"It actually made me feel like I didn't even want to stay here":

EXPERIENCES OF "VOLUNTARY RETURN" IN A SANCTUARY CITY

TANYA AVIVA ABERMAN

A DISSERTATION SUBMITTED TO
THE FACULTY OF GRADUATE STUDIES
IN PARTIAL FULLFILLMENT OF THE REQUIREMENTS
FOR THE DEGREE OF
DOCTOR OF PHILOSOPHY

GRADUATE PROGRAM IN GENDER, FEMINIST & WOMEN'S STUDIES
YORK UNIVERSITY
TORONTO, ONTARIO
June 2018

Abstract

During the near decade of Conservative rule in Canada, from 2006 – 2015, rancorous anti-refugee and anti-migrant discourse and policy were circulated, which manifested in a large-scale overhaul of the immigration system. Social, economic, and physical exclusions increased as a reassertion of state sovereignty through the reconstitution and solidification of borders, as well as the increased precariousness of migrant bodies. The primary goals of my dissertation research have been to learn why some migrants chose to leave Canada 'voluntarily' and to understand the factors that have forced them to do so. Among the key questions this dissertation attempts to answer are the following: 1) What factors push migrants to make decisions on the spectrum of *forced voluntary return*? 2) How does gender, as it intersects with other identities and social relations, influence migrants' experiences of *forced voluntary return*? 3) What does the addition of *forced voluntary return*, a non-binary concept*,* offer to current research on voluntary and involuntary migration? This research proposes that particular spaces and relationships became laden with feelings of exclusion and criminalization, which for the migrants centred in this dissertation, resulted in a loss of hope for a future in Canada. Participants identified loss of hope as one of the primary factors that pushed them to leave 'voluntarily', so as to relieve the pain associated with staying. The exclusions were importantly impacted by gender, class, racialization, age and ability, which came together in ways that pushed some into a forced 'voluntary' return. I offer the spectrum of *forced voluntary return* to capture some of the tensions and messiness within migrant experiences of return that are neither completely voluntary nor forced.

Dedication

This dissertation is dedicated to the migrants who offered their time and knowledge to

this research, and to all the others contemplating or engaging in forced voluntary return.

Table of Contents

List of Tables

List of Pictures

List of Abbreviations

AVRR   Assisted Voluntary Return and Reintegration

CBSA   Canadian Border Services Agency

CCR   Canadian Council for Refugees

CIC   Citizenship and Immigration Canada

CPR   Conditional Permanent Residence

DCO   Designated Country of Origin

DFN   Designated Foreign National

FVR   Forced Voluntary Return

H&C   Humanitarian and Compassionate Grounds Application

IFHP   Interim Federal Health Program

IOM   International Organization for Migration

IRB   Immigration and Refugee Board

IRCC   Immigration, Refugees and Citizenship Canada

IRPA   Immigration and Refugee Protection Act

JR   Judicial Review

OW   Ontario Works

POE   Port of Entry

PR   Permanent Residence

PRRA   Pre-Removal Risk Assessment

STCA   Safe Third Country Agreement

UNHCR   United Nations High Commissioner for Refugees

Introduction

The primary goals of my dissertation research have been to learn why some migrants chose to leave Canada 'voluntarily' and to understand the factors that have forced them to do so. I offer the concept of *forced voluntary return* to capture some of the tensions within migrant experiences of return that are neither completely voluntary nor forced. Among the key questions this dissertation attempts to answer are the following: 1) What factors push migrants to make decisions on the spectrum of *forced voluntary return*? 2) How does gender, as it intersects with other identities and social relations, influence migrants' experiences of *forced voluntary return*? 3) What does the addition of *forced voluntary return*, a non-binary concept, offer to current research on voluntary and involuntary migration? These questions were initially posed during the near-decade of Conservative rule in Canada, from 2006 – 2015, when rancorous anti-refugee and anti-migrant policy and discourse were being circulated, presenting an opportune historical moment to deeply examine the issues inherent in these questions. I answer the questions by centering the lived experiences of migrants and frontline service providers who work in the migrant-serving sector in this dissertation, so as to prioritize the perspectives of participants directly affected.

Between 2008 and 2015 the Canadian immigration system underwent a drastic overhaul of policies and procedures, which disrupted humanitarian and welcoming narratives long-rooted in the construct of a multicultural Canada. The changes pursued by the Conservative government imposed restrictions and limitations on migrants, and increasingly divided newcomers into hierarchical categories, defining which migrants were permitted, and which would be constituted as a threat to the nation; these

hierarchies were necessarily multidimensional and shifting. As the constructed dichotomies of 'deserving/undeserving' migrant and 'genuine/bogus' refugee were increasingly ontologized and included in public discourse, measures were taken to repressively manage these theoretical distinctions and the associated categorization of bodies in gendered, racialized and class-based ways. Social and economic rights, ranging from health care to education, to work and social assistance, were restricted along gendered parameters for those marked as 'undesirable', while patriarchal and neoliberal power relations impacted both policy development and the allocation of funds.

Moreover, the social, economic, and physical exclusions imposed through policy and practice were strategically developed by conservative political actors. These exclusions served as a reassertion of state sovereignty through the reconstitution and solidification of borders, as well as the increased precariousness of migrant bodies. Bureaucrats, civil servants and other gatekeepers were relied upon to oversee these exclusions, becoming the "civilian soldiers" (Orr, 2004) whose actions had far-reaching impacts. The concept of civilian soldiers was outlined by Jackie Orr to explain phenomena she was observing in response to the September 11th 2001 attacks in the United States. She described citizens being psychologically militarized to combat potential future terrorist threats, however, without tools, training, or any real sense of what they are preparing to fight. I use this concept in the Canadian context to refer to people who are recruited through state discourse, policy directives and funding restrictions. These civilian soldiers can then use their discretion to reinforce, by whatever means are at their disposal, ideologies of migrants as either deserving of inclusion or potential criminal threats (Bhuyan, 2012; Park & Bhuyan, 2012; Villegas, 2013b). These

civilian soldiers are recruited because they hold control over access to services, supports or community integration. For the migrants who are the focus of this dissertation, particular spaces and relationships become laden with feelings of exclusion and criminalization, which have resulted in a loss of hope for a future in Canada.

The Language of Labels

The language used to describe people's lived experiences is decisively important in the deconstruction or reification of categories. Labels prompt socially-produced expectations related to different identities, including gender, racialization, class and migration trajectory. As well as the associated expectations, labels have material impacts on people, as oppressions and privileges are tied to particular identities in varying ways. Deconstructing understandings of gender, racialization, class, refugee, as well as migrant identities requires an understanding of their construction, dissemination and reification, which then allows for broader theoretical and analytical understandings of how interactions and oppressions contribute to the production and reproduction of these categories. Within this dissertation, I use specific identity terms cautiously, particularly as they relate to gender and immigration status, in order to reveal the oppressions directed at these identities, as well as the material impacts on individuals.

Gender

Though feminists' conceptualizations of gender differ, in this dissertation I employ understandings of genders as non-binary, relational social constructs, which are not biological, but rather elaborated and imposed in particular ways in specific moments (Alexander & Mohanty, 2013). These constructs, which frame and create boundaries

concerning 'appropriate' practices of femininity and masculinity, and the roles assigned to each, operate differently in different locations (Riley, Mohanty, & Pratt, 2013). In other words, gender is a variable, but also a learned categorization that is pervasively used to artificially and forcefully divide people into two distinct groupings. These two groupings are constituted and regulated through specific regimes of power that privilege certain identities and experiences, while oppressing and negating others. As Mohanty (2003) argues, "sexism, racism, misogyny, and heterosexism underlie and fuel social and political institutions of rule and thus often lead to hatred of women" (p. 3). Therefore, when gender is used to assign value to identities, and these are upheld by people in positions of power to privilege certain expressions of male identity, there are important material implications impacting women, trans and non-binary individuals, as well as some men. Societal roles that are feminized are often devalued both economically and socially in order to maintain dominant power relations. These roles are nuanced by other intersecting identity constructs, which further disadvantage poor and racialized women, trans, non-binary and non-conforming people.

Feminist theorists have complicated and challenged essentialized understandings of gender identity and roles, articulating gender as a fluid and evolving "performance" (Butler, 1999a, 1999b; De Beauvoir, 1974). These performances are also necessarily intersectional, as racialization, class, age, sexuality and ability impact the way people understand and express their gender. Analyzing and deconstructing hierarchical gender constructs and their impacts allow for conceptualizations of, and contestations against, inequalities and oppressions. In this dissertation, I focus on gender relations within, throughout, and as a result of migration, highlighting participants' gendered experiences;

I also underscore the work of scholars who critically explore and theorize forced migration, transnationalism, borders, security and state sovereignty. The literature review in Chapter 2 explores and prioritizes feminist analyses, valuing transnational and anti-racist perspectives that challenge normalized patriarchal power relations on micro, meso and macro levels. This chapter establishes the basis for the analysis that is drawn through the other chapters.

The research participants in this dissertation primarily identified experiences along binary gender lines, as the majority identified as women and/or spoke specifically of women's experiences. Thus the dissertation research offers an important opportunity to present an analysis of female migrants' oppression as it compares to males, but the experiences of trans and non-binary migrants are absent from this research; further research is needed into their experiences.

Migration

I understand international migration as a historicized phenomenon linked to intersecting oppressions and privileges centered on social, economic and political forces. Based on intersecting gender, racialization, class, ability, sexuality and citizenship constructs, there are shifting articulations of who experiences ease of travel and relocation, and who is framed as the 'other', the non-citizen, 'illegal' immigrant or 'bogus' refugee, who is disciplined and excluded both socially and legally. I use the term migrant to refer to immigrants, refugees and other displaced people, recognizing that the distinctions between these groups are often shifting and fluid, unable to capture people's "complex and messy social realities" (Crawley & Skleparis, 2018, p. 50). As Mountz

(2010) explains, "[p]eople tend to envision their own identities not in the terms set by states, but rather as occupying and migrating through the grey areas between categories, policies and states" (p. 26), in other words the narrow categories used by state actors to describe migrants' experiences and identities are unable to capture people's nuanced and shifting realities. While migrants may be obliged to try to fit their experiences into refugee/humanitarian, family class or economic categories, these limited understandings of people's experiences may increase migrants' vulnerability when their realities do not fit neatly within the categories outlined (Boehm, 2011). As Carling (2015) argues, "[w]e need to embrace the inclusive meaning of 'migrants' as persons who migrate but may have little else in common. In that way, we respect both the uniqueness of each individual and the human worth of all" (para. 20).

Furthermore, I utilize the term forced voluntary return (FVR) in a broad way, recognizing different forms of agency, as it can mean more than simply leaving. For example, FVR may include people who choose silence by not taking up opportunities to fight deportation orders or find other immigration applications available to them; alternatively, migrants not known to immigration authorities may present themselves through various applications though they know they have very little opportunity of being accepted; others may be willing to leave Canada for a very short period, so long as there is a plan to return. I draw a distinction between FVR and self-deportation because of context specific factors that may not always be present, though I include self-deportation within the spectrum of FVR. Self-deportation is used in the United States to describe particular policies and environments (Filindra, 2012; Fragoso, 2013; Kobach, 2007). While similarities may be found in other contexts, this does not account for all instances

of FVR. Therefore, I use FVR because it offers a broad spectrum of return possibilities from voluntary to involuntary return.

Criminalization Through Exclusion

In this dissertation, I understand migrant criminalization as having both legal and ideological components. As Menjívar and Kanstroom (2014) argue, migrants are frequently criminalized for simply existing in specific spaces where their presence is illegalized. This illegalization of migrants, through the denial of immigration status, leaves them susceptible to arrest, incarceration and banishment through deportation. Even where migrants are not officially criminalized through legal systems, they may feel criminalized through exclusion or repeated challenges to their presence in certain spaces and relationships.

In Canada, the legal criminalization of migrants is applied very inconsistently, despite the many provisions in the Immigration and Refugee Protection Act that can facilitate punishment (Bhuyan & Smith-Carrier, 2012; Crépeau, Nakache, & Atak, 2007; Villegas, 2013a). While police officers and Canadian Border Service Agency (CBSA) officers have the power to arrest and detain unauthorized migrants, the fact of simply being present on Canadian territory without immigration authorization is not necessarily a reason for legal action or enforcement. In particular, police do not have a responsibility to criminalize migrants by imposing legal controls on people who simply do not have immigration status (Mattoo, 2017), yet they frequently give themselves the power to do so (Cole, 2015). Through my work as a service provider, I have witnessed that even CBSA officials have at times overlooked and permitted undocumented residence

inconsistently, ignoring certain people without immigration status rather than taking enforcement action.

However, when a migrant is issued a deportation order, they are legally expected to leave the state's territory within a timeframe determined by the CBSA. If they do not comply with the deportation order and remain in Canada clandestinely, a nation-wide arrest warrant is issued, which invokes criminal processes and punishments. In these instances, immigration and legal enforcement is more likely by both law enforcement and CBSA.

The inconsistent and ambiguous criminalization of migrants in Canada generates confusion from service providers, gatekeepers and among migrants themselves. Migrants are thereby unevenly marked as undeserving, and are frequently viewed as trying to cheat or lie in order to gain access to services and spaces reserved by the Canadian state for citizens. The suspicion generated by the limiting of access to these services and spaces causes migrants to *feel* criminalized through social and physical exclusion. Therefore, while some people are deliberately targeted, as outlined above, others may experience the ripple effects as they too may be excluded even though they should not be. These feelings of criminalization often function according to a hierarchy of status, with migrants who hold more secure statuses often less at risk. However, the dispersed ways that exclusion materializes overlaps across immigration status. Therefore, even so-called 'deserving' migrants, who are supposed to be separated from these experiences, may feel criminalized in different ways as they are questioned or denied access. The only concrete antidote to the broadly felt criminalization that was identified by participants interviewed for this research was acquiring of citizenship.

Theoretical Framework

In order to reach the goals established above, I will draw on two key theoretical frameworks, feminist transnationalism and intersectionality throughout the dissertation. These frameworks are appropriate for this work because they provide theoretical groundings to analyze the structural and societal relations that intersect to produce ruling relations and oppressions on multiple scales, from the macro (international) to the micro (individual), which allows for a deeper understanding of state sovereignty and bordering policies and practices. My understanding and use of these approaches is discussed in detail in Chapter 1, and is described in an introductory way, as follows: Work on feminist transnationalism stems from a call for a broad understanding of global power (Ahmed, 2000; Glick Schiller, 2010; Grewal, 2005; Mohanty, 1988), critiques of "gender neutral" theorizations (Mahler & Pessar, 2001; Nolin, 2006), and of Western perspectives that leave East/West binaries unproblematized (Ahmed, 2000; Grewal, 2005; Mohanty, 1988). Utilizing transnational approaches to theorize and conceptualize power also provides theoretical authority to challenge the reified constructions of the nation-state and borders, allowing me to also base my work within critical border studies. Migration scholars have also approached theorizations of transnationalism in their investigations of the movement of people, critiquing past approaches to the study of im/migration and im/migrant agency (Glick Schiller, 2010; Glick Schiller, Basch, & Szanton Blanc, 1995; Grewal, 2005). This theorization offers diverse conceptualizations of people's lived experiences, which often involve multi-sited relationships and power relations (Ahmed, 2000; Glick Schiller, 2010; Glick Schiller et al., 1995; Nolin, 2006).

Intersectionality is a useful complement to transnationalism for conceptualizing the ways inequalities, discrimination and oppressions intersect and overlap. Intersectionality, which was coined by Kimberlé Crenshaw (1989), is an approach that is inherently valuable for disrupting dominant power relations and constructed inequalities based on difference. A nuanced intersectional understanding allows for the problematization of dichotomies, divisions and compartmentalizations. Identity markers such as gender, race or class are inherently intertwined, and gender is racialized and classed, with each variable producing a "modality" through which the others are lived, coming into existence through their relation to each other (Gilroy, 1993; McClintock, 1995). These frameworks allow me to investigate the intersecting identities that push people into forced voluntary return; and they take into account dominant societal power relations, as well as government policies and their implementation. These frameworks have therefore enabled me to conceptualize Forced Voluntary Return in broad and nuanced ways that may further contribute to discussions within the fields of critical border studies and deportation studies.

Methodology

As Kirby and McKenna (1989) explain, since "research is done by particular people in specific social and historical contexts, these have implications that need to be acknowledged" (p. 23). It is not just the social location of the researcher that must be recognized, but also the power relations and politics in which the ideas, cultures and histories being studied are embedded (Said, 1979, p. 5). As such, my positionality is an important consideration, not only with regards to my relationality with research participants, but also with regards to a recognition of my own epistemological

understandings. My involvement as both volunteer and staff with the FCJ Refugee Centre

in Toronto provided the basis for my fieldwork and the connections to other service

providers. It was through my work with this organization, and ongoing discussions with

colleagues, that the issue of forced voluntary return was identified.

I used mixed methods to explore the three key questions outlined earlier,

including interviews conducted with migrants, as well as frontline settlement workers

who have had experiences of forced voluntary return. I undertook a textual analysis of

policy, which showed how anti-migrant discourse circulated in recent NGO documents,

media reports and a program evaluation of the Assisted Voluntary Return and

Reintegration program in Canada. I also analyzed selected statements and speeches made

by federal government officials to elicit how gender, racialization, class, age, and ability

intersected in exclusionary discourses about refugee claimants and migrants, and how

forced voluntary return is encouraged and integrated into policy decisions.

The Location: the Sanctuary City of Toronto

The fact that Toronto was declared the first Sanctuary City in Canada in 2013

meant that residents should have access to all city services regardless of their

immigration status (Keung, 2013a). Exploring forced voluntary return within a city that

defined itself as inclusive offered an interesting backdrop for this research. In fact, the

majority of the migrants I spoke to were not aware of the policy, nor had they benefitted

from the city services to which they could have access. The frontline workers I spoke to

were generally skeptical of the policy and its benefits, acknowledging that it was a good

policy in theory rather than in practice. As Sathya, an immigration lawyer, shared, "I

mean, obviously it's wonderful. I just don't know that it's been really that implemented, or that it's that widely understood or known..." Sathya was critiquing city service providers for their lack of knowledge of the policy or the ways it should be implemented to better serve migrants. Asha, a community clinic lawyer was even more doubtful:

> It sounds really sexy, [...] Toronto is a Sanctuary City, but what does that really mean if you deconstruct it and see, how many people can really benefit from those services? [...] it looks really good on paper, but the practical impact has not been as great.

Kate, a settlement service provider critiqued the policy along a similar vein, explaining that

> my idea of what it would mean to be a Sanctuary City is not my experience in terms of—or the people who I work with, their experience of living in Toronto. So, I think it's like a great myth, if that makes sense.

In addition to the limited reach of the Sanctuary City policy itself, as it only included services entirely funded by the City, it was limited in terms of its implementation, as City workers were often unaware of the policy or how to apply it (Hudson, Atak, Manocchi, & Hannan, 2017).

Maria, one of the migrants I spoke to who had knowledge of the Sanctuary City policy, still described Toronto as

> a very hard place, you have to be ready to fight otherwise you are dead. Or better to pack your stuff and go home. This is not for everyone. I don't feel special, I just feel like I've been paying a very high price for being here, and I feel that I'm still paying some of the price. I'm still paying.

Therefore, despite City Council's declaration of inclusiveness, Toronto remained a difficult and exclusionary space for many migrants, forcing some to leave.

Chapter Outline

The rest of this dissertation is structured as follows: *Chapter 1- Methods: Opportunities, Limitations and Personal Experiences* provides a detailed explanation regarding the methodological framework and individual methods utilized. The rationale for these decisions is elaborated, as is the location and period of research. Finally, the methodological approach for the writing of the dissertation is considered. *Chapter 2- Literature Review: State Sovereignty, Illegalization and the Canadian Context* presents topics that are investigated through frameworks of "illegalization" and deportability to highlight the increased precarity inherent in the policy changes and the impacts that is having on precarious migrant populations. In *Chapter 3- Canadian Immigration Policy: Boxes and Boundaries, Spaces and Relationships*, I outline some of the changes to Canadian immigration and refugee policy from 2008-2015, analyzing the shift in atmosphere and approach that led to an increase in the criminalization of migrants. These shifts are contextualized with specific theoretical frameworks. I will also draw on participants' interaction with the Canadian immigration system to learn from frontline service providers' expertise and lived experiences. In *Chapter 4- The Wide Reach of Migrant Criminalization and Loss of Hope*, I draw on the experiences shared during interviews to analyze and unpack the multilayered criminalization of migrants. This criminalization, often felt through exclusion, is produced and experienced differently based on intersecting identities and oppressions, and the results are linked to a loss of hope, which, for some, propels forced voluntary return. *Chapter 5- Forced Voluntary Return: Nuancing the Tension Between Voluntary and Involuntary, Individual Agency and Loss of Hope* considers participants' conceptualizations of forced voluntary return. It builds on the discussions in the previous chapters to highlight the intersecting motivations

that push people to self-deport, and highlight people's own experiences as they relate to these discussions. It also offers an analysis of the now-terminated International Organization for Migration's Assisted Voluntary Return and Reintegration (AVRR) program, a pilot project implemented in the Toronto Region from June 29, 2012, until March 31, 2015. This particular implementation of the project is briefly contextualized among the AVRR programs run internationally. Finally, my conclusion outlines the central findings of the dissertation, and provides a nuanced understanding of voluntary/involuntary return binaries based on intersectional understandings of who has self-deported and the policies and exclusions involved in these decisions.

Chapter 1- Methods: Opportunities, Limitations and Personal Experiences

This project is rooted in qualitative methods, which provide feminist tools to consider migrants' and frontline workers' experiences of forced voluntary return. In this chapter, I outline the specific methods used, the ways the questions were approached, and the limitations encountered. I also explore the methodologies used for this dissertation, as my choices, based on particular political intentions, changed throughout the research. My social location as a frontline worker/advocate within the migrant-serving sector proved to have an important impact on the access I was granted to participants, including both migrants and service providers, and thus I outline how my positionality impacted the data I collected. I also discuss the ethical considerations that shaped my interactions within the changing immigration and governmental landscape. Finally, I address my approach to coding and data analysis to analyze 1) What factors push migrants to make decisions on the spectrum of *forced voluntary return*? 2) How does gender, as it intersects with other identities and social relations, influence migrants' experiences of *forced voluntary return*? 3) What does the addition of *forced voluntary return*, a non-binary concept, offer to current research on voluntary and involuntary migration? Questions are raised about the multilayered criminalization of migrants' experiences and the connected, often-overpowering, loss of hope.

This chapter first addresses my positionality, as this impacted the way my dissertation topic was conceived, as well as my approach to it. It subsequently explains the methodologies I employed within this qualitative research. My case study, based in the Greater Toronto Area, is then contextualized, followed by an explanation of the

sampling I undertook, as well as a section on data collection which offers a description of the participants. Research with this vulnerable population necessarily raises ethical questions which are addressed in the protection and ethics section of this chapter to highlight considerations and debates undertaken. This is then followed by sections explaining my coding process as well as my analysis. While interviews make up the majority of my data, I undertook some complementary data collection to offer a more robust understanding of the issues being raised; this data is outlined in the complementary data collection section. Finally, I consider the methodological approach I use to write these chapters, and my reflections on the changes I made to my initial approach, so as to meet the requirements of a York University dissertation.

My Positionality

I came to this PhD dissertation as an advocate, activist and frontline community worker. While the research was undertaken to complete the requirements for my PhD, its conceptualization and implementation were inherently intertwined with my role at the FCJ Refugee Centre and my ongoing involvement in the migrant-serving sector. This role has evolved to be more than employment for me, as co-workers, clients and other allies have become my community: the people I spend time with, support, confide in, and depend on, both within professional, as well as social settings. However, I do not claim to be an insider with respect to the particular migrant experiences studied here, a discussion I will return to below.

I initially became involved with this Centre due primarily to a need for employment after I faced my own immigration-related challenges and subsequent self-

deportation from the UK. This experience, while difficult, was based in particular experiences of privilege both in the UK and in Canada. Having studied in the UK, I decided that I wanted to establish myself there; however, after three years of residence, I was denied a visa extension. I contested that decision, but was left with limited resources, my own hypervigilance based on the fear of doing something 'wrong', and an ongoing feeling of wasting time (a feeling that was frequently described in the interviews I conducted in Toronto). I ultimately decided to give up on my hope of establishment in the U.K., withdrew my application and returned to Canada. My research and theorization have helped me to better contextualize my own experience after the fact, but I absolutely do not purport to speak for any of my participants, or their experiences.

Upon my return to Canada, I obtained employment in a shelter for refugee women, where I not only learned about Canadian immigration processes and procedures, but more importantly, women taught me about the diverse daily challenges they were facing. The women I worked with inspired and encouraged me to pursue an opportunity to study these issues further. While engaged in a PhD program, it became increasingly important to me to maintain frontline work, to remain connected with the refugee community and to offer the support that I could.

I became involved with the FCJ Refugee Centre in Toronto in 2011, first as a volunteer, and then as a staff member in a variety of different roles. Through this work, I have gained knowledge about the immigration system, as well as its overarching limitations (especially under the Harper government) as I supported people through their processes. This client-centered work has taken many forms and has come with many ups and downs, challenges and opportunities. I have both celebrated with and cried with

coworkers and clients, received middle of the night panicked phone calls, and shared in

jokes, adventurous activities and victories small and large. This work, above all else, has

helped me to understand that the categorizations we impose on migrants do not represent

their identities or experiences. Instead, people decide on the boxes they try to fit into

based on what can be argued and proven; the criteria for each category push people to

pursue the pathways and labels available to them, through which they believe they have

the best chances of being accepted. As the people I have supported moved between

statuses and the associated identities, the definitions became less pertinent. This was also

highlighted in the interviews I conducted with frontline workers. Goldring and Landolt

(2013b) use the idea of "chutes and ladders" to conceptualize the negotiations involved in

immigration processes and the trajectories that move migrants closer to, or further from

secure status, or horizontally from one precarious status to another. Their elaboration

enables visual imagery of the often-fluid dynamics involved in the production of

precarious status.[1]

It is also through this frontline work that my PhD research project was initially

conceptualized and then proposed. The co-director of the Centre where I work, Francisco

Rico-Martinez, first suggested the topic of self-deportation to me, as he had been noticing

the important impact of this issue among our clients. He has since offered practical

support and ideas, as well as theoretical and analytical advice. I have also had the

opportunity to discuss the topic in depth with colleagues, as well as with members of the

FCJ Youth Group, who provided invaluable feedback by identifying with the topics

---

[1] Precarious immigration status refers to the legal status of all non-permanent residents, which include those who are dependent on a person or institution for their status (sponsored spouses, temporary workers), as well as refugee claimants and denied claimants, temporary resident visa holders, visa overstayers, and people without authorized status. (Goldring, Berinstein, & Bernhard, 2009; Goldring & Landolt, 2013b).

raised and offering tremendous insights. The Centre also provided me with spaces to

conduct interviews, in addition to connecting me with participants. As I explain in detail

below, the research would not have been possible without access to this particular

centre's clients. As a worker at FCJ, I was well aware of the potential of a conflict of

interest in my relationship with those I interviewed. As such, I have ensured that my

exposure to the issues addressed in this dissertation has come from a number of sources,

including from legal and settlement and other frontline workers.

As I describe in more detail below, Tuhiwai Smith (1999) advocates community

research which she suggests relies upon and involves the community itself. Das Gupta

(2003) argues that anti-racist research requires collaboration with the "community",

though she complicates both what collaboration and community can mean. In her

analysis (and that of other scholars, as elaborated below in the section on qualitative

research), collaboration offers a clear critique of "traditional research" in which the

researcher holds the knowledge and the researched are the subjects, "placed in a position

of subordination"; instead she draws on Kirby and McKenna (1989) to argue that

collaboration can position the participant as an expert who may assist the researcher (Das

Gupta, 2003, p. 458). Das Gupta also problematizes simplistic assumptions about whom

to collaborate with, recognizing that the very concept of community can be understood

differently by different people, and people may be part of many communities at once,

based on intersecting identities and oppressions they experience. Thus it is not every

person or organization within a community that necessarily has insider or outsider status

based on multiple power relations, and not all can be experts on the community. She

advances a "detailed and nuanced analysis of social settings rather than characterizing

them in stereotypical terms" (p. 460). Fassin (2010) further problematizes the role of non-governmental organizations as an outsider (scholar) – insider (NGO worker), questioning the 'humanitarianism' they may or may not promote. His critiques of the organizations themselves challenge researchers, as well as frontline workers, concerning the necessarily benevolent or progressive roles of community organizations.

In order to further respond to these concerns regarding community research and collaboration, it is important to explain the position of the FCJ Refugee Centre within the settlement sector. This Centre was established in 1991 by the current co-directors with the financial and logistical support of the Sisters of the Faithful Companions of Jesus (FCJ), who remain active members of the Board of Directors and for whom the name FCJ has been maintained. While the Centre has implemented secular practices and serves clients regardless of their religious beliefs, the religious affiliation is still felt. The Sisters FCJ are still financial supporters of the Centre, as they provide a significant portion of the core funding, as well as use of their properties for transitional housing, which enables work that is not tied to project or political restrictions. The congregation has placed immense trust in the co-directors of the Centre, who came to Canada as refugees themselves, and who have led the Centre's work with progressive, social justice goals.

The Centre receives no federal funding, but does receive provincial and municipal funding, and as such, it maintains the freedom to publicly contest federal policy and government rhetoric when other organizations cannot (most settlement organizations receive funding from IRCC), all the while working for systemic change. The Centre has also prioritized working with people that other organizations could not, or would not, due to capacity and funding limitations (IRCC funding prohibits service-provision to migrants

20

who are not convention refugees or permanent residents). As such, FCJ often becomes the last resort for migrants who have exhausted their other options, or whose situations are deemed to be too complex, particularly those with precarious immigration status. This puts the Centre in a unique position with regard to forced voluntary return, which was reaffirmed during several interviews. This organizational position also partially explains the limitations in recruiting participants who have lived experience of forced voluntary return from other agencies, since others are reluctant to serve migrants who face ongoing and multilayered criminalization.

Feminist epistemologies reject 'objective' truths and 'neutral research', actively contradicting the notion that observers can be completely separate from their research. As Kirby and McKenna (1989) explain, since "research is done by particular people in specific social and historical contexts, these have implications that need to be acknowledged" (p. 23). It is not just the social location of the researcher that must be recognized, but also the power relations and politics in which the ideas, cultures and histories being studied are embedded (Said, 1979). Being located as a staff member at FCJ Refugee Centre, I am neither an insider to the migrant experience highlighted in this study, nor am I a 'neutral' distanced outsider; rather, I am co-constituted by and through my relationships. Torre and Ayala (2009) draw on Gloria Anzaldua's work and conceptualization of *Mestizaje* consciousness, which permits "complexity, situatedness, and connection even/amidst conflict" (p. 388) in order to encourage researchers to understand their own often-contradicting identities. This approach understands that the "varying identities, communities, relationships to power and privilege, experiences, desires and vulnerabilities" that people hold are not simple, linear or even compatible (p.

390). Further, Torre and Ayala argue that we are influenced by our relationships and interactions, in such a way that there are no pure insiders or outsiders, and because of this, they argue that divides can be narrowed. Das Gupta (2003) similarly argues that this distinction between insiders and outsiders is necessarily complicated as "multiple [and contradicting] power relations exist simultaneously" based on researchers' race, gender, class, as well as other identities (p. 462). Tuhiwai Smith (1999) also advances that the division between insider and outsider can be problematized in certain contexts, and that one of the main differences is that "insiders have to live with the consequences of their processes on a day-to-day basis," as does their community (p. 137). Therefore, the processes of building relationships with research participants, data collection, analysis and distribution need to be considered carefully and critically. Moreover, she claims that an insider voice carries significant risks around highlighting views, values and beliefs that do not always represent the community (Tuhiwai Smith, 1999). Therefore, insider/collaborative research requires constant reflexivity, a critical understanding and transparency of the researcher's choices, power relations and potential biases in order to avoid speaking for and over the people who are experts in their own experiences (Das Gupta, 2003; Fonow & Cook, 2005; Kirby, Greaves, & Reid, 2006; Tuhiwai Smith, 1999). As Gatenby & Humphries (2000) argue, this reflexivity is necessary for researchers to be explicit about their subjectivities, because these subjectivities necessarily have a role in the knowledge produced (p. 103). While I am choosing not to go into detail or devoting much time and space here to my own critical reflexive processes, I have given a lot of thought to questions of power, privilege and my ability to do this kind of research throughout the PhD process. For me, an anti-oppression approach

underlying my connection and contribution to the migrant-serving community became essential to even begin to conceptualize a dissertation project. The scholarship defined above supports that methodology.

Qualitative Research

In pursuing this project from a critical intersectional and transnational feminist perspective, I have sought out qualitative methodological approaches that value embodied knowledge, where each person sharing their experience is an expert (Enloe, 2004; Hill Collins, 1999; Smith, 2005). Kirby and McKenna (1989) propose a critical methodology when working with marginalized communities that understands knowledge to be socially constructed, with different people experiencing the world differently and thus holding different knowledge. Their approach posits that knowledge changes over time and that power commodifies knowledge and influences its production. Qualitative approaches are thus well suited to begin exploration of the experiences of the migrants and frontline workers involved in this project, experiences which are necessarily influenced by intersecting identities and oppressions and that may be felt differently at different moments. This dissertation thus explores the meanings of these experiences and how they influence people's decisions within forced voluntary return.

