision-making was not being concentrated on and the focus was on the deviant's perceptions of themselves rather than other's perceptions of them, Ball's (1972) study of an illegal abortion clinic is an example of examining the effect of physical constraints in a work environment on interactions. It shows the importance of considering decor of the office and the language used by staff which functioned to normalize the setting for uneasy clients and gave it a legitimate medical atmosphere. He found that this allowed clients to preserve their perceptions of self as not deviant. This study employed a method similar to the one to be used in this research.

The decision-making of IOs is similar to that of the various agents of social control mentioned above. In most

cases IOs at ports of entry have up to an hour to make their decision regarding a criminally inadmissible individual. This includes the time for a review if there is a SIO on shift. The duration varies according to the number of persons referred to IOs by customs officers at the P.I.L. which in turn is affected, to a certain extent, by the volume of port traffic. In general, the busier the immigration waiting room is the less time IOs have to make their decisions. This is because travellers coming through ports have planes or buses to catch, shipments to make and other untold deadlines to meet. IOs can delay them for only a short period before travellers may question their authority to do so. Extended delays may result in having to legally detain an individual and from an officer's point of view because of the volume of paper work this involves, among other things, it is to be avoided at all times.

These time restrictions make officers' decision-making similar to that of the police. Police often have only a few minutes to decide whether to arrest, lay charges or detain an individual.

IOs' decision-making is also similar to that of the police in that both have relatively limited information to base their decision on. Besides observable characteristics such as age and race, an IO in the vast majority of cases has only the individual's version of his offence to base his equivalencing decisions on and then to decide whether to

recommend or for a senior officer to decide whether to grant entry. The only other information (which is often incomplete or unintelligible) that an officer has at his disposal is from NCIC or American state databases. The other control agents mentioned above with the possible exception of parole officers when they must decide whether to revoke parole, have a much longer period and often as long as they require to make a decision.

IOs' decision-making is similar to control agents other than the police, and perhaps parole officers, in that it always takes place in an indoor, familiar environment and not in the field. Although the physical environment of a port undoubtedly affects how decisions are made, it cannot explain differences in decision-making between officers because all officers make decisions in the same environment.

IOs are similar to probation officers, parole officers, parole board members and, in the literature to be covered here, psychiatrists, in that their decision-making always affects persons who have already been convicted of an offence (although probation officers may be dealing with offenders who have had their sentences suspended and have not been 'convicted' per se). In this way decisions by these control agents that are to the detriment of the criminal- if the criminals' parole is revoked, if they are not granted parole, if they are not released from a mental institution or if they are refused entry to Canada- are less likely than the

decisions of the police or the judiciary to be defined as unjust. This is because a convicted criminal is often seen by the public and the control agents themselves as deserving of whatever is decided. IO decision-making is also similar to the decision-making of parole officers, psychiatrists and probation officers in that it is not visible or open to public scrutiny. Consequently, few people are aware of what goes on in these control agencies or how decisions are made.

EOs and SIOs claim that they decide cases "based on their own merit." Many critics of similar types of decision-making would suggest that this is equal to arbitrariness (see, for example, Nuffield, 1982: 7). The decision-making of IOs is subjective and in this way is similar to that of judiciary, police, probation officers, and parole officers. The latter three types of control agents use objective tools for classification of risk, but not for deciding whether to: detain a person for trial (Hagan and Morden, 1981: 13), recommend a sentence in a pre-sentence report (Spencer, 1983) or to revoke parole (McCleary, 1978). Psychiatrists and parole board members, on the other hand, use objective means in making decisions regarding individuals deemed to be dangerous (Nuffield, 1982; Monahan, 1981). The means the use of statistical predictors of which inmates upon release will engage in violent acts (Nuffield, 1982; Monahan, 1981). In general it seems that the more visible the decision-making is to the public, the less arbitrary it can appear and the more

objective tools need to be employed (Nuffield, 1982: 5). The distinction between objective and subjective criteria may have important implications for the policies surrounding the decision-making of IOs and will be discussed in the concluding chapter.

It could be argued that all of the agents of social control discussed above are, to a certain extent, involved in predicting the dangerousness of individuals. Psychiatrists, parole board members, and parole officers are more explicitly involved in this process than others, but one of the aims of police, probation officers and judges is to "protect society" from dangerous individuals in their decisions and this implies prediction. Gottfredson and Gottfredson (1980) in their review of critical decisions in all stages of the criminal justice process assert: "Another common feature of every major decision in the criminal justice system is the ubiquitous centrality of prediction" (Gottfredson and Gottfredson, 1980: 334). IOs may also follow this pattern in their decision-making.

Although not an exhaustive comparison in some ways, it can be seen from the above how IOs are similar to other agents of social control and, therefore, that the literature regarding the latter's decision-making is relevant to my research.

Through this brief survey of the literature covering the decision-making of various types of agents of social

control, some important conclusions can be drawn. First, it is clear that both qualitative and quantitative methods, including the use of vignettes and files, can be employed to examine decision-making. The former type of method examines decision-making as a process and the latter as a static entity. From the qualitative studies it can be seen that interactions between agents of social control can be important in influencing decisions. From the quantitative studies variables such as an individual's age, sex, race, type, number and seriousness of offences/convictions all can apparently affect decision-making. It can be seen that decision-making studies vary significantly in their findings across and within types of decision-making. This is often a function of their methodology. Many studies limit their variables and, therefore, limit possible findings. It can also be seen that the decision-making of a wide range of types of agents of social control has been studied. With the exception of offence/conviction seriousness, it appears that these variables, at least in the findings of the studies above, can explain only a small fraction of the variance in decision-making, however. One-third of the variance in sentencing decisions was explained according to Gibson (1980), but this was by far the most that any of the results of studies revealed. Also, it appears that some variables such as race, may be more complex than they initially seem (Roberts and Gabor, 1990). Therefore, if such variables are found to be

important in this study it cannot be assumed that their relationship with decisions is a simple one.

Each of the types of control agents discussed make up strands of the "net" (Cohen, 1985: 56) of social control into which deviants are drawn. It was seen above how the decision-making of immigration officers is similar to that of many types of these control agents. For instance, all may be engaged in predicting, to some extent, the dangerousness of deviants. By examining decision-making in subsequent chapters, it will be seen how immigration officers make up a part of the "net" of social control.

CHAPTER III

METHODOLOGY

Canadian Immigration officers at ports of entry are involved in deciding the fate of individuals coming to Canada to visit once these individuals have been deemed to be inadmissible according to the Immigration Act, 1976. According to the Act, individuals who have been convicted of criminal offences are considered inadmissible to Canada. Little is known regarding the decision-making that occurs within this agency of social control by its agents and the factors that may influence them. The following describes the methods that I used to explore this process.

My first concern was to gain authorized access to and cooperation from the agency I was studying. This was a significant obstacle to overcome, due in part to the nature of the work that the agency does. It involves the controlling of deviants and, as a result, much of what goes on is of a confidential and security-oriented nature. Agencies such as this are usually part of a larger bureaucracy and therefore to gain approval for research various levels of management may have to be contacted. It is likely to be difficult to convey to the particular organization in question why research is being proposed and how they might benefit from it, if at all. Even after having gained approval from higher levels, front line workers may be particularly suspicious of a researcher's

motives and may be uncooperative or at worst attempt to sabotage the research as a result. These are only a few of the potential obstacles that have to be overcome.

For this research gaining access was made smooth and some obstacles were avoided because I had previously been employed with the Canada Employment and Immigration Commission. I had been an immigration examining officer at the port where I eventually conducted my research for four months during the summer of 1989. In February 1990 the Commission contacted me to offer employment again for the summer of 1990. The time between February and May 1990 allowed the preliminary planning of the research to take place.

The first step in gaining access involved contacting a representative of the Commission at its national headquarters in Ottawa, Ontario by telephone. At that time the national headquarters representative stated that the Commission had little or no interest in the proposed research; that if they had an interest in evaluating immigration officer's decision-making they would have already done so; and that the regional director of the province in which the research was to be carried out should be contacted first, if there was to be approval at all. Next, I sent a letter describing the proposed research, my experience with the Commission and my intention of securing future employment with the Commission to the regional director of immigration in the

province in which the research was to take place. In this letter I requested permission and asked for a response before a six week period expired. A letter was also sent from my thesis supervisor that outlined the importance of the research for criminology, testified as to my character and competence, and urged a prompt reply in order that thesis requirements be met. Four weeks later a response was received by telephone from a privacy officer of the Federal Government in Ottawa. This officer requested that an undertaking be completed and sent to her office immediately for further approval. This was done without delay. Two weeks later, and still within the six week deadline, complete approval was received at the national level by telephone to engage in the research. No limitations or changes were imposed by the Commission other than that identifying information concerning individuals who had been reported under the Immigration Act be left out of the final report.

In May 1990 during the first few days of employment when the research was to begin, however, I encountered some resistance. Although verbal permission had been given a month earlier, the questionnaire to be administered was further scrutinized by management personnel at the port before they would give their permission to distribute it to officers. They claimed that "the Commission's reputation was at stake" and that they would not approve anything that might damage it. Minor revisions were requested as a result. The questionnaire

was revised and, in all fairness to the Commission, the validity of it was likely increased. This minor setback suggests, however, that permission to engage in research should be secured in writing from all levels of a bureaucracy to be studied before time and monies are invested in planning it.

Three methods were employed to answer the general research questions and were carried out during the summer months of 1990 at a port of entry in Western Canada. The following sections describe each method in brief and some of the advantages and disadvantages associated with them.

Participant Observation and Ethnography

The first method that was employed, participation observation, was qualitative in nature. While this method helped to answer the general research question, "what are the factors surrounding decision-making practices of immigration officers?", it was more specifically intended to identify *how* decisions are made. The method involved observing, as a participant in the decision-making process, (1) the interactions between clients and examining officers; and (2) between examining officers and other officers, such as senior immigration or front line customs officers. The emphasis was on observing how these interactions affected the examining officer's specific perception of an individual who had been detected as being a criminal and from there his decision whether to recommend granting entry to that individual. This

was done with the assumption that interactions are important factors affecting decision-making.

It must be pointed out that this method did not examine how officers new to their role were socialized into the norms of the work environment over time and how this socialization lead to an attitude towards certain types of individuals, as many studies of work environments have. Rather, it examined how interactions that took place during the period-approximately half an hour to an hour- in which a visitor is in contact with port personnel affected the individual officer's decision specifically. Where possible informal interviews were carried out with officers after decisions had been made. In this interview the rationale behind their decision was probed. Particular emphasis was placed on examining the language and typification used by officers to refer to those convicted of criminal offences.

The ethnographic component of this method involved describing the everyday occurrences at the port of entry and mapping the interior of the port by outlining its physical characteristics, such as walls, windows, and location of interview rooms. The results of this exercise would help to lend understanding to the effects, for example, of the port being busy at times, and physical constraints. To aid in analyzing the results of this method Goffman's (1959) dramaturgical framework, and his notions of 'front stage' and 'back stage' that stem from this work will be used to examine

the physical constraints on interactions which precede officer's decisions regarding individuals with criminal convictions (although this particular framework could be used for any decision-making which occurs at a port).

Besides informal interviewing, field notes were kept and important occurrences written down. This was done during scheduled breaks, after hours and other free periods while on shift.

The advantages of using participant observation and ethnography are many. The data gathered from such methods is termed "rich" (Kidder, 1981: 102). Often a deeper understanding of the group being studied can be gained by living, or in this case working, with them. Therefore, such phenomena as their decision-making may become better understood. To actually observe an officer interacting with others and subsequently making a decision may provide a better understanding of why decisions are made than through examining a file, the second method to be described, which contains limited information collected after the fact.

One potential disadvantage of this first method surrounds the question of reliability of the data obtained. If this same method was carried out by a different researcher at a different port would similar results be obtained? Another surrounds the potential for effects on the group being studied by the researcher. For instance, individual officers who are aware they are being observed may make decisions they

think will please the researcher. This was a definite possibility in my case because I knew each research subject on a personal basis.¹

Files

The second method involved examining a sample of approximately 550 immigration files. These have recorded on them the dispositions of Senior officer reviews along with some demographic information regarding individuals considered to be inadmissible because of criminality. Original files from May, 1985 to May, 1990 inclusive were stored at the port awaiting destruction. I have already discussed that the section under which inadmissible persons are reported by officers is section 20 of the Immigration Act, 1976 and thus the reports are referred to as "20 reports." When such a

¹ All officers at the port were made aware of my research during one of the first staff meetings of the summer. I did not during this meeting actually state: "I am going to be observing your decision-making" but officers were made aware that I was interested in more than the files and questionnaires. This raises an ethical question, ie. research subjects should know they are being studied, but to have actually stated it in this way would have led to still more delays from management of the port and probably hesitation on the part of subjects in the questionnaires. There was no apparent way around this problem. Following this meeting, throughout the summer there were mixed reactions to my research: some officers were very interested in it and inquired often about the progression of it but others never mentioned it again. In any event no one was outwardly hostile towards it. They consistently referred to it only as "Randy's project," perhaps because this is how one of the SIO's introduced it at the staff meeting. Most of the officers, when asked, claimed that a good decision was one that was based on the merits of an individual case but would not elaborate further regarding general rules that they apply to when making entry decisions (eg. I refuse all sight-seers or all Whites etc.).

procedure is carried out a file is generated in part by the national immigration computer system. In total there were 60 months of "20 report" files. Within each monthly file are an unknown number of 20 reports of individuals who have been reported under the various subsections of section 19 of the Act (see appendix B). Most of these consist of persons considered to be immigrants but who are without immigrant visas; those individuals considered to have insufficient funds to support themselves while visiting Canada; and those individuals who are not considered to be genuine visitors to Canada. In some cases individuals fall under combinations of these categories and the criminal categories that this study is concerned with. The vast majority of individuals in these monthly files were reported for having been convicted of criminal offences. Using a random number table a sample of 22 months was drawn. Each month was examined in its entirety. Every case within a monthly file where an individual was reported under a minor or major criminality category was selected and information pertaining to it was recorded. Cases that involved individuals who fell into a criminal category and another category were not selected. This was done to avoid complicating the analysis.