My approach to this dissertation has also been influenced by Grounded Theory (Glaser & Strauss, 1967), which asks researchers to allow participant voices to be heard as they tell their story, with the latter leading the direction of the inquiry. The salient problems can therefore be understood from the point of view of the participant who experiences them. Charmaz (2017) builds upon and critiques this approach, suggesting

that a Constructivist Grounded Theory approach "locates the research process and product in historical, social and situation conditions" (p. 34), highlighting this important gap in traditional Grounded Theory. As Charmaz (2017) critiques, the idea that that the researcher's privileges, thoughts and opinions can be completely separated from the exploration through the methods elaborated proved unrealistic to me. I applied this type of critical approach as I entered this research with genuine curiosity about why migrants may engage in forced voluntary return. While I expected results to be tied to repressive policies in one way or another, I approached the data without clear ideas of what it would reveal, but reflexive about the social and power relations the data was located within. While this was very helpful for my coding process, I cannot claim to have followed any of the Grounded Theory approaches throughout the entirety of this research. The organic fluidity of the approaches, along with its potentially indefinite timeline, was not conducive to this project.

Initially believing that experiences of forced voluntary return would be tied to specific regressive immigration policies, I proposed to use an Institutional Ethnography methodology in this dissertation. I had anticipated exploring closely how certain policies generated by the Conservative government "coordinate" (Smith, 2005) people's actions and experiences. However, after coding the interviews, it emerged that it was not specific policies as such, nor the immigration institution alone, that pushed people out. Instead the exclusion described happened at multiple sites and in dispersed ways. Therefore, I decided instead to highlight the atmosphere of exclusion created by government actors and how that had multilayered impacts within other institutions and across civil society.

The Case Study

Due to my connection with the migrant-serving sector, my focus was entirely concentrated on the Greater Toronto Area (GTA). This location also provided a unique site for this research since it was the only place in Canada where the Assisted Voluntary Return and Reintegration (AVRR) program was piloted. While the program is now terminated, its implementation provided an important angle for the understanding of forced voluntary return. Moreover, Toronto was the first city in Canada to be declared a Sanctuary City. While this actually had little practical impact on my research, it offers a politically interesting backdrop to the questions being explored.

I used mixed methods to collect data for this research, including one-on-one semi-structured interviews and textual analysis of policy documents and evaluation reports. I have also drawn substantially on an art-based, youth-led project that was developed at the Centre. This particular project involved the conception and production of a book written and put together by migrant youth, entitled *Seeds of Hope: Creating a Future in the Shadows*, for which I was one of the editors. While this book was not designed as part of my research process, the authors' experiences and words contributed importantly to my understanding of the topics discussed in this dissertation. As such, I intermingle and cite their words in both the discussion and literature review chapters, as they contribute both theoretically and empirically.

While some of my methods needed to be altered and rethought during the research phase for reasons that will be outlined, new opportunities presented themselves, which allowed me to enrich my analysis in various ways. For example, since the AVRR

program had already stopped recruiting participants when I started my interviews, I was

not able to speak directly to people who would use it; however, I was able to speak to

frontline workers whose clients had used it. I was also able to access and analyze a final

government evaluation of the program as well as seek information and feedback from one

of its administrators. Thus, this perceived limitation did in fact offer new possibilities.

Sampling

In order to ground my research in the standpoints of the participants and center

people's embodied experiences, I conducted a series of interviews with migrants, as well

as frontline workers who assisted with both leaving and staying. All these interviews

were conducted in Toronto between March 2015 and August 2016, with the exceptions of

one interview done over skype and another over email. Participants were recruited using

a combination of purposive and convenience sampling. Bernard (2013) describes

convenience sampling as "a glorified term for grabbing whoever will stand still long

enough to answer your questions" and explains that it may be particularly useful for

exploratory research (p. 167). Abrams (2010) further argues that this approach is often

necessary when working with hard-to-reach populations, which migrants engaging in

FVR turned out to be. The convenience sampling in my research refers to the interviews

conducted with participants connected to the FCJ Refugee Centre, where I had pre-

existing interactions with the participants. While I was aware of and acknowledge the

risks inherent in this kind of sampling, including the biasing of results based on the

number of participants from one environment, as well as the power imbalances possible,

there are several compelling reasons for this approach. Firstly, the Centre was in a unique

position as a last resort for many migrants, and thus saw a higher number of migrants

considering forced voluntary return. This was reaffirmed to me during several interviews. Secondly, a fact that became clear after the research had started was that migrants engaging in forced voluntary return do not stay around to talk about it. Several of the frontline respondents spoke about this phenomenon as they described migrants who would come to briefly discuss the option and then leave the country quickly, or others who had not discussed it at all, leaving frontline workers to find out later through other sources that the person had left Canada. Their often-fleeting presence and lack of ongoing connections to settlement workers made interviews with migrants connected to other centres unrealistic. It also relates to the comparison made between FVR and suicide in two interviews, as it could be precisely when people stop talking about FVR that they engage in it.

While I had hoped that snowball sampling would be possible and that migrants and frontline workers could assist in recruitment through the use of flyers, this became impossible. Therefore, it was only migrants that I had direct contact with who agreed to participate. On three occasions participants asked to be interviewed after learning about my research. The other four identified with the issue more clearly after the interview had started and they developed a better understanding of the research and terminology. I had the opportunity to discuss my research with all of the potential participants before they decided whether or not to participate, but in one instance in particular I offered an in-depth explanation as a teaching tool for migrant youth who were struggling to access education. Through a program offered at FCJ Refugee Centre called Uprooted U, which I coordinated, I used my research proposal to discuss research development, theoretical frameworks and methods. This was an important opportunity, since as Tuhuwai-Smith

(1999) explains, decolonizing research processes should empower and educate people, sharing theories and analyses that inform findings and provide space towards self-determination. They should involve demystifying the research process for those involved in order to challenge existing power structures (Kirby & McKenna, 1989). The youth in that 'class' identified and engaged with the topic, offering invaluable encouragement and insight. After the class, one person approached me and asked to be interviewed since they had understood the topic as being inherently tied to their experience.

It took thirteen months to recruit the seven migrant participants, during which time I decided to also include a greater number of frontline workers. Eight months after my first interview I began focusing more attention on approaching frontline workers who could identify experiences working with clients who "couldn't take it anymore" and had left. The social location of these participants allowed me to gain a better understanding of the ways they perceive, understand and address issues of exclusion and FVR (Bhuyan, 2012; F.J. Villegas, 2014). I used purposive sampling to find participants specifically from a range of communities, both geographical and cultural. Purposive sampling, where researchers identify participants to address particular purposes, can also be useful when dealing with hard-to-reach populations (Bernard, 2013). As a result, I interviewed six settlement workers from four different organizations: one worked strictly with refugee claimants; the others had a diversity of experiences with a range of migrants. I also spoke to three lawyers, two of whom worked at legal clinics (one with a catchment area and the other with a diasporic target population), the third was a private bar lawyer who prioritized hard-to-win cases that other lawyers often refused. Finally, I also spoke with a doctor who primarily treated uninsured patients. While I approached four other targeted

individuals, they informed me that they did not have experience with this issue and that most of their clients will do anything necessary to stay. Even among many of the service providers who agreed to speak with me there was an initial response that most of their clients emphasized staying, and that they had to reflect, search their files and discuss with colleagues to think of cases to discuss. This was an interesting contradiction, which may partially speak to FCJ's clientele, and partially to the limited ways people communicate about their return. While I have no way of determining the total population affected by this phenomenon, I estimate that it is likely relatively small as compared to the total number of precarious migrants. However, in reframing the understanding of migrant departure from a narrow voluntary/involuntary binary to a broad and nuanced spectrum, I would argue that the number of migrants in forced voluntary return situations is probably higher than is popularly believed. Finally, I also approached a manager at the Canada Border Services Agency to ask for an interview, as I hoped to gain their perspective on these issues. However, I did not receive a response from them.

Data Collection

Of the seven migrant participants I interviewed, four were from Latin America and the Caribbean, two were European and one identified as Asian. This is also proportionally reflective of FCJ's clientele. Of these participants, five identified as women and two identified as men. One of the women and one of the men interviewed were in a heterosexual relationship and were interviewed together. Ages ranged from nineteen to seventy-three, with three being between nineteen and twenty-two, three in their thirties and one in his seventies. Five of the participants had post-secondary education, but four were currently unemployed, two were employed and one was "sort of

sometimes" working. When asked about race/ethnicity/cultural background, three participants identified as Catholic, one identified as Spanish, one as Black, one as Asian, and one as a mix of Italian, Portuguese, African and Aboriginal. To the best of my knowledge they all identify as heterosexual, and five were in relationships at the time, two with Canadian citizens. Not all of these participants ended up leaving Canada, as two did not go through with their ideas of self-deportation, though they all seriously considered it. One ended up being accepted on a refugee claim, and another was accepted on another application but was speaking about her experiences before that fact.

Demographic Information about Migrant Participants

Pseudonym	Gender	Age	Race/Ethicity /Cultural Background[2]	Geographic area they came from[3]	Level of education	Profession/ employment prior to coming to Canada	Profession/ Employment in Canada
Manuel	Male	73	Catholic	Central America	Post-Secondary degree	Accountant	unemployed
Kelly	Female	35	Italian, Portuguese, African and Aboriginal	South America	Started University	Mechanical Technician	unemployed
Suny	Female	22	Black	Caribbean	High School	Cashier	Sort of sometimes
Maria	Female	33	Spanish	Latin America	Bachelor's degree	Owned a restaurant	Housing counselor
Katherine	Female	19	Catholic	Europe	Bachelor's degree	Student/ worked at McDonalds	Occasional cleaning
Jonh Carter	Male	21	Catholic	Europe	High School	Many jobs	Construction
Esse	Female	39	Asian	Asia	PhD candidate	Student	Unemployed

---

[2] I left this question deliberately vague when asking it in order to allow participants to identify however they were comfortable.

[3] While I asked participants for their country of origin, I now feel that this may challenge their anonymity.

Of the frontline workers I interviewed, all but one identified as female. Their experience in the migrant-serving sector ranged from two-and-a-half to twenty-five years. The communities they worked with were very diverse in terms of country of origin, migration trajectories, age, gender and even class. Two respondents worked mostly with people from Latin America and the Caribbean, as well as Brazil and Portugal, within a west-end Toronto-based catchment area. Many of these clients were non-status, but there were also refugee claimants, migrant workers and permanent residents. Another with a catchment area in the east end said her clientele was quite diverse, but the majority were from the Horn of Africa and faced a range of immigration issues. One participant said she worked extensively with the Filipino/a community, but also worked with migrants of varying status from within and beyond the GTA. Another said she had seen people primarily from the Caribbean, as well as some Nigerians, Afghans, Iranians, Indians and Pakistanis, the majority of whom were refugee claimants or held no immigration status. Interestingly, two tied the demographics of their clientele to gender, with one stating that she mainly saw women from Latin America and men from Africa, and another saying that she worked mainly with women from Africa but had seen an increase in people from the Caribbean and Latin America. One participant worked primarily with a particular diaspora community that came from many countries in Asia and Africa and another with "precarious migrants" broadly defined. While some organizations had a financial cut off or income level that was considered too high to receive services, others did not, and some worked primarily with people who were somewhat isolated, but most said that their clients had community connections. Some of the frontline workers acknowledged their

discomfort in speaking for their clients, but also recognized the limitations inherent in this research.

I began each interview with an in-depth explanation of my work, which often led to a broader conversation before the list of questions was addressed. I had composed separate interview guides for those participants who had seriously considered forced voluntary return, and for the frontline workers; both guides had semi-structured as well as open-ended questions.[4] The interviews often took a conversational tone, though I was cognizant of inserting my experiences or perspectives into the interviews. While I tried to conduct interviews in quiet, private spaces, these discussions were frequently interrupted, whether intentionally or not. Regaining the focus and concentration after an interruption was sometimes a bit of a challenge. The Skype interview also presented some unintended barriers, as there was no video accompanying the audio. I came to realize how often I rely on visual cues both to emphasize my questions and to properly perceive the participant's response. The lack of these cues forced me to focus differently on intonation and to permit longer silences.

The diversity of interviewees provided a broad range of perspectives and contexts, with participants prioritizing and focusing on different things. This suggested to me that there may be multiple entry points to this issue, and that the spectrum between voluntary and involuntary return may be fairly large. However, saturation was reached, as the underlying theme that came through these perspectives was the numerous, often overlapping, ways migrants were made to feel excluded and criminalized, leading to a loss of hope. Moreover, nearly all the frontline participants agreed on one determining

---

[4] See appendix A and B, pages 225-228

factor that moved people towards forced voluntary return faster, and that was confinement within immigration detention facilities.

Demographic Information of Service Provider Participants

Pseudonym	Gender	Profession	Number of years in the sector	Number of years at current org	Community served
Mariposa	Female	Director of Organization	25	25	African: Eritrean and Ethiopian, Latin Americans, women from the Caribbean, youth,
Luisa	Female	Support Worker	15	15	People from the Caribbean, Nigeria, Afghanistan, Iran, India and Pakistan
Chico	Male	Director of Organization	24	15-17	Precarious migrants: refugee claimants, non-status people, temporary workers, work permits, students, visitors.
Kate	Female	Director of Organization	6.5	2.5	Refugee claimants from all over
Irene	Female	Manager	11	8	The Latin American, Portuguese/Brazilian and Caribbean communities
Deborah	Female	Settlement Worker	2 years 9 months	3.5 months	Caribbean, Latin American and Portuguese
Dr. Agarwal	Female	Doctor	6	4	Male refugee claimants from East and West Africa, Central and South American women, and some Caribbean women
Samantha	Female	Lawyer	12	6	People from the Horn of Africa: Somali, Eritrean, Ethiopian, Kenyan, Sudanese
Asha	Female	Lawyer	10	9	People from South Asia, Tanzania, the Caribbean, Iran and Afghanistan.
Sathya	Female	Lawyer	9	2	Filipino migrants, refugee claimants, survivors of domestic violence
Richard	Male	AVRR Administrator			

My interviews were supplemented with field notes in which I recorded thoughts and observations after each interview. These also helped to readjust my focus slightly between interviews and to start to draw connections as well as disjunctures.

Protection and Ethics

Before undertaking interviews, my proposal was reviewed and approved by the Human Participants Review Sub-Committee, York University's Ethics Review Board, conforming to the standards of the Canadian Tri-Council Research Ethics guidelines. Prior to each interview, participants were informed of their rights, including their right to not answer questions, to not have their answers recorded, or to end the interview at any time. One participant invoked these rights by asking that the recorder be turned off for a part of the interview. Participants, particularly those with precarious immigration status, were also informed of the limitations I faced as a researcher, including the possibility that I could be asked to disclose information if I was subpoenaed (Palys & Lowman, 2000). While I acknowledged that this was unlikely, the majority of those interviews were conducted when the Conservative Harper government was still in power. There had been discussions at the time within the academy about the reach of this government and the increased vulnerability of migrant populations (Young & Bernhard, 2013). As a partial remedy, I offered the option to each participant of choosing their own pseudonym (Villegas, 2015a) and signing the voluntary consent form using that chosen name. Most elected to do so, and as a result the names in this dissertation were almost all chosen by the participants themselves. By proceeding this way, I avoided recording participants' real names or contact information. To eliminate financial barriers, such as transportation costs and childcare, thus ensuring that there were no costs incurred by the migrants who

participated in interviews, small amounts of money were provided to the seven

participants. Each interview was recorded using a password-protected recording device

and transcribed fully using encrypted software. Transcriptions were then saved in an

encrypted file.

Coding the Data

Once the interviews had been transcribed, I began analyzing the data to uncover

the emerging themes. I drew on Glaser and Strauss' (1967) Grounded Theory, starting

with open coding, where I read through and examined all the interviews, noting down any

possible themes and conceptualizing the categories that were being presented by the

participants. I did this in two separate processes, one for the frontline workers and

another for the migrant participants. I mapped each of these onto large sheets of paper in

no particular order and with no outcome in mind. I then used axial coding to assemble the

different themes and categories into similar groups based on observable relationships. I

clustered and re-clustered the themes until I had seven or eight cohesive groupings. I then

reread all the interviews, identifying any statement that would fit into a particular

grouping. While the groupings were similar in the two sets of data, they were also

slightly different, reflecting the slight differences in the questions asked, as well as the

possibility of differing priorities between frontline workers and migrants themselves.

Once the interview transcripts had all been coded, I reorganized the data to place

the quotes from each category together; this led to some re-coding and reorganizing of

the data. Finally, I was able to identify the most salient arguments that were emerging.

While people's experiences are necessarily nuanced and there is no one trajectory to the

phenomena being studied, the multilayered and disparate ways migrants are criminalized became prominent across several of the themes identified. This criminalization, which is unpacked in later chapters of this dissertation, contributes to an overwhelming loss of hope and forces a voluntary return for many migrants.

Analysis

In order to understand the data presented in this project I used a qualitative analysis strategy. To begin to outline the ways power relations are experienced through policy implementation, dominant discourses and social interactions, this project explores the ways they are understood and felt by migrants and frontline service providers. By centering these experiences in this dissertation, I base my analysis in Feminist Standpoint Epistemology, where knowledge production starts with everyday life and the embodied knower is the expert (Smith, 2005; Yuval-Davis, 2011). Standpoint theorists begin their research with the realities of people's lives and explore the oppressions created through structural processes and social orders (Code, 1995). By centering the experiences of often-silenced individuals and groups, this research actively engages in displacing commonly-held assumptions about dominant experiences in society. My approach to Feminist Standpoint Epistemology further uses an intersectional approach.

Intersectionality, was developed from feminist standpoint theory to disrupt conceptualizations of oppression operating on single identity categories. Crenshaw (1989) argued that a simplistic one-dimensional understanding of oppression prioritizes the experiences of white women and black men and further marginalizes others. As an analytical perspective and framework, intersectionality has enabled a more nuanced

36

approach to understand the ways inequalities, discrimination and oppressions intersect and overlap to co-constitute each experience. Within this approach, identity categories are understood as relational, based on historical contexts, intersecting social constructs and dominant power relations. Therefore the interconnectivity of each oppression necessitates that we combat them all for any resistance to be meaningful (Brah, 1996). Yet, while an intersectional approach does not necessarily disregard identity categories, many contemporary feminists who take it up argue in favour of an anti-essentialist perspective, which challenges any inherent connection between attributes and identities (Gimenez, 2001; Grewal, 2005; Lutz, Herrera Vivar, & Supik, 2011).

In her 2005 article *The Complexity of Intersectionality,* Leslie McCall critiques the lack of discussion around the methodology of intersectionality, suggesting that traditional methodologies may not be able to handle the associated complexity. She offers three approaches to the study of complex social relations, highlighting the achievements and sacrifices of each. The three approaches are defined as follows: First, the *anticategorical complexity approach* deconstructs and rejects analytical categories, maintaining that social relations are too complex and fluid to be reduced to fixed entities, and that this reduction inherently produces inequalities. The second approach, the *intracategorical complexity approach,* offers a perspective where "[t]he point is not to deny the importance -- both materially and discursive -- of categories but to focus on the process by which they are produced, experienced, reproduced, and resisted in everyday life" (p. 1783). Within this approach, categories are skeptically contextualized; they are not deconstructed to the point of rejection, but understood as misleadingly homogenizing. In this project, I draw principally on McCall's third approach at the other end of the

spectrum, the *intercategorical complexity approach*. McCall describes this approach as using existing categories to capture "relationships of inequality among social groups and changing configurations of inequality along multiple and conflicting dimensions" (p. 1773). This approach allows me to pursue a theoretical and analytical understanding of how interactions and oppressions contribute to the production and reproduction of categories, while at the same time focusing on the ways these categorical constructs impact people's lived experiences. McCall's article has been particularly important and influential for me because her methodological distinctions helped me to not only understand how to apply intersectionality better within my own work, but she also provided clarity behind some of the ongoing debates over its different uses.

Therefore, the intercategorical complexity approach is valuable within my analysis to disrupt dominant power relations and constructed inequalities based on difference. I also use this intersectional approach within my critical policy analysis to highlight the ways policy and program decisions and their implementation impact and oppress migrants based on imposed identity constructs. This analytical approach offers a valuable way to understand the numerous policy changes announced between 2008 and 2015 and ways in which they reified particular categories of identity, which oppressed migrants as a result. It also enables a critical understanding of the Assisted Voluntary Return and Reintegration (AVRR) program.

Complimentary Data Collection

In addition to the data collected and analyzed from one-on-one interviews, I also investigated recent policy development in grey literature, media sources and policy texts

to offer analyses of the ways these contributed to migrants' criminalization. I began this process by examining nearly all the policy changes proposed or implemented between 2008 and 2015, of which there were many. After finding my areas of focus through the coding of interview transcripts, I narrowed in on the particular policies that criminalized and excluded migrants based on purposefully distinguished 'deserving' versus 'undeserving' categorizations. By outlining the ways these policies were discussed, promoted and implemented in various texts, and relating these events to particular theoretical frameworks, the context for the hidden 'attrition through enforcement', a concept I return to in Chapter 2, becomes clearer.

I also utilized the CBSA's (2015) Evaluation Report of the AVRR to analyze the varying reasons for the pilot project and their associated understanding of success. By contextualizing the Canadian version of this project among others implemented internationally, I build on the existing literature, contributing a unique perspective to the general and site-specific critiques of AVRR programs. While I was not able to directly speak to anyone at CBSA about the project's implementation, the evaluation report offered a thorough description, which could be analyzed through close reading and textual analysis. Moreover, the perspectives offered by an external administrator of the project, Richard, allowed a nuanced analysis of its implications based on migrants' intersecting identities.

Methods for Writing

As these understandings of power relations apply to knowledge production, they also apply to the ways findings are written. Edward Said (1979) importantly critiqued the

authority allocated to texts, which he argued are frequently understood in simplistic ways. He explained that this simplification often "strips humanity" from the knowledge produced and privileges the voices and perspectives of those who have historically been relied upon for knowledge production. It is the materiality of the text that implies that it is static and unchangeable, thereby artificially solidifying identities, ideas and concepts (Said, 1979; Smith, 2005; Yuval-Davis, 2011).

Following Said and the others mentioned above, I understand that reported events and migrant identities are not stable "truths", but fluid and influenced by immigration policies and trends that are also continuously shifting and evolving. As many of the participants of this project affirmed, it has been particularly difficult to stay current and on top of these ever-changing immigration realities. This dissertation offers a snapshot of almost a decade (2008-2015) of changes in Canadian immigration policies and the materiality of their impacts on migrants. In particular, I highlight a phenomenon, which I have called forced voluntary return, as it applied to migrants in the same decade.

Initially I wanted to disrupt traditional ways of structuring a dissertation and avoid a literature review to highlight the fact that the knowledge produced in the academy is equally relevant to the knowledge coming from the community. By mixing the theoretically-based literature with community voices throughout, I had hoped they could reinforce each other, as I was drawing from both as appropriate. However, this approach became difficult to operationalize, and I began to question my goals. I struggled greatly with accessibility and trying to ensure that my work would have value for my participants and the community, as the theoretical began to overpower my chapters. Therefore, I decided to try and contain most of the complex theory to one chapter, so that it could be

understood as one part of the larger project. I also weave fiction and poetry into the dissertation to highlight the contributions these can offer to theoretical scholarship, as sources of knowledge and explanatory material. These alternative sources of knowledge expression open up the possibility of disrupting modernist constructions of space and time, understandings of violence and resistance, and different ways of sharing complex life experiences (Das Gupta, 2003; Gilroy, 1993; Narayan, 2013; Said, 1979). At the same time, outlining the theoretical concepts in one chapter allows the other chapters to give prominence to the knowledge coming from the participants and the community while engaging these voices in an extended conversation with theory.

Summary

This chapter has outlined the qualitative methods and approaches that were used in this research, including convenience and purposive sampling and critical textual analysis of policy and evaluation documents. The total number of participants interviewed was seventeen, including seven migrants and ten frontline service providers. The coding and analysis of the data draws on grounded theory approaches, as well as feminist frameworks of standpoint theory and intersectionality, from an intercategorical complexity approach. This chapter has also described the measures that were used to protect the participants and the data, the ethics procedures that were followed, and the opportunities and limitations inherent in my approach to the project. The above steps guided my study of forced voluntary return and tied it to the gendered multilayered criminalization that migrants experience and that gives rise to the connected, often-overpowering, loss of hope

***Chapter 2: Literature Review: State Sovereignty, Illegalization and the
Canadian Context***

This dissertation explores migrants' and frontline service providers' experiences of

forced voluntary return through a consideration of the multilayered criminalization that

migrants experience and the associated, often overpowering, loss of hope that they

articulate. Migrants' experiences are necessarily gendered and impact people differently

based on intersecting identities and social location. While I try to disrupt rigid identities

and immigration categories throughout this dissertation, this chapter will highlight

literature that speaks to these different categorizations to explain their impacts. The

research participants included refugee claimants, an international student, a sponsored

spouse, and people without any immigration status, although several had previously, or

have since, moved between other forms of precarious legal status. The service providers

spoke of their clients as generally fitting within these same categories (in addition to live-

in caregivers, trafficked persons and permanent residents). While the literature that I

discuss in this chapter employs constructs that are often more static than these

immigration categories tend to be, it offers important ways to analyze and better

understand transnational connections between migration, migrant identities, and state

policies.

Three main bodies of literature have provided me with the tools needed to

understand the breadth, scope and historical basis for my dissertation, and I develop my

argument around them, while highlighting the relevant gaps to offer FVR as a

contribution to critical border and sovereignty studies. First, the literature on state

sovereignty has been an important area of research for the development of this

dissertation, as it is closely linked to theories of transnationalism, securitization, boundary making and border control, all of which are central to my argument. State sovereignty is often emphasized as a response to migration; borders and boundaries are produced, moved, solidified and weakened as a material manifestation of not only a demarcated territory, but sovereign powers of securitizing inclusion and exclusion. All of these power-generated processes have direct impacts on migrants, extensionally affecting the settlement sector, which makes their conceptualization important for this dissertation.

Second, the literature on processes of illegalization worldwide and related research on deportation and detention have been central to unpacking the constructed and concrete risks faced by migrants with precarious immigration status. These risks are strongly connected to the legal, as well as discursive, criminalization of migrants in many different and nuanced ways and significantly impact a sense of belonging and hope for the future. This literature helps to explain many experiences described in the interviews I conducted, offering a foundation for a standpoint analysis of the broader systemic issues. However, gaps in this literature largely maintain binary conceptualizations of return as either voluntary or forced. Nuanced approaches to deportation studies, as well as other research on migrant return, have provided complex analysis of the processes involved in return. While these approaches highlight migrant agency in different ways, they have largely missed the messiness and agency inherent in diverse experiences that are neither completely voluntary nor forced. The addition of FVR is proposed to fill those gaps.

Finally, the literature on the ways in which Canada built and continues to build and protect state boundaries on colonized indigenous land, is the third main area of literature. It provides a lens though which to examine the more localized history of

colonial boundary making, displacement, migration management and securitization. I

link the ongoing and internal boundary-making within Canada to a pervasive exclusion of

certain migrant communities that forces some to leave 'voluntarily'.

I offer this overview through a feminist lens, which incorporates an understanding

of identities as socially-constructed, relational and intersectional. Moreover, I employ

transnationalism as a framework that demands an analysis of international relationships

and movements at various scales. Bringing together the work of migration scholars and

transnational feminists enables us to apply various analytical lenses to the study of

transnational connections and the movement of bodies, as well as power relations,

oppressions, ideas and activist movements. Intersectionality is a useful complement to

transnationalism as it enables a more nuanced approach to conceptualizing the ways

inequalities, discrimination and oppressions are co-constituted, intersecting and

overlapping. Since gender is understood and experienced through intersections with

racialization, class, age, ability and sexuality, I believe that feminist intersectional

analysis provides a necessary framework for unpacking and addressing my research

questions.

I. State Sovereignty

The concept of modern state sovereignty is particularly important to consider in

relation to migration broadly, and forced voluntary return in particular. Different ideas of

sovereignty offer understandings of political actors' decisions and discourses, the ways

these are interpreted and understood by the population, as well as their material

manifestations. It is important to unpack and deconstruct Canadian sovereignty to

understand the processes of inclusion and exclusion, the ways these processes contribute to migrant criminalization and the impetuses behind forced voluntary return. Within this dissertation, I maintain that Canadian state sovereignty is a social construct, one which is continuously produced and reproduced through ongoing colonialism, elite negotiations and embodiments, and often-violent demands for conformity and/or exclusion. This construct is enacted by policy-makers, civil servants and gatekeepers, who have been allocated the authority to produce and uphold borders and boundaries (Moffette, 2014; Mountz, 2010; Spire, 2008). In the following pages, I deconstruct and critique sovereignty in order to challenge its fetishized legal and moral dominance in Canada and elsewhere.

Sovereignty serves to justify hegemonic systems of bureaucratic governance, which are commonly understood as the best or only option, and are necessarily accepted by the majority of the population. According to McLennan, Held and Hall (1984), in modern democracies where the sovereign is constituted by the "will of the people", the resulting government takes charge of the "machinery of the state" and thus becomes a power separate from "the people". In this type of system, the sovereign is located in the decisions and actions of a ruling government, legitimized through membership (citizenship) within a particular state and system (McLennan et al., 1984). Hall (1979) has also shown how the will of the people is carefully shaped through the construction of "common sense".[5] In projects undertaken in the UK, he outlines the specific actors

---

[5] Hall draws on Gramsci's concept of "common sense." In another article, Hall explained the importance of this concept, stating that it enables an understanding of the ways "the practical consciousness of the masses of the people is actually formed. It is the already formed and "taken for granted" terrain, on which more coherent ideologies and philosophies must contend for mastery; the ground which new conceptions of the world must take into account, contest and transform, if they are to shape the conceptions of the world of the masses and in that way become historically effective" (Hall, 1986, p. 20).

involved in these processes and the techniques utilized, all within precise historical moments that demonstrate how certain political ideologies have gained currency. While his approach shifts back and forth between highlighting individuals' influence and presenting state power as a monolith, he importantly deconstructs and critiques common sense, and thus the affiliated dominant power structures.

Mountz (2010) undertakes a similar critique from a different angle as she focuses on Canadian civil servants rather than political elites, arguing that "'the state' does not exist outside the people who comprise it, their everyday work and embeddedness in social relations" (p. xxiv). The state, as well as its governance, are therefore embodied, beginning with bureaucracy and extending to the "architecture of everyday life" (p. xxxii). For Mountz, in order to understand the impacts of this construct, it is important to break down the power of the constituted state into its areas of impact and interaction, allowing for context-specific understandings of the way power operates on a daily basis. This focus on the individual civil servants and political actors who enact governance moves the loci from an imagined disembodied state to embodied individuals who have particular social locations and a multitude of lived interactions. Taking her argument a little further, this performative governance is therefore necessarily embedded in social power relations and thus gendered and racialized in specific ways, which when analyzed further offers insights into intersecting privileges and oppressions. It is also discretionary, as different actors may exert their power in different ways based on their own ideas and priorities.

Spire (2008) provides an interesting intersection of the two aforementioned approaches in his analysis of the interactions and discretion that happen at immigration counters in France, as well as French consulates abroad. Focusing his attention on the

actions of bureaucrats who make the decisions, he shifts the gaze from law and policy to their practice and application. At the same time, he acknowledges the tone and directives that come from the politicians, and the way they become "common sense", as the bureaucrats show "solidarity" with these messages (p. 42). For example, he points to the increased precariousness of migration through the careful development of strict immigration policies that preserve rights for migrants, while at the same time showing how the bureaucrats are positioned to make those rights inoperable. Spire elaborates the gendered and racialized hierarchies that exist within these spaces, the approaches advocated by the frontline workers, and the ways that these potentially impact the migrants seeking different immigration papers. Through this elaboration, he offers an important insight and analysis of one area of sovereign state control and how it is reproduced through embodied actions by bringing it down to the micro level in individual encounters at immigration windows. These encounters, and the ways they are described by the bureaucrats, are useful to unpack the ways macro level policies are experienced in micro level interactions.

The aforementioned types of critical deconstruction of the sovereign state, dominant power relations, and boundary-making processes of inclusion and exclusion offer tools for challenging these very constructs. Without this deconstruction, the state is only understood as a natural container for the polity, the nation – or imagined community (Anderson, 1983), a process through which those accepted as members (i.e. permanent residents or citizens) find entitlements to certain rights and protections in return for their loyalty to the state (Bosniak, 2006; Gabriel & Macdonald, 2007). While experienced differently, this type of belonging, which has been described as a rigid identity (Truong,

2011), is necessarily linked to particular gendered understandings of citizenship, origin and racialization, and creates ideas of 'home' which are bounded within particular borders. Bosniak (2006) further explains that while the inside of an imagined 'community' is ideologically constructed as inclusive, its outer surface is understood as hard and exclusionary. The mechanisms that activate this hard boundary are required to separate the inclusive 'Us' from the different and threatening 'Them' (Lamont & Molnár, 2002).

Within a post-colonial understanding, Ahmed (2000) refers to these ideas of a bounded home as a fetish, or in other words, a fictitious narrative that assumes "the possibility of a space that is pure" with fixed boundaries, situated in opposition to the 'away', the 'different' (p. 88). The call to destabilize these links between nation, sameness, away and difference, and offer a critique of fixed origin as well as the idea of 'home' as bounded within particular borders, has been well documented in the literature (Brah, 1996; Giles, 2008; Glick Schiller, 2010; McClintock, 1995; Sharma, 2006). These transnational approaches further articulate a critique of the propagated dichotomy of mobility and immobility (Grewal, 2005) and migrant and immigrant (Glick Schiller et al., 1995), while opening conceptual avenues that may more accurately describe people's lived experiences and ongoing efforts for self-determination, which often involve multi-sited relationships and power relations on multiple scales (Ahmed, 2000; Glick Schiller, 2010; Glick Schiller et al., 1995; Nolin, 2006).

Securitization and Borders

In order to uphold the sovereign power of boundary-making in an increasingly globalized world, while at the same time continuing to propagate the idea of the generous

and humanitarian state, insecurity is highlighted and circulated by policy makers to encourage rigid bordering security measures (Ahmed, 2004; Macklin, 2002; Razack, 1999). Some of these measures involve the solidification of national border spaces in different sites around the world, both as tangible physical structures, and as metaphors, arbitrary dividing lines to represent the materiality of power relations (Brah, 1996). As Macklin (2002) explains, the broad purpose of border spaces is to demarcate territory in a permeable way, so as to selectively control who and what is able to get in or out. These demarcations become reified through the repeated common understanding of their existence and thus gain power through 'common sense' recognition (p. 384). Alternatively, while discussing the Mexican-U.S. border, Anzaldúa (1987) provides a vulnerably personal and heartfelt critique of these constructs, defining border spaces as a "dividing line, a narrow strip along a deep edge", which acts decisively and violently to separate us from them (p. 25). She further challenges these demarcations by historicizing their creation in colonial violence, which imposed the arbitrary dividing lines. Anzaldúa importantly demonstrates the epistemic and material violence, pain and confusion these lines have caused.

Mountz (2010), while discussing Canadian ports of entry, also challenges the reification of borders by explaining that borders are walls in the geographical imaginary, constructed barriers that make sense of political and social impositions. However, she goes on to argue that border spaces become imposed and embodied in dispersed and chaotic ways as they can be elongated or shortened as needed (p. xxix). She describes movable borders that can be drawn into state territory as needed to satisfy particular political projects. While Mountz describes imaginary walls, Brown (2010) points to

49

physical walls, critically expounding on the idea that these walls "project sovereign jurisdictional power and the containment of a secure nation" (p. 25). Brown's multi-sited analysis of borders and border spaces involves the mental organization of space produced through boundaries; however, she adds that these boundaries have increasingly involved expensive and oppressive constructions, physical additions necessary to bring order to the chaotic border spaces that Mountz and Anzaldúa describe. Walls are thus propagated and built in different sites around the world to symbolically and materially organize power and space, and offer a remedy to the physical limitations of borders. However, as Brown argues, these constructs not only demarcate a dividing line, but also produce border spaces which become permanent zones of violent, unwinnable conflict and death.

The protection required at the border spaces in the Global North thereafter takes the form of the chivalrous and paternalistic masculinized gatekeeper, the border officer who is charged with the moral responsibility to control the vulnerable (and feminized) border space and to protect the potentially victimized 'nation', which consists of both citizens and territory (Pratt & Thompson, 2008). Pratt and Thompson found that decisions made at border crossings took on 'fatherly' descriptions from guards themselves, who saw their role as chivalrous and protective as opposed to aggressive or dominating. The construction of this masculinized role requires 'bad' people and a feminized 'damsel in distress' nation in need of protection (Pratt & Thompson, 2008). As Walia (2013) further points out, in these spaces, migrants are necessarily cast as the 'bad' people, constructed as committing acts of "assault on the state" (p. 54). Hyndman and Giles (2017) add to this discussion, as they argue that these migrant threats are also coded as masculine with "questionable" motives and character (p.15). Within this paradigm, it

is precisely the constant proximity and unstoppability of migrants, as potentially dangerous masculinized *strangers*, that increase the demand for the fortified borders described above (Ahmed, 2004).

The border thus becomes a site of spectacle, where border officials command the power to publicly regulate and govern citizenship status and identity (Bosniak, 2006; De Genova, 2013; Luibhéid, 2002; Sharma, 2000, 2006; Villegas, 2015b). Yet, as Villegas (2015b) argues, there are also moments of resistance and migrant agency, when people use their knowledge and resources to subvert these spectacles and accomplish their goal of crossing. During these interactions, intersecting identities are read and interpreted by border officials in particular ways, and particular understandings of gender, racialization, class and ability are used as markers for inclusion and exclusion. Officials frequently rely on cultural stereotypes as these intersect with gender identity and sexuality in their assessments (Luibhéid, 2002; Pratt & Valverde, 2002). Focusing her analysis at American border sites, Luiheid (2002) argues that sexuality, and associated implied sexual acts, become points of exclusion as they intersect with gender, racialization, ethnicity and class. She centres her focus on women's experiences of exclusion, "since women's bodies historically serve as the iconic sites for sexual intervention by state and nation-making projects" (p. xi). In so doing, she highlights how certain women have historically been targeted for exclusion, including Chinese women who were suspected of being sex workers simply by virtue of race and gender stereotypes; Japanese 'picture brides' whose heteronormative sexuality and reproduction was still considered threatening and whose immigration was then limited in favour of European brides; lesbians, whose sexuality, if determined, could cause exclusion and deportation; and

refugee claimants, whose encounters with border officials often hinged on recounting experiences of sexual violence. These examples illustrate the ways gender is constituted through intersectional understandings that are regulated and fomented through performative acts at the border.

De Genova (2002) argues that the performance of border enforcement is not solely relegated to demarcated border spaces; instead, this policing of bodies, movements and spaces takes place in multiple sites at varying moments (p. 438). Villegas (2015a) builds on this argument, highlighting how multiple borders shape migrants' day-to-day lives (p. 251). This disruption of rigid geo-political borders is widely noted, as border spaces are created abroad, as well as within boundaries, to exert power over citizens and non-citizens at differing moments and locations. States also increasingly enforce their borders beyond the confines of their physical boundary space, using a wide range of tools that impose stricter 'front-end' restrictions to limit people's ability to reach the actual territory of the state in question. As Macklin (2013) points out, in the 1980s Canada led the development of deterritorialized bordering tactics and restrictions. A range of tactics continues to be employed by Canadian officials abroad to intercept and control particular migrants. This is done through visa requirements on foreign nationals from specifically determined countries, limiting the number of visas available, and establishing few regional offices in places, such as the Horn of Africa, able to process these visas or other applications, as well as strict screening by airline staff (with the carriers facing severe fines if they transport people without the right documentation) and liaison officers who enforce this screening (Hyndman & Giles, 2017; Macklin, 2013; Mountz, 2010;

Richmond, 2001). These strategies act to physically move Canadian borders to countries with high immigration flows so as to block access from a distance.

Within national boundaries, the border may be felt in distinct ways by people located at different geographical sites, arguably shifting with them through the space. This bordering is experienced very differently based on people's identities, experiences, immigration status and social locations. Through this shifting, the border reconstitutes itself around certain bodies marked as excluded, thus forcing some to experience the border in every aspect of their lives, including employment, education and access to certain services in particular (Bhuyan, 2012; Mountz, 2010; Sharma, 2006; Villegas, 2015a; Wright, 2003). These moving, or symbolic borders necessarily become reproduced through varying forms of violence (Luibhéid, 2002).

The aforementioned bordering processes work in some situations to create what Agier (2011) refers to as extraterritorial spaces or outplaces where 'undesirables' are managed (p. 5). These bordering spaces act to confine and control migrants to ensure they remain forcibly physically and ideologically distinct from the national population, not only marked as undesirable, but also undeserving of inclusion. These spaces "remove evidence of human displacement from view" and thus hide the problem through exclusion (Hyndman, 2000, p. 190). While Agier and Hyndman are primarily describing refugee camps in their analysis, similar arguments have been made about immigration detention centres, where unwanted migrants are forcibly hidden and kept distinct and distant from society, and where assistance simultaneously means control and power over life and movement (Agier, 2011; Khosravi, 2009). In her conceptualization of reception and detention centre spaces, Mountz (2010) describes these moving borders as long

tunnels, spaces at ports of entry and other sites, which are not considered state territory

for the purposes of immigration control (p. xiv). These tunnels avail state authorities of

constructed spaces where legal rights and state procedures are malleable, allowing for

containment and control. Mountz refers to the arrival of migrant ships in British

Columbia to ground her argument, as the migrants were moved across Canadian soil to

inland detention centres without processing. Thus the border was stretched, or a 'tunnel'

was created to allow border securitization to happen in a different location. While

developed in very different theoretical and material contexts, both Agier's and Mountz's

conceptualizations of shifting borders help to disrupt ideas of borders that are legally,

ideologically and materially static. Borders can be malleably moved into, or out of, the

territory of a nation-state, to demarcate areas as not within the state for purposes of

exclusion.

From 2008 until 2015 there were a significant number of policy and procedural

changes implemented by the former Harper government that have acted to reinforce

Canadian borders along demarcated border spaces, as well as within Canadian territory

and overseas. Examples include: the introduction in 2009 of visas for Czech and Mexican

nationals, where none existed previously, to impede their entrance; immigration and

refugee reform, including the creation of Designated Foreign Nationals as a category of

migrants that faced mandatory containment through detention; and processes for

increased speed and frequency of removals. While some of the Conservative

government's policies and practices are very slowly being overturned or modified by the

current Liberal government, the impacts have been broad reaching and profoundly felt.

These bordering tactics physically exclude migrants, either before they enter the territory,

or by containing them and removing them rapidly if their arrival cannot be prevented.

Bordering policies and their impacts on FVR are explored in more detail in Chapters 3 and 4.

Borders Around Refugeeness

The bordering tactics described above have important material impacts on refugee claimants, as they become public targets for containment and exclusion. Refugee claimants self-select, choosing a state rather than being chosen through defined procedures (Macklin, 2002; Molnar Diop, 2014). This process requires people to travel to a given state and cross its border in order to claim refugee status and request protection, a request that must be met with access to particular rights and processes if the state is a signatory to the 1951 Geneva Convention on Refugees. If refugee claimants are then determined to be 'genuinely' persecuted, and thus ascribed with the refugee label, states that are signatories must protect them, limiting sovereignty in the decision over inclusion and exclusion.[6] Therefore, most Global North states establish whatever boundaries possible to limit and manage the arrival of refugee claimants, and present a discursive and material preference for resettling refugees from other countries, thus reinstating their sovereign power to select (Mountz, 2010). States in the Global South, who bear the major refugee protection responsibility, normally offer only prima facie refugee status, designating groups who are legitimately fleeing persecution, but only offering limited and

---

[6] The 1951 Geneva Convention, which has been ratified by 145 states, defines the term refugee as a person who:
"owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it" (UNHCR, n.d.).

temporary rights (Hyndman & Giles, 2017, p. 1). As a result, violent control accompanies, and frequently dominates, protection (Agier, 2011), which thereafter has very little to do with 'genuine' fear (Showler, 2006). However, Agamben (1998) argues that if the spontaneous arrival of refugees represents a threat to the state, it is actually less of a physical threat than an epistemological one. In other words, by fleeing a state to establish themselves in another, refugees disrupt the ontologized continuity between the individual, their citizenship, their nativity and nationality, and the loyalty/membership they are supposed to project to all of these. They further challenge hegemonic assumptions of mandatory citizenship, as they may be stateless, having lost their original citizenship in transit and been delayed or prevented from gaining another for a multitude of reasons (Giles, 2008). Thus, their very need for reterritorialization challenges paradigms of national stability and permanence (Soguk, 1999).

While the definition of a refugee under the 1951 Geneva Convention has not changed significantly, broadly accepted understandings of 'refugeeness' have changed quite substantially (Aberman, 2014; Bhabha, 2004; Judge, 2010; Yuval-Davis, 2011). The end of the Cold War concretized this shift in the Western understandings, as refugeeness was relocated from political dissidents to helpless victims/'bogus' refugees (Judge, 2010; Nolin, 2006; Yuval-Davis, 2011). While, during the Cold War, the asylum-seeker had been defined as an empowered political actor, Yuval-Davis (2011) argues that there was a drastic shift post 9/11, when these same actors resisting their governments were reconstructed as "potential terrorists" (p. 37). Therefore, following these two historic events, refugeeness became dehistoricized, depoliticized and criminalized, as the construction of the appropriate victim of persecution shifted to certain bodies and the

corresponding narratives (Judge, 2010). As Adiche (2014) eloquently describes in her

novel, Americanah:

> The wind blowing [...] was odorous with fear of asylum seekers, infecting
> everybody with the panic of impending doom, and so articles were written
> and read, simply and stridently, as though the writers lived in a world in which
> the present was unconnected to the past [...] It had to be comforting, this denial
> of history (p. 320)

As a result of these constructs, 'genuine' refugees are presented as speechless,

invisible and passive victims, the opposite of the empowered democratic citizen (Nyers,

2006). These characteristics are not only perceived, but also enforced, as refugees are

frequently estranged from their own experiences and rendered voiceless (Agier, 2011;

Hajdukowski-Ahmed, 2008; Soguk, 1999). As Nyers (2006) argues, they become trapped

within a depoliticized humanitarian space, and silenced as 'solutions' to their problems

are sought.

These processes of reconstituting refugee subjectivity have necessarily become

gendered, heterosexualized and racialized, narrowing the understandings of who could be

included and how. As a result, women have often been perceived as more suitable victims,

and thus more deserving of rescue and protection, so long as they could be positioned

within specific tropes, becoming 'victims' of their cultures and erasing their agency and

resistance (Musarrat Akram, 2000; Schrover, van der Leun, Lucassen, & Quispel, 2008).

Through these constructs, the disempowered "third world supplicant", who could be

saved from her reality through refugee protection, has worked to reconstitute Western

superiority (Razack, 1998). Moreover, this vulnerable femininity becomes inextricably

tied to heteronormative motherhood, as refugees correspondingly become a hybridized

figure of 'women-and-children' (Bhabha, 2004; Judge, 2010). Dominant ideas of

masculinity, therefore, no longer fit comfortably with global North state constructions of refugeeness, as trauma, helplessness and vulnerability are often concealed by men since they represents a challenge to their own socially-constructed gendered ideal (Judge, 2010).

Alternatively, those who are excluded from these rigid constructs, who may have similar reasons for their displacement, but do not fit precise and narrowly-interpreted definitions or expectations (Shevel, 2011), those Agier (2011) refers to as "remnants", and Khosravi (2009) describes as "anti-citizens", become 'irregular migrants' who are demonized and rejected as undeserving. The associated discourse vilifies them as dark, diseased and invisible (Agier, 2011), for whom exclusion is the only option. As one youth eloquently described in a reflection paper written for the Uprooted U program[7] developed for migrants barred from post-secondary education:

> What are the criteria for being a refugee? Having your life threatened or being kicked out of your own country isn't enough? When instead of accepting you because you are healthy and in good shape, you are accepted because you are traumatized or live with disabilities. [...] Getting lost in the refugee process to see yourself denied or rejected as if you are a soccer ball that they are passing around (Regirousso, 2014).

Recognizing the rigidity of refugee constructs also requires situating refugees among others who are displaced or find themselves without state protection or recognition. Yuval-Davis (2011) suggests "seeing voluntary and forced migration as two extremes of a very long continuum" (p. 37). Zetter (1991) importantly analyzes the processes for, as well as the benefits and risks of, assigning labels to refugees, arguing

---

[7] Uprooted U was a post-secondary level education program run at the FCJ Refugee Centre for youth who could not access college or university because of their immigration status. Precarious status youth in Canada need to acquire study permits and pay international tuition fees to study at post-secondary institutions, barriers that are insurmountable for many.

that this is an inescapable part of public policy to be deconstructed. The labels, which

provide some access to rights and resources for the relatively few who are recognized as

Convention refugees, also limit inclusion and impose certain subjectivities on refugees,

again silencing their agency, obscuring their experiences and thereby reconstituting their

identities. Zetter (2007) returns to this topic, arguing that his previous analysis needs to

be reviewed in light of the increased complexity of labeling within mixed migration

flows. He states that across the Global North, fewer migrants are afforded labels such as

"full refugee status", thus putting those who are excluded at risk in multiple ways. Within

this complexity, he advocates for replacing the refugee label with forced migrant to better

reflect diverse root causes, and more accurately place the migration within wider

transnational processes (p. 189). Betts (2010) takes up a similar argument, suggesting that

forced migration is no longer monocausal, but instead a result of several environmental,

political, and economic factors. He offers the term survival migration to describe the

movement of people away from "an existential threat for which they have no domestic

remedy" (p. 361); this threat to life is understood more broadly than the narrow

conceptualization of persecution. Betts points to climate change and extreme poverty as

reasons for the progression of survival migration. This broadened conceptualization could

permit a new determination of who requires protection, countering the "ethical and legal

arbitrariness" of the current system (p. 362). Betts argues that no new institutions would

be required for this expansion, since existing ones would simply need to adapt. He further

notes that this migration will occur regardless of the approach, thus his proposed

framework could offer "guidance, predictability, and international reciprocity" (p. 378).

While the particularities and suggested labels within these arguments differ, the important

commonality is the recognition of the diverse and ever-evolving reasons for displacement, calling for more inclusive and responsive institutional change.

Warsan Shire (2015) offers an emotional representation and explanation of the different ways migrants may need to seek safety as a result of the narrowed refugee protection and closed borders in her poem *Home.* She describes the migrants' situations clearly on the spectrum of forced migration, explaining that "you only leave home/ when home won't let you stay/no one leaves home unless home chases you." She goes on to describe the dangerous journeys many must take to reach states where they can seek safety, even though upon arrival they may be criminalized and marked as 'bogus' and undeserving:

You have to understand
that no one puts their children in a boat
unless the water is safer than the land
no one burns their palms
under trains
beneath carriages
no one spends days and nights in the stomach of a truck
feeding on newspaper unless the miles travelled
mean something more than a journey.
no one crawls under fences
no one wants to be beaten
pitied

The means of travel described above are inherently linked to the criminalization of migrants within a paradigm that is built upon the idea that the 'genuine' refugees wait to be resettled. As Bhuyan and Smith-Carrier (2012) argue, the constructed connection between migrants and criminality is well documented. In fact, they outline how variations of the word criminal appear 73 times in Canada's Immigration and Refugee Protection Act (IRPA), reinforcing the fact that migrants are arguably defined as "immoral subject",

not to be trusted (Bhuyan & Smith-Carrier, 2012, p. 210). Crépeau, Nakache and Atak (2007) argue that these provisions in IRPA facilitate the criminalization of migrants in a way that the criminal code would not permit. Compared with provisions in the criminal code, IRPA "provides much broader powers to arrest and detain foreigners on security grounds" (Crépeau et al., 2007, p. 327). From 2008 to 2015 the Conservative Canadian government used these provisions a number of times to exclude migrants in different ways, which will be further outlined in Chapter 3.

While the IRPA came into force post 9/11, thus expanding securitization priorities, Pratt and Valverde (2002) show how the conflation of migrant and criminal predates the paradigm shift. They show the development of these tactics as the criminal migrant was constructed by Canadian government officials in the 1990s transition period to increasingly govern immigration through criminalization. This criminalization was, and continues to be, racialized and has often relied on cultural stereotypes. Migrants were increasingly scrutinized under the guise of "danger to the public", a shift increasingly implemented in immigration law from the mid-1990s (Pratt & Valverde, 2002, p. 144). McDonald (2009) extends this point further, highlighting and critiquing the fact that criminal checks are required by immigration officials for inclusion. She argues that accepting criminality as a legitimate reason to exclude obscures the systemic racism that is inherent in policing as well as the criminal justice system, which is well documented in Canada, as well as elsewhere. In an autobiographical portrayal of his own experience of criminalization, Regirousso (2016) describes the day he made a refugee claim at the Canadian border:

The border was crowded with cars trying to get in or out, and everybody's eyes were on me with a disgusted look, as I was again.... nothing. One officer took off my handcuffs, instructed me to sit at the back of the van, and handcuffed me again to the metal behind the seat in front of me (p. 68).

As such, the 'deserving' refugee becomes further dehistoricized and depoliticized, as varied experiences and interactions will automatically mark migrant bodies as 'undeserving' and dangerous.

II. Migrant Illegalization

"[He was a] stranger in a strange land whose only transgression was to exist in a place where his presence was illegal" (Hill, 2015, p. 1).

The increasingly mixed and complex reasons behind migration make strict dichotomies, politically-driven distinctions and associated labels more difficult to assign (Betts, 2010; Boehm, 2011; Zetter, 2007). As a result of the increased criminalization of migration, many migrants in the Global North are 'undeserving' of the purported hospitable receptions, leaving them with few legal options or rights. These exclusions, while frequently resisted by migrants, advocates and certain gatekeepers in multiple ways, push some onto the spectrum of forced voluntary return. The following literature importantly offers analyses of both government and civilian soldier-enforced exclusion, as well as migrant agency in countering the exclusions, but overlooks some of the messiness involved in FVR. By offering one form of self-deportation, and maintaining further binary conceptualizations of return as either voluntary or forced, tensions felt in experiences of return are often missed.

Several authors have argued that restrictive immigration bureaucracies that maintain obligatorily narrow definitions of "refugeeness", and limit migrants' options for

secure status in other immigration categories, increase migrant precarity and create the processes that produce precarious forms of status (Bhuyan, 2012; Goldring, Berinstein, & Bernhard, 2009; Goldring & Landolt, 2013a; Magalhaes, Carrasco, & Gastaldo, 2010; P. E. Villegas, 2014, 2015a). Goldring and Landolt (2013a) define precarious status as "the situation of all nonpermanent residents, authorized and unauthorized" (p.1), and conceptualize it as "an assemblage constituted by practices, actors and institutions" (p. 20). In this way they disrupt static ideas of immigration categories, recognizing that while temporary categories (arguably anything less than citizenship) may be rigid, they may also be transitory and/or fluid. Thus, precarious status may refer to temporary residents who are dependent on a person or institution for their status, sponsored spouses, refugee claimants and denied claimants, visa overstayers, and people without authorized status, with the recognition that people may also change categories at different times (Goldring et al., 2009). Yuval-Davis (2011) reinforces this understanding, arguing that these processes of belonging are always dynamic rather than fixed, they shift, expand and restrict, reflecting dominant power relations and ideologies. Thus, migrants frequently move between categories, including being without status, as categories are frequently ill-defined to match people's actual experiences (Goldring & Landolt, 2013b). Moreover, De Regt (2010) argues that divergent policies between states further create precarious situations where migration processes are not clear cut, making it increasingly difficult to define 'legal' migration in many circumstances. Thus, the precarious presence of migrants has been increasingly studied with the recognition that status categories and their associated inclusion/exclusion are purposefully constructed in particular ways that are frequently resisted, and should be further critiqued and challenged.

Others have focused more directly on those who are most precarious, migrants who are without any immigration status (non-status), and inherently susceptible to detention and deportation. As with the recognition of pathways to precarious legal status, authors have also documented the states' role in re/producing the illegalization of racialized migrant bodies legally and socially (Bloch, Sigona, & Zetter, 2014; De Genova, 2005; De Genova, 2002; Magalhaes et al., 2010; Menjívar & Kanstroom, 2014; Ngai, 2004; Schrover et al., 2008; Willen, 2007). Villegas (2015a) defines this illegalization as "the process of marking certain bodies, their practices and presence as 'illegal'" (p. 232). Critiquing the demarcation described, many scholars, as well as activists, have taken up the argument that a person in themselves cannot be illegal, and therefore bodies should not be criminalized for being within particular borders (Abji, 2013; Akers Chacón & Davis, 2006; Anderson, Sharma, & Wright, 2009; Lowry & Nyers, 2003; Nyers, 2010). Menjívar and Kanstroom (2014) develop that argument further, highlighting how 'illegality' in this context risks becoming an existential condition, because, while there are remedies and penances for other crimes, this form of illegality has few possibilities for redemption. They contend that with extremely limited options available to regularize immigration status in the United States, exile through deportation becomes a potentially disproportionate punishment (p. 2).

One of the ways migrants can overcome or leave this illegalization is by obtaining status documents, and Suarez-Navaz (2004) discusses the fetishization of papers that happens as a result. Through her study of migrants in Spain, she found that papers are given such a high value because they are seen as the only way migrants can acquire rights, protecting them from abuse, exploitation and forced displacement. As a result, "[p]apers

64

become an obsession" (p. 103) as they "embody multiple daily social relations embedded in an unequal distribution of power" (p. 111). Vasta (2011) shows how migrants unable to obtain papers through official channels may find ways of borrowing, renting or buying them, resisting state authority to both grant the documents and control their presence. The strategies she explored allowed migrants to maintain "a sense of autonomy and control in difficult conditions" (p. 200). Nonetheless, using official processes to obtain state-sanctioned status documents is an inherently gendered experience, as options are frequently based on constructs and expectations related to migrants' gender identity. As Shrover, et al. (2008) show, whether linked to labour market needs or tied to humanitarian acceptance of appropriate 'victims', the inclusion of migrants by state bureaucracies' is necessarily gendered.

De Genova (2002) further argues that migrant 'illegality' cannot be studied simply in terms of consequences, but rather must be historicized in order to denaturalize the legal/illegal binary. He goes on to explain how "illegality" is discursively and legally accomplished for the purposes of a specific form of inclusion, an enforced vulnerability, rather than direct exclusion. McDonald (2009) refers to this process as 'apartheid', through which migrants are not simply physically excluded, but rather included through their 'illegality' or 'unlawfulness'. Ngai (2004) also contends that undocumented migrants are simultaneously included and excluded; they are incorporated into the labour force and become at once familiar and invisible, utilized for specific kinds of work. This point is highlighted in the fiction of Cristina Henriquez (2014), that describes and compares the experience of migrant workers who have documentation with those who don't. Midway throughout her novel, *The Book of Unknown Americans*, the workers on a

mushroom farm in the United States who have visas are fired and replaced with undocumented workers. When asked how employers would proceed and whether hiring workers without immigration documents exclusively would be possible, one character answered: "Probably. It saves them money that way" (p. 181). The exploitability of non-status migrants, both economically and through substandard working conditions, make their presence valuable at the same time as it is criminalized. Magalhaes, Carrasco and Gastaldo (2010) argue that this is the sign of a deep disconnect between the demands of employers and the desire of the state for 'skilled' permanent residents. Thus, the 'desirable' migrant is necessarily educated and highly skilled, while the 'undesirable', non-status migrant may or may not be skilled, but through their criminalization also becomes crucial to sustain the workforce.

Discussions regarding migrant illegalization and undocumented residents have critiqued what has been called the citizenship – undocumented binary. For example, Willen (2007) reminds us that "legality and illegality are revealed as mutually constitutive and mutually defining" (p. 3). Sharma (2000) further argues that relying on citizenship-based arguments to make demands of the state "activates" the distinction with non-citizenship, where non-citizens are denied rights as a result of their position as the opposite of citizens; these types of demands made by citizens locate rights within the nation-state instead of linking them to a global conceptualization of rights and inequalities. Others have also taken up this issue to challenge systems that tie rights to nation-states. Though rights are currently assigned to particular immigration statuses and therefore not universal (Bloch et al., 2014; Goldring & Landolt, 2013a), many have advocated for the understanding of rights as deterritorialized, inherent to the person rather

than their ties to a particular state (Crépeau et al., 2007). Suarez-Navaz (2004) has highlighted migrants' own struggles to maintain their identities as rights-holders; this is done both as a direct challenge to state-imposed exclusion, as well as a method of survival.

Pathways to precarious status, and the effects of being without secure immigration status, are necessarily gendered, as well as racialized, classed and impacted by ability. Therefore, identity-based expectations have particular impacts on migrant bodies. Looking at gender disparities in Canada, Magalhaes, Carrasco and Gastaldo, (2010) argue that "[n]on-status women have been noted to be extremely vulnerable to poverty, unemployment, poor and unstable living conditions, danger, exploitation, abuse, and high risk or complications during pregnancy" (p. 147). The risk of gender-based violence for non-status women is also significant, while access to support and protection continues to be difficult to obtain. Building on that knowledge, Bhuyan et al. (2014) argue for a framework that posits precarious immigration status as a part of the spectrum of violence against women. In their report, *Unprotected, Unrecognized: Canadian Immigration Policy and Violence Against Women*, 2008-2013, Bhuyan et al. investigated the ways Canadian immigration policies contribute to women's vulnerability to violence based on the many regressive immigration changes that were implemented during that time. Since migrants' situations were made more precarious and access to support and services has often been reduced, women have faced increased risks of gender-based violence, and have often had few options for support. While the report offers a very nuanced understanding of the impacts of intersecting identities and sources of violence, there is also the continued recognition that women often face this increased vulnerability because

they frequently enter Canada dependent on a sponsor or employer who has some control over their immigration process (Bhuyan et al., 2014). De Regt (2010) highlights women's agency in similar situations, noting that in particular circumstances women may chose to remain undocumented strategically as it may free them of specific risks of abuse, from a spouse or employer, on whom they would be dependent for their status. While such strategies present many other risks and concerns, they are indicative of the lack of viable alternatives women often face within the migration trajectories. As violence against women is inherently tied to broad patriarchal systems and various forms of oppression, it is important to recognize the role of precarious immigration status in perpetuating situations of violence and limiting women's agency.

Deportability

It is precisely the potential temporariness inherent in precarious immigration status that reinforces migrants' inclusionary exclusion, as they can be fully excluded from the society and the territory at any time. De Genova (2002) defines deportability as "the possibility of deportation, the possibility of being removed from the space of the nation-state" (p. 439), and argues that the power of deportability lies in the fact that some are deported while others are able to remain. He further contends that, it is deportability, and not actual deportation, which acts to produce 'illegality'; some are deported so that the rest may precariously stay, commodified as exploitable and disposable workers. For those who remain, the border surrounds them, border spaces are moved to affect their day-to-day interactions, rendering them deportable at any time. Therefore, deportability as well as deportation act as powerful technologies of exclusion, both within states and across their boundaries. Coutin (2015) further argues that these technologies of exclusion make

up the produced process of deportation, which begins with deportability and ends long after the actual removal with migrants' experiences of reintegration. Therefore, she contends that deportation itself is much more than one discrete act involving a variety of actors and stakeholders.

In her personal account of the impacts of deportability in *Seeds of Hope*, April May (2016) clearly shares the hyper vigilance and fear she experiences as a result of her precarity in Canada:

> Will the sight of a black SUV or a police cruiser ever not make my heart race a mile a minute, keeping my flight or fight instinct permanently on flight mode? Will I ever feel safe and secure again? Will I ever be able to walk out of my apartment without a complete surveillance of my surroundings? Will I ever be able to drop my hyper vigilance even within the confines of the four walls that I sink every measly paycheck into? Will I always be struggling? What about my girls? My beautiful brilliant loving girls. So full of potential, capable of such great things. Will they ever get the opportunity to follow their dreams? These are the thoughts that keep me company every day, thoughts that I constantly have to push back from my consciousness (May, 2016, p. 79).

Revealing the long-term impacts of deportabilty, Ngai (2004) explains the ways it devalues any attempts at integration. The efforts people invest in building lives and integrating socially and economically are not only erased, but also rendered invisible through deportation (p. 2). P.E. Villegas (2014) reinforces these arguments as she analyzes the temporal orientation of precarious status migrants. She suggests that as a result of illegalization migrants have a complicated temporal orientation with an enforced orientation to the present, limiting their ability to plan for the future. This also affects experiences of reception and belonging. Willen (2007) similarly explains that illegalization structures "experiences of space, time, personhood, collectivity, and embodied subjectivity" (p. 2). Studying these effects on the long-term economic

outcomes of precarious status, Goldring and Landolt (2013a) found that the financial situations and job quality of migrants did not significantly improve, even after their status was regularized. The ongoing disciplining by employers taking advantage of precarious status workers, as well as self-regulation by the workers themselves to avoid unemployment and mitigate deportability has long-term impacts. As a result, even when deportability is less of a constant threat, its impacts may be long felt, as is further described below.

State and non-state actors endeavor to enact a variety of "common sense" responses to precarious status migrants in ways that reconstitute sovereign control. These responses, which include different practices of bordering and deportability, are encouraged by politicians, civil servants and individuals, who can all participate in their applications. Thus, in addition to governmental control, the "civilian soldier" (Orr, 2004) is given increasing amounts of power for targeted violence and social, economic and physical exclusion. Certain gatekeepers in particular become powerful civilian soldiers who can deny access to necessary services, without the legal obligation to do so. Park and Bhuyan (2012) demonstrate how this power floods over into social interactions with service providers who purport to offer help and support. These service providers participate in bordering by denying rights to migrants even when these rights are understood as universal.

Self-Deportation

In the United States, one way in which deportability has been concretized in discourse, and taken up within policy development and programming, is through the

70

concept of self-deportation. This concept assumes an 'attrition through enforcement'

strategy, which involves increased immigration enforcement and border controls at

multiple levels, including federally as well as locally, and administered through

immigration officials, police officers, school administrators, employers and landlords, all

of whom are expected to check people's documentation (Filindra, 2012). These

immigration controls necessarily rely on intersecting identity constructs for their

implementation, as they assume a particular racialized, gendered and classed migrant

body. The civilian soldiers engaged in these controlling tactics have few tools other than

the above constructs that rely on racist, classist and heterosexist stereotypes. Particular

migrant bodies in the U.S. today are thus always surrounded by border spaces as they

bump up against border controls throughout their day-to-day interactions.

Self-deportation has been conceptualized in the U.S. as an inexpensive and viable

alternative to mass deportation, the threat of which makes continued residency

unbearably risky for migrants facing capture, detention and deportation (Kobach, 2007).