The following variables contained in individual files were examined. They were: age, sex, race, citizenship, purpose for coming to Canada, time elapsed since last criminal conviction, seriousness of conviction (whether it fell under

the minor or major category of criminality), type of past conviction(s) and number of past criminal convictions. Where the purpose for coming to Canada was to work as a truck driver involved in the international transport of goods two variables, travelling with a co-driver and the presence of a perishable load were also examined. The dependent variable in each case was the decision of the Commission's officers to grant entry or not. Age and time elapsed were treated as nominal variables by collapsing them to make statistical analysis more straightforward. Only the number of criminal convictions was left as an interval variable.

The data obtained from these files were coded as each month was examined, entered into the "Statistical Package for the Social Sciences" ("SPSSX"), and analyzed using a cross-tabulation procedure, which included a chi-square test of significance and a phi measure of association. The aim was to determine which factors were related to entry decisions and the magnitude of the relationship.

One advantage of using this method was that it was unobtrusive and in no way could it have conceivably biased decision-making. This was because it examined past decisions. Another was that it was easily carried out and a large amount of information was gathered in a short period of time.

One disadvantage was that the documents and files are designed and used for administrative purposes and, therefore, the information contained in them may have been inaccurately

recorded. Another was that few variables are recorded on them. Potentially important factors, such as deference shown by the individual during the interview, were not present.

Vignettes and Questionnaire

The third method involved administering a questionnaire (see appendix A) on a volunteer basis to immigration examining officers to obtain a more complete and recent picture of factors surrounding their decision-making. Confidentiality and anonymity of officers' responses was guaranteed to them for ethical reasons and to increase their compliance.

In this questionnaire each officer was presented with 15 vignettes. Each vignette described an individual who had been 20 reported for criminality, his purpose for coming to Canada, and his offence(s), for example:

You have just examined Mr. Smith, who is 22 years old and wants to enter Canada to work for up to three months. He can be described as a Caucasian who is wearing a T-shirt, faded blue jeans and a baseball cap. You have found out that he has been convicted of assault causing bodily harm (19(1)(C)) on one occasion within the last five years but has no other arrests. Mr. Smith has been cooperative throughout the examination.

From this vignette the examining officer was asked to indicate if he or she would recommend entry for this individual by circling a "yes" or "no" response for each. It should be noted that in the directions for completing the questionnaire (see appendix A) it was specified that for each case the individual had no prior arrests, had never been previously 20

reported, appeared to be telling the truth, would be staying for "up to three months" and had proper identification. This ensured that potentially important factors would be held constant.

Using vignettes allows the systematic manipulation of variables (Rossi, 1979: 178) to determine how these variables affect decisions, if at all. The vignette technique usually employs a computer program that randomly assigns values to each of the vignette variables (Rossi, 1979: 178). Since such a program was unavailable, vignettes were constructed by using a computer's random number generator and assigning the values generated by it to levels of variables. Then with the assistance of the "form letter" feature of the "Word Perfect" software program, the vignettes were created manually.

There were eight independent variables contained in the vignettes. These were the race of the individual (Oriental, White, Black, Hispanic); his age (22,38,60); his purpose for entering Canada (work, school, sight-see, visit); his attire (high status, low status); the type of offence (sex, minor violent, major violent, minor property, major property, driving while intoxicated); the seriousness of the convictions (minor, major); the number of times he was convicted (1, 2, 3); the time elapsed since his last conviction (< 5 yr.s, > 5 yr.s); and his attitude or deference shown during the examination (cooperative, abusive). The dependent variable was the immigration officer's decision

whether to recommend entry (yes, no). Each independent variable had at least two and no more than four nominal levels. One level of each variable was randomly assigned. It was likely therefore that no two vignettes in the overall sample were the same.

The unit of analysis was the vignette and not the individual officer. While the literature review has suggested that individual explanations such as officer's characteristics are important factors in decision-making they could not be examined because only a small sample of officers were available. Similarly, organizational factors, such as management style, could not be analyzed because I was given full access by the Commission to only one port and therefore no other ports could be examined for comparison.

A sample of 16 immigration officers were asked to respond to the questionnaire. Each was presented with 15 vignettes which resulted in a total of 240 vignettes available for analysis. Although similar studies that have used this method have employed more than 15 vignettes per questionnaire, it was thought that any more would lead to all the difficulties associated with a questionnaire becoming too lengthy. For example, it may have made the questionnaire too intimidating and respondents may have been less likely to complete it.

As with the second method described above, data from the vignettes were coded, entered into "S.P.S.S.X.", and a

cross-tabulation procedure carried out to determine the factors related to recommendation decisions.

Following the 15 vignettes in the questionnaire was one page which contained 4 items (see Appendix A). The first item was an open-ended question which asked officers if there were factors other than what were described in the vignettes that were important in deciding to recommend entry. This question determined whether the vignettes gave officers enough information to make a decision and whether there might be additional factors that should be included in the analysis, possibly in the first and/or third methods. The second item asked officers to estimate the percentage of their recommendations which were followed by senior officers during the latter's review. The results of this item provided the rationale for looking at recommendations and not having to look at the senior officer's review using this method. The third item asked officers to respond on a four point scale to a statement that described one of their duties as determining the dangerousness of individuals coming to Canada as visitors. The score would suggest to what extent IOs perceive themselves as predicting the dangerousness of those individuals who have been convicted of criminal offences and therefore in a role similar to other agents of social control. The fourth and final item asked officers to respond on a four point scale to a statement that suggested that their decision-making was done on their own and not through consultation with others. The

score on this item would suggest to what extent interaction between officers was important and therefore whether the third method described below should be aimed towards understanding this interaction.

A pre-test was carried out in Ottawa by administering a questionnaire to a former IO who had been employed at a port of entry in Western Canada. From the feedback and response from this individual it was decided that the questionnaire would be an adequate tool.

The major advantage of using randomly assigned levels of variables in this method is that it precludes the possibility that exists in real-life situations where factors can be inter-correlated. In the vignettes correlations among individual characteristics are low and tend to be zero (Rossi, 1979: 179). Consequently judgements made about the relative importance of factors related to decisions to recommend entry are more internally valid.

Another advantage was that random assignment resulted in any given vignette being quite different in appearance from the vignette that came before in the questionnaire. This feature may have kept the respondent interested and increased the likelihood that each vignette was carefully read.

A more general advantage of using a method employing vignettes is that it allows the examination of many decisions at a low cost (Willis and Wells, 1981: 701) and avoids the need of having to observe decision-making for many hours to

see the effect of every possible combination of variables (Rossi, 1979). Another is that vignettes, unlike real-life situations, are easily manipulable to suit a researcher's needs.

One disadvantage of using vignettes surrounds the notion of external validity: Did the vignettes describe typical individuals whom officers would encounter at the port? With respect to variables other than the amount of deference shown and attire, which were not measured using the method involving files, and with the exception of the number and type of convictions, it would appear according to the results of the second method that vignettes did not describe typical individuals. For example, although approximately one quarter of vignettes described individuals who are Oriental, the results of the examination of files indicated that encountering an Oriental who had been convicted of a criminal offence was an extremely rare event. This was inevitable because the four nominal levels of the race variable, along with the other independent variables, were constructed from my recollections of the characteristics of individuals whom I had encountered during my first summer at the port and were somewhat inaccurate as a result. It was clear, however, that a minuscule number of these individuals encountered, for whatever reason, would be females and it was for this reason that the gender variable was not included in the vignettes. The results of the second method, where only eight females

out over five hundred cases were detected, supported this. The ideal response to this potential criticism would have been to examine the files, the second method described, to then draw a sample of the characteristics of the population of individuals being detected at the port from the results, and finally to construct the vignettes accordingly. Unfortunately because of time constraints this was not feasible.

Another disadvantage of using vignettes surrounds the question of validity. Do respondents react the same to vignettes describing persons as they do to real-life individuals? There is a school of thought that would clearly answer "no" to this question (cf. Deutscher, 1965). They would go further to say that, in fact, the notion of reducing an interaction between two individuals to eight or less variables, which is what both methods described above do, is completely inadequate because it ignores interpretive components involved in this interaction.

Another disadvantage of this method was that because so many vignettes were presented in a short time, this did not necessarily represent conditions of the working environment where possibly only one of these decisions would have to be made by officers during a typical shift. Also, so many situations being presented to a respondent could lead to them responding to the vignettes arbitrarily and without careful thought.

One basic difference between the two methods above was

that the third method (vignettes) examined variables, such as deference shown to officers and individual attire, that could not be examined using written administrative records. Although some common variables such as age and race were examined, the two methods also differed in that the decisions from the second method were from various months between 1985 and 1990, while the third looked at decisions made only in 1990 and the second method examined actual decisions while the third examined simulated decisions. In addition, the third method examined the decision to recommend entry by examining officers while the second examined the second stage in the decision-making process and the end result of these recommendations- the decision by senior officers whether to grant entry to individuals. As a result the data obtained from both methods cannot be combined in any systematic way.

The preference for the type of method depends a great deal on the theoretical paradigm one is operating from- positivists would likely choose the two quantitative methods and those who operate from within the interpretive paradigm would likely choose the qualitative type. While the interpretive element of social phenomena is important and is often ignored in research, quantitative positivistic methods, such as the two methods described, appear to be more precise and systematic and therefore more scientific. As a researcher the preference for one or the other can be an inner conflict - both may be interesting for different reasons. The

methodological debate regarding which approach, quantitative or qualitative, is superior is on-going. In this research both approaches will be used in order to hopefully obtain the best of both worlds.

CHAPTER IV

AN ETHNOGRAPHY OF THE PORT

The following is an ethnographic description of everyday occurrences at the port at which I worked from May 1, 1989 to September 4, 1989 and from May 1, 1990 to September 3, 1990. It is the result of participant observation that I carried out during this latter four month period. Through this discussion, how decisions regarding suspected or convicted criminals are made will become clearer.

The port of entry at which this research was carried out is located in Western Canada, a few hours from Bigtown. It is isolated when compared to most of the larger eastern ports of entry. It is situated on the forty ninth parallel, the invisible line that separates most of the United States from Canada. When approaching the border from either a North or South direction on the highway, other than from the presence of the U.S. and Canadian Ports, it would be impossible to determine that there is a line separating the two countries. The Thomas Theorem (if men define situations as real, they are real in their consequences) seems particularly appropriate here. There is nothing objectively real about this line, neither here nor along its entire length that stretches for thousands of miles, but it is defined as real by the people living in both countries, travellers and especially by those government personnel working at the ports.

We can, therefore, expect it to be real in its consequences.

The staff at the port consists of twelve examining officers, three senior officers, a secretary and a manager. All staff are between 24 and 38 years of age, except one senior officer and the manager who are in their late forties. All staff are White. Four officers and the secretary are female. About one-third have university degrees or are in the process of completing them (university students are hired to fill positions during the summer months when increases in the volume of port traffic demand it).

A twenty-four hour port of entry is often an extremely busy place and at other times officers manning it have nothing to do. Other than large numbers of tourists in motor-homes and long distance truck drivers hauling goods in semi-tractor trailers there is virtually no pattern to the types of individuals coming through. Nor is there a particular pattern to the time of their arrival at the port. To the immigration officers it seems that anyone can arrive at anytime.

From their main office officers can peer through the glass partition to the entrance of the waiting room from downstairs when they hear the bell go off, which is attached to an electric eye at the top of the stairs. It alerts them that somebody has been referred by customs from downstairs. From the moment they first see the person at the top of the stairs through the glass they must begin to decide who he is and what he represents.

To the officer the person will represent one of two things. If he is "okay," the officer concentrates on completing the person's paper work, if any is required, stamping his referral slip, and sending him back downstairs as soon as possible. The person may, on the other hand, be a "20 report" and therefore a problem both in terms of the volume of paperwork that has to be completed by the officer--about 30 minutes worth--and having to explain to the person that he is inadmissible and may not be allowed into Canada.

When there is nobody in the waiting room officers experience "down time." During these often long, uneventful stretches of time, staff, for the most part, carry out personal projects such as making personal telephone calls, reading, eating and discussing matters unrelated to immigration among themselves. When the bell rings it is a signal to officers that there is now a potential for a large volume of tedious paper work and, should the individual who entered the waiting room be a "20 report," a potential for confrontation. The bell indicates to the officers that they will have to leave their personal business and return to work.¹

¹ There are rare occasions where an officer's personal business or discussions with others are not passing the time to the end of the shift as quickly as he or she would like. Paper work and the potential for it then are seen in a positive light. When this occurs officers scramble to be the first to deal with an individual who has just entered the waiting room. In general, however, having to do "20 reports" and other paper work is despised by officers. Most of the younger officers appear to see their "real" purpose instead as making arrests, searching vehicles for

Upon entering the immigration section of the port from downstairs new arrivals walk to the partition, read the sign, "Please be seated an officer will be with you shortly," sit down and wait. When officers become available they leave the main office and enter the client waiting area often through one of the interview rooms. They then ask the client to proceed into an interview room and to sit down.

Erving Goffman's (1956) dramaturgical analysis, and particularly his notions of front and back stages, is useful in understanding what occurs at the port. Goffman (1956) suggests that in social situations all people are performers and that they play different roles depending on their definition of a given situation. Their definition of a situation will similarly affect what role they will take. IOs and their clients² are no different in that they too perform.

illegal stowaways, patrolling the border for border jumpers, escorting "deports" and the like. They constantly complain they are being inhibited from fulfilling this purpose by "higher-ups" in the bureaucracy and by having to complete forms. It is for this reason that they appear to envy but at the same time admire the American Customs, Border Patrol and Immigration officers half a mile to the south because of their arsenal of social control hardware such as sidearms, patrol cars, infrared goggles for spotting illegal aliens at night, "spikebelts" for the highway. These younger IOs can often be heard saying: "We're supposed to be protecting and patrolling the border, it says so in the Act. Why don't they let us do our job?"

² In this description of everyday occurrences at the port I will use the word "client" to refer to individuals who have been referred by customs. It should be noted that this is a front stage term and many of these individuals are seen by officers as anything but clients and referred to in a variety of pejorative terms.