Migrants, particularly those without immigration status, are left to experience a decreased

quality of life to the point that they would 'voluntarily' give up and go home (Fragoso,

2013); by extension, others considering migration to the U.S. are expected to be deterred

from coming in the first place. While this strategy has been promoted by different actors

in varying ways, its utility has been significantly challenged. The premise that harsh

punishments deter migrants from entering the country has been disputed by researchers

and advocates alike (Mainwaring & Silverman, 2017; Menjívar & Kanstroom, 2014;

Silverman, 2014). In fact, Rocha et al. (2014) argue that policies developed to heavy

handedly discourage irregular migration have had the opposite effect of increasing the

number of undocumented residents, since migrants increase the amount of time they stay in the country, unwilling to repeat the difficult journey back and forth; and the longer they spend in the United States, the more likely they are to resettle permanently (p. 81). These same authors found that self-deportation policies also resulted in undocumented migrants staying longer than those who possessed some form of status. These findings are echoed by Banks (2012), who suggests that the unreceptive environment created by 'attrition through enforcement' keeps migrants from trying to regularize their status, meaning they remain precarious for longer periods of time. Banks also argues that specific enforcement policies, which rely heavily on racial profiling, affect all migrants, regardless of immigration status. This racist othering affects perceptions of inclusion and belonging, and makes the value of citizenship seem less substantial, as even citizens could be subject to the enforcement mechanisms. Therefore, the policies are not only having the opposite of the desired effect for non-status populations, but are also negatively impacting the 'desired/deserving' migrant population.

Filindra (2012) also challenges the usefulness of self-deportation policies in the U.S. from an economic perspective, arguing that the expected utility theory the policies are based on is inherently flawed. This theory, which assumes that 'rational' actors will 'opt' to leave in such hostile environments, does not account for the multiple factors that push people to stay. Filindra points to economically-based studies that have shown that humans are less interested in maximizing profits than minimizing losses. Therefore, even if migrants cannot accumulate the amount of money they had hoped for, and may face significant risks, they are likely unwilling to accept the loss of investments they *have* made in property, businesses and children's education. Filindra thus challenges

assumptions about migrants' economic establishment, instead focusing on the ability to make meaningful financial investments in their communities and in their own futures. People who have established economic and social roots and become part of communities are frequently unwilling to 'voluntarily' leave.

Fragoso (2013) offered a gendered assessment of American self-deportation policies that reveals that women are often disproportionately isolated as a result of fears of immigration enforcement. As vulnerable and unprotected workers, non-status women experience extremely high rates of sexual harassment and abuse in the workplace (p. 82). However, they are often too afraid to denounce such abuse for fear of losing their precarious employment or of being reported to immigration authorities. Thus, 'attrition through enforcement' has a sexualized gendered application that leaves women workers victimized, isolated and highly exploitable. Fragoso also found that non-status women were frequently overly dependent on male partners and family members for their limited economic and social inclusion. Precarious status women have thus been found to be more at risk of intimate partner and family violence, since their ability to seek help or support from community members, women's groups, or shelters may increase their deportability if their immigration status is revealed. Therefore, both in the workplace and in the private sphere, as Bhuyan et al. (2014) demonstrate in the Canadian context, the state becomes directly and indirectly complicit in violence against women by passing and implementing 'attrition through enforcement' policies that limit women's ability to denounce the violence they face as well as restricting access to support services through status requirements.

Moreover, Fragoso also highlights the fact that hundreds of thousands of children are born in the U.S. every year to mothers who have no immigration status. These mothers often avoid accessing benefits and supports to which their children are entitled for fear of detection by immigration enforcement, which isolates them further. These mothers face an added layer of vulnerability with 'attrition through enforcement' since detention or deportation can result in the loss of custody of their children (Fragoso, 2013, p. 98). The state is thus complicit in the violent removal of U.S. citizen children from their families, many of whom had not instigated concerns about their parenting beyond holding precarious immigration status. Fragoso's gendered analysis offers important insights into the ways self-deportation policies affect particular women, yet the implicit hetero-normativity and gender normativity inherent in his analysis potentially ignores precarious status women who do not fit within the social roles of partner/wife and mother.

Taken together the three authors, Banks, Filindra and Fragoso offer lenses through which to conceive an intersectional analysis of self-deportation policies. While each author focuses on one aspect of migrants' identities (i.e. gender, race, class), these identities are interconstituted, as racialization is necessarily gendered and classed, and vice versa. Therefore, it is not only important to understand how these identities are constructed as 'other', but to also recognize the differences in material impacts. The oppressions imposed on precarious status migrants as a result of 'attrition through enforcement' are felt differently based on these same intersecting identity constructs.

Deportation

In order to maintain this constant threat of deportability, a number of ongoing deportations are necessary. As Khosravi (2009) argues, the spectacle of deportation removes the "bodily pollution of the anti-citizen" so that the health and wellbeing of the nation can be restored (p. 52). Deportation studies, while relatively new, explore securitization and enforcement regimes, as well as their procedures and impacts, focusing on policy, policing, detention, deportation and their effects in sending and receiving countries (Coutin, 2015). While the focus is frequently on the apparatuses and processes of deportation, migrant agency in these processes is noted by several authors outlined below; this is important in nuancing the involuntariness of forced return and understanding the complexities and divergences in migrants' experiences.

The transnational approach inherent in Deportation Studies allows for the inclusion of the many actors implicated in deportation. For instance, Coutin (2015) argues that this inclusion of diverse actors is important since deportation does not simply involve a relationship between state immigration officials and individual migrants. Instead, deportation is a process which affects communities, organizations, family members and activists in sending and receiving countries. She concludes that the deportation process is a violent form of exile, a forced migration that is inherently irrational since banishment through exile is considered unacceptable in other contexts. Coutin (2015) therefore contends, as other authors have, that exile through deportation is a disproportionate punishment that should not be normalized.

Wheatly (2011) argues that forced return is still an understudied area of migration and that this gap in knowledge is important since we lack an understanding of the differential impacts on returnees' social, political and economic reintegration as a result.

Hagan, Eschbach and Rodriguez (2008) also address the gap in research on forced return, undertaking a transnational approach to explore the familial, remittance and settlement disruptions caused by deportation of long-term residents, and how these disruptions affect future migration plans. These authors highlight the deportation process, analyzing immigration procedures that increase migrants' deportability and deportation, while at the same time acknowledging agency in plans and actions that migrants develop to counter this process. Schuster and Majidi (2013) also highlight migrants' agency and capacity for action despite the overpowering constraints imposed by state actions (p. 222). These authors look at the factors that make reintegration difficult in instances of forced return, including debts incurred, loss of opportunities, shame and the formation of transnational links. They found that migrants forcibly returned to their countries of origin would often migrate again in order to achieve their desired goals.

While the power of border officials in the Global North is often highlighted through the deportation process, it is not monolithic, nor unchallenged. There are legal and capacity limitations to deportations, which restrict officials' power. In Canada, officials also afford migrants some individual agency in the deportation process, as migrants are often given the responsibility of independently showing up at the airport for their removal. Therefore, in specific situations, migrants can choose not to present themselves, arguably increasing future deportability since officials will look for them, but also allowing the person to remain physically in the country. Moreover, for specific reasons, certain migrants become non-removable, either as the result of the implementation of the non-refoulment policy,[8] or due to a lack of travel documents, or

---

[8] Non-refoulement is defined in Article 33 of the 1951 Geneva Convention:

the risk of statelessness that limits state officials' exclusion options. In Canada, there is a list of countries that are deemed too dangerous to which to return migrants. Therefore, even though a person may not hold immigration status and is known to authorities, they cannot be deported (except for reasons of criminality). As Paoletti (2010) argues, the number of deportations may be low as compared to the number of removal orders issued. She suggests that this may represent a bond between the state and non-citizens, pointing to the potential for the development of other rights claims.

Deportations are necessarily gendered and racialized, a process Golash-Boza and Hondagneu-Sotelo (2013) refer to in the United States as a gendered racial removal program. They argue that this physical exclusion has shifted from a focus on racialized women who were marked as moral and reproductive threats, to racialized men, as representations of men have shifted from labourers to violent criminals. They also point out that this shift from undesirable women to threatening men is connected to economic trends, as they link high unemployment with the increased deportation of men, while at the same time women's employability (and potentially violent exploitability) has expanded. Others studying the issue in Europe have suggested that males are subject to removal in higher numbers than women due to public sympathy; officials may be less willing to use ejective force against women and children due to the negative perception of doing so due to the feminized construct of the 'deserving victim' (Khosravi, 2009; Schrover et al., 2008).

"No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his [or her] life or freedom would be threatened on account of his [or her] race, religion, nationality, membership of a particular social group or political opinion." (UNHCR, 2007)

Detention

In order to ensure that migrants obey removal orders within a particular time frame, or to punish those who will not/cannot be removed, detention offers state officials the possibility of exclusionary spaces within their sovereign territory, which may push people to leave 'voluntarily'. This constitutes a practice Crépeau, Nakache and Atak (2007) referred to as internment, which serves the dual purpose of punishing migrants, as well as perfomatively reaffirming state officials' ability to control their territory and borders, thus purportedly protecting citizens. This "detention–as-spectacle" is about sovereign enforcement, control and power rather than deterrence (Mainwaring & Silverman, 2017). Similarly, Khosravi (2009) compares immigration detention to a "pre-modern prison", where the purpose is not rehabilitation and reintegration, but rather punishment and removal. Adichie (2014) describes the experience of being detained in her novel Americanah, in which she describes: "[i]n detention, he felt raw, skinned, the outer layers of himself stripped off" (p. 347).

In Canada, the Immigration Refugee Protection Act (IRPA) permits the arrest and (possibly indefinite) detention of non-citizens in three circumstances, when: 1) there is suspicion that a migrant will not appear for examination or removal; 2) the migrant poses a danger to the public; 3) identity cannot be established (Crépeau et al., 2007). Mainwaring and Silverman (2017) point to another reason detention is utilized, namely, deterrence of other migrants. However, they argue that there is no "credible proof" that detention practices deter future migrants, despite significant social, psychological and physical costs to those being detained. Instead the spectacle of detention may affect populations within the state, including citizens who may feel reassured, and migrants who

may experience increased fear about their own criminalization and proximity to deportability. Bosworth and Slade (2014) found that the men they interviewed in detention in the U.K. actively contested their criminalization, asserting an equivalent form of citizenship through community connections, "good families" and human rights. While women are also detained for immigration purposes, the number of men is often higher due to criminal constructs that rely on intersecting race and gender identities. Bosworth and Slade (2014) also found that in this context detention became gendered in particular ways, as many men performed hyper-masculinity to assert their identities and resist the power being imposed upon them. The authors gave examples of the ways the men spoke to both male and female guards to assert themselves, as well as persistent exercise to "perfect[...] a muscular, male physique" (p. 176). The criminalization and deportability of migrants is an intersectional process, relying on particular identity constructs for exclusion and control.

Migration continues to be a defining issue for many states, and thus, sovereignty is continuously reconstituted through the re/production of borders and control of space, time and bodies. Identities are frequently re/constituted through movement, and individuals are enlisted in this process through "common sense" (McLennan et al., 1984) understandings of inclusion and exclusion. Citizens engaged as civilian soldiers are expected to discipline the undesirable/undeserving migrant, while migrants themselves become exploitable, detainable and deportable. These inclusionary and exclusionary boundary-making processes necessarily involve constructed categorizations that legitimate and solidify these processes. Hierarchies are subsequently produced, within and across categories, defining who is welcome and who is constituted as a criminal

threat to the nation, as a remnant, anti-citizen who can be threatened, contained and disposed of.

Voluntary Departure

At the other end of the voluntary/involuntary spectrum, migration scholars have also focused their attention on the voluntary return of economic migrants. This research has traditionally highlighted the experiences of migrant populations who hold particular immigration statuses and has systematized the analysis of their experiences of integration and return. Jean-Pierre Cassarino (2004) offers an overview of the ways voluntary return migration has been taken up in migration literature and correspondingly, how returnees have been depicted. He outlines several approaches that have predominated, including neo-classical economics and the new economics of labour migration approach, structuralism, transnationalism and cross-border social network theory.

A neo-classical economics approach depicts migrants as individual rational economic actors who have made calculated decisions to migrate for income maximization. Their return is conversely understood as a failure insofar as they "miscalculated the costs of migration and [...] did not reap the benefits of higher earnings" (Cassarino, 2004, p. 255). The new economics of labour migration approach starts from a similar assumption, which identifies migrants as part of a household economic unit that seeks maximum communal rewards through strategic migration. However, this approach views return migration as the logical outcome of a successful strategy; therefore, migrants return when they have achieved their economic goals and projects. These approaches have overarchingly been gendered male, constructing workers as abled-

bodied cis-gendered men and prioritizing men's experiences, while ignoring women's experiences. In these contexts, women are included only insofar as they are the dependents of men, as accompanying partners or the receivers of remittances. While attempts have been made to add women to this research and highlight their diverse experiences, such a dichotomous understanding of gender ignores intersecting identities and the necessary analysis of power relations (Donato, Gabaccia, Holdaway, Manalansan, & Pessar, 2006, p. 4). A structural approach focuses on macro level systems and power relations that instigate migration. This systemic approach addresses the social context of return, placing importance on the experiences of reintegration and involves a core/periphery understanding, in which migration is assumed to occur unidirectionally from the global South to the North, inherently undervaluing migrants' return (Cassarino, 2004). Transnationalism and social network theory open conceptual space for a more fluid understanding of migration, return, and the individual connections people make, maintain and build throughout. While these last two approaches have offered important entry points for an intersectional analysis, few migration researchers have pursued them in depth from that perspective.

Cassarino (2004) built on these approaches, acknowledging their contributions and limitations, to develop a model that considers pre-return conditions, including status, motivations, and resource mobilization, to emphasize preparedness and willingness to return. His model argues that return cannot solely be viewed as voluntary, and that voluntary action can take different forms. Cassarino's work is useful for this dissertation since he complicates both the conceptualization of voluntary and the associated motivations for return; however, his analysis remains limited in its conceptualization of

81

involuntary return and does not fully consider social location beyond immigration status. While many of the theories outlined by Cassarino have primarily been applied to so-called economic migration, the relative arbitrariness of immigration categories means that people who fall within other categories may have had similar experiences. Exclusionary immigration policies have also obliged migrants to use particular pathways to increase their mobility, which may not correspond with the definitions and expectations of the aforementioned economic migration theories.[9]

III. Canadian Boundary Making

Within the Canadian context, wherein my dissertation is situated, belonging has taken particular forms linked to ongoing histories of settler-colonialism and racist exclusion. As such, certain bodies are marked as worthy of inclusion, subjects who are understood through national stories of immigration and settlement. These same stories erase the bodies that do not contribute to building the dominant narrative, and exclude others from ever participating (Dua, 1999). As Walia (2013) explains, it is precisely settler-colonial logics that make immigration the issue that it is. Therefore, immigration policies become one instrument through which the reconstituting of colonial sovereignty is materialized and documented. Thus, those who cannot see themselves reflected in the nation-building stories cannot truly belong (Hall, 1999, p. 4). These narratives reinforce a capitalist "Canadianization" of the nation, demarcating particular boundaries of difference (Sharma, 2006), a process which normalizes a national "whiteness" and

---

[9] Voluntary return paradigms beyond those described in this section will be further analyzed in chapter 5 through critiques of Assisted Voluntary Return and Reintegration programs implemented internationally as well as in Canada.

necessarily constructs bodies of colour as outsiders (Arat-Koc, 2005; Dua, 1999; Thobani, 2007; Walia, 2010).

At the core of these stories are nationalized ideas of discovery and European immigration, which have been concretized, as though society was absent before colonization, erasing what Amadahy and Lawrence (2009) refer to as the "largest holocaust that the world has ever known" (p. 106). These authors trace the history of Canada's colonial policies: from the extermination of Indigenous peoples and terra nullius, to treaty-making between the colonial government and different Indigenous communities. They outline the subordination and dispossession inherent in colonial policies, and point out the ongoing control and fragmentation exerted on Indigenous people through the Indian Act, which enables Canada's ongoing colonization of Indigenous populations with the continued assimilation, marginalization or silencing of groups and individuals. Genocidal acts have also included the reduction or elimination of populations through legally sanctioned psychological and epistemological violence, defining who can or cannot claim Indigenous identity, make treaty demands on the government and have access to land. These processes have been gendered and racialized based on imperial constructions, demanding that populations "'perform' indianness" (Lawrence, 2004) in order to be recognized.

Canadian multiculturalism policy was developed in the early 1970s to affirm racial equality, while at the same time limit difference (Amadahy & Lawrence, 2009), and to build a "diverse" yet homogeneous nation which in turn would limit the conflicting demands of the actual heterogeneity (Bannerji, 2000, p. 8; Gunew, 1997, p. 23). Within this context, Indigenous (as well as francophone) demands were reduced to

those of one interest group among many, muting their right to make claims on the government (Amadahy & Lawrence, 2009; Lawrence & Dua, 2005). As Bannerji (2000) argues, multicultural policies have thus obfuscated the relations of power located in the construction of difference; social relations have been glossed over to prioritize the concreteness of cultural identities. Within this construction, there are the "real" cultures, those that are dominant and fit within the Canadian project, while others are considered peripheral, and to be counted as just another among many, and thus not threatening the balance (Bannerji, 2000, p. 51). Therefore, as Fortier (2013) argues, critiquing and resisting a multicultural settler-colonial construct requires a challenge to the state's governance broadly, and more specifically, to those in power who determine who can and cannot be included.

Despite the critiques, the settler-colonial narratives and erasures continue to determine who may enter, reside, or be recognized as deserving of welcome within the Canadian state. Ongoing struggles for Indigenous self-determination demand that government officials recognize their treaty obligations, while other settler histories must also be acknowledged. The continued exclusion of histories of constructed, non-conforming, non-citizens then becomes the prerogative of the legitimate use of power by the sovereign state (Benhabib, 2004; Bosniak, 2006; Macklin, 2002; Nyers, 2006), and as a result, the authorities within the state are able to continuously reconstitute the state itself in particular ways without the appearance of doing so (Goldring & Landolt, 2013a; Sharma, 2006; Soguk, 1999). Control is performed through the bureaucratic procedures involved in the implementation of policies, attempting to bring order to the disorder of migration (Mountz, 2010). This ordering depends heavily on identity, as identities

become solidified through privileging certain bodies, while stigmatizing and policing others, strategically producing hierarchal streams, which enable the bureaucratic differentiation between inclusion and exclusion (Agier, 2011; Luibhéid, 2002; Mountz, 2010; Richmond, 2001; Vasta, 2011). While these categories are dependent on certain socially and self-defined identities, they also act to produce identities and compartmentalize people within them based on specific understandings of gender, race, class and ethnic position (Luibhéid, 2002). Value is then assigned to each category, based on economic and social needs, as well as xenophobic constructs and context-specific ideas of excluded identities.

While Canadian immigration policies are propagated as hospitable and humanitarian, and thus enable the immigration department to "promote the unique ideals all Canadians share" (IRCC, 2017), the immigration system, experienced through the actions of immigration officers, has consciously rejected and/or excluded migrants based on racialized, classed and gendered admission criteria. It is, according to Walia (2010), "a perfect system of social control, containment and expulsion" (p. 72), or as Bannerji (2000) describes, immigration policies become "a euphemistic expression for racist labour and citizenship policies" (p. 4). Until the early 1960s, Canada's immigration policies and enacted procedures were explicitly racist and misogynistic (Arat-Koc, 1999; Richmond, 2001). Policies specifically targeted and excluded racialized migrants, including: Chinese migrants through a "head tax"; Japanese migrants through a "gentleman's agreement" that relied on the Japanese government to limit emigration; and South Asian populations through a continuous journey provision that made it impossible to reach Canada 'legally'. Early policies were also enacted to control women's

movements and actions through the immigration "Women's Division," which was created by the Canadian government to ensure "care" for migrant women. Immigration officials monitored migrant women, imposing moralistic confines on their behavior and threatening them with deportation if they engaged in sexual relations outside of marriage. Taken together, these policies have effectively barred particular gendered and racialized bodies from Canada (Arat-Koc, 1999; Bhuyan & Smith-Carrier, 2012; Dua, 1999; Richmond, 2001; Wright, 2013; CCR, 2011).

Wright (2013) elaborates on these exclusions to describe a "brutal deportation regime", which in the early 1900s also targeted labour radicals, socialists, as well as the poor, the unemployed and the disabled whom the Canadian government did not want to financially support (p. 34). While the policy language may have changed, as Richmond (2001) argues, from macro-racist and overt to different levels of micro-racism, the exclusionary practices persisted. Micro-racism, as defined by Richmond, relies on cultural stereotypes and tropes that are currently more socially acceptable, such as the incompatibility of certain cultures and cultural practices with so-called Canadian values. Within this policy shift, the intersections of gender, racialization, class and ability still determine which migrants experience efficient and humanitarian immigration; thus, hierarchies are created that define rights to work, residence and citizenship (Hari, 2014). This is possible, as Das Gupta (1999) argues, because Canadian racism is subtle, systematic, even polite and democratic (p. 187). Therefore, the discriminatory exclusion inherent in these policies may even pass unnoticed.

As Razack (1998) points out, within this context, Canada is portrayed as an ordered state, where only 'deserving' bodies of colour are welcomed, those who can

project back the 'civilized and generous nature' of the nation. She further argues that to be effectively included as a 'good/deserving' immigrant, migrants must be individuals without history or accountability. Therefore, categories of deserving and undeserving migrants must be created to maintain this relationship, while at the same time excluding those who cannot conform to rules of white corporate tolerance, a trope that is not solely particular to the Canadian context, but well documented across borders and boundaries (Agier, 2011; Bhuyan & Smith-Carrier, 2012; Oliviero, 2013; Spire, 2008; Yuval-Davis, 2011).

Similar to Razack's analysis, this type of inclusion is described by Ahmed (2000) as assimilating 'acceptable' 'others' in ways that forever cast them as the "stranger". The figure of the stranger thus becomes a fetishized but familiar and recognizable figure, not unknown, but rather disembodied and marked as strange. Whether welcomed, celebrated or excluded, the figure of the stranger becomes reified, disavowing the processes that created it, thus erasing lived histories and genuine interactions. Ahmed challenges us to consider these processes, particularly where some bodies become "*stranger than other others*" (p. 6, italics in original) and necessarily dangerous and threatening in different ways. While these distinctions are frequently tied to the bodies of newcomers, Ahmed stretches her analysis much more broadly and further cautions against creating a new 'community of strangers'. She instead proposes an approach that deconstructs the social relations implicated in these processes through a series of encounters that reconnect people and experiences.

Also focusing on the creation of the potentially dangerous 'other'/stranger, Lakhani (2008) outlines how visible or enacted disruptions to the national narrative, and

obvious or deliberate trangressions of bodily norms, relocate even Canadian citizens to the stranger category. She makes this argument after analyzing media responses to a young girl's expulsion from a soccer game for wearing a hijab. Orientalist perceptions of the hijab cast veiled women as 'other' and thus raise questions about citizenship and belonging. Therefore, the ongoing violence inherent in enforced assimilation demands that those identified as strangers aspire and conform to the hegemonic practices and values of 'Canadianness'. They must demonstrate national loyalty through assimilation in order to justify inclusion in a so-called multicultural society, so as to subsequently be marked as an acceptable 'other' (Arat-Koc, 2005).

These acts of boundary making have become particularly salient in the last few years in the case of citizenship requirements, as women have been denied the right to take the citizenship oath if they wear the niqab. Zunera Ishaq, having met all the requirements for Canadian citizenship, was stopped from accomplishing the final step, ostensibly because her mouth could not be seen saying the oath. Little acknowledgment was noted of the fact that she had lived in Canada for the required time, passed citizenship and language tests, and paid the required fees, fulfilling the set of guidelines necessary to achieve 'Canadianness'. Instead she was marked as 'other', an eternal *stranger,* and was told she would be continuously barred from inclusion unless she assimilated in the demanded way. As the former Minister of Citizenship, Immigration and Multiculturalism, Jason Kenney stated over twitter, "I believe people taking the public Oath of Citizenship should do so publicly, w/ [sic] their faces uncovered" (cited in Goodman, 2014), as though by covering her face, Ishaq was making a less public declaration than others. Her refusal to conform to the 'Canadian values' being imposed upon her became a

88

controversy that wound its way to the Supreme Court, as well as the 2015 national

election.[10] The niqab debate, while primarily focused on newcomer women, had the

power to mark even Canadian-born women as outsiders, or *strangers*, somehow

incompatible with the imagined community. Ishaq's case was only one example of the

Conservative Harper Government's attempts to create 'common sense' categorizations

for inclusion and exclusion through continuously antagonistic statements, carefully

constructed and performed outrage, and policy solutions that increasingly marginalized

migrants and limited their options.

Security of the Canadian State

Within this current paradigm of national sovereignty, the relationship between the

state, as a concept, and the populace, is produced and reproduced in different moments,

with different approaches as to how this is accomplished. Citizens may identify with state

sovereignty, compelled to enact bordering and securitizing practices, just as

governmental discourse may identify the state as the vulnerable subject in need of

protection (Brown, 2010; Butler, 2004; Hajdukowski-Ahmed, 2008). This relationship

has been even more evident since September 11, 2001, since which time there has been a

rearticulation of Canadian identity and a renewal of national exceptionalism, concurrent

with a 're-civilization' in the context of a 'clash of civilizations', making Canadians

definitively Western (Arat-Koc, 2005). This post-9/11 reconstruction has occurred

through the language of moral panic that has cultivated feelings that the average citizen is

---

[10] The Conservative Government continued to uphold the need for the ban throughout the election campaign, stoking gendered Islamophobic hostilities, while the Federal Court and Federal Court of Appeal ruled against the ban. The two main opposition parties, the NDP, and less publicly, the Liberals, took the opposing view to that of the Conservatives during the debates.

under siege (Davis, 2008, p. 19); and according to Thobani (2007), cast "whiteness [...] as vulnerable, endangered, innocent, and the subject of the irrational hatred of the non-Western Other" (p. 170). As such, the 'average' white citizen, and even the certain non-Muslim of colour, embodying particular forms of state sovereignty, must control and discipline the 'other', creating violent bordering spaces in multiple ways. Sharma (2006) refers to this as part of white nation building, where 'others' are made undesirable and the border is cast as "out of control" so that border security becomes national security.

Drawing on affect theory, Ahmed (2004) theorizes that the circulation of emotions acts to concretize the exclusion of certain bodies through hate and fear. She elaborates on the distinct ways that hate operates to connect as well as divide. Hate functions in ways that constitute the subject and the nation, continuously binding the subject of inclusion with rights, and the nation with demarcated territory. While some are stuck together through hate, this union is only possible through hatred for the 'other', the outsider who is constituted as a threat to both nation and subject. This affective process gains legitimacy through the circulation of hate between figures and bodies, as constant circulation is necessary to increase affect and justify violence and exclusion (p. 123). Ahmed argues that hate cannot be contained in one figure, as it would lose its power, thus the constant movement and circulation of hate necessitates continuously producing 'others' subjected to violent exclusion, both from the state and from the populace. Through this argument, Ahmed disembodies hate, conceptualizing it as moving between bodies and sticking to them in different ways. While this may obscure the roles of specific actors in the circulation of violent affect, it also allows for a different conceptualization of the way exclusion operates, and the way citizens are continuously

90

engaged in the othering of migrants and threatening 'others'. This threat and response is further propagated through "calculated promotion of civilian insecurity and terror" (Orr, 2004, p. 451) under which the Canadian populace is encouraged to participate in discussions of border security, the separation of the 'good' versus the 'bad' im/migrant, and the constructed association between the terrorist and the asylum seeker. As Orr argues, "National Security became National Fear", and the penetrable border became a source of fear and anxiety for a great number of citizens. Those citizens who are brought on board through these discourses to enact state sovereignty through different acts of violent bordering become what Orr calls the 'civilian soldiers'. While these 'civilian soldiers' are not equipped to address the perceived threat, they are encouraged by state actors to internalize the need for preparedness and possible violence, whatever form that may take (Orr, 2004, p. 454).

However, the targets of violence from this hate-driven civilian soldiering are not always easily identifiable in practice. Maharaj (2010) creatively discusses this confusion in his novel through the narration of a young migrant who was trying to figure out his place in Canada. The boy in the novel is trying to understand his own precarious immigration status, as well as what that means in his relation to others:

> Refugees. I wondered how many people wandering around were refugees. Was there some way to detect them? Something in their clothes or gestures? What about the Ethiopian man sitting by himself? He was too well dressed and had an expensive briefcase besides. The woman from India with a dot on her forehead? She looked too fat and happy. The pink, stooped man wearing an old coat and hat? He might be too old.... Then another thought hit me. Was it possible that among this crowd there might be someone who *could* tell, and who might be gazing at me this very moment (p. 176).

This quote usefully illustrates the intersecting identity constructs that impact exclusionary processes and is a vivid depiction of how ill equipped 'civilian soldiers' may be. Tangible examples of these practices and the ways they were propelled by policy will be outlined in detail in Chapter three, which specifically outlines Canadian immigration policies implemented in the last eight years.

Over the last decade countless policies have been designed, adopted and propagated by Canadian government actors who have utilized different techniques to engage the populace as 'civilian soldiers' responsible for the security of the nation. Border spaces move and shift to demarcate inclusion, exclusion and inclusive exclusion in varying ways, reconstituting sovereignty at the geopolitical level, as well as through bureaucratic processes and individual interactions. Where the bordering was not manipulated in these particular ways, distinctive constructions of the 'other' were utilized for further boundary formation. The 'other' was located in individuals as well as communities that were defined as outside the acceptable range of difference, and as such an identifiable *stranger* and a threat.

Taken to its extreme, this exclusionary approach dictates that grave and unpreventable internal or external danger demands a state of exception (Nyers, 2006), where government authorities have the "legal power to suspend the validity of the law, legally plac[ing] himself [sic] outside the law" (Agamben, 1998, p. 15). As a result of this measure, "law and violence are indistinguishable" (Nyers, 2006, p. xi). In contrast to Agamben, who argues that the sovereign dictates when they can take this power, Arendt describes the process that "crystalized into totalitarianism" through increases in statelessness, rightlessness and violence (Owens, 2010, p. 143). Sovereign state officials

subsequently achieve legitimacy in reproducing the systems that necessitate their power by suspending juridical order in specific spaces through the disciplining and demonizing of the 'other', or the non-citizen, the identified but unstoppable source of insecurity (Macklin, 2002; Soguk, 1999). People are thus made into problems in order to make appropriate solutions (Sharma, 2006), and certain migrant bodies become the "vector of disease, agent of subversion, corruptor of moral order and debaser of national identity"(Macklin, 2002, p. 392; see also: Mountz & Hyndman, 2006; Agier, 2011), needing to be contained and controlled at all costs.

Nyers (2006) argues that the refugee, in particular, becomes constituted through this violent exclusion as a result of the state of exception. Similarly, Mountz (2010) links the discursive construction of the 'bogus refugee' with the material impacts of the state of exception and the necessary relation to bare life (p. 121). The state of exception implicates what Agamben refers to as bare life, the body stripped of political and social rights through an inclusive exclusion, removed but captured; the person who can be killed, but never sacrificed (Agamben, 1998, p. 8,10). Butler (2004) follows a similar analytical path in her discussion of allocations of vulnerability, in which some are more acceptably subjected to violence than others. She raises questions regarding who can count as having a livable life, and extensionally, who can be mourned upon their death. Thus, the ungrievable death relates to the life that cannot be sacrificed. Agamben links the conceptualization of bare life to the lived experiences of refugees, excluded from political life and beyond protection or grievability. This has occurred in Canada in particular ways as a result of highly criticized governmental directives and procedures. For example, the possibility of indefinite detention in immigration holding centres and provincial prisons

has violently captured and excluded newcomers with little oversight or review. In fact, fifteen people died while in CBSA custody between 2000 and 2017, which has been hidden and shrouded in official rhetoric (Molnar & Silverman, 2017). The names of those who died, as well as the causes of their deaths, are often withheld for some time, with no accountability taken for the role the state may have played in the deaths. These disavowals mark the lives lost in detention as ungrievable.

The imagined threat certain bodies pose to the state and populace is further amplified through the constructed association between the refugee and the terrorist, meaning terror is most likely to travel on the bodies of asylum seekers, as they become the site of insecurity and fear (Mountz & Hyndman, 2006). As Pratt and Valverde (2002) argue, there is a hybrid connection between the figure of the 'bogus' refugee and the 'foreign violent criminal' that has been reinforced by successive governments in order to maintain concern over 'excessive' immigration. While those marked as 'terrorists' may have some different characteristics from those who are deemed to be 'bogus' (including country of origin or religion), these distinctions are often fluid and are changeable when politically useful.

Within the current anti-terror paradigm, the terrorist, whether male or female, is constructed as having been bred in abnormal family dynamics, which are opposed to the West's heteronormative model (Puar, 2007; Razack, 2008). As a result of this "abnormal" upbringing, gender, racialization, religion and sexuality are inter-constituted: the male terrorist is gendered as overly violent, sexually perverse, religiously fanatical and excessively patriarchal; the female, is either masculinized or portrayed as passive, silenced, objectified and victimized. This gendered construction also involves the

narrative of women as victims of their communities, and in need of saving; a narrative

which Razack (2008) identifies as a technology of the imperial project (p. 18). These

constructions necessarily involve the body being read as improperly racialized through an

"awkward blend of nationality, religion and ethnicity" (Pratt & Thompson, 2008, p. 630),

outside the norms of politically constructed multiculturalism. Therefore, as a result of

supposed inherent as well as socialized characteristics, national origins as well as life

histories, people become marked as likely to be violent and commit terrorist acts and are

condemned for what they might do (Razack, 2007). For people marked as terrorists,

particularly Arab and Muslim men, "[t]hey face direct attacks and have their civil

liberties under assault" (Razack, 2008, p. 47; see also: Arat-Koc, 2005, Jiwani, 2005).