Front

Goffman suggests that all performances have a "front," which is the standard expressive equipment and those communications which define a situation for those who observe the performance (Goffman, 1956: 22; Ball, 1972: 171). Front is made up of "setting," "appearance," and "manner" and is maintained in the "front stage" (Goffman, 1956: 22-24; 107). In the "back stage" preparation for the performance takes place, if approaching the front, or the performance is relaxed, if just returning from the front (Goffman, 1956: 112). Goffman asserts: "the line dividing front and back regions is illustrated everywhere in our society" (Goffman 1959: 123). If this is so, one would expect that this line would be present in social control agencies. As these notions apply to one of these agencies, the port, each will be discussed in turn. During this discussion it will be helpful to refer to figure I, a map of the immigration section of the port at which I worked.

The upstairs of the port is constructed such that the waiting room is physically separated from all other areas. The waiting room can be seen as the front stage for both clients and officers. If looking from an officer's perspective, which is what this discussion will primarily focus on, all other areas of the building and particularly the main office can be seen as the back stage. I have only once stumbled onto a deviant or "20 report's" back stage. It

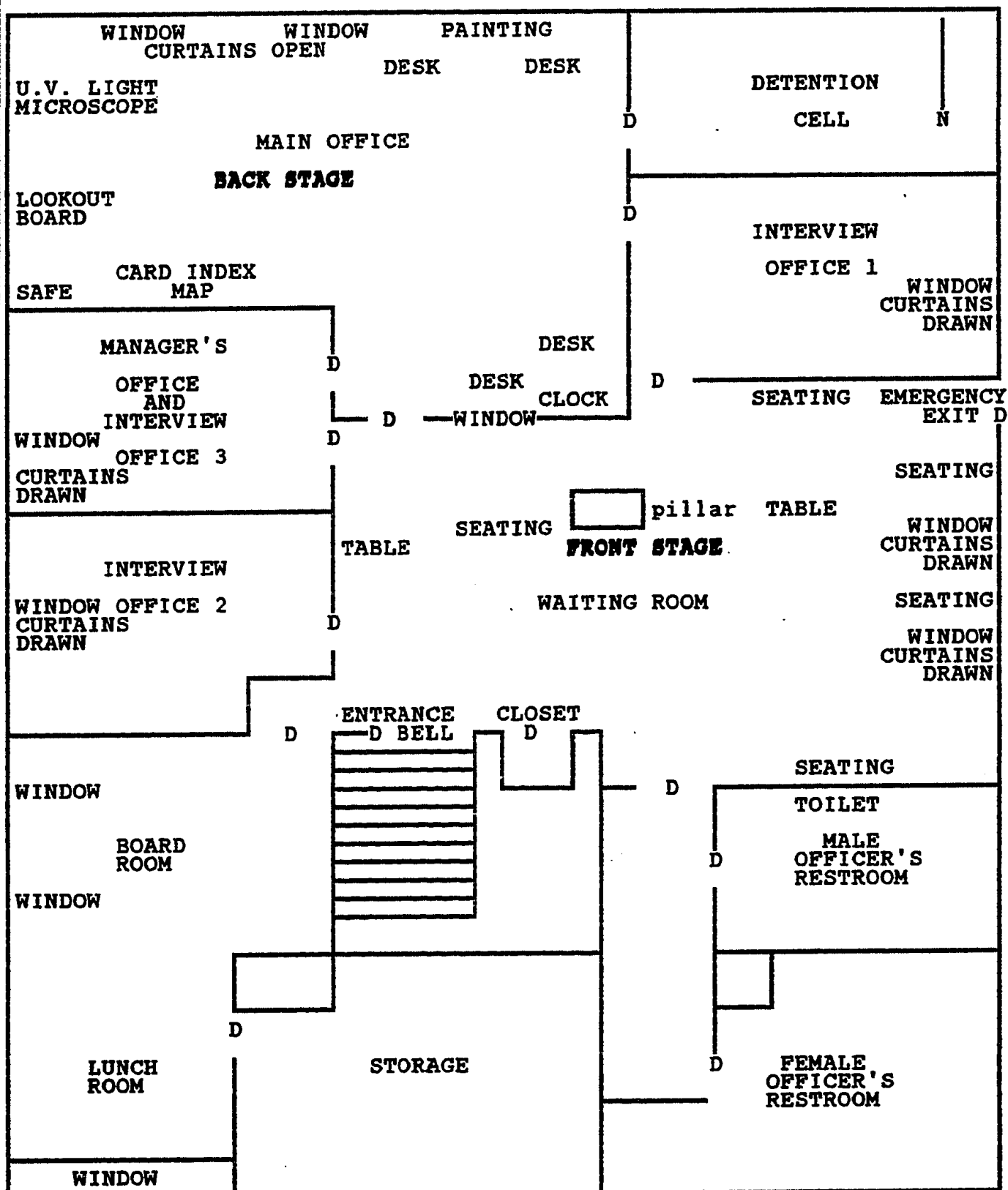


FIGURE I. THE ECOLOGY OF THE PORT. D= door.

exists somewhere outside the building.³ The glass window at the counter is a visual bridge. It is the only permanent structural link between officers' front and back stages- doors can be and often are closed. But the window is more than this. It represents the bridge between control agents and deviants. Control agents peer through at clients and imagine that they see deviants. Because of the physical setting, as we will see later, deviants are at a disadvantage, but when they peer through at officers some may see them as control agents. Neither sees the other's back stage. Both are performers presenting themselves in the best possible light and both have something to gain by doing so. As this discussion will show, officers' performances will help them in detecting deviants and a deviant's performance will effectively hide their deviant identity so that they can, without consequence, proceed into Canada for whatever their purpose may be.

Setting

According to Goffman (1956: 22) setting is the

³ Dressed in street clothes I found myself in this region after work late one afternoon when I heard a "20 report" complaining to his co-driver about us "pricks." His behaviour appeared as very different from what had been displayed earlier in the afternoon when he had been upstairs in the port. In fact, other than his physical characteristics, I would not have recognized him as the same person. When customs officers stumbled onto similar regions and overheard persons whom were previously my clients, they would sometimes mention it to me at the end of the shift. Whereas in the port I had been "sir," I was overheard to be on one occasion "a blockhead" and on another a member of "the Gestapo."

"furniture, decor, physical lay out, and other background items which supply the scenery and stage props for the state of human action played out before, within, or upon it."

One function of the physical setting of the waiting area is to force a foreign individual to realize that he or she is no longer in the United States. To European visitors, who are familiar with crossing borders, Canada is but one more country to visit and having their passport stamped at the port appears to be interpreted by them as routine. For Americans, however, many of whom are not familiar with being outside of their country, uneasiness may be felt as a result of being sent to the immigration waiting room because it is surrounded on all sides by symbols of Canada. The walls are decorated with three large posters of Canadian outdoor scenes that have a large "CANADA" printed on the top of them; a Canadian flag stands next to the glass partition; and a large display of the Charter of Rights and Freedoms is hung next to that.

The physical setting results in making individuals uncomfortable. The seats in the waiting room are constructed of hard plastic and are similar to those that might be found in a bus station. Sitting on them for extended periods results in discomfort. There are no rest-rooms or telephones available to those waiting nor are those so inclined permitted to smoke. There are no vending machines or water fountains. The temperature of the entire air-conditioned upstairs of the port is kept very low and those wearing light clothing such

as shorts--the majority of travellers during the summer months--often make comments to this effect. Fully uniformed officers are immune to this, of course. On one of the two coffee tables the only available entertainment for those waiting is kept- one or two well-read, year-old magazines that are periodically brought in by one of the officers. No aspect of the front setting suggests comfort.

The setting also functions to keep those waiting virtually cut off from the outside world both in time and space. Curtains on the windows are generally kept closed so that the outside cannot be seen. Sounds from the main office, downstairs or outside cannot be heard from this room; it is effectively sound proof. There are no clocks present and the one in the main office is positioned in a way that makes it impossible to see from any where in the waiting area. In this way those waiting might easily lose track of time. If clients ask to go downstairs and outside in order to use the restroom, smoke, or "get some fresh air" officers always attempt to discourage them, short of telling them they are legally detained, from proceeding downstairs. This unofficial policy, officers claim, is to keep individuals from abandoning drugs or other contraband outside when no one is watching or to keep clients from simply proceeding north into Canada. This policy also serves to ensure the physical setting will keep clients cut-off from the outside and functions to deny the client the luxury of a back stage. The client is always potentially

under scrutiny by control agents through the window as a result and this puts him at a significant disadvantage. But the setting is constructed to the control agent's advantage in another way. Seats are situated in the waiting area such that those seated face the walls of the room or the close-curtained windows. No seats in the waiting area directly face the glass partition and as a result seated clients cannot see what is going on inside the main office without having to turn their heads all the way to one side or to stand up. Another effect of this is that officers in the main office can easily view those who are seated without them knowing it and this, in turn, aids officers in constructing an image of them.

The setting also functions to disorientate the client. I observed two very common and somewhat strange behaviours exhibited by those who had been waiting that reflect this. First, clients would, as a rule, point in the wrong direction when explaining to officers where they were going or where they had just come from during or prior to an examination. The complete separation from the outside had apparently caused them to lose their sense of direction. Second, individuals would very often open the closet door and enter it when they were attempting to return to go downstairs, even though the door to the stairs was always lodged open⁴ (see figure 1).

⁴ This was always considered to be quite humorous by officers when viewed through the window from the officers' backstage, of course.

The functions that the physical setting described above serves are conducive to sorting out those who are "okay" and those who may be a "20 report." The disorientating effect as well as preventing the client from eating, drinking, smoking, relieving himself⁵ and from being able to wait comfortably serves to "soften-up" a client should a particularly intense interrogation be necessary. Hidden information such as past criminal convictions might be easier to extract if the individual is made to feel a certain way. Through this compliance is also ensured. Compliance by clients is a necessity if an officer is to determine whether someone is a "20 report" because most information used to determine this is gathered from the client.

All of the foregoing is accomplished in a very subtle way, of course. The nature of the agency as one of social control to those in the waiting area is only hinted at through the presence of officers wearing uniforms. The extent to which officers maintain the front is the extent to which information can be extracted effortlessly and authority remains unchallenged. Prior to the examination should the

⁵ On one occasion a truck driver I was examining began "messaging" himself. He announced this to me and I quickly allowed him to leave the waiting room to relieve himself. Although the officers never said so, there appeared to be a general feeling amongst them that those clients who were asking to use the restroom had other than biological motives for doing so and consequently officers consistently told them something like: "If you can hang on, it will just be a few more minutes and then you can go, ok?" This was said as though it were more of a command than a question.

audience in the waiting area see through the performance, ie., clients see the officer as a social control agent, then the clients will regain some ground lost through the setting, and the client's performance will likely be more carefully constructed so as to keep his deviant identity unknown to the officer. To refer to such things as an individual's 'hidden information' and the social control 'nature of the agency,' Goffman (1956: 142) would use the fitting phrase, "dark secrets".

During examinations doors of examination offices are always closed "for privacy," but also not to reveal the nature of the interaction to those in the waiting area who have not yet been interviewed. Clients perform as clients for others who are waiting⁶ unless, as is sometimes the case, a group of them are travelling together. However, even in this latter situation officers often call members of a group of clients into the offices in such a rapid succession that few "dark secrets" that are learned during the examination can be revealed to one another. This is why the social control

⁶ When a "20 report" interacts with a client who is "okay" in the waiting room it too appears as humorous to officers because of the hidden incompatibility of the two. As I observed the camaraderie between these two types through the glass partition or over-heard conversations while passing through the front stage I often wondered what the reaction of, for example, Japanese "passports" heading for a sight-seeing tour in Bigtown would be if they knew they were chatting not with a "fellow traveller" but rather a deviant who had been convicted of robbery and drug trafficking. This realization would never occur, of course, because a "20 report" would never reveal his identity to anyone who is "okay"--fronts must be maintained in the front stage.

nature of the agency can conceivably become known only through actually experiencing or over-hearing an examination. The examination offices are transitional areas between front and back stages. It is here that a client's definition of the situation may change. If it does, clients will see the reality of the agency behind the appearance, particularly if they are so reported. Only in the back stage would the reality of the social control agency be clearly revealed, but few clients ever enter into it. After contact with the control agency most clients likely drive away thinking they have had a friendly conversation with a government official or possibly a tourist guide.⁷ In the examination office the client's reality, ie. he is a criminal, may be revealed as well. Thus, both performer's fronts can come down in the examination office. Following the examination, the control agent exits to return to his back stage where the client's image will be constructed further and the client returns to the front stage to wait.

Appearance and Manner

⁷ When I cross the Canada/U.S border as a tourist going in either a north or south direction today I find myself getting what an ex-immigration officer, who apparently gets the same affliction, referred to as "butterflies." This is not because I have anything to hide (such as undeclared goods). Rather, I think it is the result of knowing the "dark secrets" that lurk behind the front the customs officers attempt to maintain as I drive through the PIL and thus knowing that if I did not have the proper identification or I act in a peculiar way, I will be invited into a room, interrogated, scrutinized, checked on a computer and searched by customs.

According to Ball (1972: 171) appearance includes "the sign-vehicles expressing the performer's social status or type" and manner includes "those expressions that warn of a performer's demeanour, mood, and the like."

Uniforms complete with badges are worn by officers at ports of entry. This helps officers see themselves as control agents or, as one officer put it, as "pseudo-cops." Seeing oneself as a control agent makes it easier to act as one. Uniforms are also worn to suggest to clients that officers are authority figures and should be shown respect. The appearance of officers, therefore, helps to elicit compliance from clients who are about to be examined. But the uniform is the only hint a client has in the front stage of the reality of the situation and of the agency that he is dealing with. For those who are "okay" this is the only hint they will experience before being sent back downstairs and on their way.

The significance of uniforms and the clear division between front and back stages is shown in the following episode:

During an afternoon shift the bell went off and the other officer and I looked up to see a grey-haired individual dressed in jeans, a long, brown shirt and a baseball cap heading towards the window in front of us. Both of us assumed he would read the sign and sit down in the waiting area. We momentarily looked away and returned to our personal business--the client could wait. But the individual kept on coming towards us, exited the waiting area (the front stage) and entered our main office (our back stage) through the door way. Immediately and simultaneously the other officer and myself leaped from our chairs and almost automatically began rushing

to the door to prevent the perpetrator from coming any closer (the back stage had to be protected). To our amazement the individual turned out to be our senior officer who was off duty and had dropped by the port to collect his pay cheque.

The language used by officers reflects their efforts to maintain what is referred to as "respectability" (Ball, 1970). Language must not be out of line with performance. It must be carefully constructed so as not to reveal the reality of the agency too soon, prior to the examination. It was not surprising then, that when officers approach an individual for the first time they do not say: "Hello, please come into this closed office so that I can interrogate you for ten minutes." Rather, they point to the open office and say: "Hi, let's go in and talk" or "how about if I talk to you in here?"⁸ The client, already 'softened-up' from the setting of the waiting area does not resist, enters the office, and sits down. In keeping with the overall performance, in the front stage and during examinations individuals are always referred to as "clients," "sir," and "madam." Similarly, the interview that takes place in the closed offices is referred to as an

⁸ As rookie IOs, those whom I trained with and I were never explicitly coached about how to talk to clients. But nor were we allowed to conduct an examination with a client on our own in a closed office until we first observed veteran officers for one to two days following training. Similarly, the order and exact questions to be used in the examination during training were said to be left up to us (so that our "respectability" would be maintained (Ball, 1970)). After training was completed, however, one of the SIOs (saying "just in case you're interested" as he did so) gave each of us a copy of a list of questions that he claimed to use during examinations.

"examination." This term suggests that what transpires inside is carried out professionally, in a manner similar to what one might expect from a physician in a medical examination room. The use of this term serves to prevent noncompliance on the part of clients and officers. As a rookie officer I would have been very hesitant to "interrogate" a client, but somehow "examining" one was challenging and almost exciting to me.

Teams

Goffman (1956: 79) uses the term "team" to refer to "any set of individuals who co-operate in staging a single routine." Both clients and control agents work in teams. Groups of clients who are waiting in the front stage work together to maintain a common front. For example, a truck driver (driver 1) and his partner (driver 2) would work together to conceal each other's deviant identity if it were known to one another. During an interrogation, driver 1 would never let on that driver 2 "did some time a while back." This would be detrimental to driver 1's purpose because it would put his own front into question simply by association. Having just been interrogated and found to be a "20 report," driver 1, as he returns to the waiting area, would likely attempt to tell dark secrets to driver 2 to warn him of what is to come before it is the latter's turn to be interrogated. Knowing dark secrets ahead of time (ie. in the office he will be asked questions about past criminal behaviour by a control agent) may allow driver 2 to conceal his deviant identity and

maintain a more effective front. This in turn will aid the team front that both drivers are attempting to maintain and driver 1 benefits as a result. An effective team front may elicit a more favourable decision from the control agent. Control agents work to maintain each others' performance and to construct an overall performance for those in the waiting room. For instance, on rare occasions a verbal confrontation can erupt between a "20 report" and a control agent in the front stage over why the former cannot enter Canada (this normally takes place in the examination office). Fronts between the two are then down and at this point another officer will enter the front stage from the main office, intervene and at times take over from the first officer, not necessarily to prevent a physical confrontation, but rather to attempt to move the definition of the situation from control agent and deviant back to one of officer and client. This will allow easier handling of the deviant and will avoid spoiling the overall performance for other clients (the audience) who might be observing from their seats in the front stage.

The Back Stage

The setting of officers' back stage, the main office area, serves the opposite functions as that of the front stage. This can be seen in, for instance, the fact that chairs are comfortable and padded, there is a rest-room, water for drinking, and a lunch room available for performers to

relax. In addition, symbols of Canada are no where to be seen, curtains on windows are kept open, telephones and a clock are available and, of course, officers are free to leave to go downstairs and outside at anytime should they need anything else to help them perform. The setting of the back stage also clearly reflects the true nature of the agency. In figure 1 it can be seen that the microscope, the ultra-violet light (both used for examining the authenticity of travel documents such as passports), the map of border roads and ports, the card-ex of those who have been "20 reported," the "Be On the Look Out For (BOLF)" Board -equipment that exists solely for social control purposes - are all kept from the view of clients in the waiting room. Only those who are placed in the detention cell, which can only be seen from the back stage, would be able to see this equipment and, by the time this occurred, it would not matter. Once the individual is in detention, fronts no longer need to be maintained by either control agents or deviants- both see one another as they really are and neither can gain from acting as anything else. As a result, a deviant becomes a "non-person" (Ball, 1972: 176) and is treated as though he were an object in the detention cell. Back stage behaviour by control agents continues as if the cell was empty.

Clients hardly ever voluntarily enter the main office and if they do on the rare occasions that the door next to the glass partition is left open, officers quickly whisk them back

into the waiting area before they proceed more than a few steps. This is carried out in a manner that is reflective of the back stage in general; it is often unrestrained and uncompromising: "I'll get to your passport just as soon as you step back into here"; "Yes, yes I know, just grab a seat out there"; and to children: "Get out!" This behaviour is qualitatively different from the carefully constructed behaviour that is exhibited in the front stage. It is risky because it may spoil the overall performance for the client and others in the waiting area in these instances, but it is necessary to protect what might be termed 'darker secrets,' symbolized by such things as the detention cell and the ultra-violet viewer, that are located still further back in the back stage.

In the back stage officers interact with one another where they cannot be heard or often seen. The interaction between immigration officers that leads to decision-making always takes place in this area. When I was making decisions (constructing an image), particularly when a "20 report" had been convicted of serious crimes, I felt uncomfortable if he stared at me through the glass window from the front stage. When consulting with others or completing paper work I found myself moving closer to the social control equipment just out of his view. I found that most officers seemed to migrate to this area when speaking to one another about clients in the waiting room even though the office was sound proof.

The language and typification used in the back stage need not appear professional nor fit the front performance because clients in the waiting room cannot hear it. Therefore, a "client" who has challenged an officer's authority, has been "20 reported," or is otherwise being uncooperative, especially when the manager is not present,⁹ is often referred to as a "bad-ass," a "dirt-bag," or an "asshole." Those individuals who are perceived as abusing an officer's "good nature" or as otherwise abusing the immigration system are referred to as "rounders." This term apparently refers to individuals who have had contact or created problems for immigration officials in the past, such as those who have been previously "20 reported" or deported, but continue to come "round" again to attempt to enter Canada. These typifications are not necessarily mutually exclusive.

Because of the way in which the walls have been constructed in the port there are few of what Goffman (1956: 120) refers to as "backstage difficulties." Perhaps this is

⁹ When the manager is not away from the port and is not in his office with the door closed, as is often the case, officers continue to perform for his benefit ie. "assholes" are still referred to as "clients." When the manager is forced to conduct secondary examinations on occasions when the port is busy, he uses similar, albeit less "harsh" typifications and appears to take on an examining officer role completely. During these occasions, for example, he would point out, through the glass, client's behaviour in the waiting area that he found humorous (behaviour which I would not dare comment on should he be in his office with the door ajar). He would not interact with us in this way when he was in a manager's role.

a reflection of the fact that in a social control agency, unlike other areas of social life, any such difficulties would be very detrimental to its purpose. I became aware of one exception to this general rule. It centres around male officers using the rest-room. The door that accesses the rest-room areas is marked with a red sign, "restricted area" (see figure 1). Clients in the waiting area would have no idea what is inside this door. To use the rest-room an officer must leave his backstage, cross into the front stage and then re-enter the restricted area, another part of his back stage. The control agent must act as if on official business while crossing in the front in order to be consistent with the overall performance that is being maintained by other officers in the "team" but also not to reveal to a client that there is a rest-room in the building. Giving the client access to the rest-room would give him an opportunity to create a backstage for himself. For officers, a backstage difficulty is created due to the toilet's location against a wall directly opposite client seating. To this day I am unsure whether clients can hear inevitable rest-room sounds and the subsequent sound of the toilet flushing. Often when I returned from the "restricted area" and re-entered the front stage I would feel stares from the seating area opposite the toilet. Somehow it seemed completely out of character and unprofessional (1) for a control agent (or immigration officer), when "20 reports" were waiting anxiously for their

review or (2) "okay" clients were waiting for their paper work to be completed, to be using a rest-room at all.

Interactions

Interactions play an integral in the construction of an image of a client an IO is dealing with and what should be done with the client if he is found to be a "20 report." IOs interaction with customs officers, clients, other IOs and senior officers appear to be particularly important. Each will be discussed in turn.

Occasionally upon making a referral to immigration customs officers telephone the main office from the P.I.L.:

Customs: Yah, this is David from downstairs.
I'm sending this guy up in a few minutes...he gave me a real hard time on the line.
Immigration: We'll give him the full examination.
Customs: Thanks.

In these cases the IO has a preconceived notion of who the client is through interacting with the customs officer on the P.I.L. long before actually seeing the client. This prejudice likely affects both the questions asked by the IO, ie. the "full examination"¹⁰ would include questions regarding criminality, and the decision of whether to recommend entry if he is subsequently or otherwise detected as a "20 report." In this example it should be noted that one of the following all-encompassing criteria for referrals mentioned by customs officers in an earlier chapter would likely apply: "If they're

¹⁰ My instructor during training told us: "Anyone referred whom you know gave customs trouble gets the full examination."

jerks they get sent up" or "I send them up when I just don't like their faces."

Also important for decision-making, however, are the interactions with customs officers immediately after a client has become a 20 report, has not been allowed into Canada, and is being taken downstairs by an IO in order to ensure that he returns to the U.S.. Almost without exception an IO will receive a positive response from customs officers present on the P.I.L. and in the port building for doing this. The majority of customs officers are unfamiliar with immigration regulations¹¹ and have no idea of why a particular individual is being refused entry. Regardless of whether it is for criminality, insufficient funds for self-support, or not being a genuine visitor, customs officers define any refusals as positive. One customs officer related that this is because a refusal suggests to a customs officer that he or she has accurately detected a criminal or generally has made a "good referral." After I had directed a 20 report back to the U.S. and returned from outside, I would receive smiles and comments from customs officers like: "you're kicking ass today Randy"; "Alright, that's three today!"; or "Got another, eh?." Once

¹¹ This became clear to me when a 20 year veteran officer of the customs and excise department happened to be upstairs for a few moments and asked me: "Why was that trucker sent back about an hour ago"? I replied: "He was 20 reported for Assault." He stared at me blankly and replied: "What's a 20 report?" Even after explaining it to him it was clear that he had never heard of the process before.

an IO is aware that he or she will be praised if a 20 report, any 20 report, is refused entry, it is not difficult to see how this may affect decision-making. The opposite is true as well. Often I would hear at the end of the shift customs officers saying to IOs: "I can't believe you guys let that guy in." In this way granting entry to a particular type of "20 report" comes to be defined as negative.

The results of the questionnaire found that senior officers agree with examining officers' recommendations 85% of the time. Although written recommendations always precede 20 report reviews by SIOs, the relationship may not be causal because momentary exchanges between examining and senior officers often take place while a report is being written by the EO:

SIO: Don't tell me you've got another 20 report.

EO: Yah.

SIO: What's he doing?

EO: He's a driver hauling melons to Bigtown ...convicted of armed robbery in Texas in '74'.

SIO: Jesus... how long you going to be with it?

EO: About 10 minutes.

SIO: What are you going to recommend?

In this way the SIO has communicated to the EO what the former's decision will be in a subtle way. This allows the EO to continue to have "respectability" and feel that he or she has autonomy in decision-making. Never would an SIO simply tell an EO what to recommend. In most cases an EO does not want to appear overly lenient or exceedingly strict and uncompassionate in his decision-making. Therefore, the EO's

decision-making may change according to which SIO is on shift. SIOs often comment on or complete periodic evaluations of EOs' performances. Therefore, an EO likely imagines that his or her decision-making is constantly being scrutinized. When making a decision an EO may take the role of the SIO and internalize his or her attitude towards certain features of cases or their style of decision-making in general. If recommendations and review decisions correspond both EO and SIO can feel comfortable with the outcome, whatever the decision might have been and will therefore be less in need of having to rationalize it.

Through observations it appears that for the most part EOs do not look for guidance from other EOs in their decisions to recommend entry for "20 reports," even in subtle ways. This may be because officers do not want to look incompetent in front of other officers of equal status. This is despite what the results of the questionnaire suggested- that all officers, in at least some cases, come to their decisions with the help of others. This finding may have resulted because the question was worded such that it may have been interpreted to include the help of senior officers.

In some cases, however, I found myself looking for cues from other EOs as to whether to take the time (and to bother the American side) to run a client's name on NCIC and state computer systems to check for a criminal record. This is important because doing so increases the likelihood of

detecting someone as a "20 report." Less experienced officers did the same to me. As with interactions with SIOs this was always done in a subtle way. After the interview was over and the client had returned to sit in the waiting room without admitting to criminality, in the back stage officers might be heard saying:

EO: This guy is weird.
Other EO: Which one you got out there?
EO: In the jean jacket.
After the other EO peers through the glass at the client:
You going to run him?
EO: Yah, I guess I will.

Besides through interactions with customs officers, how do "clients" become, for example, "assholes"? This transformation occurs through interaction.

Goffman (1967: 56) defines deference as "that component of activity which functions as a symbolic means by which appreciation is regularly conveyed to a recipient..." (his emphasis). The client's deference plays a role, first with the customs officer outside of the port as was described, and then, as the results of the questionnaire showed, with the examining officer. Once a client's deference is perceived as inadequate, which is signified by an officer's use of the term "asshole," he is more likely to be refused.

One officer claimed that her initial greetings, or lack there of, differed depending on the client. I too found myself being more polite to those with passports than truck drivers and others who did not possess them. The possession

of a passport gave a person a certain legitimacy. In fact, when interrogating most "passports" I did not bother to ask questions about criminality at all. This same officer suggested why everyone cannot be greeted cheerfully: "...in the beginning I tried to be nice to everyone I talked to, but after awhile I turned into a bitch- I just couldn't have a smile for everyone."

The initial lack of a greeting, say of a truck driver, may lead the driver to construct a rude image of the officer, and not show respect towards him. It may escalate from there until both performers have constructed negative images of each other. Similarly, impoliteness, such as asking a question about criminal behaviour in a rude, harried manner may elicit like responses and make an individual appear to be an "asshole." Both of these may set the tone for the rest of the examination and the decision that follows it.