Macklin (2002) argues "[t]he effect is to alienate the subject from social citizenship even

if legal citizenship is secured" (p. 389). Therefore, as outlined previously, full and active

citizenship may be questioned and challenged regardless of status, as Canadian-born

suspects are purposefully conflated with newly-arrived (im)migrants or refugees to

emphasize their 'otherness' and incompatibility with 'Canadian-ness'.

Summary

In this chapter, I reviewed the literature that most directly addresses and

contextualizes my research questions. I drew on frameworks of transnationalism and

intersectionality to explore power relations inherent in the connections between and the

movement of bodies. Since gender constructs are necessarily interconstituted through

understandings of racialization, class, age, ability and sexuality, an analysis that

incorporates intersectionality is important. Theorizations of state sovereignty are linked

in this chapter to research on the processes and pathways to precarity and illegalization,

in order to highlight the ways power is utilized and allocated to different actors to maintain common sense conceptualizations of inclusion and exclusion. The exclusion I have outlined is tied to the criminalization of migrants in many different and nuanced ways, and underpins forced voluntary return. Finally, the literature on Canada's ongoing colonial project provides a historicized framework for national boundary making and the exclusion of particular gendered and racialized bodies. This literature provides a foundation for my exploration of the multilayered criminalization of migrants, an associated loss of hope and the influences of the latter on their return – a return located on the spectrum between voluntary and involuntary. The gaps in the literature reviewed largely maintain binary conceptualizations of return as either voluntary or forced, which, I argue misses the messiness inherent in particular experiences that are neither completely voluntary nor forced. The addition of FVR is developed in the following chapters to fill those gaps.

Chapter 3: Canadian Immigration Policy: Boxes and Boundaries, Spaces and Relationships

> It's just been sort of rapid-fire legislative amendments, and every morning from 2010 to 2015, it was sort of waking up to check my email and like, seeing, [...] what fresh hell is this?
> (Samantha, legal clinic lawyer)

> But now it is so clear with all the changes that are focusing, reducing the eligibility for this, reducing the time for that, reducing the age for this, reducing [...] So they want certain people in this country, period. You know what I mean? This is so clear now. (Chico, Settlement Worker)

The aim of this chapter is to highlight specific policy and procedural changes from 2008 to 2015 that: 1) perpetuated and expanded spaces of exclusion through the production of physical and ideological borders; 2) reinforced relationships that reproduced 'othering' and contributed to migrant illegalization. Both outcomes have been overtly gendered, as women have been targeted by specific policies and discourses in various ways; they have also had intersectional classist, racist and ageist impacts. Attention is given to the policies that had significant material impacts through literature, media and in the interviews conducted. This allows for an analysis of the ways borders and 'others' were reconstituted for political gain and the ways tactics were utilized to engage civilians, as well as bureaucrats, in bordering and 'othering' strategies. What is being highlighted is the multilayered criminalization of migrants and the bleakness and loss of hope experienced as a result, which buttresses the discussion of forced 'voluntary' return.

Between 2008 and 2015 the Conservative Canadian government adopted a substantial number of immigration policies, which arguably overhauled nearly every aspect of the immigration infrastructure. The policies were coupled with an exclusionary

discourse fostered by Conservative politicians that painted migrants, particularly refugee claimants, as fraudulent cheaters trying to 'steal' access to services, supports and even permanent residence. This discourse circulated in the media, and among civil servants, to affirm the 'common sense' need for changes to the immigration system, as well as to reinforce the divisions between the 'good' and the 'bad' newcomers, the 'desirable' and the 'undesirable' migrants. The speed and impact of these changes left migrants, as well as frontline workers, endlessly adapting, struggling to stay on top of the new requirements and procedures while options were severely narrowed and doors closed.

Rather than framing this chapter chronologically, I will examine the changes that occurred in Canadian immigration law and policy between 2008 and 2015 under two broad headings. Such a non-linear approach enables a deeper analysis of the specific ways that the Canadian state during this period substantively built and rebuilt exclusionary practices. Therefore, I first explore the bordering practices that were implemented through changing immigration policy and procedures. Justification for bordering relied on the discursive construction of the criminalized 'bogus' refugee, which is outlined in the first section. Subsequently, the bordering relied on the work of both border officials, as well as civilian soldiers located at the intersections between borders and 'others'. The second part of this chapter addresses the exclusions that occurred through the refugee policy reform and the (re)production of the 'other'. The reforms to refugee policy were far-reaching and had significant impacts on migrants and the refugee-serving community. Moreover, the 'othering' continued, and is further discussed, through changes to family class applications.

I. Excluding Migrants through Bordering Practices

Several of the changes to immigration policy and practice implemented by the Conservative government between 2008 and 2015 had a direct bordering impact, reinforcing exclusion in specific locations and spaces. These changes solidified the physical borders both at ports of entry and abroad, while at the same time perpetuating the psychological borders that surround bodies and communities, targeting migrants in multiple spaces. These borders have intersectional impacts, as they are experienced differently in individualized or collective ways and in reoccurring moments based on differing intersecting identity constructs.

In 2009, as one of their first immigration policy amendments meant to intensify bordering, the Harper government introduced visa requirements for Mexican and Czech nationals, stating that the refugee system was overrun and overburdened with claimants from those countries. These visa requirements were proposed by then Minister of Immigration, Jason Kenney, who tied the need for the visas with a discourse of 'bogus' refugees, reinforcing borders at ports of entry as well as abroad. He framed 'bogus' refugees as dishonest queue jumpers who were trying to unfairly get ahead of other immigrants by claiming they were at risk of persecution: "It's an insult to the important concept of refugee protection to allow it to be systematically violated by people who are overwhelmingly economic immigrants" (Kenney, quoted in CBC News, 2009). Both visa impositions drew a significant amount of criticism internationally, as Mexico is an important trading partner and the Czech Republic is a member of the European Union for which no visas should be required. The visas effectively moved the Canadian border to Mexico and the Czech Republic by no longer allowing citizens of these countries to

board planes for Canada (or enter Canadian territory any other way) without first making themselves and their travel plans known to Canadian visa offices abroad and asking for permission or pre-clearance to enter. The Immigration Minister defended the measure, stating that the increasing number of refugee claimants from these countries was creating "significant delays and spiraling new costs", as well as preventing people who "really" needed protection from being heard (Reuters, 2009). This policy served as a starting point in government officials' continuous discussion of 'bogus' refugees, attempting to perpetuate a 'common sense' understanding of, and a border between, 'genuine/deserving' versus 'bogus/threatening' migrants. This was a tactic criticized as unfair and potentially illegal, as the Canadian Council for Refugees pointed out:

> It is not appropriate for a Minister to comment on whether refugee claims are founded or not. Such comments may constitute political interference in the refugee determination process. Under Canadian law, the Immigration and Refugee Board, a quasi-judicial tribunal, is responsible for determining who is a refugee (CCR, 2009).

Nonetheless, under the Conservative government, pronouncements regarding the validity of refugee claims from certain communities persisted. Government officials soon turned their attention to Hungarian nationals, as Roma claims from this country increased significantly after the lifting of visas for Hungarians in 2009. While a more in-depth analysis of the methods through which this community was 'othered' will be undertaken in part II of this chapter, unique bordering practices aimed at the Roma were put in place as a result. In 2013, the federal government undertook a campaign to develop psychological borders in Hungary without the legal reliance on visas or other interdiction measures. Six billboards were erected by the Canadian government in Miskolc, one of Hungary's biggest cities and home to a large proportion of the Roma community; the

billboards read "Those people who make a claim without sound reasons will be processed faster and removed faster" (Keung, 2013b). These criminalizing billboards warned Roma would-be refugee claimants against making false claims and threatened them with a speedy deportation.

(Keung, 2013b)

This bordering strategy was complimented by internet tools, such as pop-up messages and web banners that would provide discouraging information to targeted users (Keung, 2013b). The billboards and internet tools were strategically placed with the specific intention of deterring refugee claimants from accessing Canadian territory. It was therefore made clear that these claimants were not desired in Canada, as government officials created an imagined border where Canada has no actual bordering authority.

Further building on the 'bogus' refugee propaganda, government officials implemented other bordering practices to keep out claimants. Subsequent attempts to reform the Immigration and Refugee Protection Act (IRPA), including Bill C-4 (Preventing Human Smugglers from Abusing Canada's Immigration System Act), which

failed, and was followed by Bills C-11 (Balanced Refugee Reform Act) and C-31

(Protecting Canada's Immigration System Act), all these Bills drew attention to the

manner of arrival of refugee claimants, and by extension, their ability to transgress the

Canadian border. Among numerous legislative and policy changes, there were increased

efforts to intercept and/or criminally punish smuggling (seen as a direct infringement on

border sovereignty), as well as reinforce the border by limiting other avenues of arrival,

such as eliminating certain exemptions to the Safe Third Country Agreement (STCA).

This latter agreement between Canada and the U.S., implemented under the previous

Liberal government, stipulated that refugee claimants must make their claim in whatever

country they first arrive (primarily the U.S.), with the exception of people with family in

Canada, unaccompanied minors and claimants from moratorium countries (countries to

which Canada will not deport people). The implementation of this Conservative reform

eliminated moratorium countries from the list of exceptions, further solidifying the

impenetrable Canadian border. Moreover, for those who met the exceptions and were

able to make their claim in Canada, the evolving legislation barred them from accessing

the refugee appeal process should their claim be denied. This was a belated punishment

for those who could not be legally stopped at their first port of entry. This particular

policy has had significant gender impacts, as the United States and Canada did not handle

gender-based violence claims in the same way; women who were returned to the U.S. to

make their refugee claims would be at a significant disadvantage since the U.S. did not

adopt robust gender guidelines for refugee determination (Arnett, 2005).

The reforms also increased funding for Canadian Border Services Agency

(CBSA) activities and removals, using legal immigration enforcement to forcibly exclude

people and move them back across the border. Samantha, a community-based lawyer, felt this shift strongly in her work. As she explained, "The increased authority and funding to CBSA has really meant that there's just such an enforcement orientation that I think the practice has totally changed." Among the many areas of focus for enforcement, the changes eliminated automatic stays of removal for certain applications, including Judicial Reviews of refugee claim decisions. This change meant that claimants could become deportable as they waited for a decision on their own refugee claims, and as Atak, Hudson and Nakache (2018) show, CBSA actively worked to remove people while their Judicial Reviews were pending. This was the case with two of the migrants I interviewed, who elected not to apply for court-decided stays of removal and instead returned 'voluntarily' to their countries of origin. These preemptive deportations had an important impact on claimants, as the Judicial Review was one mechanism utilized to determine if a claimant is genuinely at risk of persecution. Positive reviews were rendered even after claimants returned to persecution, as was the case with one participant.

Increased funding for CBSA and Citizenship and Immigration Canada (CIC) enabled their officials to intervene more frequently in refugee hearings on their respective ministers' behalf. The number of interventions therefore rose dramatically between 2012 and 2015, from an average of 3% of all cases per year to 20% (Atak et al., 2018, p. 27). These interventions were made expressly to ensure the exclusion of people based on criminal convictions and security threats, maintaining the integrity of the program, and providing comprehensive information (IRCC, 2013). While these interventions were permitted before the reforms, the Refugee Protection Division (RPD) of the Immigration and Refugee Board (IRB) was mandated to notify the ministers if there were suspected

program integrity issues (IRB, 2016). These interventions were designed to challenge some aspect of refugee claimants' accounts, again marking them as potentially 'bogus', and actively moving the border, through border officials, to the refugee hearing space itself, making it harder for claimants to be accepted and legally included in Canada. Moreover, refugee claims were further challenged through the increase in cessation applications brought against refugees. These applications challenged refugees' credibility even after they were granted Convention status by monitoring their movements and by claiming that consulting one's embassy or returning to their country of persecution for any reason indicated that refugees were not really in need of protection. As such, Convention refugee status could be removed and refugees forcibly moved back across the border.

The reforms implemented under Bill C-31 also gave the Minister of Public Safety the power to designate certain groups of newcomers as Designated Foreign Nationals (DFNs) or "irregular arrivals", which meant that they had somehow breached protocols expected at the physical border and were therefore criminally punished through incarceration and the removal of rights. This power had no temporal or quantitative guidelines, meaning any group could be designated as DFN at any time (CARL, 2016). As Silverman (2014) explains, panic in the Canadian population was encouraged and mobilized in the media in 2009-2010 around the arrival of a small number of boats carrying asylum seekers on the British Columbian coast, which led to further discussions of border security and sovereign power, allowing for an expansion of powers for government officials. A DFN designation could simply be the result of the arrival of two or more people at once, which officials blamed for the slow verification of identity and

admissibility, or the mere suspicion of human smuggling, the latter which became defined quite broadly within Bill C-31 (Alboim & Cohl, 2012).

The consequences of these suspected border infractions were severe and criminalizing, as DFN refugee claimants were again marked as 'bogus'. The punishment for transgressing border regulations in these cases involved a one-year mandatory detention for those over the age of sixteen, with the minister retaining the right to decide if minors should be detained with their families or forcibly separated from their parents. There are few other instances where the mandatory incarceration of any population is tolerated in Canada, which is evidence of the criminal lens used against this migrant population. Further, DFNs would have no access to the Refugee Appeal Division, and faced a five-year ban on applications for permanent residence for those determined to be Convention refugees, or accepted under humanitarian grounds or family sponsorship. This bar meant that DFNs could not apply to bring their family to join them in Canada for five years, until they were allowed to apply for permanent residence (Alboim & Cohl, 2012). The Canadian Council for Refugees raised particular concerns when this designation applied to women, particularly mothers who may have been forced to decide whether to keep their children incarcerated with them or relinquish them to a child welfare agency (CCR, 2013b). They also pointed out how delays in family reunification could detrimentally affect women and girls, as they often waited to be sponsored in precarious situations where they were vulnerable to gender-based and sexual violence (CCR, 2013b). While very few DFN designations were made, it is unclear whether this form of bordering actually has any impact on the deterrence of potential future refugee claimants.

The imposition and solidification of physical as well as psychological borders which resulted from changes to IRPA were largely based on the criminalizing discourse aimed at refugee claimants. The 'bogus' refugee became a discursive tool to impede migrants from coming to Canada; establish the basis for challenging a large number of refugee claims; and exclude and confine migrants already on Canadian territory.

Civilian Soldiers at the Intersections between Borders and 'Others'

While all border enforcement is jurisdictionally the responsibility of CBSA, the public was familiarized with reproducing bordering spaces through politicians' statements and different media projects. Citizens thus become 'civilian soldiers', sharing the responsibility for strengthening borders and boundaries, and excluding the constructed threats. This exclusion required the construction of a common understanding of the 'other' as a misleading and threatening body which was gendered, racialized and impacted by religion, age, ability and class.

The sharing of responsibility for border enforcement with the Canadians was visibly enacted during the 2015 election when debates over the niqab and citizenship permeated public discourse. Individuals and communities took it upon themselves to 'defend' the nation through independent and collective acts of violence, both against veiled Muslim women and recognizable religious landmarks, marking certain bodies and communities as necessarily foreign and threatening, regardless of citizenship. This materialized at the election polls where, according to *The Ottawa Sun*, up to 9,000 people vowed to vote with their faces covered in different ways to "sarcastically" and violently show their concern over people being able to vote with their faces covered, particularly

niqab-wearing women (Cooley, 2015). While Elections Canada had provisions to allow face coverings, these voters demanded the exclusion of certain Canadians, defining them as fraudulent and violently mocking them, as well as calling on politicians to legislate their exclusion (Cooley, 2015). These 'civilian soldiers' constructed border spaces around certain communities, imposing exclusion without legal authority, while asking those who had the authority to do the same.

This controversy was capitalized upon by the Conservative government before and during the election, as related measures were designed to target the 'other' and exclude particular communities. Just weeks before the election, two Conservative MPs, Chris Alexander and Kellie Leitch, announced the proposed creation of a "Barbaric Cultural Practices tip line", an RCMP-run phone line where people could report suspected transgressions of Canadian norms and values to law enforcement. Kellie Leitch, one of the candidates making the announcement stated that "[t]he Conservative government is not afraid to defend Canadian values" (Powers, 2015), and encouraged the public to defend these values as well, however ill-defined they were. This reporting necessarily defined the non-observance of so-called Canadian 'norms and values' as criminal since reports were to be made directly to the RCMP.

This tip line actually had its roots in an earlier amendment to IRPA, Bill S-7, the *Zero Tolerance for Barbaric Cultural Practices Act* which also made changes to the Civil Marriage Act and the Criminal Code, and was tabled on November 5, 2014, receiving Royal Assent several months later. The Bill primarily targeted forced and underage marriage, honour-based violence and polygamy, in order to address these forms of violence against women in Canada and abroad (Béchard, Elgersma, & Nicol, 2015).

107

However, as the South Asian Legal Clinic of Ontario (SALCO) pointed out in their joint statement against the Bill, the racist framework and wording of the amendments framed violence against women as a 'cultural' issue, prevalent in only marginalized and racialized communities (SALCO, 2014). As Mulinari (2007) explains, 'bad patriarchies' were cast as necessarily happening in "distant places and onto racialized bodies" (p. 169), disavowing violent patriarchy in the Global North. This 'othering' not only constructed racialized women as necessary victims of their inherently violent society and thereby criminalized racialized men, but it also invisibilized the global patriarchal power structures that make women susceptible to violence everywhere. The joint statement by SALCO clearly outlined that the 'othering' perpetuated by the Bill would have the opposite of the stated effect, leaving women more vulnerable to gender-based violence, with no recourse to protection if they did want to come forward. Moreover, the SALCO statement also highlighted the inconsistencies and redundancies from a legal perspective, as many of the supposed crimes targeted were already punishable under different legal mechanisms. The statement also argued that the focus on criminalization did little to support survivors of violence (as funding to actual support services had been increasingly cut), but instead acted as "a tool for the police to further profile and harass racialized communities" (p. 4). Nonetheless, with the announcement of the tip line, government officials continued on a racist trajectory, doing the opposite of what was being recommended by further marginalizing certain relationships and communities and by asking "civilian soldiers' to get on board with increased profiling, surveillance, reporting and bordering.

These 'civilian soldiers' were also presented with projects undertaken by officials at the CBSA, which utilized sensationalist media techniques to enlist participation in border surveillance. Through an online "most wanted" list and a telephone tip line, citizens were encouraged to participate in border enforcement and the exclusion of the 'other'. The list offered pictures and identifying information of men who were subject to Canada-wide arrest warrants for various criminal-related immigration infractions. The web page boasted that as a result of the list, and people's response to it, 68 individuals were located in Canada, 61 of whom were deported, and 18 were found abroad (Government of Canada, 2011). The people on the list were portrayed as threatening to Canadian society and Canadian families due to their supposed criminal past, as stated by then Public Safety Minister Steven Blaney, "These people represent a threat to society" (quoted in The Canadian Press, 2015). This surveillance mentality stretched into diverse communities, where many precarious status migrants feared civilian soldiers within their own communities. This fear was described in one interview in particular with a young undocumented couple who were choosing to self deport; as they explained:

> But [people in my ethnic community] talk, you know. She don't have the papers, bla, bla, bla, it's not good.... Yeah, sometimes you have scare because if you do like wrong things ... If you have a problem with the, with some people, they don't just ... it's, it's not fair you know, it's not like that, it's your life (Katherine).

To which her partner, Jonh, affirmed, "They say ah, I'm gonna call immigration for you to go home." This couple described the borders being performed in their everyday interactions and relationships. They were most fearful of being 'othered', excluded and potentially reported to authorities by members of their own ethnic community.

109

Dispersed immigration enforcement tactics have also been promoted through a controversial television program titled *Border Security*, which documented, and allowed people to observe, CBSA activities at various points of entry in British Columbia, controlling border entries and disciplining certain bodies. The show, which began in September, 2012, was described on the broadcaster, National Geographic TV's website as

> a revealing look at life on the front lines of national security. [Where viewers can] [f]ollow Canadian border services officers as they intercept suspicious characters and contraband from around the world in an effort to keep us safe, and our health, workforce, and ecosystem secure ("Border Security," n.d.).

This type of performance again marked border spaces as chaotic, potentially violent and dangerous spaces, requiring careful protection; it also identified certain *strangers*, putting Canadian viewers on alert. It continued to bring civilian soldiers on board with the details of protecting the vulnerable nation, and visually represented certain people crossing into the state as a potential threatening 'other'. While the show drew criticism and even a formal privacy complaint, the Conservative government supported its importance financially (contributing $200,000 to the production costs) and verbally, stating that it not only informed viewers about CBSA's work, but gave pride to CBSA employees and Canadians in general (Post Media News, 2014). This type of state supported spectacle acted to reify the threat and normalize Canadian policing that occurs in border spaces, with goals of marginalizing and excluding non-citizen bodies and encouraging civilian soldiering.

However, as noted previously, citizenship was not necessarily a protection from bordering practices as evidenced from the erosions effected through further legislative

changes to citizenship in 2014, when the *Strengthening Canadian Citizenship Act* was passed. This Act gave government officials new powers to revoke citizenship in certain contexts, and, while facilitating citizenship for some, made it more unattainable for others. The barriers to citizenship were implemented by increasing the necessary residency period from three out of four years to four out of six years, adding language requirements to applicants between the age of 14-65 where previously only those 18-55 had to satisfy language requirements, and significantly augmenting the financial requirements for others who aspired to citizenship. The result was an increase in class, gender, age and ability dimensions, and a limitation to access to rights and protections for many migrants. The changes caused tremendous anxiety for migrants applying for citizenship, as one frontline worker explained:

> The citizenship is a big thing. We had kind of a rush here of people trying to get citizenship before the law changed June 1st because before June 1st, if you were 55 or older you didn't have to take the test, you didn't have to prove your ability in English. Now if you're between 14 and 64 you have to take the test. You have to prove your ability in English (Deborah, settlement worker).

Samantha, a clinic lawyer further clarified some of the problems with this provision in the cases she sees:

> They want to apply for citizenship but they—you know, perhaps there's illiteracy in their own language, there's, like, a high level of trauma. They're not able to meet the language requirements or the knowledge requirements, so they have to get all these waivers, [...] there's barriers all along the way. That path to citizenship has become really hard.

However, during the same interview Samantha explained the growing importance of citizenship applications for migrants:

> I really have a very frequent sense that people don't feel secure until they've got their citizenship, which is why I think we've got into the business of citizenship applications more and more, because it's become so obvious how—as it became

111

more difficult, it became obvious how very important it was for people, because to—
even permanent resident status feels awfully precarious for people at this point.

Despite the feeling of permanence that citizenship might have provided, the new
regulations enabled the government to revoke citizenship from certain dual nationals
found guilty of terrorism. Revocation on criminal terrorist grounds created a new double
punishment only applicable to citizens who held a second citizenship, placing the onus of
terrorism on people who were not solely Canadian. While this new revocation power
drew criticism and concern, becoming another relevant election issue, it was not the first-
time government ministers had tested their ability to change the guidelines and definition
of Canadian citizenship, purportedly attempting to "protect the value of citizenship". As I
describe in the next section, Canadian Immigration Ministers Jason Kenney and Chris
Alexander had previously circulated the concepts of 'birth tourism' and 'anchor babies',
where a foreign national supposedly travels to Canada for the purpose of giving birth so
that the child can later 'anchor' the family through sponsorship (Janus, 2014). As
Minister Alexander's spokesperson, Alexis Pavlich, explained, "Those who enter Canada
fraudulently or illegally just to give birth here are taking advantage of Canada's
generosity" (Janus, 2014). These government officials suggested that they would attempt
to limit citizenship to children born in Canada with at least one parent with permanent
residence or citizenship. However, these changes were not ultimately pursued through
policy or legislation.

II. Refugee Policy Reform and the (Re)production of the 'Other'

As the contestations against citizenship for certain Canadians circulated between
2012 and 2014, one group that was targeted as supposed birth tourists was again the

112

discursively constructed 'bogus' refugee claimants. While their unborn children's citizenship status was ultimately not used to punish their spontaneous arrival and purported fraudulent claim, it was another tool for 'othering' discourse, marking certain migrants as undesirable. As the 'bogus' refugee discourse continued to circulate and grow, the 2010 *Balanced Refugee Reform Act*, and the subsequent 2012 *Protecting Canada's Immigration System Act*, were passed by the Conservative majority Parliament. These Acts drastically redesigned the refugee determination process in Canada and carved out distinctions and hierarchies among refugee claimants, which had significant implications. Refugee claimants were separated into two categories based on their country of origin, which impacted timelines for submitting claims, preparing for hearings and access to appeals, work permits and health coverage (Alboim & Cohl, 2012). Claimants from Designated Countries of Origin (DCOs), or so-called 'safe countries', were immediately 'othered,' as they became severely restricted in their claim process with only 30 days (if their claim was made at an immigration office in Canada) or 45 days (if their claim was made at a port of entry) to prepare for their hearing, as opposed to the 60 days for regular claimants. These restrictions have had significantly detrimental impacts on DCO claimants, as described by Sathya, an independent immigration lawyer:

> It's so hard to get all the required documentation, to do psych assessments, to get everything translated in a timely way. And so, I've seen—for me, as the person doing the claim, it's had a lot of adverse impacts in terms of having to get documents into the Board late, and then having to argue about it and having some real [...] horrible Board members who won't accept it. And so, it's a serious denial of procedural fairness. And I find that it really limits the ability of my clients to make out their case. So that's particularly for DCOs."

Countries were designated by the Minister starting in December, 2012, based on percentage of claims from a specific country that had been denied, abandoned or

withdrawn, or if the country had an independent judicial system, basic democratic rights and civil society organizations; all of which supposedly indicated that claims from these countries would not be credible (Molnar Diop, 2014). These designations were highly criticized, as it was argued that designations, if they are required, should be compiled by a panel of experts, rather than one minister who may be influenced by his own biases or political pressures (Alboim & Cohl, 2012). Macklin (2013) has argued that the designations were actually made primarily for economic reasons, as the government aimed to appease European anger over visa impositions and secure the Canada–EU Comprehensive Economic Trade Agreement. While this may have been the genuine motivation, the designations went a long way to 'other' certain claimants and mark them as 'bogus' refugees, undeserving of Canadian protection. In fact, the minister himself fueled those ideas, continuously referring to them as 'queue jumpers' and 'bogus claimants' (Alboim & Cohl, 2012).

Moreover, as the Canadian Association of Refugee Lawyers argued, the shortened timelines for all refugee claimants created significant challenges for claimants and their counsel, as it was difficult to retain counsel within those deadlines, as well as seek psychological support, especially psychological assessments, and obtain corroborating evidence, including translations (CARL, 2016). For claimants submitting their applications at inland immigration offices, the timeframes still created challenges despite the lessened rigidity as compared to ports of entry claims. As Kate, a settlement worker, explained:

> It takes a while to get Legal Aid to get a lawyer, to meet [...] to prepare your
> [Basis of Claim form], to get all of your evidence together and translated.

And you need to have all of that before you go and make your initial claim,
which takes quite a while to get together.

Despite these delays in being able to request refugee protection, there were also provisions to discourage belated claims. Moreover, regardless of intent to claim, migrants could not access health care, social assistance or schooling for children until their applications were filed at immigration offices. This increased a gendered burden on certain migrants, for example, pregnant women who needed immediate and ongoing healthcare. The community doctor with whom I spoke reinforced this point, explaining that she had "seen at least three people now, who were pregnant and due soon, but they were still waiting for the eligibility appointment" (Dr. Agarwal). These women had postponed pre-natal care until right before their delivery dates, by which time they hoped to obtain health coverage (if, indeed they were eligible, which was not certain). Dr. Agarwal went on to note the challenges of the shortened timelines from a medical perspective. She explained that

[The] turnaround time, which is now 30 to 60 days [to have] a hearing has
meant lots of unnecessary, I think, stress on the health care system and probably
[on] a lot of people, who are not getting the assessments that they need to assist in
their cases, like documenting that they are exhibiting signs of trauma which
you know, many people are (Dr. Agarwal).

Without these assessments, the credibility of claimants' experiences could be challenged, thus threatening their case for protection.

The CCR (2013b) has further noted that the short timelines, in all their configurations, can cause particular challenges for women making claims involving gender-based violence, as well as for claimants seeking protection because of sexuality or gender identity. Migrants in these situations have to disclose stories that are often

stigmatizing and emotionally difficult to reveal, thus requiring higher levels of trust and

safety. This was echoed by one of the front-line workers interviewed, as she pointed out:

> If a woman comes and claims refugee, how you're going to say in two months that
> you have been raped, that you have been beat up? Like the case that we were seeing
> now [....] she didn't disclose [the violence], she disclosed it to us, but we have been
> working with her for many days (Mariposa, settlement worker).

Mariposa highlights the time it often takes for women (and men) to disclose gender-based

violence. While lawyers have limited time to work with refugee claimants and prepare

their case, settlement workers often have more time to build confidence and trust which

can impact the potential for a positive decision at a refugee hearing.

This overhaul of the refugee system was conducted against a backdrop which

created a binary between 'good refugees' who languish in refugee camps waiting to be

sponsored by the Canadian government and 'bogus refugees' who spontaneously and

autonomously arrive in Canada seeking protection (Hyndman & Giles, 2011; Molnar

Diop, 2014). This division is inherently understood in gendered ways, as Hyndman and

Giles (2011) argue, since "those who stay still are viewed as genuine, immobile,

depoliticized, feminized, while those on the move are potential liabilities at best, and

security threats at worst" (p. 363). While this dichotomy is complex enough to be

promoted as fulfilling Canada's humanitarian obligations, it has had significant impacts

on public discourse and the associated response to refugees. By sponsoring a limited

amount of carefully selected refugees from refugee camps, the Canadian government

propagated the idea that Canada "has one of the most generous per capita immigration

and refugee resettlement programs in the world" ("Chris Alexander defends Canada's

response to refugee crisis," 2015), while at the same time attempting to exclude refugee

claimants.

116

The simultaneous addition of a Refugee Appeal Division (RAD) on December 15, 2012 was welcomed by many, as refugee determination is necessarily a complex process, with a high risk of error (Aberman, 2014; CARL, 2016; Rousseau, Crépeau, Foxen, & Houle, 2002; Showler, 2006). However, with the implementation of the RAD, confusion over who had access, as well as the rigid timelines and procedures made the process relatively inaccessible and undermined its effectiveness (CARL, 2016). Originally, many claimants were denied access to the RAD, including those from DCOs, those who met the exemption from the STCA and Designated Foreign Nationals, as well as claimants whose claim was determined to have 'No Credible Basis' or be 'Manifestly Unfounded' at their refugee hearing. These exclusions were criminalizing punishments for border transgressions in the cases of STCA exemptions and DFNs, as well as for 'fraudulently' trying to gain refugee protection for DCO claimants and unfounded determinations. However, recent Federal Court findings determined that DCO claimants should gain access to the RAD.

Additional amendments to IRPA under Bill C-31 barred refugee claimants from having access to Pre-Removal Risk Assessments (PRRAs) and Humanitarian and Compassionate Ground (H&C) applications for one year (for regular claimants) or thirty-six months (for DCO claimants) after their claims were denied. The Minister of Immigration argued that this measure would "simplify the refugee system" by removing duplication and expediting removals of people who did not need Canadian protection or were not conforming to policy procedures (Openparliament, 2012). These bans have had significant outcomes, as they eliminated opportunities for people to have further risk or compelling humanitarian reasons considered before removal (CCR, 2013d). Identified

during interviews as inherently problematic, the changes altered the very nature of frontline work. Referring to the limits on the H&C, Asha, a community clinic lawyer, described the struggle she felt in trying to advise her clients, deciding whether the chances were better with a refugee claim or an H&C. She explains that before the ban she would advise female clients to

> take a chance with the refugee stream and if it doesn't work out we'll make an H&C claim, because [the client] has a 50/50 chance there as well, right? So, for those cases [...] we have to now basically go back to the drawing board and look at things a lot more closely and carefully. It was almost like you were making a decision, but knowing that if you fail here, you don't know what will happen.

This crucial dilemma was repeated in several interviews, as migrants may have had valid applications for both procedures, but strategically only one could be selected. The fact that H&C applications were determined by CIC officials through a completely paper-based application, and refugee claims were determined at the Immigration and Refugee Board through an in-person hearing, meant that applicants had to consider very strategically which discretionarily-determined process they would undertake. The fear of having made the wrong choice was also discussed by Sathya, a private lawyer:

> And so, it's like waiting on tenterhooks, you know? [...] I've really seen that bar being very detrimental to a lot of people who made the decision to make a claim but really could have won on an H&C also, but made the decision because it seemed like the right choice and then were refused.

Chico, a frontline worker further elaborated the difficulties inherent in having to make these choices, as the entirety of people's experiences and situations cannot be taken into account.

> So, this compartmentalization, you know – the silos – are very problematic, [...] and that affects people. There is not a one-window service [...] when you

can come and we try to fix or help you to fix whatever
(Chico, settlement worker).

Obliging migrants to choose between the refugee and humanitarian processes had detrimental impacts, yet the discourse circulated continued to criminalize migrants into 2015. Officials purported that the exclusion prevented 'bogus' claimants, people who would abuse the system, from being able to extend their stay or gain access to services and supports to which they should not be entitled. As I describe in detail in Chapter 4, this made many migrants' very presence in specific spaces in Canada (e.g. in schools, hospitals and work places) increasingly precarious, along with their relationships and interactions with others (e.g. teachers, doctors and community members) in those spaces.