I found myself treating those I thought were likely to be a "20 report" in an impolite manner. But it was not so much a reflection of thinking that the client was a "criminal" and might be attempting to enter Canada to engage in more criminal acts, as it was that he was going to create paper work for me and I would have to tell him that he might not be allowed into the country. This news was rarely taken well for obvious reasons. I found myself being less than polite mostly to persons (often truck drivers) who clearly lacked proper hygiene, and emitted body odour. This was, of course, an

inevitable result of the nature of their occupations- most long distance truck drivers sleep in their cabs and rarely have access to facilities to prevent this. But in a closed examination office this seemingly small detail could have a large effect on the nature of the interaction and indeed a lot of back stage 'talk' among officers centred around the unhygienic condition of clients. Any resistance from the client during the interrogation in this case would prolong the officer's stay in this closed, unpleasant, office environment and an officer then becomes more likely to construct a negative image of the client should he turn out to be a "20 report." When a client did not show deference towards the customs officer and/or was extremely disrespectful towards me, I found myself vengefully and slowly going through the examination asking every possible question and taking time to run him on the computer systems; looking to find something that would make him inadmissible and allow me to surprise him or to catch him in a lie. In all cases when an individual questions an officer's authority, requires him or her to explain what the examination is about, or otherwise shows disrespect, the client may, as a result, be treated in a manner different from others. An officer related that during an examination:

...sometimes a guy will suddenly question my right to ask him questions or ask me why I'm asking him all these questions. I tell him why, but sometimes... I have to admit... I feel like telling him: 'shut up, sit there, and answer my questions.'

Officers require that they not be lied to. For a client a component of deference is, then, telling the truth in general but specifically about the extent and nature of a his criminal history. Often "20 reports" will admit to having been convicted of distinct numbers and types of offences, but the NCIC and state checks then indicate either more or slightly different types. This is often viewed as lying or being uncooperative and as such is more likely to result in the individual being refused entry. There is a section of the Immigration Act that prohibits misleading an IO and it is considered a summary offence. When I asked a veteran officer about why charges are never laid under it he claimed: "lying is hard to prove and it can be dealt with in other ways." Many clients are unfamiliar with legal proceedings and the legal name of a criminal offence or they have long complicated histories and, particularly when they receive a single sentence for more than one offence, they may simply forget one or more of them. An officer's determination of whether he is purposely being lied to is clearly yet another subjective process. Through this and the subjective equivalencing process mentioned in an earlier chapter, an officer can literally "make" a client into a deviant and, if he has not shown deference, "deal with" him accordingly. Becker's (1963: 158-159) discussion of this aspect of control agent's work is particularly informative. He explains:

...a rule enforcer is likely to believe that it is necessary for the people he deals with to respect him.

If they do not, it will be very difficult to do his job; his feeling of security will be lost... This means that one may be labelled as deviant not because he has actually broken a rule, but because he has shown disrespect to the enforcer of the rule... If the offender is properly respectful, the enforcer may smooth the situation over [by recommending or granting entry to a "20 report"]. If the offender is disrespectful, then sanctions may be visited on him [by refusing him entry].

Truck drivers were more often than others detected as "20 reports" for reasons discussed earlier. Once an officer encounters a number of these cases he or she might begin to predict ahead of time who is going to be a "20 report." Although the results of the questionnaire suggested otherwise, I observed IOs apparently passing judgement ahead of time based on visual stimuli. This occurs in a way that was illustrated in a previous example when I described an officer deciding whether to run an individual on NCIC. On one occasion an IO peered through the window at the two drivers who just entered the waiting room and claimed to the IO seated next to him: "Well, here comes our morning "20 reports," do you want me to talk to them or will you?" On another occasion an SIO announced to us in the main office as he peered out at a client who had just reached the top of the stairs: "Uh-oh, this one looks like a criminal." Once IOs pass judgement they are more likely to run an individual on NCIC and ask all three questions regarding criminality. If something turns up the image is solidified where otherwise it may not have been - a self-fulfilling prophecy occurs.

The Bureaucracy

Decision-making located within a bureaucracy will obviously be affected by the structure and culture of that bureaucracy. The effects will work themselves out in the decisions of individual officers. This was suggested in an earlier chapter concerning customs officers' referral decisions- how the inevitable requirement for expansion that stems from the structure of a bureaucracy leads to a need for "stats" which might in turn lead to truck drivers being systematically singled out and referred to immigration. A bureaucracy makes necessary a hierarchy of decision-making. Deciding which deviants will be allowed in and which will not is affected and restrained by this hierarchy. This occurs on two levels. The first was discussed earlier as well. An EO is restrained through the requirement that a 20 report has to be reviewed by a senior officer and because of the power the latter holds over him or her, the decision necessarily has to reflect the senior officer's decision-making style. The second involves serious cases whose entry require approval from RHQ. Few officers are aware of what goes on at RHQ and consequently there is always a feeling among officers that what occurs there is somehow very important. The Regional Director's time is always seen as limited and telephone calls to RHQ, where this individual works, are perceived by officers as potentially bothersome. An IO cannot help to think this if decisions on policy arrive at the port daily in the form of memorandums from RHQ and the fact that all final decisions

rest with them. Given this, how many minister's permits could an EO conceivably recommend in one day? As with maintaining the impression by EOs for SIOs, the office personnel as a whole do not want to appear too lenient. Thus, after perhaps two or three requests or recommendations for minister's permits in a day, an officer must begin recommending refusal.¹² The analysis of the files, to be discussed in the next chapter, suggested that the seriousness of the offence for which an individual was convicted was the factor most related to the decision to grant entry. Thus, those convicted of serious offences requiring a minister's permit will be far more likely than those convicted of minor offences to be refused. However, this may be less because of an officer's perception of an individual's dangerousness and more because of the increased work involved and the inherent restraints placed on an officer's role in the bureaucracy.

Perhaps a more important effect of a bureaucracy on decision-making is the inevitable paper work that accompanies it. From an officer's point of view this gathering of information about an individual is often for unknown and apparently unimportant reasons- it cannot conceivably all be for purposes of social control. Numerous forms have to be

¹² I received a resounding "Yes" when I asked the five officers on shift with me one afternoon: "If there were seven cases involving serious criminality in a day, is there a better chance for the first to get a Minister's Permit [be granted entry] than the last?"

completed, some with four copies, using endless variations of codes (eg. 1=male 2=female; 1=Black 2=White etc.) that have no logical meaning attached to them and are made to represent seemingly unimportant categories (eg. why would anyone need to know whether a "20 report" is single, separated, or divorced?). Other than using all of this information for identification purposes, should a "rounder" return to a port in the future or an inquiry be called, what is with it, except that "it's sent to NHQ in Ottawa," continues to be a mystery to me. The publication of annual immigration statistics (Canada 1989c) does not include any information regarding 20 reports, although this is not surprising given that it is available to the public. But even the internal Commission publication entitled the "Immigration Performance Measurement Report" (Canada, 1989d) includes only unexplicit counts of the numbers of 20 reports and subsequent refusals encountered at each port of entry. Nor to my knowledge is this information being used somewhere in the bureaucracy to develop profiles for detecting potential 20 reports. If it is, why are those who might find this information useful, namely customs and immigration personnel at ports of entry, not being given access to it?

The subjective and complex equivalencing process, that is required for every 20 report, only adds to the drudgery of the task leading up to the entry decision. In addition, completing paperwork and the equivalencing process are both

carried out under restricted time requirements of people's travelling schedules (eg. how long can I conceivably keep some one waiting if he has a delivery to make and others are filing into the waiting room behind him before deciding?) and officers are, for the most part, evaluated solely on the accuracy of this paperwork, the proper use of codes, their ability to equate offences and how fast they can deal with clients. From this it is not difficult to see why and how this may alienate an officer from his or her task of decision-making. Particularly during the course of a day shift when the waiting room remains full, the telephone rings constantly, and there have been numerous 20 reports, clients in the waiting room become, to the officer, the object they represent. This is reflected in the fact that they are referred to by the identification or form they carry with them or that the Immigration Act requires them to have. For example, and as I have used throughout this discussion, Europeans were "passports" and criminals were "20 reports." In other cases immigrants were "AFLs" (Application For Landing Forms), workers were "1102s" (the identifying number printed on the bottom of Employment Authorizations) and border jumpers were "27 reports" (section 27 of the Act prohibits illegal entry). These terms constitute additional examples of backstage manner that was discussed earlier. These terms allow for separation and their use may enable IOs to make and live with decisions that dramatically affect client's lives. It

is much easier to refuse entry to a "20 report" than to Joe Smith the Allied Van Lines driver from Atlanta, Georgia, no matter what offence he was convicted of.

Even during situations where bureaucratic alienation results in part through the use of objectifying terms, separation from decisions may not be complete. Then there is a need for rationalizations. One commonly used among officers, and probably all agents of social control, is just-deserts - "well, he committed the crime, he got caught and now he is getting what he deserves."

This chapter has shown some of the ways in which the physical setting shapes and the bureaucratic environment restrains decision-making. It has also described how through interactions images of clients are formed and decisions are subsequently made. It suggests that to fully understand why certain "20 reports" are refused entry, the social processes surrounding IO's decisions are necessarily examined through qualitative methods. Decision-making of IOs and other agents of social control is not static, as the findings that stem from the quantitative methods (to be discussed in the next two chapters) and the literature that was reviewed suggested, nor does it occur in a social vacuum. The final chapter will discuss this and other conclusions that can be drawn concerning the decision-making of agents of social control.

CHAPTER V

RESULTS AND DISCUSSION OF FILES

Samples

A cluster sample of 22 monthly "20 report" files was drawn without replacement from a population of 60 monthly files covering a five-year period from May 1985 to May 1990 using the method described earlier. All non-serious and serious criminality cases from each monthly file were then coded. Some statistical tests used here, such as X^2 , require that the same person or case not enter the sample more than once (Kenny, 1987: 298). As was seen in the use of the variable of previous contact with immigration, some individuals return to a port after having been 20 reported without having undergone 'rehabilitation' and are reported again. These individual's files are usually placed together when they return a second or third time and therefore it was unlikely that any of these people appeared in the sample more than once.

While this sampling method was both convenient and economical, it resulted in a non-probability sample. Therefore, generalizations to national, regional or other larger populations of "20 report" cases cannot be made with any accuracy. Respondents to the questionnaire similarly made up a purposive and non-probability sample. In addition, the ethnography and participant observation were carried out at a port which is not necessarily representative of all ports

of entry or even all border-crossings. Many studies are carried out in this fashion, however, and all imply that the underlying factors that are revealed, in this case in the decision-making of agents of social control, may be important elsewhere. If this were not true many research efforts would be completely in vain. Few researchers would admit that their interest is only in the few subjects they study, whether theirs was a probability sample or not. Rather, they would likely claim their interest rests in the larger picture, whether this picture is decision-making of IOs or even the labelling perspective of deviance.

After coding three months of files it was determined that individuals (n=71) who were convicted of Driving While Intoxicated once and of no other offence(s) were, without exception, granted entry regardless of other variables.¹ It was decided that these cases from there on would be ignored.

Approximately 21 cases appeared each month. The result was 479 valid cases for analysis. All 479 individuals turned out to be Americans and therefore the citizenship variable was dropped from the analysis. Two general rules for collapsing categories of variables were used. Categories that

¹ On the bulletin board on the wall in the main office of the port is the statement: "NHQ has advised that all persons with a single DWI conviction be granted first time entry." Officers apparently followed this direction. Although this is supposedly a national policy, an officer of another port a few miles away related to me that he and fellow staff had never heard of this direction and that they did not follow such a procedure- persons convicted of a single DWI offence were often refused entry.

were conceptually similar and less than 5 percent of the total were collapsed (Kenny, 1987: 129). The categories of race, length of stay, purpose and the offence variables were collapsed using these principles. The continuous age variable was split evenly at the medians to create three levels. Individuals who were directed to return to the United States to await a SIO review and subsequently did not return were considered as refusals. This was done to increase the number of cases for analysis. It is acceptable for three reasons. (1) It appeared when coding these files that the recommendation of the EO written on the file in almost every case was for the SIO to refuse the individual should he return anyway. The results of the questionnaire suggested that 85 percent of these individuals would be refused. (2) If the EO had felt that the individual should enter in the non-serious cases he or she would have carried out a SIO phone review rather than directed him to return. (3) From the client's perspective being directed to return or refused entry may be one and the same. In both cases the individual is unable to enter Canada immediately to fulfil his purpose. To some, returning for a review may be seen the same as opting to go to an inquiry and for whatever reason, as was mentioned earlier, most choose not to attend the latter.

Who is Detected?

Americans are detected exclusively for three basic reasons. The obvious one is that most individuals passing

through the port are Americans. But given that virtually everyone from countries other than the U.S. passing through the port are referred to immigration to be examined and to have their passports stamped one might expect that at least some of these persons would have been convicted of criminal offences. However, Canadian officials do not have immediate access to criminal records of citizens of countries other than the U.S. and therefore if an IO suspected that an individual with a passport was lying about having a record he or she does not have the means to verify it. This would reduce the numbers of non-Americans detected. In addition, most "passports" from overseas would doubt that Canadian officials have the means to check records and therefore would be more likely to keep such information hidden. Further, and perhaps as a result of the two former reasons, my experience has been that these individuals with passports are often not asked about criminality during the examination in the first place.

The people detected as having criminal records have been screened through customs to immigration and then screened again during the examination and, possibly, through a record check. From table I it can be seen that most of those detected (86%), because of the mandatory referral policy discussed earlier, are White males employed as truck drivers, and males destined to Alaska.

Of those detected about one quarter have been convicted of at least one violent and about one half of at

Table I
Data on the File Cases in the Sample and the Proportion
of those Refused Entry for Various Subsamples

Variable	N	Percent of Total	Percent Refused	X ²	Phi	p
Race	479					
White	445	92.9	40.7	.53	.03	.46
Nonwhite	34	7.1	47.1			
Age	479					
< 35	274	57.2	42.7	.65	.04	.42
35 and Over	205	42.8	39.0			
Purpose	479					
Truck Driver	336	70.1	39.3	14.47	.17**	.01*
Alaska Bound	76	15.9	31.6			
Other Purpose	67	14.0	61.2			
Time Since	479					
< 5 Years	239	49.9	40.2	18.16	.02	.67
> 5 Years	240	50.1	42.1			
Length of Stay	479					
< 2 Weeks	462	96.5	40.7	1.06	.04	.31
> 2 Weeks	17	3.5	52.9			
Previous Contact	479					
Yes	24	5.0	83.3	18.59	.20	.01*
No	455	95.0	38.9			
Violent Offence	479					
None	385	74.7	36.9	10.60	.15	.01*
One or More	121	25.3	53.7			
Property Offence	478					
None	246	51.5	32.1	16.56	.19	.01*
One or More	232	48.5	50.4			
Sex Offence	479					
None	463	96.7	39.3	18.93	.20	.01*
One or More	16	3.3	93.8			
D.W.I. Offence	479					
None	368	76.8	45.9	15.09	.18	.01*
One or More	111	23.2	25.2			

* Significant to the <.01 level.

** Cramer's V instead of Phi.

Table I (continued)
Data on the File Cases in the Sample and the Proportion
of those Refused Entry for Various Subsamples

Variable	N	Percent of Total	Percent Refused	χ^2	Phi	p
Other Offence	479					
None	355	74.1	43.9	4.49	.10	.03
One or More	124	25.9	33.1			
Serious Offence	340***					
None	231	67.9	19.0	152.88	.67	.01*
One or More	109	32.1	89.9			
Number Offence	479					
One	277	57.8	36.8	15.27	.18**	.01*
Two	139	29.0	39.6			
More than Two	63	13.2	63.5			
All Cases	479		41.1			
Perishable Load	336****					
Yes	57	17.0	31.6	1.71	.07	.19
No	279	83.0	40.9			
Codriver	336****					
Yes	27	8.0	81.5	21.92	.25	.01*
No	309	92.0	36.6			

* Significant to the <.01 level.

** Cramer's V instead of Phi.

*** Subsample of cases not involving sex or "other" offences.

**** Subsample of cases involving truck drivers only.

least one property offence. About one third have been convicted of offences termed "serious" according to the Act. Those convicted of at least one sex offence or of at least one drug trafficking related offence make up a small percentage of those detected (3.3% each). The vast majority of those detected, however, have been convicted of a single DWI offence.

It would have been interesting to compare the characteristics of these individuals to U.S. statistics describing the characteristics of those convicted of offences on a national basis, to see, for example, whether members of racial minority groups or those convicted of sex offences were over or under represented. It would also have been interesting to have taken a sample of characteristics such as age, race, sex of persons passing through the port to compare them to the characteristics of those in the 550 case sample to see more objectively the criteria used by customs officers to refer individuals. Unfortunately, because of time restrictions, neither of these was feasible.

If the immigration commission was interested solely in identifying those who have been convicted of 'street crimes', and to a lesser extent white collar crimes, they could conceivably instruct customs officers to use objective profiles in deciding who to refer for secondary examinations. A secondary examination does not constitute search and seizure under the Charter of Rights and Freedoms and therefore such

a procedure would not be illegal.² Profiles for predicting who will commit criminal acts and especially violent acts in the future are not very accurate (Nuffield, 1982: 12), but ones based on who has been *convicted* may be more so because records are available to construct them, at least from the United States. Obviously those who are lower-class, male, and Blacks or Hispanics would be the best candidates for referrals, not because they are inherently dangerous but because they are disproportionately processed by the American criminal justice system (Reiman, 1979). Because there is no legally specified time limit or one that is spelled out in policy on how far back officers are supposed to go for offences, age would also be a good indicator in this regard; people over approximately age thirty are more likely to have been convicted of criminal offences than people with the same characteristics under thirty simply because the former have had more opportunity to commit crimes and be caught. Thus, those over thirty would also be candidates for referrals. The results of the examination of files suggests that Hispanics and Blacks over thirty are not necessarily being referred,

² Citizens of foreign countries, when attempting to enter Canada or having already entered Canada legally as visitors or illegally, are guaranteed the rights under the Charter that are granted to Canadian Citizens and Permanent Residents (Landed Immigrants) except where the Charter specifically states that certain rights are to be granted only to Canadian Citizens and/or Permanent Residents. Thus, rights regarding search and seizure are theoretically guaranteed to everyone who is on Canadian soil.

however.³ This suggests that customs officers are not necessarily attempting to refer those who have been *convicted* of criminal acts. Rather, they are referring who they think are *going to commit* 'street crimes'. It appears, then, that the dangerousness of the individual and his future behaviour is being judged and not his past, and it is the latter that the Immigration Act requires customs officers to be concerned with.

It is clear that those being detected are lower socio-economic status American males (especially truck drivers) who have been convicted of 'street crimes'. To some observers this probably is not very surprising, but it must be discussed further nonetheless. Through out the Canadian criminal justice system but especially well documented in the United States (Reiman, 1979: 97), is the fact that lower socio-economic status individuals "*for the same criminal behaviour... are more likely to be arrested; if arrested, they are more likely to be charged; if charged, more likely to be convicted... than members of the middle and upper classes.*" And persons who have been *convicted*, it should be recalled, are those whom immigration law requires IOs and customs officers to be concerned with. Because of this requirement, then, the screening process serves to reinforce the effects

³ I am not suggesting that profiles such as these should be used, I am simply pointing out that they could be and are not being used.

of American differential treatment. By using conviction as the criterion for criminal inadmissibility, legislators and immigration personnel are investing faith in a American criminal justice system that has been shown to be inequitable. Further, the effects of differential treatment are multiplied when mostly mainly male truck drivers are referred to immigration. Thus, the evidence suggests that the process clearly "weeds out the wealthy" (Reiman, 1979: 95). This is also seen in the fact that in the total sample of 550 cases, which amounted to 815 offences, only three offences detected (embezzlement) might have been termed "white collar." If those detected other than truck drivers (n=143) were from both the upper and lower-classes, one might have expected that more of these types of offences would have been found. Since they were not, it suggests that those destined to Alaska (n=76) and attempting to enter for "other purposes" (n=67) were also of the lower-classes because most, if not all, white collar crimes are committed by the middle and upper classes.⁴ Thus, when the analysis of decision-making is carried out later to determine who is refused and who is allowed in, it should be realized that a class bias will not become apparent, ie., we

⁴ In addition, it should be recalled that I did not consider cases that involved those individuals who did not have sufficient funds to enter Canada and were criminally inadmissible. These persons arguably would also have been from the lower classes and they made up a large number of cases in each monthly file. Thus, the data set which I analyzed was one in which the presence of members of the middle and upper classes would have been the most likely.

will not find lower-class people, given the same characteristics, being refused more often than upper and middle class people, simply because those detected are only from the lower-classes.

Who is Refused Entry?

The results of the analysis of the files is presented in Table I. This table shows which factors are related to entry decisions by IOs. Overall, using the criteria above, 41% of those 20 reported for criminal offences are refused entry. For all individuals in the sample the findings suggest that the race of the visitor, age of the visitor, the time since his last conviction, and his proposed length of stay were not related to IO's decision-making. For truck drivers (n=336), travelling with a perishable load of goods was also unrelated. Each factor that was related will be discussed in turn.

Type, Number, and Seriousness of Offence

Many visitors are convicted of at least two different types of offences. This complicates the analysis and the importance of a particular type of offence in officer's decision-making is difficult to gauge. The results reveal that the presence of at least one violent offence (.15), at least one property offence (.19), at least one sex offence

(.20), or at least one drug trafficking offence⁵ (.20) is positively related to the likelihood of a visitor being refused. The relative importance of each of these types is unknown. The analysis of the questionnaire to be discussed later might shed more light on this, however. The presence of a DWI offence or an "other" offence significantly decreased the likelihood of being refused. This suggests that they are relatively less important in decisions to refuse entry than the former four types- sex, drug trafficking, violent and property offences. In any event, it is difficult to tell whether their importance is a function of the type or simply the number of offences ie. having been convicted of any type of offence increases the overall number of offences and it may be that the latter is significantly related to decisions.

When analyzed separately, the overall number of offences was indeed found to be positively related (.18) to IO's entry decisions. The average number of offences for which individuals were convicted was 1.6. There is apparently little difference in the likelihood of being refused entry between having been convicted of one (.37) or two (.40) offences. Having been convicted of more than two offences significantly increases the likelihood (.64) of being refused

⁵ Unfortunately drug trafficking offenses were coded as "other" offenses. It was only after the analysis was carried out that I realized that those with drug and sex offenses were equally prevalent and treated in exactly the same manner. Thus, what is true in Table 5 for the sex offence variable is true of a drug trafficking offence variable.

entry, however.

The effect of the type of offence on decision-making is also problematic because two of the offence categories, "other" and sex offences, included both serious and non-serious offences.⁶ To determine whether the seriousness of the offence was important, those cases which involved these two types of offences were excluded. This resulted in 340 cases for analysis. Of all the variables the presence of at least one serious offence (n=340) appears to be the strongest predictor of being refused entry (.67).

When a vast array of offences are necessarily coded in the manner that they were in this research some specific types are obscured. I happened to note an interesting one. Those convicted of Murder or Manslaughter (n=7) fell into the serious violent offence category. All of these individuals were refused entry.

Those convicted of drug trafficking and sex offences were more likely to be refused entry once detected (94 percent of the time) than those convicted of other offences. For those convicted of the former type of offence this may have been because of the heightened awareness on the part of IOs of the drug smuggling/trafficking trade at a port of entry through interaction with customs personnel. Once detected, allowing in those convicted of drug trafficking offences would

⁶ The terms "Serious" and "non-serious" are defined according to the Immigration Act and Immigration Manuals.

have been completely incompatible with Canada Custom's mandate to decrease the passage of illegal drugs into Canada and as a result would have damaged relations between the two federal departments.

Included in the sex offence category were those convicted of any form of Sexual Assault and those convicted of Incest. Other types of sex offences were not encountered in the sample. The refusal of those convicted of these offences may have been the result of the revulsion felt by IOs towards these individuals. The age of their victims did not appear to matter. IOs often made it clear to me that all sex offenders should not be allowed into Canada. For example, one male officer related: "I've got a real problem dealing with these kinds of guys." By refusing entry more often to these individuals than those convicted of offences of equal seriousness according to the Act, IOs decision-making is similar to that of police officers in Willis and Well's (1988) study discussed earlier. Both types of control agents apparently see sex-related offences as serious and make decisions to the detriment of those convicted of them.

Purpose of Entry

The visitor's purpose for entering Canada was found to be related to decision-making (.17). There was little difference in the likelihood of being refused entry between truck drivers (.39) and those visitors enroute to Alaska (.32). Those with other purposes such as visiting relatives,

working, attending school or sight-seeing were far more likely to be refused (.62). This may reflect the urgency of the trip. Few "20 reports" attempted to enter for other purposes and therefore the effect of specific purposes of entry could be determined. Again, the results of the vignettes and one item in the questionnaire may shed more light on this.

Previous Contact With Immigration

Having previous contact with immigration officials, such as having been previously 20 reported, was found to be related (.20) to decision-making. These persons had already been made aware of their inadmissibility, had not gone through with waiver procedures to become 'rehabilitated' or were not yet eligible, and officers apparently did not want allow them into Canada.

Truck Drivers

Truck drivers made up 70% of the sample of cases. This was likely because of referral procedures by customs personnel discussed earlier. I decided to determine whether two variables that apply exclusively to them and were very often written on the files by examining officers as a rationale for recommending entry are related to decision-making. The first, the presence of a truck load that was perishable, was found not to be related. The other, the presence of a co-driver capable of driving the truck, was found to be related to the decision (.25). This indicated that those truck drivers who travelled with a co-driver were

more likely to be refused. Apparently there was no need to let a truck driver in whose purpose in Canada could easily be fulfilled by another.

CHAPTER VI

RESULTS AND DISCUSSION OF THE QUESTIONNAIRE

The questionnaire was completed by 14 of the 16 officers to whom it was administered. Why two officers chose not to complete it is not known because respondents were instructed to leave completed questionnaires in unmarked, sealed envelopes to ensure anonymity. Officers had to be urged to complete questionnaires by the end of the summer. This should have yielded 210 vignettes for analysis but upon closer inspection while coding it was found that three vignettes were not answered and one had been generated by the computer in a mixed-up fashion. Therefore, 206 vignettes were analyzed. The results of this analysis are presented in Table II. Before proceeding it should be pointed out that the analysis of the vignettes will produce results which will add to our understanding of a question posed in the previous chapter: Who, once detected, is refused? Following the 15 vignettes in each questionnaire were four items on the last page. These were completed in full in every case and the results are shown in tables III, IV, V, and VI. Their importance will become apparent as each is discussed.

The results in table III indicate that there was limited agreement among officers on what factors should have been included to make the vignettes better representations of actual cases and therefore adequate for examining decision-making. Two officers said there were no important omissions.

Table II
Data on the Vignettes in the Sample and the Proportion of
those Recommended to be Refused Entry for Various Subsamples

Variable	N	Percent of Total	Percent Refused	χ^2	Phi	p
Race	206					
White	60	29.1	55.0	1.43	.08**	.70
Oriental	57	20.4	57.1			
Black	47	27.7	52.6			
Hispanic	42	22.8	63.8			
Age	206					
22 years old	65	31.6	53.8	1.15	.07**	.56
38 years old	78	37.9	61.5			
60 years old	63	30.6	54.0			
Purpose	206					
School	56	27.2	66.1	23.74	.34**	.01*
Sight See	47	22.8	78.7			
Visit ill Rel.	56	27.2	33.9			
Work	47	22.8	51.1			
Time Since	205					
< 5 Years	103	50.2	67.0	8.31	.20	.01*
> 5 Years	102	49.8	47.1			
Offence Type	206					
DWI	27	13.1	40.7	17.55	.29**	.01*
Sex	30	14.6	73.3			
Assault Simple	31	15.0	35.5			
Assault Causing	43	20.9	70.0			
Theft Under	34	16.5	47.1			
Theft Over	41	19.9	66.0			
Number of Offenses	206					
One	66	32.0	47.0	5.76	.17**	.06
Two	75	36.4	56.0			
Three	65	31.6	68.0			
Demeanor	205					
Cooperative	112	54.6	67.7	7.91	.20	.01*
Uncooperative	93	45.4	48.2			
Attire	206					
Low status	102	49.5	54.9	.30	.04	.59
High status	104	50.5	58.7			

* Significant to the <.01 level.