The similar limitation placed on the PRRAs also had an important impact on migrants, as Sathya described, since she was faced with the probability that her clients could be removed before new risk factors could be assessed. She identified the PRRA bar as having a "hugely detrimental impact." Country conditions that had changed since the person made their refugee claim, or new threats that had been made against the person in their country of origin, neither of which could be considered as a result of the changes to policy, increased the possibility of deportation to dangerous situations. While PRRAs have historically had a very low acceptance rate, it has been seen as an important tool nonetheless. As a frontline worker explained, its "[n]ot that PRRAs have huge acceptance rates. But [...] we've had a couple of families accepted on PRRAs. So that has been a big change" (Kate, settlement worker).

The restricted access to the H&C and PRRA as a secondary option for refugee claimants who were not successful in their claim again indicated the government officials'

distrust in these migrants. The applications were presented as unnecessary duplication, as policy makers espoused that one application (the refugee determination process) should be enough for each migrant; however frontline workers offered reasons for why multiple processes might be needed. The limitation imposed under Bill C-31 meant migrants were therefore denied alternative legal pathways to gain secure status in Canada.

Unlike the refugee claimants spontaneously arriving in Canada, the refugees who waited 'patiently' in camps were highlighted by Conservative politicians as the ones truly in need of Canada's protection. Yet even for these so-called 'genuine refugees', policies were not created to alleviate their suffering. In fact, Conservative quotas on government assisted refugees (GARs) were criticized for being too low, especially during the Syrian refugee crisis, when the Harper government first pledged to bring only 1,300 people to Canada (Levitz, 2016). Ceding to pressure, the government agreed to increase the number to 10,000, but declared that they would be prioritizing religious and ethnic minorities (Levitz, 2016). As most Syrian refugees were Muslim, this declaration effectively 'othered' the majority of people needing protection who were supposedly 'genuine' refugees, in order to include only the Christian minority.

Other refugees abroad were sponsored by groups who would take full financial responsibility for their resettlement. While this system was beneficial economically for the Canadian state's humanitarian project, caps were placed on the number of applications that would be processed in some categories, and for some groups, sponsorship was limited to refugees recognized by the United Nations High Commissioner for Refugees (UNHCR) (Alboim & Cohl, 2012). Moreover, the 2011 elimination of the Source Country Class meant that people in need of protection who

were unable to leave their country of origin could no longer seek asylum in Canadian embassies, nor could they be sponsored by private groups (Alboim & Cohl, 2012). Thus, while government officials were pointing to some refugees as 'genuine', they were in fact making it harder for these same refugees to find protection in Canada. Refugee protection eventually became a defining election issue in 2015, as debates over how many refugees should be admitted gained increasing attention. While the Liberal Party made and upheld their ambitious campaign promise of bringing 25,000 Syrian refugees, they did so without extra financial support for the settlement sector that had been severely weakened over the previous ten years. Since 2016, it became clear that the impact of the many changes to IRPA, and the heavily felt restrictions on the settlement sector, would take a significant amount of time and political will to overcome.

Another amendment made to deter and punish the arriving 'bogus' claimants was to the Interim Federal Health (IFH) Program. This program, first established in 1957, provided preventative health care and treatment to eligible migrants (Hari, 2014). The program recognized that those eligible may have experienced particular violence and persecution and would therefore be at higher risk of poor health; providing them with similar coverage to provincial programs was a first step to inclusion (Barnes, 2013). However, in 2012, the Conservative Canadian government eliminated this coverage for certain migrants, excluding them from the healthcare they needed. This exclusion designated certain migrants as less worthy of care, marked their lives as less valuable and their subsequent deaths as ungrievable.[11] Those excluded were being punished for entering Canada of their own accord and seeking legal protection that was broadly

---

[11] Judith Butler (2004) theorizes the ungrievable death in relation to certain bodies that are viewed as more acceptably subject to violence than others. See further discussion in Chapter 2.

deemed unjustifiable. Since these cuts to health care primarily affected DCO and refused

refugee claimants, state officials were de facto designating them all as 'bogus' with one

broad stroke, indicating that these migrants were undeserving of state services. As a

community doctor shared, "there were a few patients that have asked me whether it was a

problem that they were seeking health care and whether the government would know, and

whether it would impact their claim" (Dr. Agarwal). These claimants feared negative

repercussions from the government for trying to access the services they needed.

Moreover, the confusion caused by these newly-created refugee categories and

hierarchies made accessing health care more difficult for all migrants (Barnes, 2013;

CCR, 2013a). This same doctor reaffirmed this problem:

> So, the IFH cuts—so the cuts happened in 2012. A lot of confusion ensued.
> There were clear delineations that if you came from one of 37 countries you
> would have significantly less health coverage than you would have otherwise
> had. So, interestingly, what I saw more of was not people from those 37
> countries, and more so people from other countries who thought they weren't
> covered anymore because there was a lot of other health clinics turning them
> away and settlement workers telling them that they didn't have health
> coverage anymore, which is unfortunate" (Dr. Agarwal).

While the province of Ontario, as well as several other provinces, eventually

stepped in to fill the health care gap, this too was laden with confusion. As one settlement

worker explained:

> So, there is full coverage for refused claimants [...] in Ontario, but you
> have to make sure your IFH certificate is—you know, is valid in order to
> benefit from that top up from the province. So, I have had cases where
> people haven't realized that, especially people from DCO countries or
> refused claimants think that 'I don't have any more IFH so I'm not going
> to bother renewing the certificate for some basic, you know, public health
> coverage that I don't need.' So, you realize [...] that they haven't seen a doctor
> in, you know, years" (Deborah).

A federal court decision reinstated IFH in July 2014, with the presiding judge, Justice McTavish, stating that the cuts constituted "cruel and unusual treatment" under the Charter of Rights and Freedoms. She came to this conclusion because the government was specifically targeting refugee claimants with the "express purpose of inflicting predictable and preventable physical and psychological suffering on many of those seeking the protection of Canada" (CCR, 2014). The Conservative government pursued an appeal of this decision, which was ultimately dropped by the Liberals once they were elected. Thus, while the exclusion was ultimately reversed, the two years it was in place caused migrants significant concern and pain, with some ultimately being forced to leave as a result, as was the case with two of the participants with whom I spoke.

Clearly the significant 2012 changes to refugee policy went a long way to 'other' refugee claimants, obstructing their efforts to find protection within specific spaces and relationships. Refugee claimants were thus discursively branded as 'bogus' liars and cheaters, trying to gain access to rights and protections to which they should not be entitled. As a result of the many policy changes, migrants became increasingly precarious with fewer options to ensure their own safety and stability.

Further 'Othering' Through Family Class

Another area where significant changes were made to immigration policies and procedures under the Harper Government was within family class applications. Changes targeted both young and old, and had distinctly gendered, racialized and class-based implications.

Some of the first and most significant changes implemented were designed to fight 'marriage fraud', or 'marriages of convenience'. These changes to spousal sponsorship processes 'othered' certain relationships, despite the fact that there was actually little data to substantiate the accusations of fraud (Alboim & Cohl, 2012). CIC outlined marriages of convenience/fraudulent marriage as 1) a couple who pretend to be in a genuine marriage in order to gain permanent residence for one spouse, with the other possibly obtaining material benefit; or 2) cases where the sponsor enters the relationship in good faith and is tricked or victimized by the person being sponsored. Both scenarios outlined were deemed to "weaken our immigration system and make the process more difficult for genuine immigrants" (IRCC, 2012). As the then Immigration Minister Kenney stated, "[t]he jig is up on marriage fraud", explaining that there were numerous cases of fraudulent marriage, and that wide consultations with Canadians showed that this was an important issue (CIC, 2012b). Based on the premise that migrants were making their way to Canada and gaining legal status through fraudulent means, these policies again worked to divide the desirable from the undesirable, to establish a 'common sense' understanding of the problem, and to inform Canadians of the potential ongoing threat from the criminal 'other'.

A 2011 amendment to immigration policy stated that sponsored spouses, if divorced and remarried, could not sponsor a new spouse within five years of having been sponsored themselves. This amendment was designed to prevent a sponsored spouse from using the system to gain status and bring another partner; yet as Deepa Mattoo, an immigration lawyer at the South Asian Legal Clinic of Ontario, pointed out to the government's Citizenship and Immigration Committee, it had important gendered

implications. She explained that the sponsoring spouses (usually male) who were abusive

to their sponsored partner (usually female) had no limitation placed on them for future

sponsorship applications (Openparliament, 2014). It is well documented that newcomer

women are frequently vulnerable to and victims of abuse from their sponsor (Adamali,

Kim, & Rupra, 2008; Bhuyan, 2012; CCR, 2013b), yet the changes to immigration policy

did little to protect these women, instead it made them more vulnerable, as the accusation

of marriage fraud had criminal punishments.

In 2012, as a reaction to the marriage fraud discourse, the Conditional Permanent

Residence (CPR) Status was implemented. This amendment imposed a precarious status

on sponsored spouses who, as a result of this condition, would not actually receive

permanent status for two years. The conditional status applied to sponsored spouses who

had been in the conjugal relationship for less than two years and had no children with

their partner at the time the immigration application was made. These spouses had to

remain living in a conjugal relationship with their sponsor for a period of two years after

the initial permanent residence (PR) was granted, otherwise the PR would be revoked and

they could face deportation. After significant concern was raised by advocates and

women's groups, provisions were made within the policy for situations of abuse or

neglect (CCR, 2015). This abuse would need to be proven to immigration officials for

sponsored spouses to qualify for the exemption and in order to avoid being criminalized

for having submitted a fraudulent application, which could lead to deportation. However,

a 2015 assessment conducted by the CCR found that there was a significant lack of

information about this issue among frontline service providers, which is especially

notable since there is a strong need for an advocate in these cases, particularly when the

women do not speak English or have little knowledge of the exemptions (CCR, 2015). Moreover, the assessment found that CIC officials were also lacking information about the process and its exceptions. Organizations reported to the CCR that when they contacted the immigration call centre there was a lack of clarity and consistency, as officials had little information or gave inaccurate guidance, and they had little understanding or sensitivity to gender-based violence (CCR, 2015). Furthermore, proving abuse can be difficult and time-consuming, requiring a significant effort on the part of advocates and lawyers, as well as CIC officials who monitor and evaluate cases. Thus as the assessment explains, "[g]iven that there is no evidence that Conditional Permanent Residence is addressing a real problem, this is a shameful waste of resources" (CCR, 2015, p. 3).

This was a particularly gendered provision, as it has been widely acknowledged that sponsored women faced increased risks of violence. As one participant stated: "The women's movement were against the Conditional Permanent Residence and that's why they put the exception. Because if you remember, at the beginning there was no exception. But when the women's movement jumped, they put in that exception" (Mariposa, settlement worker). While advocates may have recognized that women were increasingly at risk of violence, the policy acted to make migrant women more vulnerable. As a community clinic lawyer explained: "I definitely believe there is something going on that a lot more women are being investigated and a lot of women have to make an application for [an exemption to] conditional permanent residence" (Asha).

On a personal level, as a frontline worker myself who assists with a number of immigration applications, the Conditional Permanent Resident Status exemption

applications are the ones that I find particularly unpleasant to make. In the majority of

cases that I encountered, sponsored spouses (predominantly women) had left their

partners after having suffered psychological and financial abuse. After moving to a

shelter, or going to stay with a friend, the victim received a letter from Citizenship and

Immigration Canada indicating that they were being investigated for failing to comply

with the two-year requirement to live with their sponsor. The migrants whom I met who

had their status threatened by immigration officials under the CPR had ample proof of the

abuse they faced. As an advocate, I was left having to argue for an exemption based on

differing forms of intimate partner violence and having to offer proof of that same

violence, which is both time consuming and painful for all involved. This process both

victimized and criminalized women. The existence of the CPR accused women in these

relationships of being the victimizers with the power to take advantage of their sponsor,

however they were frequently the ones who were vulnerable to abuse because of

gendered power relations amplified by the control given to the sponsor as a result of

Conditional Permanent Residence.

Family class applicants were also targeted by Conservative policy makers due to

expectations around age for both young and old. Amendments to immigration policy and

procedures in 2011 and 2014 lowered the age of dependent children that could be

sponsored by their parents from under 22 to under 19 years old, and suspended

sponsorship applications for parents and grandparents. These amendments effectively

linked bordering practices to age; older youth and seniors would face a rigid border that

prevented them from joining their families.

In 2011, to diminish the backlog in sponsorship applications for parents and grandparents, government officials announced a moratorium on new applications, introducing instead a so-called super visa, which would allow visits for up to two years in length repeatedly for a period of ten years (Alboim & Cohl, 2012). However, there were important class and ability implications for these visas, as applicants would have to show private health care coverage to obtain the visa, which was frequently expensive, and as Alboim and Cohl (2012) argue this was the government's way of excluding people deemed to be a potential drain on the health care and welfare systems (p. 29). This program was also critiqued as having racialized implications, as these intersect with class and ability based on the assumption that sponsored parents will drain the welfare and health care systems. As Neborak (2013) explains, a 2012 Ontario Council of Agencies Serving Immigrants (OCASI) study found that there were more applications approved from the U.S. and Europe and substantially fewer approved from countries in Africa, Asia, and the Middle East, where the majority of immigrants were actually coming from (p.11).

Moreover, on August 1, 2014 the age of dependent children who could be included in their parents' applications or sponsored by their parents was lowered from below twenty-two to below nineteen, with further exemptions removed for those in full-time education. The CIC notice about the change stated that this amendment would bring immigration policy in line with the age of majority across the provinces, and that older youth could come as international students or as economic immigrants themselves (Canada Gazette, 2013). The change had economic motivations, as was stated in the government-produced Canada Gazette (2013):

Statistics demonstrate that older dependent children (those who arrive between the ages of 19 and 21) have lower economic outcomes than those who arrive in Canada at a younger age (between 15 and 18 years old).

The CCR (2013c) provided numerous contestations to the above rationale, and pointed out that it would be especially detrimental to refugees and other migrants as they may have to wait many years to be settled in Canada, during which time their children may have become too old to sponsor. Several of the frontline workers I interviewed also indicated that this was a particularly detrimental change for their clients. As Chico explained:

> The changes in the age of dependents, this is cruel, though. You know what I mean? And this is – we are going to reduce the intake by reducing the eligibility criteria [...] [This] hit the person right in the middle and destroyed families.

This exclusion of migrants based on age had wide-reaching deleterious impacts as families learned that they would be kept apart permanently. It also constructed youth and the older adults as undesirable migrants that should be excluded. Overall, the changes to family class criteria created a migrant 'other' based on gender, racialization, age and financial expectations delineating who would be included as a desirable immigrant and who would be excluded, narrowing options for legal remedies.

Summary

This chapter has addressed immigration-related policies announced or implemented from 2008 to 2015 under the Conservative government that had significant impacts on those whom I interviewed within the context of forced voluntary return. As a result of these changes the pathways to precarious immigration status were augmented and the possibilities for gaining secure status eroded, leaving many migrants and frontline

workers with few legal options and many difficult choices. These policies and discourses led to a bordering and 'othering' of the people I interviewed, instigating a loss of hope for a future in Canada. The exclusions caused by the immigration policy changes were overtly gendered, as women were targeted in specific and varying ways; they were also classist, racist and ageist, as different policies limited inclusion. While the policy, procedural and discourse shifts alone can be tied to some of the forced voluntary return described by participants, they more broadly left excluded people with few possibilities of inclusion. Such a bleak environment is significant to understanding the spectrum of voluntary to forced return.

Chapter 4: The Wide Reach of Migrant Criminalization and Loss of Hope

This chapter draws on the experiences shared during interviews, in which frontline workers and migrants described the myriad relationships and spaces where people faced exclusion and felt criminalized, all of which were threaded through with gendered distinctions and inequities. These physical spaces, which included schools, work places, healthcare providers and immigration detention centres, necessarily overlapped with relationships experienced through positive and negative community ties, overarching distrust and subtle and overt racism. The criminalization experienced by migrants was described in a multitude of ways, from their experience of physical incarceration in jails and detention centres, and the use of handcuffs in both, to the marking of certain bodies as dishonest and suspect, leading to hypervigilance by state officials, migrants, and their advocates, and a 'beg for mercy' model of inclusion (which I define and discuss below). I draw on these examples to ground feelings of exclusion and surveillance in concrete lived experiences, which are linked to a loss of hope that for some, propelled them to a forced voluntary return.

In this chapter, the ways exclusion is felt and experienced by migrants are outlined in two sections: I) Relationships and II) Spaces. These two sections are further divided based on the themes that emerged from the interviews through coding. Part I- Relationships, is separated into sections on Distrust, Racism and Community Connections, while Part II- Spaces, is divided into sections on School, Health Care Provision, Work Places and Shelter, and finally the Immigration Detention Centre.

I. Exclusionary Relationships

Deep Distrust in Migrants in Toronto

In the interviews I conducted, the overarching feelings of being mistrusted were described by migrants, and frontline workers also expressed concern about the level of mistrust by Canadians and Canada towards their clients. This distrust of migrants is woven into immigration processes and procedures by policy makers and bureaucrats, and as a result, migrants' expressions of their experiences are frequently challenged, disbelieved and negated by officials who deny them inclusion in different ways (Bhuyan & Smith-Carrier, 2012; Crépeau et al., 2007; McDonald, 2009). Changes to the Canadian immigration system under the Conservative government increased avenues and resources for accusations of fraudulent behavior and misrepresentation, which encouraged state officials and civil servants to proceed from a standpoint of doubt and suspicion. As Chico, a frontline worker explained, "the whole effect is reducing the trust." The discourse and social constructs that circulated as a result of this pervasive distrust leached beyond Citizenship and Immigration Canada's purview, into the broader forms of bordering and criminalization within social services, work places and in the community which had strong impacts on migrants. As Sathya described:

> I think people are also very exhausted and can't believe how much more cruel
> Canada is than it seems to be, because of how criminalized migrants really are...
> [I]f they had status, I think they could really enjoy this country. But [it is a]
> horrible place to be for precarious status [migrants] (Sathya, private lawyer).

The frontline workers I spoke to described a systemic procedural distrust of their clients, which was caused by immigration officials accusing migrants of misrepresenting their experiences. The confrontational attitude of those officials compounded the distrust.

132

As Asha, a community-based lawyer, described, under the Harper administration there

was a notable increase in misrepresentation investigations. These investigations directly

accused migrants who had submitted immigration applications of misrepresenting

themselves based upon some inconsistency, omission or error in their application.

Misrepresentation allegations were often gendered in specific ways and frequently

targeted migrants based on their social location, particularly as related to the parts of the

world they came from, or their religious and cultural backgrounds. From a legal

perspective, all three lawyers I interviewed discussed the increased workload that this

lack of trust between government officials and migrants had created for them. Asha, who

often found herself on the frontlines of fighting misrepresentation allegations because of

the community she served, explained:

> I do a lot of those misrepresentation investigations... So, there were a lot,
> there were tons and tons of misrepresentation investigations which were
> opened up against the clients.

She went on to describe how this increased marginalization caused by the distrust of her

clients further criminalized them, as they were continuously assumed to be attempting to

defraud the system and therefore had to prove that they weren't.

> So, those cases became very hard to argue for because there were so many [...]
> it was the culture which got created where everyone was being doubted... the
> onus of proof, since it was falling upon clients to say that no, I didn't do this,
> and to create the evidence around that became really hard.... (Asha, community
> clinic lawyer)

The overemphasis on migrants' untrustworthiness was linked to accusations of fraudulent

behavior, and also drained the resources of legal advocates, since they had much more

work to do to provide evidence of honest behavior. This diminishing capacity of legal

services also had important implications for migrants who may not have been able to find

the help they needed to contest accusations, and thus may have had to face significant

consequences, such as loss of immigration status, increased risk of detention and

subsequent deportation.

Samantha, another community lawyer, shared the impacts that she has seen with

this increase in misrepresentation investigations: "I feel like it's fostered a hypervigilance,

sort of the sense that [...] you can't plug all the holes [in people's attempts to regularize

their status], you know?" She described the impact that this has had on her practice, and

the extra work entailed in continuously trying to prepare for any allegations of

misrepresentation or dismissal of facts in her applications. Samantha shared that she now

actively discloses any possible detail that could be used against her clients and collects as

much evidence as possible, often preparing ahead for possible appeals and Judicial

Reviews. She went on to explain that there is "a new level of hypervigilance" on the part

of lawyers, frontline workers and migrants themselves, due to the increased level of

doubt and investigations, but also because of the increased gravity of the consequences.

Samantha named the consequence of this distrust and hypervigilance as a "begging for

mercy model", where, instead of humanitarian decision-making, immigration officials

were asked to take pity on migrants for reasons carefully tied to good immigrant or

deserving victim constructs. She explained that,

> I feel like I reside in, like, the dark cauldron of humanitarian and
> compassionate discretion, discretionary decision-making. Like, it's just
> begging for mercy all the time. Like, none of my clients fit into the rules,
> right? So [...] you're generally asking for some exception....
> (Samantha, legal clinic lawyer)

Another lawyer I interviewed, Sathya, also spoke of the idea of 'begging for mercy' and

believing compassion is possible, but she located that hope in her clients rather than

herself. She explained:

> [A] lot of people really think that even though there's no [...] chance, that
> maybe [the] immigration [official] has a heart. And so they really do have
> that, like, hope that, you know, somebody will take compassion on them.
> And I'm like, well, it's not going to happen.

Instead she described the violence inherent in this distrust and the ways that this is a

direct affront on migrants' dignity and wellbeing. In describing the reactions of her

clients, she explained,

> they're treated automatically like they're lying, like they're criminals.
> There's no trust. Their words are misinterpreted and used against them in
> almost every way. And they feel that they're in a Catch 22, because it
> doesn't really matter what they say, it's going to be twisted to demonize.
> And [by] that, I mean, they don't use these words, but it's pretty evident
> that they feel like their dignity is on constant assault (Sathya, private lawyer).

While this violent and criminalizing distrust was described as an overarching

systemic attitude, it manifested differently based on migrants' intersecting identities and

the impact these have on the viewer. Interlocking constructs related to gender,

racialization, class, ability, sexuality and age influenced procedural approaches. As one

frontline worker, Mariposa, explained:

> The woman has to prove everything. You need to prove that you were raped,
> you need to prove that you were in domestic violence [...]. And then, talking
> about gender, that's very unbalanced, no? And it's against, it really shows you
> how this is, how the patriarchal system is getting more and more on top of
> the women (Mariposa, settlement worker).

The gendered expectations of an 'appropriate' victim are more frequently imposed on

female migrants, as they have to prove they are worthy of that categorization in different

ways. This perspective was shared by Asha, who emphasized the mistreatment of women,

and that in her experience,

> ...there's no compassion in [immigration officers'] voices, they were trained
> to just be very, like, matter of fact and ask them questions, which was as if
> they were being interrogated instead of being interviewed. So, so clients, and
> especially women clients, I can tell you, [...], the amount of offensive
> questions I've seen being asked of women clients is really, like, its harsh.

Asha was clear that she was basing her answers on her own first-hand experience from her work with a particular community; therefore, it may not have represented the system at large. Yet she went on to speculate in 2015, that "I definitely believe there is something going on that a lot more women are being investigated." The gendered criminalization of migrant women has been tied to changes to immigration policy and practice. As distrust and accusations of misrepresentation grew over the near decade of Conservative rule, women frequently became the targets, particularly racialized women.

The Broad Reach of Overt and Subtle Racism

As previously stated, the exclusion of migrants in different moments and spaces may take different forms based on social constructs related to intersecting identities. In the interviews I conducted, exclusion was inherently racialized, taking different forms as race intersected with gender, class, age and ability. At multiple points, frontline workers described the racist distrust and marginalization that their clients faced at different times. Interestingly, and perhaps not surprisingly, the frontline workers who first brought up the racism their clients faced were primarily racialized women themselves. These workers quickly identified racism in their clients' experiences, often explaining that the clients themselves named the racism they faced. As Asha explained:

> All the time, racism. But see the problem with that stuff is, it's very subtle
> most of the time, right? [...] but they all complain about the racism and the
> xenophobia in a very subtle way (Asha, lawyer).

136

Mariposa, a settlement worker, echoed the experience of subtle racism, stating that "racism in Canada happens; the difference with Canada and the United States is that it is more subtle here." Subtle racism in Canada relies on the normalization of whiteness, while concurrently the promotion of multiculturalism obfuscates systemic race, gender and class inequalities (Das Gupta, 1999).

However, Sathya also described the more overt ways racism impacted her clients. She shared the ways her clients faced racism in the many different interactions they engage in during their settlement and integration efforts. She tied this racism to overt criminalization of migrants, as they were often deemed to be trying to gain access to things to which they were not entitled. She said that the racism her clients experienced was

> really flat-out racism in the system and in, like, with service providers
> where [the clients are] just treated like they don't know anything or that
> they're cheaters, or that they can't speak English or can't understand, or
> they're stupid or unsophisticated because of different cultural practices,
> because of different ways they dress, because of the colour of their skin
> (Sathya, lawyer).

This intersectional understanding of racist exclusion shows the many different ways migrants are made to feel 'othered' and marginalized. Asha went on to explain that these kinds of experiences led many of her clients to isolate themselves as a means of protection:

> Another thing is, about the experience of racism, is that a lot of them try to
> isolate themselves from the mainstream society anyways, right? ... That they
> totally isolate themselves from the mainstream and they will basically, their
> life will be really confined to one bus which goes from this one place where
> they live to this one other place they reach and that's it. They contain their
> lives to very secluded and, which they also consider safe, safer zones,
> (Asha, lawyer).

She went on to explain that she noticed this isolation tended to affect women more than men, as they may experience safety differently. Other workers also described the often-gendered isolation enforced on their clients either through their own experiences of racist violence, or as a result of acts against others. Kate, while unable to name many experiences of racism (as opposed to other forms of discrimination), did share that some of her female Muslim clients were afraid to go out. She explained that

> there's a number of women in our community who didn't necessarily have experiences of discrimination, but after recent attacks on women in hijabs in Montreal and Toronto, were afraid to go outside for a couple of weeks, like, for fear of something. Although we never had a report that anything did happen (Kate, settlement worker).

As such, racist violence and exclusion does not necessarily have to be experienced by each person to know that it is a risk faced by those who are 'othered'. This gendered isolation echoes the experience women described in their communities, as they withdrew from public spaces out of different, and yet interrelated, fears. This isolation then also impacts income and educational possibilities, as well as access to advocacy and support. It is therefore particularly important to include a gendered lens in considering the intersectional impacts of the criminalization of migration and the production of precarious status.

Other frontline workers described the racism faced by their clients, but clearly articulated that the clients themselves had not identified their experiences as racist. There were different explanations given for this, whether the racism was too subtle, or clients themselves were afraid to name it in front of white workers, not wanting to look ungrateful in their new society. Samantha shared her experiences, stating:

> I make submissions based on racial discrimination all the time, but I
> find I'm the one putting them forward. I don't know if my clients are
> articulating that to me, to be honest. And that may be a barrier because
> I'm, like, a white lady (Samantha, lawyer).

Samantha's recognition of the barrier that may exist in speaking about racism to the

population identified as white Canadians is significant, as it points to the desire for

inclusion by not threatening a particular power relationship. As the white worker,

Samantha could not necessarily be seen as able to relate to racist oppression, therefore

clients may not have wanted to address it directly. While on the other hand, Sathya, Asha

and Mariposa could be identified as women of colour who may relate more to discussions

of racist exclusion.

Chico, a settlement worker, also shared the different forms of racist exclusion his

clients faced, but explained that they were unable to identify it as such because they had

internalized it too deeply. As he said:

> I believe that many people don't have that clear concept about discrimination,
> racism, classism. You know what I mean? Some of them, they have been
> living in that particular situation since they were born, so [it] is a given, you
> know, the way then the system where they come from marginalizes them.

The long-term, internalized racism Chico described may also keep people from naming

or resisting it in different ways. While not all the migrants I interviewed identified racism

as a significant factor in their experience in Canada, perhaps for some of the reasons

identified by Samantha and Chico, others named it clearly. Suny and Maria, in particular,

described the racist experiences they faced as some of the most impactful in their struggle

with forced voluntary return. As Suny shared, the oppression that she faced in Canada

was continuously accented with racism:

Honestly, I feel being in Canada, a lot of people they, they judge you by your colour. Like even at the work that I have, they, I experience it… they expect that you know nothing so they don't, they don't um, show you [how to do] anything [new]. They expect you to be the one that's ignorant and [that]… made me feel like, ... I would still be treated that way, in any job.

For Suny, this ongoing anti-black racist discrimination (as it intersected with class, education and likely gender) became unbearable. She went on to explain that the exclusion she endured was quietly pushing her out:

It actually made me feel like I didn't even want to stay here. [...] They made me feel like it's not even about your status, there's so much more to it that prevents me wanting to like Canada.

In Suny's statements, she importantly pointed out that she did not believe the 'othering' was related to her immigration status, as her co-workers were not aware of her particular situation. While a permanent status may have allowed her increased mobility in the job market to leave that particular situation, it would not have remedied the anti-black racist violence she encountered in different ways.

Maria described the racism she experienced in her many attempts to settle in Canada. She shared stories of racist encounters with other students in her English school, from the other moms at her job as a babysitter, and in her other attempts to "blend in." She described the racism as fairly subtle, but undeniable as she explained that "I feel like some of them, … they tell you in a very explicit way that you belong there and they belong here." She went on to say, "They don't [...] tell you, 'why are you here?' But it's just..." Maria explained that these experiences of exclusion were a factor in her "depression". She shared that the people she had had interactions with made her feel like she would never be completely here in Canada as a result. She described this as a high

price to pay for being in Canada, a price she felt she was still partially paying emotionally, despite gaining a more secure immigration status.

Community in Toronto: Helpful or Hindrance

In order to avoid racist 'othering' and exclusion, many precarious migrants turn to their community for support. While community was loosely defined, and seemed to mean different things in different interviews, participants often described some form of human connection, whether with service providers, citizens, other migrants or family members. My interview questions were framed in such a way that having a community was contrasted with isolation (ie. frontline workers were asked if their clients were isolated, and migrants were asked about their connections to others). The communities described offer support in many different ways, including psychosocial and financial, which may counteract the criminalization felt by migrants; however, these communities can also become a space where exclusion is reproduced. This tension was further described and challenged in my interviews with migrants, as they did not always see their communities as a welcoming place.

For Suny, her community in Canada, which she described as connected to a Caribbean-dominant church, became a place fraught with discomfort and risk. As she explained:

Here, like, I'm not comfortable going to church, not even making someone
pray [for] my daughter, you know, pray for me. So, I'm not comfortable for
that. So, that's why there's a lot of stuff I know, like, I, before I do it I always
think, like, you know, is someone going to do me something?
(Suny, undocumented migrant).

She went on to clarify that in her country, a small Caribbean island, she would have the opportunity to get to know people quite quickly, as the geographical community was quite small; in Toronto, since the city is so big, it takes much longer to know and trust people. She also pointed out that as a young mother with little familial or community support she could trust, she could not participate in many of the activities that her peers were taking part in, which left her relatively isolated.

Katherine explained that while she had made friends in Canada, she felt that people from her ethnic community were not helpful to her. While her male partner, Jonh also felt uncertain about their ethnic community, he acknowledged that he had been able to make some friends and build more of a network than Katherine. The two of them offered a gendered analysis of their community connections, as he shared that he felt it was easier for men to bond since they could talk about sports (football) or cars and avoid discussing anything too risky, while women could be "a little bit mean." Katherine added that the way she experienced women talking about other people's immigration status made her even more nervous about interacting with them. They also agreed that Jonh had more friends because of his ongoing employment in construction, where he came into contact with other English-speaking people and had the chance to talk to them during breaks. Katherine's limited employment in sectors such as cleaning, did not offer the opportunity to socialize with many co-workers and left her more isolated. For both Katherine and Suny, the circumstances produced by gendered expectations related to the formal and informal care work in which they engaged left them fairly isolated and unable to make the community connections they desired.

Most frontline workers, however, emphasized the importance of community connections and support for their clients. Several who I interviewed emphasized that connecting with community-based advocates, such as themselves was crucial to their migrant clients' success in various ways. For example, some saw their role as advocates as critical for their clients to fight for their rights, as well as to access the services to which they were entitled. They also explained that they try to connect migrants with others in their community who could support and advocate for them. As one frontline worker, Kate, explained:

> I think one of the things that we really try to do is connect people with
> social support because we've seen that social capital, I guess you could,
> say or as we call it, community, can make a huge difference in so many
> things.

However, she also elaborated on the tensions found in community relations, and the diverse reactions migrants from different parts of the world may have to their 'community':

> Sometimes people are quite suspicious and not trusting of people within
> their own community. So, I think it depends—like, there's a big difference
> say, with people from the Congo being very suspicious of people within
> their own community than, like, Colombians, like, love other Colombians
> and there's great community. So, I think it depends on the nature of the
> conflict that they've left and why people come to Canada as refugees
> (Kate, settlement worker).

Kate's position as a service provider for refugees gave her a different perspective on the challenges of community than those expressed by Suny or Katherine. While Kate pointed to conflicts within communities based on histories of violence and division in the countries of origin, the other two women, both without immigration status, were more concerned with their community in Canada betraying them. Suny and Katherine did not indicate that they were worried about connecting with their community because of

143

conflicts that existed before they came to Canada, but instead it was their interactions

with people in Canada that instigated their concerns. Their descriptions of the ways their

lack of immigration status made them vulnerable underlined their fear of making too

many community connections.