** Cramer's V instead of Phi.

Table II(continued)
Data on the Vignettes in the Sample and the Proportion of
those Recommended to be Refused Entry for Various Subsamples

Variable	N	Percent of Total	Percent Refused	χ^2	Phi	p
Seriousness of Offence	206					
Nonserious	92	44.7	41.3	16.26	.28	.01*
Serious	114	55.3	69.3			
All Cases	206		56.8			

* Significant to the <.01 level.

** Cramer's V instead of Phi.

Table III: Responses to Item 1 (n=12)

Type of Work	5	Evidence of Rehabilitation	2
Actual Sentence Received	4	Vignettes Need To Be Specific	1
Type of Illness	4	Attitude of Individual	1
Circumstances of Offense	4	Previous Contact With Immigration	1
Closeness of Relative	3	Previous Trips to Canada	1
Urgency of Trip	2	Seriousness of Offence	1
Nature of Offence	2	Aware of Inadmissibility	1
Time Since Conviction	2		

Table IV: Responses to Item 2 (n=14)

Median	=82.0%
Mode	=90.0%
Mean	=85.2%
Range	=34.0%
Standard Deviation	=11.0%

Table V: Responses to Item 3 (n=14)

Strongly Agree	2
Agree	8
"Partly" Agree	1
Disagree	3
Strongly Disagree	0

Table VI: Responses to Item 3 (n=14)

Every Time	1
Most of the Time	11
"Sometimes"	1
Once in awhile	1
Never	0

The results of the remaining twelve questionnaires indicated that the most important omissions were the type of work, the actual sentence received, the type of illness and the circumstances of the offence, respectively. These along with other less frequent responses seem to generally suggest there is a problem of specificity- the vignettes were simply not detailed enough for officers to confidently make a decision about them. The omission of the actual sentence received was particularly problematic because, judging from my observations of officers in actual decision-making, they seemed to refer to this factor often. My response to this potential criticism is that the vignettes could only be so detailed before methodological problems began emerging. For instance, if vignettes are detailed they increase in length and this, in turn, decreases the number of vignettes I would be able to analyze. In any event, the vignettes were designed to only approximate real situations and the responses to them must be discussed with this in mind.

From the results in Table IV it appears that examining officers perceive senior officers as agreeing with their recommendations most (85%) of the time. The standard deviation (11.0) indicates that there was little variance among responses. This finding will be discussed more thoroughly in the next chapter.

The responses to the third item in the questionnaire presented in Table V indicates that 10 of 14 officers perceive

their duty as ultimately having to predict the dangerousness of "20 reports" and then basing their decisions to recommend refusal or entry on this. One of these officers created a category, "partly agree," and then circled it. This finding and the fact that no officers strongly disagreed with this notion suggests that IO decision-making is similar to that of other agents of social control in this regard.

From the responses to the final item of the questionnaire presented in Table VI it appears that officers do not perceive interactions as playing a central role in their decision-making- 11 of 14 claimed that most of the time they come to their decisions on their own. However, only 1 of 14 officers claimed that they come to decisions on their own every time. This suggests that interactions might be important for a few decisions, possibly those that the IO perceives as being borderline or marginal. Moreover, interaction may influence decisions in subtle ways as I discussed in the ethnography chapter.

From the results in Table II it appears that in deciding to recommend which individuals are to be refused entry their race, age, attire, and the number of offences for which they have been convicted are unimportant. These factors were found to be unimportant through the analysis of files as well. I was not surprised that the attire variable was found to be statistically unimportant, but I think it is mostly a result of the inadequacy of the method- it is difficult to

measure the effect of attire by describing it in words. My observations of officers seems to suggest that appearance in general is an important factor. This too was discussed in the ethnography chapter.

Type and Seriousness of Offence

The seriousness of the offence for which an individual was convicted, which corresponds with findings from the examination of files, appears to be the most important factor in decision-making.

The type of offence was found to be important (.29). It appears that those convicted of sex offences, serious assault offences and serious theft offences are significantly more likely to be recommended to be refused entry than those convicted of DWI offences, non-serious assault offences and non-serious property offences. However, this may be a result of the seriousness and not the type of the offence because the former three types of offences are all serious. This was problematic in the examination of files as well. If type of offence was important we would expect that there would be a difference among the percentages of serious sex (73%) offences, serious assault (70%) offences, and serious theft (66%) offences refused. Although the differences among these are non-significant it is interesting that, as with the findings described in the previous chapter, those convicted of sex offences are the most likely and those convicted of violent offences (including Assault) are the next most likely

to be refused.

Purpose For Entering

The results of the analysis of files indicated that the purpose for seeking entry to Canada is important in the decision to refuse entry. The results of the analysis of the questionnaire support this as well (.34). The likelihood of being refused for those intending to sight-see (.79), attend school (.66), and to work (.55) is significantly higher than those intending to visit relatives that are ill. This suggests that officers see the latter as most representative of "humanitarian and compassionate grounds" for granting entry. Table III indicates that officers may distinguish within these categories. For instance, claiming to want more detail on the type of work suggests that some work is more important than others.

Deference

The lack of deference shown by the individual towards officers was found to be related to (.20) the decision to recommend refusal as well. Those who are uncooperative and disrespectful are more likely to be refused entry. This finding, which is similar to the that produced by studies of the police and other control agents will also discussed in the ethnography chapter.

Time Since Conviction

The time since an individual was convicted was found to be related (.20) to the decision to recommend entry as

well. This is in direct contrast to what was found in the examination of files. I cannot conceive of why this would be so. However, this raises two important questions; one methodological and one practical. The first is whether vignettes are adequate representations of actual situations and whether officers responded to them as if they were. The results of files and vignettes should have coincided, at least to a certain extent, and this finding puts this into doubt. The second is whether IOs are systematically refusing persons who the Act regards as eligible for a waiver that indicates they are rehabilitated. If this factor is not important, as the analysis of the files suggested, then are IOs apparently seeing no difference between whom the Act regards as not rehabilitated and those who may be but simply have not gone through with the procedure? As I noted earlier many of these latter individuals would have been unaware of such a procedure.

CHAPTER VII

CONCLUSIONS

In the preceding chapters, I examined what kinds of criminals are detected at a Canadian port of entry. I asked why some individuals are refused entry, while others are allowed into Canada and who falls into each group, those refused and those allowed in. Answering "why" included a discussion of how interaction, the physical environment, and the culture and structure of the bureaucratic setting in which decision-making occurs, shaped and restrained it. I still want to know what all of this has added to an understanding of the decision-making of agents of social control in general. Before discussing this I must address a more practical concern, however.

This study has policy implications concerning the decision-making of immigration officers with regard to convicted criminals at ports of entry. If Canada Immigration decided to eliminate one of the factors that I have identified as being related to entry decisions, for example, the deference shown to officers by clients, because they deemed it to be inappropriate, they would likely attempt to do this through the development of new guidelines or officer training programs that demand that entry decisions be based on other more objective criteria. This study implies, however, that these attempts would fail because deference is an inevitable feature of the interaction between immigration officers and

clients and because the process leading to the decision is inherently a subjective one. The deference shown and other possible inappropriate factors that I have identified in this study have to be seen in their proper context. Decision-making of all control agents is a social process which occurs in a specific bureaucratic and physical setting. Therefore, it is affected by interaction, bureaucratic structures and even the walls that surround the control agents themselves. Outlining specific objective criteria or creating objective tools for immigration officers, which is what the National Parole Board has done for its members, ignores this fact. Objective tools may, however, help a control agent "cover his ass" should he allow in a convicted criminal who subsequently commits a serious offence.

Having made the above recommendation and having been somewhat critical of Canada Immigration's policies throughout, it would be unfair to not point out what all three research methods used in this study found was not a factor that affects decisions - the race of clients. Race was found not to be correlated with decisions, nor were racial typifications ever used by officers to refer to clients. Thus, IOs apparently differ from control agents such as the police (see Willis and Wells (1988) among others) who may consider this in making decisions. This was a comforting finding and if it is transferable to decision-making by IOs in other areas, however unlikely this may be given what I have just discussed about

context, such as selecting immigrants outside of Canada, determining the validity of refugee claims and deciding whether to recommend the deportation of aliens, then it is even more so.

Immigration Officers as Agents of Social Control

Immigration officers use criteria to make decisions that are similar to other control agents. For example, the deference shown to them by deviants plays a role. Also, IOs consider the seriousness of the offence and, for the most part, the dangerousness of the deviant as important. Although the effect of the type of offence is often not examined in studies of the decision-making of control agents (with the exception of, for example, Willis and Wells (1988)) it appears from my findings that it too is important.

There are inevitably differences in the important factors that affect decision-making of the various types of control agents, of course. The presence of a co-driver is one such important factor that is specific to an IO's role and would never come to play in the decisions of others.

This leads us to a final crucial point. My results suggest that to begin to understand decision-making, interactions and other similar factors are necessarily examined in addition to static variables such as age, race, seriousness and type of offence etc. To do otherwise would deny the social nature of the phenomenon. Any one of the three methods I employed, if used exclusively, would have been

found wanting. I must conclude from this that both quantitative and qualitative methods need to be employed in understanding decision-making and quite possibly all social phenomena.

In this study I claimed that IO's decisions at ports of entry affect the lives of people but have limited it to include only those suspected of having been convicted of criminal offences. This down-plays the far-reaching control that these control agents exercise. It should be noted that at ports, inland offices and embassies/consulates outside of Canada, IO's decisions affect vast numbers and various types of people: illegal aliens, economic migrants, border-jumpers, the mentally and physically ill, students and refugees to name a few.

Beginning with the "gatekeepers," the police, a deviant who is officially labelled by them is forced on a journey into a criminal justice system where he will encounter various control agents - probation officers, the judiciary, prison personnel, psychiatrists, parole board members, and parole officers, all of whom will make decisions that will dramatically affect his life. Immigration officers can now be added to this list, for long after the deviant finishes parole and leaves the official criminal justice system, if he indeed gets that far, should he decide or conditions force him to enter a foreign country his deviant label might once again be acted upon. He will again be analyzed, interrogated,

stared at, scrutinized, doubted and measured for dangerousness. If he does not measure up, or should he fail to show deference to those who administer these processes, he may receive a detrimental decision from them.

But this raises an important question that, by concentrating on immigration officers in this study, I have ignored: What is the effect of the decision-making process on the deviant's perception of self? From the labelling perspective of deviance I might ask more specifically: Does the process I have described in detail which includes drumming up events, often long past and forgotten, examining them in detail with an individual twice or three times, and acting detrimentally on them result in an individual perceiving himself as a deviant and subsequently acting accordingly (ie. does it lead to Lemert's (1972) "secondary deviance")?

Immigration officers are agents of social control and their role constitutes one more strand in the control "net" (Cohen, 1985: 56) that is cast on deviants. It is a role that heretofore has been invisible in the disciplines of Criminology and the Sociology of Deviance. It is my hope that this study has shed light on it.

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Legislation

Criminal Code, R.S.C. 1985, c. C-46.

Immigration Act, 1976.

APPENDIX AIMMIGRATION OFFICER DECISION MAKINGREGARDING CONVICTED CRIMINALS

This survey is part of research being carried out to fulfil the requirements of a Masters of Arts degree at the University of Ottawa. Its purpose is to gain an understanding of Immigration Officer's decision making at Ports of Entry with respect to allowing in foreign convicted criminals. It has been approved by the regional director of Immigration and by Mr. Gene Hersak in policy analysis at national headquarters. The answering of this questionnaire is voluntary and I ask that it be done during off-duty hours if at all possible. Confidentiality and anonymity of those responding will be unconditionally guaranteed. It is for this reason that I ask that you not place your name or the name of the port of entry you are or were employed at on the questionnaire before returning it to me. In addition, please note that in the final report of this project the location of ports of entry will only be identified as "ports of entry in Western Canada". While the Immigration Commission will be given a copy of my thesis if they so desire, this research is being done for the purpose of expanding the social scientific knowledge of the decision making of agents of social control and will not, in any way, be used for evaluating the job performance of individual officers. For those interested, I will be sending the preliminary analyzed results of this survey to the respective ports sometime in the fall of 1990.

Please read the following instructions carefully and answer each appropriate section.

Thank you for your time and effort.

Vignettes

Please read each of the following vignettes carefully and circle the appropriate response. Please treat each case as you would a real situation. In each of the vignettes the individual has just been reported under section 20 of the Act for criminality (19(2)(A) or 19(1)(C)). Through your examination you have become aware that the individual has proper identification (a passport), proper immigration documentation for his purpose (if required), enough money to support themselves during their visit, appears to be telling the truth, and appears to be a genuine visitor. In each case the individual is clearly not inadmissible for any other reason other than criminality.

You have just examined Mr. Smith, who is 22 years old and wants to enter Canada to work for up to three months. He can be described as a Caucasian who is wearing a T-shirt, faded blue jeans and a baseball cap. You have found out that he has been convicted of assault causing bodily harm (19(1)(c)) on one occasion within the last five years but has no other arrests. Mr. Smith has been cooperative throughout the examination.

Would you recommend entry for this individual to a Senior Officer?

Yes

No

You have just examined Mr. Wong, who is 60 years old and wants to enter Canada to visit a Canadian relative who is ill for up to three months. He can be described as a Oriental who is wearing a dress shirt, dress pants, and a jacket and tie. You have found out that he has been convicted of having sex with a person under the age of 14 (19(2)(A)) on two occasions more than five years ago but has no other arrests. Mr. Wong has been cooperative throughout the examination.

Would you recommend entry for this individual to a Senior Officer?

Yes

No

You have just examined Mr. Valdez, who is 38 years old and wants to enter Canada to attend school for up to three months. He can be described as a Hispanic who is wearing a dress shirt, dress pants, and a jacket and tie. You have found out that he has been convicted of driving while impaired (over .10 bld. alcohol(19(2)(A)) on one occasion more than five years ago but has no other arrests. Mr. Valdez has been disrespectful and has used foul language throughout the examination.

Would you recommend entry for this individual to a Senior Officer?

Yes

No

You have just examined Mr. Brown, who is 22 years old and wants to enter Canada to sight see for up to three months. He can be described as a Black who is wearing a T-shirt, faded blue jeans and a baseball cap. You have found out that he has been convicted of grand theft (of items over the value of \$1000) (19(1)(c)) on two occasions more than five years ago but has no other arrests. Mr. Brown has been cooperative throughout the examination.

Would you recommend entry for this individual to a Senior Officer?

Yes

No

You have just examined Mr. Crossfield, who is 22 years old and wants to enter Canada to sight see for up to three months. He can be described as a Caucasian who is wearing a dress shirt, dress pants, and a jacket and tie. You have found out that he has been convicted of petty theft ((of items under the value of \$1000) 19(2)(A)) on one occasion within the last five years but has no other arrests. Mr. Crossfield has been cooperative throughout the examination.

Would you recommend entry for this individual to a Senior Officer?

Yes

No

You have just examined Mr. Chow, who is 38 years old and wants to enter Canada to visit a Canadian relative who is ill for up to three months. He can be described as a Oriental who is wearing a T-shirt, faded blue jeans and a baseball cap. You have found out that he has been convicted of having sex with a person under the age of 14 (19(2)(A)) on one occasion within the last five years but has no other arrests. Mr. Chow has been disrespectful and has used foul language throughout the examination.

Would you recommend entry for this individual to a Senior Officer?

Yes

No

You have just examined Mr. Jackson, who is 60 years old and wants to enter Canada to visit a Canadian relative who is ill for up to three months. He can be described as a Black who is wearing a dress shirt, dress pants, and a jacket and tie. You have found out that he has been convicted of simple assault (19(2)(A)) on two occasions more than five years ago but has no other arrests. Mr. Jackson has been cooperative throughout the examination.

Would you recommend entry for this individual to a Senior Officer?

Yes

No

You have just examined Mr. Valdez, who is 22 years old and wants to enter Canada to work for up to three months. He can be described as a Hispanic who is wearing a T-shirt, faded blue jeans and a baseball cap. You have found out that he has been convicted of petty theft ((of items under the value of \$1000) 19(2)(A)) on numerous occasions within the last five years but has no other arrests. Mr. Valdez has been cooperative throughout the examination.

Would you recommend entry for this individual to a Senior Officer?

Yes

No

You have just examined Mr. Crossfield, who is 60 years old and wants to enter Canada to visit a Canadian relative who is ill for up to three months. He can be described as a Caucasian who is wearing a T-shirt, faded blue jeans and a baseball cap. You have found out that he has been convicted of driving while impaired (over .10 bld. alcohol(19(2)(A)) on numerous occasions within the last five years but has no other arrests. Mr. Crossfield has been cooperative throughout the examination.

Would you recommend entry for this individual to a Senior Officer?

Yes

No

You have just examined Mr. Smith, who is 60 years old and wants to enter Canada to sight see for up to three months. He can be described as a Caucasian who is wearing a T-shirt, faded blue jeans and a baseball cap. You have found out that he has been convicted of assault causing bodily harm (19(1)(c)) on two occasions within the last five years but has no other arrests. Mr. Smith has been disrespectful and has used foul language throughout the examination.

Would you recommend entry for this individual to a Senior Officer?

Yes

No

You have just examined Mr. Valdez, who is 38 years old and wants to enter Canada to sight see for up to three months. He can be described as a Hispanic who is wearing a T-shirt, faded blue jeans and a baseball cap. You have found out that he has been convicted of simple assault (19(2)(A)) on two occasions more than five years ago but has no other arrests. Mr. Valdez has been cooperative throughout the examination.

Would you recommend entry for this individual to a Senior Officer?

Yes

No

You have just examined Mr. Jackson, who is 38 years old and wants to enter Canada to visit a Canadian relative who is ill for up to three months. He can be described as a Black who is wearing a T-shirt, faded blue jeans and a baseball cap. You have found out that he has been convicted of simple assault (19(2)(A)) on one occasion more than five years ago but has no other arrests. Mr. Jackson has been cooperative throughout the examination.

Would you recommend entry for this individual to a Senior Officer?

Yes

No

You have just examined Mr. Wong, who is 60 years old and wants to enter Canada to visit a Canadian relative who is ill for up to three months. He can be described as a Oriental who is wearing a dress shirt, dress pants, and a jacket and tie. You have found out that he has been convicted of grand theft (of items over the value of \$1000) (19(1)(c)) on numerous occasions within the last five years but has no other arrests. Mr. Wong has been disrespectful and has used foul language throughout the examination.

Would you recommend entry for this individual to a Senior Officer?

Yes

No

You have just examined Mr. Brown, who is 38 years old and wants to enter Canada to attend school for up to three months. He can be described as a Black who is wearing a T-shirt, faded blue jeans and a baseball cap. You have found out that he has been convicted of assault causing bodily harm (19(1)(c)) on two occasions within the last five years but has no other arrests. Mr. Brown has been cooperative throughout the examination.

Would you recommend entry for this individual to a Senior Officer?

Yes

No

You have just examined Mr. Wong, who is 22 years old and wants to enter Canada to work for up to three months. He can be described as a Oriental who is wearing a T-shirt, faded blue jeans and a baseball cap. You have found out that he has been convicted of petty theft ((of items under the value of \$1000) 19(2)(A)) on two occasions more than five years ago but has no other arrests. Mr. Wong has been disrespectful and has used foul language throughout the examination.

Would you recommend entry for this individual to a Senior Officer?

Yes

No

Questions

1. Other than factors described above in the vignettes, is there anything else you might want to know before deciding whether to recommend entry for a convicted criminal?

Yes

No

1(a). If yes, could you please elaborate:

2. What percentage of recommendations for entry (of 19(1)(C) and 19(2)(A) cases combined) would you estimate are agreed with by Senior officers during their review? _____

For questions 3 and 4 please circle the appropriate response.

3. When it comes to foreign individuals who have been convicted of crime(s) attempting to visit Canada, my duty is ultimately to decide how dangerous this individual is and from that decide whether to recommend granting him entry.

strongly agree
disagree

agree

disagree

strongly

4. I come to my decision of whether to recommend entry of convicted criminals on my own and not through consultation with other officers.

every time
never

most of the time

once in while

Please detach this back page from the former pages.
Next, place them into the separate envelopes provided and return them to my basket as soon as possible.

Thanks Again

APPENDIX B

Inadmissible Classes

9. (1) No person shall be granted admission who is a member of any of the following classes:

(a) persons who are suffering from any disease, disorder, disability or other health impairment as a result of the nature, severity or probable duration of which, in the opinion of a medical officer concurred in by at least one other medical officer,

(i) they are or are likely to be a danger to public health or to public safety, or

(ii) their admission would cause or might reasonably be expected to cause excessive demands on health or social services;

(b) persons who there are reasonable grounds to believe are or will be unable or unwilling to support themselves and those persons who are dependent on them for care and support, except persons who have satisfied an immigration officer that adequate arrangements have been made for their care and support;

(c) persons who have been convicted of an offence that, if committed in Canada, constitutes or, if committed outside Canada, would constitute an offence that may be punishable under any Act of Parliament and for which a maximum term of imprisonment of ten years or more may be imposed, except persons who have satisfied the Governor in Council that they have rehabilitated themselves and that at least five years have elapsed since the termination of the sentence imposed for the offence;

(d) persons who there are reasonable grounds to believe will

(i) commit one or more offences punishable by way of indictment under any Act of Parliament, or

(ii) engage in activity that is part of a pattern of criminal activity planned and organized by a number of persons acting in concert in furtherance of the commission of any offence that may be punishable under any Act of Parliament by way of indictment;

(e) persons who have engaged in or who there are reasonable grounds to believe will engage in acts of espionage or subversion against democratic government, institutions or processes, as they are understood in Canada, except persons who, having engaged in such acts, have satisfied the Minister that their admission would not be detrimental to national interest;

(f) persons who there are reasonable grounds to believe will, while in Canada, engage in or instigate the subversion by force

(g) persons who there are reasonable grounds to believe will engage in acts of violence that would or might endanger the lives or safety of persons in Canada or are members of or are likely to participate in the unlawful activities of an organization that is likely to engage in such acts of violence;

(h) persons who are not, in the opinion of an adjudicator, genuine immigrants or visitors;

(i) persons who, pursuant to section 55, are required to obtain the consent of the Minister to come into Canada but are seeking to come into Canada without having obtained such consent, or

(j) persons who there are reasonable grounds to believe have committed an act or omission outside Canada that constituted a war crime or a crime against humanity within the meaning of subsection 7(3.76) of the *Criminal Code* and that, if it had been committed in Canada, would have constituted an offence against the laws of Canada in force at the time of the act or omission.

(2) No immigrant and, except as provided in subsection (3), no visitor shall be granted admission if the immigrant or visitor is a member of any of the following classes:

(a) persons who have been convicted of an offence that, if committed in Canada, constitutes or, if committed outside Canada, would constitute an offence that may be punishable by way of indictment under any other Act of Parliament and for which a maximum term of imprisonment of less than ten years may be imposed, except persons who have satisfied the Minister that they have rehabilitated themselves and that

(i) in the case of persons who were convicted of such an offence when they were twenty-one or more years of age, at least five years have elapsed since the termination of the sentence imposed for the offence, or

(ii) in the case of persons who were convicted of such an offence when they were less than twenty-one years of age, at least two years have elapsed since the termination of the sentence imposed for the offence;

(b) persons who have been convicted of two or more offences not arising out of a single occurrence that, if committed in Canada, constitute or, if committed outside Canada, would constitute offences punishable on summary conviction under any other Act of Parliament, where

(i) in the case of persons who were convicted of such an offence when they were twenty-one or more years of age, any part of the sentences imposed in respect of two such offences was served or to be served at any time during the five year period immediately preceding the day on which they seek admission to Canada, or

(ii) in the case of persons who were convicted of such offences when they were less than twenty-one years of age, any part of the sentences imposed in respect of two such offences was served or to be served at any time during the five year period immediately preceding the day on which they seek admission to Canada;

(c) other members of a family accompanying a member of that family who may be granted admission or who is not otherwise authorized to come into Canada; or

(d) persons who cannot or do not intend to comply with any of the conditions or requirements of this Act or the regulations, orders or directions lawfully made or made under this Act or the regulations.

(3) A senior immigration officer or adjudicator, as the case may be, may refuse entry to any person who is a member of an inadmissible class described in subsection (2) subject to such terms and conditions as the officer or adjudicator deems appropriate for a period not exceeding thirty days, in the opinion of the officer or adjudicator, for the purpose for which entry is sought for admission. 1976-77, c. 52, s. 19; 1980-81, c. 47, ss. 23, 53.

ABSTRACT

Immigration Officers as Agents of Social Control: A Study of Decision-making Practices With Regard to Suspected or Convicted Criminals at a Canadian Port of Entry.

Immigration Officers are agents of social control. They are similar to police, parole board members and many other types of criminal justice personnel in that they attempt to ascertain the dangerousness of those involved in committing criminal offences and subsequently make decisions regarding their fate. When immigration officers encounter these individuals they must decide either to allow them into Canada or refuse them entry. The labelling perspective of deviance suggests that agents of social control, as one component of the societal reaction to deviance, may play a significant role in the process of an individual becoming deviant. Studying decision-making of immigration officers may add to our understanding of why certain types of individuals are disproportionately labelled as deviant.

The literature on control agents' decision-making indicates that decisions of a wide range of types of agents of social control are based either on objective or subjective criteria, that interaction as well as variables such as an individual's deference shown to the control agent, and their age, sex, race, type, number and seriousness of offences/convictions affect decision-making. Each of the types of control agents discussed make up strands of the "net" (Cohen, 1985: 56) of social control into which deviants are

drawn and all may be engaged to some extent in predicting the dangerousness of deviants.

This study was designed to find out what factors affect immigration officers' decision-making practices with regard to convicted criminals at a port of entry. After securing permission from the Canada Employment and Immigration Commission to conduct the study, I used three methods to answer this question. They were used at a port of entry in Western Canada where I worked during a four month period in 1990. Two were quantitative and the other was qualitative in nature. The first method involved observing officers as a participant in the process and mapping the interior of the port where decisions were made. The second involved examining a sample of 550 immigration files of those who have been convicted of criminal offences to determine significant predictors of the decision by officers to allow these individuals in or refuse them. The third involved constructing a sample of simulated situations (vignettes) that described an individual said to be convicted of a criminal offence attempting to enter Canada. 14 officers responded to 15 of these vignettes each and in each case was asked what their decision would be. These were analyzed to once again determine the factors significantly related to the entry decision.

The results of the first method indicated that the physical setting of the port aids officers in separating

deviants from those who are "okay." In addition, it indicated that the bureaucratic environment in which decision-making occurs as well as interactions between immigration officers and customs officers, other officers and clients affect decision-making. The results of the second method indicated that working class truck drivers are predominantly being detected at the port as having been convicted of criminal offences. They also indicated that for all those detected the seriousness and number of convictions, the purpose of entry, and previous contact with immigration personnel are important factors affecting decisions to refuse entry. For truck drivers alone, travelling with a co-driver was also found to be important. The results of the third method, which used vignettes that described only non-truck drivers, basically supported the findings of the first method. In addition, it found that the time since the person was convicted and the deference shown to the officer as important factors related to entry decisions. Officers in answering an item included in the questionnaire made up of vignettes suggested that they perceive their decision-making as predicting the dangerousness of individuals. None of the three methods indicated that the race of the convicted criminal was an important factor in the decision by officers to refuse entry.

The results indicate, first of all, that immigration officers are similar to other agents of social control. This is seen in, among other things, the fact that as a group both

view the seriousness of the offence committed by deviants as an important factor in making decisions regarding their lives and both are engaged in predicting the dangerousness of deviants. This suggests that immigration officers represent one more strand in the "net" of social control and one that has heretofore been invisible.