The three lawyers I spoke to argued for the importance of connecting their clients

with other community supports. They clearly described their own roles as limited, as their

priority was to focus on the legal situation, and therefore they saw necessity in

encouraging migrants to access other services and supports. As Asha explained, "I will

actually refer them and I would want them to access other services because I can't, I am

not, like I can't be everything for them, right?" Asha explained that she does not have the

capacity to offer all that her clients need, including psychological support, settlement

information and employment or financial knowledge, so she relies on community

referrals for that. This explanation also points to the pragmatic nature of seeking services,

as some migrants may only seek to access services, such as legal services, when they feel

it is essential. A settlement worker I spoke to, Deborah, made a similar point by stating

that

> I see clients who have been here for a long time and all they've done is work.
> They might have family here, like, you know, cousins, nieces, nephews, that
> kind of thing, but they're not necessarily connected to the community outside
> of their family. So, they work hard, they even pay taxes, but they're not
> connected to, you know, any community [resources]. They don't participate
> in anything outside of the family and work.

This focus on employment is often both financially necessary and protective. While there

may be little time for community involvement when engaged in low paid precarious

employment, Deborah was also pointing to the fact that this provides certain migrants

with the perceived safety of not connecting with others who may threaten their precarious

residence in Canada. Deborah went on to explain that many of her clients are also

isolated because of the fear that their status will be discovered, so as she described, they

are "basically hiding".

One frontline worker, Chico, also identified the risks in community and was clear

about the reasons migrants may face challenges in their communities. He pointed out that

> the problem is that we have to really discuss what support means. You
> know, support is a precarious job? [...] You know, there is a concept of the
> communities where, like, you have to pay the price to be here because that
> happened to me. [...] Many people come here, and the abuser is the big brother.
> You know, the big sister [actual family or contacts that have been in Canada
> longer].

He concluded that

> in short term, there is support. It's not the best support, but they can survive
> with that support here in these communities. Survival is the best option, is
> the only option, you know what I mean? (Chico, settlement worker)

Therefore, while community is often extolled by many frontline workers for its

virtue in providing advocates, as well different kinds of support, including financial,

psychological and logistical, it also involves relationships where exclusion is reproduced

for many migrants. The migrant participants in this dissertation were quite hesitant

around their communities, or felt excluded from them for different reasons, most of

which were related to their immigration status. By some understandings, communities

can offer advocacy and support, but by others, they are filled with potential violence and

risk to long-term residence in Canada.

II. Spaces of Exclusion

School: Education Denied

Interlinked with relationships, there are particular places where the exclusion of migrants impacted many areas of their daily life during the period 2008-2015. One location that was noted by participants as particularly marginalizing was in access to schooling. The controlled and limited access to educational spaces criminalizes both children and their parents when enrolment in public education is denied. As Mariposa, a settlement worker, pointed out:

> When you are 8 years old, 10 years old, that's where is your natural place to be, in the school ... we keep talking about language and all this stuff, but I believe the main barrier is the prejudism that is happening, and I believe education is the clear example.

Mariposa was describing her experience working with many families that struggled to register their children for school. She discussed the discrimination families with precarious immigration status face at school boards and at the schools themselves when first enrolling children.

The participants in my study who I spoke to, who had experienced this exclusion first hand, described how they found it particularly upsetting. Katherine expressed the disappointment she felt since "here ...I can't study, you know. So, for me it's the most difficult thing, because I like studying." Katherine went on to explain how she had tried to register for high school, despite completing some university before coming to Canada, but was told that she could not enroll because "the school say me I need have my parents here because I just, in the time, I just have 18 years old, so, and I need to have my parents here to have a job and bla, bla, bla, I don't understand..... [sic]." In this instance, the strict

rules dictating that minors must have a legal guardian to register for school, combined

with the language barriers, left Katherine feeling 'othered' and excluded without a

completely clear sense of why. Since minors are frequently forced to migrate without a

parent or legal guardian, the school board policy that demands a legal guardian for

enrolment impacts many precarious status youth.

Suny also faced insurmountable barriers in her efforts to access education in

Canada. She explained that

> when I first came up here I wanted to go to high school, I tried it, and actually
> I called and they told me yes! um, they could take me, and when I went um,
> I gave them my documents, I didn't tell them my status. I don't recall if they
> asked my status. But I gave the, the documents and I told them that's all I
> have, and they told me what I needed and I just, I told them OK, but I never....
> I knew by the time they told me that, that I probably wouldn't be able to do
> it, so I didn't bother to go.

Being unable to provide immigration documents due to her lack of permanent status,

Suny decided not to fight her exclusion; she instead decided to withdraw her efforts.

School, in this instance, was not deemed to be a right, but rather a space reserved for

those who held particular documents that proved their presence was 'welcome.' However,

Suny was determined to pursue her education in one way or another. She decided that

since she could not attend high school, that she would try a private college. Yet that

experience was no less marginalizing:

> And after I tried the college, a private college. I actually paid and I was
> willing to pay a monthly fee, and then um, I actually went to the, I went to
> the orientation and then um... [...] I paid the admission and they, they
> accepted my ID, the one that I had. And then I went to the orientation and
> then when I, because it was a, caring, child-caring program, you needed to
> do blood tests to make sure that you're healthy and with it a [vulnerable person
> police record check]. I was ok, when I heard about the blood test, I said ok,
> I probably just have to pay extra to get it done. And then when I heard about
> the police record I knew that I was unable to because of my [lack of] status.

Knowing that her very presence in Canada was criminalized because of her lack of immigration status, Suny could not interact with the police in any way. Once again, Suny had to withdraw from participating in civil society and once again she was reminded that she was not 'desirable' or worthy of inclusion.

The one person I spoke to who had access to education due to her status as an international student, Esse, felt that she faced internal barriers within the academy which impacted her experience and ability to succeed. As she explained: "I think the international student has ESL and racialized,...it's also the reason I am behind for finishing PhD, so I had a difficulty to find supervisor, especially for comps." Esse shared that she had struggled to find support at different times throughout her degree and that she believed that assumptions were made about her and her ability to succeed academically. She explained that faculty and staff at the university insinuated that she did not belong. Esse tied the lack of support and the marginalization she felt at school to the oppression she faced as a non-Canadian racialized woman who did not speak English as a first language. Esse continued to pursue her academic goals despite the setbacks, and was ultimately able to finish her PhD, but her immigration status as a visa student became a factor in her inability to establish herself permanently. The student visa she was on expired before she could finish her dissertation, forcing her to make the decision to leave before she was ready to. Esse had applied for permanent residence twice, under two different streams, but she was unable to obtain it in time and was unwilling to overstay her visa.

Health Care: Survival of the Fittest

Another area of concern for many of the participants in my study, both frontline workers and migrants themselves, was access to suitable health care for migrants. The lack of clarity over government cuts to health care access for certain refugees and other migrants led to widespread confusion and the denial of services, even to those migrants who had valid government-provided coverage (Barnes, 2013). As Kate, a settlement worker, explained, "[it] has been really, really difficult to know exactly who's covered for what and when. And not even us, it's hard for the [medical] service providers to stay on top of." This confusion made it difficult for migrants to access medical services and support, and promoted abelist constructions of 'desirable' migrants as people who did not require medical care. Discourse was circulated by government officials stating that migrants were receiving "gold-plated health care", which was better than the coverage that average Canadians were able to obtain (Wherry, 2012). In reality, refugee claimants, as well as some other migrants, received a document that allowed them to access the same provincial health services as Canadians, with the addition of some coverage for mental health services, vision tests and some prescription medication, similar to the coverage received by people on social assistance (Barnes, 2013; Hari, 2014).

The drastic cuts to the Interim Federal Health (IFH) program in June 2012, which left certain migrants with access to only emergency public health services, caused migrants and service providers to be confused and defensive. The cuts were initially targeted at refugee claimants from Designated Countries of Origin (DCOs) and refused claimants. Yet, as Dr. Agarwal described, the impacts she experienced in her practice as a result of the changes saw many more migrants excluded:

How many people have been told by their ill-informed, although not ill-intentioned, social service workers or healthcare workers that they are not covered, and therefore decided not to seek care? And then, what negative outcomes have occurred? We don't really know
(Dr. Agarwal, community doctor).

As Dr. Agarwal points out, despite the targeted discourse that marginalized particular populations, many more refugee claimants felt the exclusionary impacts. The confusion over which migrants maintained access to healthcare and which did not meant that people might have avoided seeking treatment even when they were eligible for it. Therefore, the exclusion of 'undesirable migrants' does not only affect the targeted migrants, but also impacts others who, for other reasons, are categorized as 'desirable' refugees or migrants.

Moreover, Dr. Agarwal highlighted the fear that these changes caused for migrants: "In terms of the IFH cuts, there were a few patients that have asked me whether it was a problem that they were seeking health care and whether the government would know, and whether it would impact their claim." This fear demonstrates the ways discourse was understood and internalized by migrants to mean that if they sought services, they would be deemed 'undesirable.' This has important consequences not only on people's physical health, but also on the community as a whole, as it worked to solidify a hierarchized construct of inclusion based on ability and needs. Even once the coverage was reinstated, healthcare providers continued to turn people away, as the administration involved in processing IFH patients had become arduous and the government was slow to reimburse clinics.

Two of the migrants I spoke to tied their 'voluntary return' directly to the cut in health services they experienced. Kelly, who had a long-term chronic condition, had had

both positive and negative experiences with the health care system in Canada until her access was cut. She described advocates having to fight for her to get the medication that she needs, and people being rude in clinics and hospitals; but she also talked about kind and generous doctors. Kelly then explained that after her refugee claim was denied, while she was waiting for her appeal at the federal court to be decided, her health insurance was terminated. Around the same time, she learned that she required a new treatment that would not be covered. Kelly explained: "I wasn't receiving any medication for the fungus and this was something that was indicated that was a big deal, a big problem. A serious problem. [...] And then that was the deciding factor to go." Kelly felt the negative impacts of the health cuts firsthand and this marginalization impacted her presence and her wellbeing. It excluded her from healthcare-providing spaces and marked her as unworthy of life-saving services.

Manuel also experienced the impacts of the cuts, as he also suffered from a persistent health condition. He explained that after his IFH expired and he was no longer able to renew it because of his status as a refused refugee claimant, he had to get medical exams done, but as he said: "I couldn't pay for them, I couldn't pay for them because they couldn't charge them to the [IFH] document and I didn't have any money either." He went on to explain that because an Immigration and Refugee Board member had not believed his claim he was going to have to return to his country; however, he had obtained a legal stay of removal, which allowed him to remain until his Judicial Review was held and a determination was made on his case. Despite the stay, Manuel emphasized that he had to go. He said he had to leave because he

can't get medicine, which is very important for me. In that moment they
told me 'you can stay', but because I have no benefits, I can't, because I
am on medicine for the rest of my life and I don't have money to buy it. [...]
This is what I don't have now here, and for that as well, I want to go
because I couldn't be here.

Even though he was still very afraid for his safety in returning to his country, and spent

significant time explaining why, he still felt that he had to go back for the medicine. As a

result of the health care cuts, migrants felt criminalized and stigmatized based on their

physical ability and needs, and the associated exclusion led to a forced voluntary return

for some.

Economic Exclusion: Work Places and Shelter

While for Manuel the biggest concern related to his limited finances was the

inability to purchase the medication he needed, for others income issues came up in

different ways. One area in particular that was raised in most of the interviews I

conducted was migrants' access to secure income and decent living conditions. Frontline

workers and the migrants I interviewed suggested that there was a significant divide in

people's financial situations based on their immigration status. Refugee claimants tended

to be on social assistance, which is called Ontario Works (OW) in Ontario, for some

period of time[12]. Participants gave reasons for claimants' reliance on OW, including the

fact that they have to apply to Citizenship and Immigration Canada for a work permit

which could take anywhere from five weeks to six months to be granted. The additional

barriers to employment included limited English, lack of so-called 'Canadian experience'

---

[12] Ontario Works is a provincial social assistance program that provides a monthly allowance to eligible
residents for rent and necessities. The amount is predetermined based on criteria including number or
family member, health needs and pursuit of education.

and a Social Insurance Number starting with a 9, which marks them as temporarily in Canada (Landolt & Goldring, 2013).

On the other hand, migrants without immigration status were almost always working, despite the lack of a work permit. Migrants in this situation do not have access to social assistance because of their lack of status and thus have to find jobs that pay under the table in order to survive. Yet, according to most of the participants, undocumented workers were frequently considered working poor.

Migrants and frontline workers interviewed explained that OW was very hard to survive on, particularly when taking into account the cost of rent in Toronto, as well as the cost of living. As Mariposa pointed out, "They are in social assistance and working, because social assistance doesn't help to survive anymore." Social assistance in Toronto for a single person is currently $721 a month, and while funds are added for additional family members and certain extra expenses, the ability to live comfortably was challenged by many participants. Kelly pointed out that for her, the biggest difference she found living in Canada, as opposed to South America was the limited resources she had from OW. She explained:

> That's something that I'm not used to, the economic situation... I had a
> sufficient amount of money to get anything I wanted [before]. I didn't
> want much, but I had that. Right now I only have Ontario Works. ... After
> you spend the money on everything you need to spend it on, and then if
> you want to get something else, first you have to look at the money and see
> if it's possible.

In addition to the struggles inherent in surviving on such limited amounts of income, refugee claimants have been criminalized in different ways for being on social assistance. In Ontario Works offices, people are challenged by their caseworkers on their

153

deservingness to receive government support and their legitimacy as refugee claimants.

This confrontational environment is nurtured by ongoing communication between CBSA

and social assistance workers as Samantha, a community clinic lawyer, explained:

> Since 2012, there's been this, like, liaison person at every OW and ODSP
> office that communicates to CBSA, or CBSA communicates to them about
> anyone under a removal order, and [...] constantly having to prove that you're
> entitled to income. You know, if you have other stuff, appeals, applications
> in process but you're technically under a removal order but not removable,
> so kind of having to fight that.

Samantha was describing the increased surveillance she had observed in which social

assistance workers were regularly communicating with the Canadian Border Services

Agency to receive updates on their clients' immigration processes. While having a

refugee claim denied is not sufficient grounds to terminate OW, as people are eligible to

receive financial support during appeals and continue to be eligible until their deportation

date, this communication often caused migrants to be cut off prematurely. Therefore, the

fighting that Samantha described to have clients' OW reinstated was a drain on energy

and resources, as social assistance workers became the civilian soldiers who bordered

access to survival in many ways, monitoring and policing migrants' livelihood as well as

their movements.

A clear distinction was made for migrants without any immigration status, as they

were barred access to most services and supports. As a result, many of the people I

interviewed emphasized how hard these migrants needed to work to earn enough money

to meet their needs, highlighting the determination and creativity necessary for survival.

A gender divide was identified by several frontline workers in this discussion, which

highlighted women's struggles in particular. Irene, a frontline worker in a community

centre, for example, highlighted women's experiences among those of the non-status

migrants she has supported:

> It's very rare that I find somebody who's not working. Non-status, 95%
> of them, women from ... Latin America, from all these communities:
> Latin American, Caribbean, Portuguese, mainly, are employed in the
> household, you know like, maintenance kind of, um, underground
> employment.

After describing that situation in detail she went on to describe undocumented men's

employment, primarily in the construction industry. Yet it is significant that her first

association with non-status workers was about women. Louisa, a community worker,

also raised the issue of gender in her questioning of immigration officials' handling of

these cases from her experiences of supporting detained migrants. As she stated:

> I always think, that's the kind of person you would want to give status to
> since they've been able to survive without healthcare and welfare for ten
> years. That shows you are a survivor. Especially the women, the women
> more so.

Katherine and Jonh, the migrant couple mentioned earlier, also explained their

experience working without status along gendered lines. Their descriptions of looking for

work, the kind of work they obtained and the salaries they received were all influenced

by socially-constructed gendered expectations and relations. Katherine had had a much

more difficult time finding and keeping employment, while Jonh had work, but was

underpaid relative to his co-workers. Jonh worked in construction, where he was given

the opportunity to build skills, as he explained: "So here I learn, I do, like, digging, you

know, of houses. You do, like, I do brick laying. Its heavy but it's nice, I like, yeah."

However, he also pointed out that employers exploit the situation when they know that

the workers have no immigration status: "He pay you 12 [dollars an hour], he pay you 12,

but for the job you can receive like 16..."

155

Katherine, on the other hand, started out working for a relative who did not manage her business well and was unable to provide a salary. She then approached other businesses within her linguistic community, since she explained that she was not confident in English, but they would not hire her because of her status. But, she then changed her assessment during the interview, explaining that she felt her status had little to do with access to good jobs, rather nepotism allowed people to find work, but she did not know the right people:

> That's why I'm so frustrated, because, if you meet people, you, you, can be illegal, but if you meet people, meet the [manager] of the coffee [shop], you can work. Illegal or legal; but if you don't meet anybody, you can't work.

Katherine then tried to find work cleaning, but found this to also be very precarious. Nonetheless, Katherine and Jonh described their economic situation as "okay". They explained that they paid all their bills first, and if there was money left over, Jonh could buy cigarettes, because cigarettes were a "luxury." Nonetheless, Jonh said that he was still able to smoke in Canada. Katherine never mentioned what her luxury is or whether she was able to spend money in that way.

Within the interviews I conducted, many participants linked their economic situations to access to housing. Several participants raised access to housing as one of the most important barriers faced by migrants, with less emphasis on their immigration status. The cost of housing in Toronto is significantly prohibitive, which means that many migrants end up underhoused, homeless or living in substandard conditions (Kissoon, 2013). Two participants discussed the overcrowding of apartments necessary for migrants to afford rent. Several frontline workers also discussed the discrimination their clients

faced due to class-based and racist discrimination within the competition for rental

housing. As Mariposa pointed out:

> But they, even they say that if you don't have a status, its more challenging
> to find a house, it's like if you are in social assistance, its worse to find a
> house. And I, it's the same, it's kind of class that divides. They don't tell
> you it's classism, no? (Mariposa, settlement worker).

When housing cannot be obtained, the shelter system is often relied on as a

temporary solution. However, participants also discussed challenges in the shelters, as

staff may not be sensitive to people's particular situations, or the short timelines enforced

for residence may be unworkable. As Asha, a community clinic lawyer, shared:

> Women who are facing violence and who are, as I said, shelter hopping, they
> have a huge trouble with the way shelters treat them [...] There are restrictions
> in the time period, you can only be here 6 weeks and maybe we'll give you a
> grace of 2 more weeks, but then you have to get to a stage of second-stage
> housing. They don't qualify for welfare, so how do they get to that kind of stuff?

This lack of access to supports that may help migrants, particularly women, move out of

the shelter system is a significant barrier in many respects. Without making immigration

applications, migrants cannot gain access to the supports, since social housing, childcare

and other shelter-linked programs are tied to permanent residence. Therefore, shelter

workers frequently encourage residents to make an immigration application as quickly as

possible to gain access to the supports needed; but being in the shelter system also makes

it more difficult to make certain applications (Bhuyan, 2013). Any immigration

application linked to establishment in Canada or employment potential will be

disadvantaged by residence in a shelter, therefore it is often not recommended to file

these applications until secure housing is obtained, leaving migrants in a catch-22

situation. So, in that sense, many migrants, especially women, end up homeless for

significant periods of time.

Immigration Detention Centres – The Apex of Migrant Criminalization

In many ways, the space of immigration detention is the most evident material manifestation of the criminalization of migrants. There are three Immigration Holding Centres run by the CBSA across Canada, one in Quebec, one in Ontario and one in British Colombia. Where there are no detention centres, migrants are held in provincial jails. Within the Toronto Immigration Holding Centre, located in the Rexdale district, people with precarious immigration status can be incarcerated in a five-wing detention centre where they have limited and controlled access to family, friends, or the services they may need. Immigration detention involves twenty-four-hour confinement with limited and controlled movement.

(Toronto Immigration Holding Centre)

Most frontline workers agreed that the threat and intolerability of prolonged detention greatly influenced people's 'voluntary' return. Even those who struggled to think of situations where people would self-deport recognized that clients in detention

were more likely than others to agree to leave. As Chico, a settlement worker, explained, being detained "destroys choices"; once someone is detained, their options decrease significantly. While I was not able to speak to anyone in the Immigration Holding Centre in Toronto, frontline workers were forthcoming with their experiences working with migrants who had been detained. Louisa, a frontline worker with significant experience working with people who had been detained, gave a few specific examples of the obstacles migrants find in detention with regards to meeting their needs. Specifically, she spoke of the inadequate health care provided and the hostility of the in-house doctor. Moreover, people's movements are restricted, as they are told when to eat, sleep or go outside. Louisa described the security measures utilized to control movements within the detention centre:

> Every single time they pass a guard they have to say their name and room number. Some of the guards recognize them and remember. But they're writing [the names and numbers] down all the time. So, they know that they can't move without guards. So, when they go outside for recreation, when they come in, now this is new because I haven't seen this before. Now in the last few—I don't know how long, when they come in from outside, they line up, they go through a security thing outside. And then they come in and hands against the wall, and the guard with gloves pats them down.

This control is not only used within the detention centre itself; additionally, when people are moved to and from the centre they are placed in handcuffs, emphasizing their criminality and 'dangerousness.' As Louisa explained: "When they're arrested, they're taken in handcuffs, and that's very traumatic for people [.... and] anybody that's moved outside, either to the doctor or the airport, are in handcuffs."

As Regirousso (2016) shared in his personal account of being detained:

> I was then brought into a room with 4 men: 2 immigration officers and 2 security guys. 'Face the wall, legs apart and hands on your head sir!' What?

But I did so quietly. 'Hands behind your back sir!' Clip...clip. My first time
ever wearing handcuffs (68).

Regirousso went on to describe the fear and trauma he felt being incarcerated in

this way. He made the point of saying that this experience happened when he first

reached the Canadian border at Niagara Falls and asked for refugee protection. Therefore,

this overt criminalization was his "welcome to Canada."

The primary reasons given for detaining migrants are concerns over identity, or

the unlikelihood of compliance with departure orders (i.e. if the person is considered a

flight risk). Louisa explained that many of the migrants she had met in detention were

arrested because they made the mistake of expressing to CBSA officials that they were

afraid to go home. They were thereafter marked as a flight risk, meaning they were

unlikely to show up for removal because of their fear. Therefore, their intense exclusion

is directly tied to their immigration status as an 'undesirable' migrant who must be

removed from the territory.

The migrants held in the Immigration Holding Centre are those who are not

considered high risk to society or high needs; they are migrants who have committed no

crime other than being 'undesirably' present. Migrants who require additional attention

for medical needs, mental health issues and/or criminality are relocated to provincial jails,

where they are held with the non-migrant incarcerated population (Silverman, 2014).

These prisons are often in remote locations, making access to loved ones and legal

representation even more difficult. The practice of detaining migrants in prisons has been

highly contested by activists, lawyers and migrants themselves, with people who have

been detained in these spaces engaging in numerous hunger strikes to protest their

conditions and indefinite detention (CBC News, 2016).

There are few applications that can be filed once a migrant has been detained, and

those that are available often do not alleviate the situation immediately. Instead, people

who are detained are generally being administratively prepared for removal. In this

context migrants are held in detention centres until they agree to sign the removal order

and other documents necessary for their deportation, including an agreement for CBSA to

obtain a passport for them, which also informs their home country that they are returning;

they are then usually transported directly from the detention centre to the airport. Sathya,

a private lawyer who had defended many clients in detention, explained that in these

situations migrants either stay incarcerated or they agree to leave. She expressed that

"after a certain amount of time in jail, deportation looks pretty good." She went on to

point out:

> When you're in detention you have a CBSA [agent] who's your removals
> officer, right? And like, the things that I've heard removals officers say to my
> clients are ...lies,... CBSA officers are frequently lying and manipulating the
> emotions of people inside to facilitate deportation because that is, that is their
> mandate and they have to fulfill it.

However, she maintained that even in that context, the departure is still considered

'voluntary' (as discussed further in Chapter 5) since procedurally migrants need to sign

the departure forms and walk onto the plane themselves. Therefore, Sathya argues:

> That is the purpose of detention, right? It is to push people out. It's to put
> them in such a desperate state. That's why they keep them in there as much as
> they can, because they know that the longer they keep them in there, they're
> going to cooperate. They're going to comply. And who can blame people?
> So, yeah, detention absolutely would speed up that decision.

The loss of hope, desperation and despair Sathya described are important factors in forced voluntary return. With limited possibilities of release and the prospect of indefinite incarceration and corporeal control, migrants may be more likely to agree and comply with removal arrangements, marking the event as a voluntary one despite the landscape of involuntariness in the detention centre.

The detention centre is a gendered space, as Louisa explained: there are three wings for men and only two for women, with one of the women's wings holding families. Men are detained at higher rates than women, as the gendered constructs inherent in criminalization make them more suspect to authorities. Yet, the existence of a family wing also demonstrates that this criminalization has no age requirement. Kate, a frontline worker, showed her disgust at the imprisonment of a young child, "a ten-year-old kid who's been there for nine months, who's still in detention. Like, just crazy." Louisa also discussed her abhorrence of children in detention, stating that the number of children has decreased and that CBSA is trying to keep them out. She did raise one particularly egregious example, where "they did keep [the woman] and her son there. He was two and a half when [they were deported] and had never been outside the detention centre." While Canadian children are not considered detainees, but rather 'guests' in the detention centre, and are therefore free to leave at any time, the incarceration of their mothers often means that they too experience the criminalization of detention. Therefore, from a gendered perspective, the over-criminalization of migrant women has far-reaching impacts beyond the women themselves.

There are other ways that children experience exclusion as dependents of their parents. These experiences rob children of their agency, as their identities are externally

constructed through a number of processes, procedures and choices that occur without the children's consent or even their knowledge in many cases. Asha described the significant impact this has had on her clients:

> So usually when the minors come here, they do applications with their parents right? It's like a joint application....because when you do a humanitarian and compassionate grounds application, ...you have just clumped it together as one application, with the father say, for example, being the principle applicant, they all get a refusal together. Same with the protected person status, if they have made a claim in one family class, so everyone gets, everyone's claim gets rejected. And when that happens then they are either making a choice, like the family's making a choice to leave, they all go together. So, the minors are not necessarily asked separately, 'do you want to go?' or not. And they don't usually have a choice in going…. these minors who have lived all their lives here while these applications were in process are now facing violence there or are facing, um, they are basically experiencing a reverse culture shock because they don't know their country anymore.

With minors being included in their parents' processes and experiences, including criminalization, the idea of forced voluntary return becomes increasingly complicated. Age is therefore an important construct that may impact the 'voluntariness' of return in different ways. The child may or may not be Canadian, or they may or may not prefer to remain in Canada without immigration status, yet that decision is largely made for them. When children are made to leave with their guardians, is their departure necessarily closer to the involuntary end of the spectrum? Some of the frontline workers I interviewed addressed children's stated desires to stay or leave, and the emotional response that this can incite; yet the final decision predominantly rests with the parents/guardians.

Asha went on to describe situations where she was able to help the children return after their involuntary departure. The minors that she has helped to return to Canada, who

identified as female, were eventually permitted to come back because they were at risk

for their safety, while the males were given the right to return through citizenship.

> I think it's mostly younger women, mostly. And some of them are from
> LGBTQ community and hence the threat is a lot more, to their lives. I have seen
> cases of young boys also coming back…but whenever I have seen a young boy,…
> they're Canadian citizens. They get abandoned [by their fathers] along with their
> mothers and, so when they grow up, they were born to a Canadian citizen so there
> is a way to establish their citizenship, but mothers in most of these cases are not
> Canadian citizens, so it's, it's easier to bring the children back, but not bring the
> mothers necessarily.

The gender dimensions of both these examples are particularly interesting. While

drawn from a very small sample of anecdotal experience, these experiences mark girls as

'deserving victims' in need of rescuing, and boys as rights holders. It also leaves the

mothers behind, as they are neither rights holders nor the 'right kind' of victim.

Summary

The criminalization felt by migrants has taken many forms in different

environments and spaces during the period 2008-15. Within the research for this

dissertation, participants identified places and relationships that overlap to create the

overarching, multilayered exclusion that migrants experience, which is overtly gendered,

impacting women and men differently. Gender also intersected with other identity

constructs within the experiences outlined, as migrants were either allocated certain rights,

or excluded from them based on racialization, class, age and ability. Participant responses

for this dissertation suggested that the two tiers where people felt most criminalized

include: relationships (distrust, racism and community) and specific places (schools,

healthcare provision, workplaces, housing/shelters and immigration detention centres).

These multilayered exclusions made many migrants feel 'othered' and marginalized to

the point of losing hope for their future in Canada. This loss of hope is inherently tied to forced voluntary return, as the conditions inciting this return are induced when migrants are excluded.

Chapter 5 – Forced Voluntary Return: Nuancing the Tension Between Voluntary and Involuntary, Individual Agency and Loss of Hope

Conceptualizations of voluntary return have frequently been positioned in direct opposition to deportation, or forced removal, which offers a narrow understanding of migrants' motivations, agency and actions, as well as the processes involved. While some scholars have challenged the inherent limitations of a voluntary/involuntary dichotomy, it remains an under-studied area of migration. In this chapter, I explore these opposing concepts and propose that in/voluntary return can be better understood on a spectrum. Forced voluntary return is added to this spectrum to further nuance this tension and highlight people's motivations for return. I draw on the interviews I conducted with migrants and frontline workers to ground these ideas within people's lived experiences and will offer a gender lens to the analysis.

This chapter focuses on the case study of the Canadian implementation of the Assisted Voluntary Return and Reintegration (AVRR) program, a pilot project implemented exclusively in the Toronto Region from June 29, 2012, until March 31, 2015. This particular implementation of the AVRR is contextualized among the AVRR programs run internationally, and examined in terms of its perceived successes. I critically analyze the official evaluation produced by the Canadian Border Services Agency (CBSA) in 2014, near the end of the program, to contribute to unpacking a state-driven perspective on voluntary return. Throughout this analysis, I not only draw out the forced 'voluntariness' of the program, but I also offer an intersectional approach to understanding its impacts. Frontline workers' perspectives are incorporated into this

analysis to highlight the material impacts the program has had, as well as community reaction to it.

As a starting point, voluntary return is described by the United Nations High Commissioner for Refugees (UNHCR) as stemming from a "freely described" wish to return, based on "full knowledge of the facts" and occurring in "conditions of safety and dignity" (UNHCR, 1996). Therefore, individual agency to make an informed decision is prioritized, while at the same time, conditions in the country of return are considered crucial for a 'voluntary return' to occur appropriately. Conversely, Schuster and Majidi (2013) describe deportation, or non-voluntary return, as "the physical removal of someone against their will from the territory of one state to that of another" (p. 222). While these precisely developed and widely understood definitions offer points of reference at two ends of a the spectrum, there are many experiences of return that lie between the two. Within the Canadian context, where deportation is a significant impediment to the rights of migrants to make decisions freely, no one is physically forced onto a plane. Therefore, while all removals are considered voluntary, other tactics are used to push people to 'agree' to leave. These tactics, which include coercion, manipulation, threats and detention, are significant to the understanding of return on the spectrum between forced and voluntary. As Sathya, a private immigration lawyer, explained:

> I mean big quotes around voluntary, right? Because, like, it's all coerced
> and it's all forced. But there is no such thing as a 'forced removal', really,
> because you have to sign for certain documents and you have to show up at
> the airport, you have to get on the plane, you have to do all those things, you
> know.

167

This chapter first reviews self-deportation as one form of forced voluntary return. As an immigration enforcement strategy, self-deportation is tied to policies and practices that rely on 'attrition through enforcement', assuming migrants will choose to leave if their presence is challenged in multiple ways. The chapter then explores the loss of hope described by migrants and service providers as a result of the exclusionary and criminalizing environment in the Canadian context. Finally, the chapter investigates the Canadian implementation of the Assisted Voluntary Return and Reintegration program. The analysis in this chapter highlights the ways different forms of forced voluntary return are nuanced processes, rather than specific moments or events.

I. Self-Deportation as One Form of Forced Voluntary Return

In this section, I focus on the power relations affecting migrants' experiences of voluntary and forced return, which will nuance the spectrum between the two poles. This overview of self-deportation adds an important dimension to the voluntary/involuntary spectrum, as it includes both the coercion aspect of the 'attrition through enforcement' and the individual agency of opting to leave, which for some offered strength, while for others acknowledged an overarching loss of hope. While self-deportation has been specifically discussed as an immigration enforcement tactic in the United States through the increase of bordering, surveillance and fear, it applies to the Canadian context as well, as many of my interviewees related their own experiences to self-deportation. Self-deportation relies on many of the exclusionary tactics and criminalizing experiences described in the previous chapters; therefore, this section also builds on primary data from my interviews to add a broader context to the impacts of that gendered exclusion. Since the same policies that have 'othered' migrants also contributed to the recruitment

of civilian soldiers, federal responsibilities have been downloaded to everyday gatekeepers who monitor and control access to services, spaces and relationships. These civilian soldiers are frequently encouraged to rely on tropes that are based on the racialized and gendered 'other' in order to enforce exclusion. For the migrants who leave as a result of this exclusion, the voluntariness of this departure is questionable.

While the term self-deportation is linked to a particular context and specific exclusionary policies in the United States, other strategies are used in different settings to make remaining unbearable. For example, in the summer of 2013 in the United Kingdom, a campaign was undertaken to encourage precarious migrants to seek help in leaving 'voluntarily.' This campaign involved posters and flyers strategically placed in migrant-serving spaces and detention centres. More controversially, the campaign also used a truck with a large billboard on the back that advised non-status migrants to contact immigration officials or face arrest and detention.

(Photograph: EP, Tavis, 2013)

The billboard offered a number to which migrants could send text messages in order to obtain information about 'voluntary' return. The truck drove around immigrant-populated neighbourhoods for one month, raising alarm and condemnation from groups, individuals and media outlets. The messages traveling on this truck ideologically moved the border to London neighbourhoods, making migrants into criminals who would be arrested, and reminding them of the violent deportability they endure. It also reminded residents of these neighbourhoods, who did have the right to stay, that their neighbours may not have the same right, thereby circulating the idea that precarious migrants should be encouraged to leave. In the end, the truck was deemed to be responsible for 11 'voluntary' departures (Travis, 2013).

The factors identified in this dissertation that push people to leave are often more subtle and disavowed than the previous example, with policy makers taking little responsibility for the hostility created. The Canadian approach described in the two previous chapters was more heavily based on the propagated distinction between the 'deserving' and 'undeserving' migrant, yet the ability to distinguish between the two was largely blurred, leaving both 'genuine' and 'bogus' migrants feeling the impacts. The migrant couple I interviewed described the impacts of their ongoing deportability on their way of life; they shared how they limit their movements and interaction, and how they weigh their decisions carefully. At the same time, Jonh explained how they come to terms with the risk,

> No, it's like, we are careful. She is more careful…You want me to go, I go with
> you to immigration. If immigration catch me in the street, or all these things,
> I don't be scared, because I [won't live] scared, I live normal…I'm going to try
> and I'm going to walk in the street normal.

Yet, his partner Katherine was less confident, as she explained: "I do the things too because I go with him, but in my thinking, it's going to happen [getting caught]. But I go, but I think." The concern Katherine expressed was another indication of her isolation, as she may not have been willing to take risks without Jonh's initiative. The exclusion and fear experienced as a result of this deportability, and the impact it has on day-to-day living complicates the binary between voluntary and involuntary return.

When asked specifically about their return, and their understanding of self-deportation, the migrants I spoke to highlighted the tensions inherent within the spectrum of forced voluntary departure. While some participants spoke of the fear they felt in their forced voluntary return, people also talked about their sadness and upheaval, while at the same time describing their excitement to see family, friends, familiar places and taste the food of their home countries again. The range of feelings and perspectives clearly showed that self-deportation meant different things to different people, as some described leaving before they lost status, as a kind of systemic ultimatum, while others talked about turning themselves in, or making their lack of status visible in different ways.

> I would avoid to be deported right?... self-deportation, self-deportation, I think
> so, because I don't want to go back, but I have no choice,… so it's kind of
> self-deportation…I could stay, you know 'illegally', but I don't, I know that
> it will be so hard, right? To get job or you know, I also can't get outside of
> the country, so I don't want to do that. For me the option is to go home.
> (Esse, international student)

Esse described criminalizing processes in many different ways in her discussion of forced voluntary return, through the loss of status, as she was afraid of the hardship involved in trying to find employment and having her mobility restrained. She went on to highlight the tensions between in/voluntary in her own plans to return: "It's hoping to come back,

so try not to have a bad record or something, you know [...]?" Esse was clear that she was

not willing to do anything in Canada that might hinder her future plans, so even though

she had absolutely no desire to leave, she did so strategically to ensure that she would be

able to return. Since her plans were to come back and apply for permanent residence, she

did not want to jeopardize that application in any way, despite wanting to stay in Canada.

Asha, a community-based lawyer, described similar scenarios, highlighting the

agency she saw in some of her clients in light of their imminent departure:

> Or they have, they have someone…everyone is here in their family and
> they know that they will advocate for them to come back under some other
> scheme. So it's always those people who are ready to go…Or they are
> getting deported to a third country and not getting deported to the country
> where they have a lot of issues.

In these situations, migrants are able to mitigate the involuntariness of deportation

through the legal support and advocacy of others to address their own needs and desires.

While systemic barriers were still clearly pushing them out, the idea of circular or

secondary migration allowed migrants to use their agency in departure plans.

Kelly, a refused refugee claimant, also spoke of secondary migration, doing

whatever she could to make arrangements to move on after she had left Canada. While

she felt that she could not stay in Canada any longer, she was not prepared to remain in

her country of origin. For Kelly, the desire for secondary migration was clear: "I want to

see if I can get my [European] citizenship. If not, then I don't know. Perhaps living in

another country in South America and if I do, I won't need anything." She had made a

refugee claim in Canada, which had been denied, yet in the interview, she spoke of the

fear that she still felt to return. Kelly was pushed to leave Canada, despite being eligible

to stay because she had a Judicial Review of her refugee claim pending. Her immediate

need for medical attention for an ongoing health condition outweighed her fear of leaving at that point, as was explained in the previous chapter. Manuel, who was also a refused refugee claimant, was in a very similar position, as health concerns paired with the lack of access to health care also forced him to leave despite a pending Judicial Review of his refugee claim. He felt that his only option was to go back to Central America and live in hiding because it was the only way he could guarantee consistent access to health care for a chronic condition. Interestingly, I learned several months later that even though the Judicial Review was approved in Manuel's case, giving him the opportunity to return to Canada to have his refugee claim reconsidered, he chose to remain in his country. His movements and actions were limited in his country of origin, since he still feared for his safety, and he was dependent on other people for his day-to-day needs, but nonetheless he chose to remain in that environment rather than return to Canada.

II. Loss of Hope

While there were strategic reasons shared for forced voluntary return, for many it was also the result of an overpowering loss of hope. Maria, a migrant from Latin America, spoke directly to the feeling of exclusion she experienced in Canada in different ways, and the many times it made her lose hope. She shared the challenges she faced in Canada, including a lack of employment, poverty and discrimination. Her interactions with law enforcement and immigration officials had left her feeling isolated and criminalized, despite having been the victim of a serious crime. As a result, she described different moments of "waiting to be deported." Despite these experiences, Maria also explained the difficulties she saw in going back because of the expectations of others. She discussed the judgmental disappointment others would express to her, since, as the first female in

her family to have migrated, she believed she would be letting family and friends down because she had not met certain expectations. She also felt that they would judge her for not having earned enough money, or having collected enough material goods. She described the hardship she would face in finding employment and establishing herself in her country of origin. The tension between the imagined hardship of going back and the lived hardship of staying, led her to describe the idea of self-deportation as a way "to stay safe and to feel safe." Maria explained that for her, keeping the idea that she could reject a life in Canada in her mind gave her the strength to keep going.

Suny, a young migrant from the Caribbean, described departure in similar terms but with differing consequences. To her, self-deportation was also tied to intense frustration and concerns over mental health, but did not give her strength. Instead, it signified an ending:

> I feel like self-deportation is almost like suicide…It's not going to, they're just doing it because they've had enough. So, I feel like it's like suicidal, like you're just ending all your dreams, all your hopes, like suicide. In suicide you're just taking yourself, taking your life. Self-deportation, I feel like you're just ending everything you had hoped for, like for no reasons. Maybe, yeah, you had enough, but maybe, yeah. I just feel like it's similar to it, because either you lose your mind or you go back home and start all over, or you could stay here and you'd go crazy.

The tension that she describes between losing your dreams and 'losing your mind' speaks powerfully to the impact of life with precarious immigration status and the hardships with which it is associated. For Suny, the need to make the difficulty and pain end coincided with an extremely difficult life choice, one where the person would let go of dearly held ideas about a future, abandoning all those hopes and dreams. The comparison to suicide is both painful and enlightening. April May made a very similar point in her 2016 piece

Bittersweet, when she explained her reasons for staying in Canada with precarious

immigration status, despite the enormous hardships. She clearly expressed the fact that

she was not a refugee and did not face persecution, but for her, returning meant giving up

the hope around which she had built her life in Canada:

> The moment you get on a plane to your native soil that hope, that dream,
> that life is lost forever. And while it's true that you may be able to pull
> yourself together enough to survive back home, something will be
> permanently broken, that sense of failure will haunt you and overshadow
> what you managed to create.

For her, this was an unacceptable sacrifice, and so she stayed and struggled in Canada

despite the strain. For others, the pain, frustration or fear became too much, and the only

remedy was to leave. This defeated position was also described by frontline workers

when reflecting on some of their clients. As Mariposa, a settlement worker, explained:

> I saw it [for the first time] last year, clients that [...] are coming to say, 'you
> know what, I'm leaving'.... And they feel defeated by Canada, by the system.
> That was the first time that I was seeing that, it was not happening before.

Mariposa was linking the exacerbation her clients felt to the immigration landscape that

increasingly excluded them. The continual hardships and losses, as described by Maria

and Suny, cause migrants to feel like they are being worn down to the point when they

cannot take it any more. Self-deportation can be a moment of agency in those situations,

whether it feels "safe" or "suicidal." Mariposa went on to describe the conversations she

has with her clients when they come to tell her they are leaving: "It's just, 'I need to go.'

And you try to convince them not to do it, good luck. [...] sometimes they come just to

reaffirm or to get information, but the decision already is done."

Interestingly, several frontline workers saw the connection between mental health

and forced voluntary return as something they needed to remedy. From this perspective,

people would not actually want to leave, but rather were going through a difficult time for differing reasons. As Asha, a community-based lawyer, explained, "You'll get them counseling because they're under so much mental health stress that they start saying, 'I want to go'." Asha struggled to find the few examples she could think of where people actually wanted to leave, because from her perspective "you are able to talk them through most of the time." While this approach removes agency from migrants by possibly negating their desire to leave, it also reinforces the idea of a forced 'voluntariness' where migrants would not leave voluntarily as long as they could gain access to the services and supports they need.

By extension, many of the discussions with participants focused on voluntary departure as a reaction to not being able to endure the current situation anymore. Frontline workers talked about their clients being "exhausted", "frustrated", "fed up", "disappointed" or experiencing "despair" and "hopelessness." Mariposa described the reoccurring disappointment of refused applications as "diminishing" her clients. The extended time in immigration limbo, whether it be as a result of multiple rejected applications, or the delays of a single application, leaves people with a diminished sense of hope for their future. For migrants waiting to regularize their status, either because of excessively slow processes, or because of limitations placed within the systems which contribute to precarious status and illegalization, the feeling of lost time and stagnation can become intolerable. As Suny shared:

> Sometimes I feel like I'm just wasting time. Yeah, I honestly feel like, sometimes I would probably, I would say it, like, maybe God should just take me out of here. And I, like, I'm not afraid to be out of here. Like, I'm only scared of doing the decisions and it's, you know, it ends up being a

life decision, like, it could have been better. But if it was to happen by
chance or by fate, I would just let it be.

Suny struggled with the idea of initiating a forced voluntary return for some time. She

shared with me the ways the frustration over wasted time and opportunities pushed her to

try something, anything, to change her situation. At that point, she explained that she

would leave it up to God to determine what should happen to her, too afraid to make a

decision with such a life-changing impact, but at the same time, being too frustrated to do

nothing. Instead of leaving, Suny finally decided to make an immigration application that

was considered quite risky, as she had reached the point where something needed to be

done. Ultimately, she was successful in that application and gained permanent status in

Canada.

Chico, a settlement worker, made a similar point when he talked about his clients

who make applications out of desperation in order to gain inclusion in different ways. As

he explained:

> People come here and say: I need a work permit, so I'm going to make a
> refugee application...This is not the reason why you're going to make – I
> know that you need a work permit application…but don't do it because [of]
> that, no? Oh, I need to apply for social assistance, you know, because I
> don't have a way to survive in this. But if you make a refugee application,
> for how long will be the social assistance? Three or four months?

He went on to state that he understands the thought processes through which these

decisions happen, and even if they eventually lead to a departure order, they are not

always the wrong choice:

> You know, they haven't breathed – you know, they haven't really relaxed.
> They didn't have any chance to do anything in the society. They have been
> marginalized, totally ignored, even denied, you know, by the society. So,
> some of them, they just want to say 'give me at least three months of peace',
> you know what I mean?

This overarchingly described defeat, which took different forms, with varying impacts, was also frequently linked to the separation from family. The interviews suggest that the prospect or reality of long-term separation from family is one of the deciding factors for migrants' forced voluntary return. The separation could be caused by long immigration processes, including refugee family reunification, sponsorship applications and appeals, or simply from the lack of mobility that comes with having precarious immigration status. These lengthy and delayed separations have been tied to both the criminalization that migrants feel and the systemic racism they encounter.

Mariposa pointed to the racism inherent in the immigration system when it came to family reunification for migrants from Africa. She explained that migrants from Africa are the ones most commonly asked for DNA tests to prove familial connections. There is deep-rooted racism and distrust in this practice, as the underlying assumption is that African people lie about who their family members are. She further explained the racism in these processes, sharing that "they have [six] offices in the whole continent to process the continent, and [it] is the biggest continent in the world." This limited number of offices necessarily leads to delayed applications and many lost years before migrants can see their family members (CCR, 2017). This point was reinforced by Samantha, a community-based lawyer, who explained the impact this delayed processing on the African continent has on her clients:

> [R]efugees who then have to wait seven years for their babies to join them here...
> Just needlessly keeps [my clients] there, like, in this long-term limbo that
> has totally negative health effects.

Kate, a settlement worker, also emphasized the impact of family separation, as she shared a couple of cases where that became the deciding factor for people. She explained that

you wait a year for your refugee hearing and then six months for your decision. And then…years until your wife and three kids come here. And a lot of people's family members are in situations of profound insecurity.

Kate went on to describe cases where the knowledge of long-term familial separation was enough to push people to return to the country they had come from. She explained that in some of these circumstances the decisions were taken so quickly that people did not even inform her that they were leaving; they simply left a note or some message to tell her they had gone.

Katherine and Jonh also linked their return with their need to be reunited with family. This desire was tied to a health issue that they did not want recorded, but was also a reflection of their inability to find the support and services they needed in Canada. When Katherine and Jonh, who held no legal immigration status, realized that they would not be able to collect the money needed to buy their plane tickets home, they decided to turn themselves in to CBSA to be deported. They explained that while they were working their money was used up every month for rent and bills, and they could not bear to wait until they could collect the money little by little. Their need to leave as quickly as possible pushed them to risk detention and other forms of immigration enforcement. I asked them if they were afraid of what would happen when they turned themselves in, and their answers again took a gendered perspective:

I'm not nervous for me, I'm not nervous, I'm just nervous for her. For me, I'm good, they can do whatever they want, cause, but she's a..... (Jonh)

I'm not afraid, he afraid for me, but I'm not. (Katherine)

Jonh's fear for Katherine's safety and wellbeing, but not his own, speaks to gendered constructs around physical and emotional strength, as well as the ability to express and perform fear and distress in specific ways. Jonh was afraid that the experience would be

179

too unpleasant for Katherine, and that she would be physically or mentally affected by it, while he projected his own strength in being able to handle difficult situations. He went on to explain that he did not need to be afraid because

> if we respond honestly and correctly [to] everything the person ask, is ok…
> They persons [CBSA officials], not monsters, the people act like they monsters.
> They persons like you, they go coffee, McDonald's...

Jonh's understanding of the power relations inherent in his self-deportation speaks to different conceptualizations of state authorities, either as frightening and violent state-sanctioned enforcers, or as ordinary individuals who hold a particular authority. While these understandings contribute to migrants' considerations of self-deportation in different ways, differing identities intersect with the fear, coercion and marginalization experienced to push certain people to leave 'voluntarily.' While these experiences offer a limited snapshot of people's push-and-pull factors for forced voluntary return, they also capture the messiness underlining individual realities. While some people described agency in their decisions, by ensuring they would eventually be able to return, choosing secondary migration or prioritizing familial reunification, others presented defeat and broken dreams. It is questionable if any would have left if they could have accessed the services and supports that they felt they needed. This lack of access is deeply tied to the false dichotomy between the 'deserving' and 'bogus' refugees and migrants. It is also a form of marginalization that is inherently gendered, further impacted by intersections with racialization, class, age and ability.

III. Assisted Voluntary Return and Reintegration

This section explores another approach undertaken by state officials in different geographical locations in order to highlight the tensions inherent in forced voluntary

return. Focusing on Assisted Voluntary Return and Reintegration (AVRR) programs, I unpack the ways 'undesirable' migrants are still 'othered' and targeted for exclusion, despite tactics that are arguably gentler than 'attrition through enforcement'.

AVRR programs have been developed internationally since the 1970s and have generally targeted refugee claimants, refused claimants and non-status migrants, but they have gained increased popularity over the last decade (Morris & Salomons, 2013). Governments have invested notable funds to encourage migrants to leave this way, instead of having to rely on detention and deportation, or 'attrition through enforcement'. AVRR programs offer incentives of money, services and/or information in the country of return to encourage migrants to participate. Should participants agree to leave 'voluntarily' within a predetermined timeline, they would receive the various forms of reintegration support for limited periods. These incentives are largely administered by the International Organization for Migration (IOM), which works with state officials to implement their desired version of this program. The IOM understands AVRR programs as "part of a comprehensive approach to migration management, which includes timely asylum adjudication, effective removals of irregular migrants, regular migration options and accurate public information on those options" (IOM, 2011, p. 1). The AVRR programs are further seen as beneficial for all involved because: 1) state officials are able to rely on alternatives to deportation that are considered more politically acceptable; 2) migrants are able to leave with dignity and receive support upon return; 3) the burden is lessened on the receiving state through the supports offered to migrants (IOM, 2011). This benefit was echoed by one of the service providers I spoke to:

> There is…this concept of leaving with dignity. You know, that a person
> makes the decision to leave, well the system is forcing them to leave, but
> they can provide dignity in the way then they go out, you know?
> (Chico, settlement worker)

While Chico importantly highlighted the opportunity to encourage migrants to leave

without the necessary violence of deportations, he also showed his ambivalence about the

program, questioning its very voluntariness as he notes that the system is still forcing

people out. Such critiques of the voluntariness of these programs have been widely

expressed in the literature as well (Andrijasevic & Walters, 2010; Ashutosh & Mountz,

2011; Blitz, Sales, & Marzano, 2005; Webber, 2011). Therefore, while AVRR programs

may offer a more palatable removal, they are not genuinely offering a choice, since the

migrants targeted often have no procedural way to remain in the country.

The AVRR programs have taken different forms in various countries in the

Global North, reflecting particular priorities and targeting specific groups. Frances

Webber (2011) has highlighted different European incarnations of the program since the

1970s, including programs in Germany, France, the Netherlands and Spain, but she

focuses much of her discussion on various UK schemes. The UK schemes had different

target populations, prioritizing: refugee claimants and denied claimants, 'illegal' entrants

and overstayers, non-European Economic Area families with at least one child, and

foreign national prisoners. While some of these UK schemes offered financial support or

subsidized reintegration assistance in the country of return, others only assisted with the

logistics of departure. Moreover, most programs involved restrictions on returning to the

UK, and since migrants were not offered assurances of security in the country of return,

refugee applicants were further made to sign a declaration stating that the IOM would not

be liable for injury or death upon return (p. 100). Webber openly challenges the voluntariness of all of these schemes and states that

> [R]epatriation cannot be termed 'voluntary' where the alternative is utter destitution… or years in detention. Nor can it be 'voluntary' where the prospect of obtaining recognition as a refugee has become remote because the system for the determination of asylum claims and appeals is deliberately underfunded (p.104).

Blitz, Sales and Marzano (2005) reach similar conclusions in their study of the Afghan community's views of the same programs in the UK. They importantly add that the negative public and media perception of precarious migrants were factors that influenced the voluntariness of these programs. The public 'othering' and exclusion of migrants thereby dovetailed the AVRR program with 'attrition through enforcement', further pushing this voluntary departure to the forced end of the spectrum. Blitz, Sales and Marzano (2005) ultimately ascertain that within hostile environments, where return policies were becoming more aggressive, the choice of 'voluntary' departure as a genuine alternative to deportation holds little value.

Maria Pablón Lopez and Roxana A. Davis (2011) examine a different voluntary return program run in Spain during the last recession. This program targeted unemployed 'legal' foreign residents who had accrued certain unemployment benefits. Upon departure, these migrants would receive their employment benefits, transportation would be paid, and they would receive small amounts of money for additional expenses; they were then obliged to remain abroad for at least three years. While this program was arguably more voluntary than others, there were many concerns expressed: 1) migrant rights groups objected because they feared the program placed blame for the recession on migrants; 2) governments in return countries feared the impact of large scale returns for their own

economies; 3) migrants themselves rejected it because: they had not worked enough to gain benefits; they did not want to give up their residence; their situation was still better in Spain since they had access to social services; they feared humiliation or had integrated too extensively; and/or they believed the government wanted to get rid of them. As a result, while notable numbers of migrants registered for the program, Pablón Lopez and Davis claim that many migrants' rights groups in Spanish society still considered it to be a failure.

AVRR in Toronto

In this final section of the chapter, I outline and investigate Canada's implementation of an Assisted Voluntary Return and Reintegration (AVRR) program. While short-lived from June 29, 2012, until March 31, 2015, this program became an important part of border enforcement over an almost three-year period, as it supported CBSA's efforts to return migrants quickly and efficiently. The tensions inherent in this forced voluntary return initiative are worth briefly outlining: 1) only refused refugee claimants were eligible for the program, meaning migrants who were already marked as unwelcome and likely to be deported; 2) migrants could receive more money or support services if they agreed to leave earlier in their appeals process; 3) while deportation orders were often inevitable for the migrants eligible for the program, these migrants were also determined by CBSA to be low-risk deportees. Within this low-risk arrangement, migrants agree to collaborate with CBSA throughout the deportation process and to present themselves to the airport for departure, which also means they have the power to choose to not show up. While the impacts of this choice should not be underestimated, since overstaying a deportation order comes with significant sacrifice

and risk, it is still an option that provides migrants with some agency. With these tensions noted, I analyze the program from the government perspective through the CBSA's 2014 Evaluation Report, which was a result of qualitative and quantitative research conducted between October 2013 and March 2014 by the CBSA's Program Evaluation Division. The report is further contrasted with CIC's operational manual, as well as community perceptions based on the interviews I conducted to offer an intersectional understanding of its impacts.

The short-lived Toronto-based AVRR pilot program ran from June 29, 2012, until March 31, 2015, with an allocated budget of $ 31.9 million (Government of Canada, 2015). Its implementation was part of the Conservative government's refugee policy reform, which was supposed to streamline the refugee determination processes. The strict and condensed timelines imposed through the legislation would then be followed by incentives to encourage refused claimants to leave as quickly as possible, thereby maintaining a speedy process from beginning to end. The priorities for the pilot program, as outlined by the CBSA, were to remove failed refugees quickly and cost effectively in order to allocate more resources to the complicated removal of high-risk deportees (migrants with criminality considerations, or those considered a flight risk) (Government of Canada, 2015). For CBSA, the 'voluntariness' of the program was an attempt to ease removal, as ideally participants were expected to give up appeal rights and cooperate with CBSA in preparing for departure, including obtaining travel documents and other necessary documentation within set timeframes (CIC, 2012a). CBSA partnered with the IOM in the implementation of the project, as the border enforcement officials would identify and screen potential participants for the program and then refer them to the IOM,

which would then assist with return arrangements and the allocation of reintegration

supports, saving CBSA time and effort. The IOM was to remain independent of CBSA to

ensure the voluntary participation of migrants in the program (CIC, 2012a).

(Greater Toronto Enforcement Centre - CBSA operations centre in Toronto)

Two significant community outreach events were held jointly by the CBSA and

IOM to first inform the community (NGOs, legal representatives, the airline industry and

foreign missions) of the pilot program before it started, then to offer an update a few

months in (IOM interview, 2016). The IOM then pursued one-on-one consultations with

these groups to seek input on the outreach strategy during which they were advised to

utilize local and community newspapers, radio and informal networks in the languages

spoken by migrant populations (IOM interview, 2016). It is unclear from the information

provided by the IOM representative which languages in particular were targeted. While

the IOM representative to whom I spoke explained that the community response was

largely positive, this did not necessarily translate into referrals for the program, as many

of the frontline workers I interviewed expressed concerns over its voluntariness. As one

participant noted:

> I didn't find it very beneficial to most of my clients, so I didn't encourage the
> program, to be honest. If people asked me about it, I gave them the facts, but I
> didn't go out of my way to tell them I think 'this is the best for you', because
> sometimes it wasn't the best for them. Because if you look and examine the
> program, it wasn't the best program for certain people at risk at home.
> Especially those failed refugee claimants who had their refugee claims
> rejected, but that doesn't mean they weren't at risk still (Irene, settlement worker).

Outreach did lead certain migrants to seek information about the program even

when they were not eligible for it, though no statistics were kept for this population (IOM

interview, 2016). These may be migrants who were also scheduled for removal and were

seeking out other options, as well as migrants who mistakenly thought they were eligible

since there were several reasons even refugee claimants would be ineligible, including

criminal history or ongoing court obligations (Government of Canada, 2015). The

outreach also led to a notable population who were eligible and who presented

themselves independently to CBSA as walk-ins to participate in the pilot program

without the expected referrals. Up to twenty percent of the participants referred to the

IOM were walk-ins (IOM interview, 2016), which was a population that CBSA had not

planned for in their design, and "consequently procedures were developed and

implemented later" (Government of Canada, 2015).

The Canadian government's priority was to "facilitate the timely removal" of

refused refugees, and a voluntary program was seen as an efficient way to achieve this

goal (Government of Canada, 2015), thus blurring the in/voluntary distinction. The IOM

representative explained that the organization's constitution prohibits the involvement in

forced returns, and thus that the program was framed as completely voluntary.

'Voluntariness' was outlined through the information that was provided to migrants, including the ability to choose to participate, to travel on commercial flights without escorts (like any other traveler), and the option to withdraw at any time (IOM interview, 2016). These provisions added costs from the CBSA end, as the anonymity ensured through 'voluntary' departure meant Canadian officials could not hold airlines financially liable for the migrant's original irregular arrival. Normally, if airlines do not verify travelers' authorization to enter Canada effectively, they become financially responsible for the migrants' departure flights. The evaluation report states that nearly 51% of the return tickets CBSA purchased for AVRR participants involved airline liability cases, meaning the airlines could have been financially responsible for the return, but instead CBSA accrued the extra costs (Government of Canada, 2015).

While the measures outlined to ensure 'voluntariness' can increase the likelihood of leaving with dignity, as previously highlighted by Chico, it is not necessarily understood as a voluntary departure by migrants themselves. As one participant explained, referring to one of her clients:

> But we did find in their case that CBSA was quite accommodating, in that their deportation date was supposed to be, like, a week before Christmas. So, we managed to negotiate that these kids could finish out school before Christmas and have Christmas together and New Years together and then they deported them on, like, January 3rd or something…we took them to hockey games and the aquarium and the CN Tower and kind of made their last month of—be tourist around Toronto before you have to leave. Yeah, but in the end, the actual financial support of AVRR was really very low.... She was being deported, that's how she completely saw it, yeah. Yeah, it was—for the kids it was okay. Like, CBSA was fairly good. But for the mother it was, like, an awful experience (Kate, settlement worker).

Gender is an overlooked category of analysis in the CBSA's evaluation of the AVRR. The refugee experience is a gendered one, since patriarchal power relations

impact the motivations and methods of forced migration for migrants. Moreover, the refugee determination process itself becomes a site where gendered explanations of persecution and fear are expected by decision makers (Aberman, 2014; LaViolette, 2007; Murdocca & Razack, 2008; Murray, 2013; Rehaag, 2008). These processes favour different migrants at different moments based on current constructions of victimhood and the corresponding expected identities. Racialization, class, ability, sexuality, education and religion intersect with gender through these processes to produce particular tropes and stereotypes of dangerous societies from which refugees need protection, or alternatively, of threatening migrants who must be excluded (Murdocca & Razack, 2008; Razack, 2008). Consequently, the refusal of refugee claims is also gendered, as claimants who cannot perform gender identities in ways that are deemed appropriate are frequently denied access to protection (Aberman, 2014; LaViolette, 2009; Murray, 2013; Rehaag, 2008). The subsequent removal process, and access to the AVRR, are therefore impacted by these same patriarchal power relations, with the violence potentially faced upon return to the home country also shaped by identity constructs and social relations.

While the IOM shared that the gendered division of program participants was nearly equally split between female and male (50.7% to 49.3), there was no breakdown available within family units (969) or among the significant number of children who were included with their parents, as 31.4 percent of participants were under the age of 18 years old (IOM interview, 2016). The breakdown becomes particularly important since the selection of reintegration services was highly dependent on whether the participants were part of a family unit or individuals. Families with children primarily chose housing and schooling for children as their desired services in the country of return, while single

189

participants chose training for themselves and small business setups (IOM interview). If women in these instances were primarily responsible for childcare, as is often the situation, their opportunities to seek their own development were significantly reduced. It cannot be assumed that family units necessarily refer to nuclear families; therefore, disaggregated data and a more detailed analysis would be required to truly understand the gendered impacts of this program.

2015-2016 data prepared by CBSA for a community consultation organized by the African Canadian Legal Clinic in 2016 showed that twice as many men as women were deported that year. While the same data are not available for the years the AVRR was operating (2012-2015), anecdotal knowledge from participants affirmed that this gender ratio is usually the case. While the totality of deportations per year included a large number of people who were not eligible for the AVRR program, the disproportionate representation of women participating the AVRR program (50.7%) is noteworthy; men were deported at higher numbers overall (i.e. as part of the AVRR departures, as well as other deportations), but women made up just over half the participants in the AVRR, which could be indicative of their greater desire for this program.

This gendered outcome may be linkable to the feminization of poverty, since women may have been more in need of the economic supports offered. As was described in the previous chapter, the criminalization of precarious status migrants leaves women often more economically insecure and isolated. Therefore, they may be more likely to agree to programs that assist with economic and social integration in their country of return. Conversely, precarious status men, while frequently exploited for their cheap

190

labour, may have more options in Canada or abroad without necessarily needing to rely on the AVRR incentives. More research is needed in this area within the Canadian context as well as internationally.

Class and race also intersect in the AVRR participation, though no reports were officially made in these areas. It is noteworthy that four of the top five countries of return through the AVRR program were in Eastern Europe (Hungary, Croatia, Czech Republic, and Slovak Republic), with Hungarians making up the highest proportion of participants by far, at 48% (Government of Canada, 2015). Prior to, and throughout the refugee policy reform, members of the Conservative government had generated targeted discourse denigrating the refugee experiences in Eastern Europe, particularly for those from the Roma community. Roma claimants from different countries, particularly Hungary, were constructed as 'bogus' claimants, migrating to Canada to unjustly benefit from our 'generous' social services. This 'othering' both negatively classed and racialized migrants from these countries as they were portrayed as poor economic migrants, who were also cheaters and liars. Roma claimants were part of an already racialized and marginalized community targeted for violence in the countries from which they arrived, but whose community had been relatively unknown in Canada. However, the discourse that circled around the community and their 'bogus' refugee claims, obliged them to face exclusion and bordering within Canadian society and institutions. CBSA officials' declarations about the Roma community's economic motivations for migration were explicitly highlighted in their AVRR evaluation report, which states that "[t]he top five destination countries for pilot program participants reported a lower gross domestic product in 2008 and growth has remained low since then" (Government of Canada, 2015).

This focus further ignores the noted violent persecution that Roma communities face in these countries, instead shifting the gaze to the economic and employment downturn.

Class was a factor to further consider within the population that participated in the pilot program. In the first year of the AVRR program, CBSA was targeting migrants who had made their refugee claim prior to the 2012 refugee reform but received a decision after. According to the evaluation report, the removal of this population through the AVRR was faster and more efficient than for refused claimants who made their claim after the reform (Government of Canada, 2015). Pre-reform claimants were not given access to the Refugee Appeal Division (RAD) and lost access to the Pre-Removal Risk assessment (PRRA), meaning their only option to appeal was through a Judicial Review at the federal court, which required a lawyer and a stay of removal (both of which have significant cost considerations). This lack of affordable options may have made pre-reform claimants more likely to accept the AVRR.

Moreover, as previously stated, refused claimants from Designated Countries of Origin (DCOs) were the primary participants after the DCO list was imposed, and they left faster and more efficiently than non-DCOs (Government of Canada, 2015). It is worth noting that like refugee claimants who had arrived before the 2012 reforms, DCO claimants were also denied access to the RAD, meaning that their only recourse for appeal was through a Judicial Review. The added expenses, in addition to the twelve to thirty-six-month ban on eligibility for a Pre-Removal Risk Assessment (PRRA), may have made the AVRR a more strategic option. Participants were also offered more financial support the fewer appeals they made, which made these two groups likely to receive the maximum amount. Financial and in-kind support would be reduced for an

appeal at the RAD, further reduced for a Judicial Review and even further reduced for a

PRRA application. These reductions were critiqued by the community, as one participant

explained to me: "I never referred anybody to avail themselves of [the AVRR] because it

just seemed so repugnant to sell your appeal rights, you know, for some piddling in kind"

(Samantha, immigration lawyer). European nationals were also excluded from in-kind

support, which meant that they were offered varying amounts of money directly for their

departure.

It is nonetheless surprising to me that the pre-reform and Designated Country of

Origin refugee claimants in particular would be the most willing and efficient participants

in the AVRR. Pre-reform refugee claimants would have spent significant time in Canada,

potentially making community connections and establishing themselves; and DCO

claimants may face significant violence upon return. However, the choice to participate in

the AVRR may also be the result of the ongoing criminalization of refugee claimants by

the Conservative government, as claimants who were present during the passage of the

refugee reform would have witnessed the criminalizing and 'othering' discourse, as

would DCO claimants who were directly targeted. The real and perceived exclusion of

migrants, and the material impacts associated, are among the dominant motivations

behind forced voluntary return, and therefore, may impact the participation in the AVRR

pilot program.

This intersection of exclusion and voluntariness was also located in the

interactions between CBSA and AVRR participants. As an immigration lawyer explained

to me:

> I was dealing with a client recently who was, who signed it with them, so they give them this form where you sign it, that [you're] taking this option, and then [the client] was calling me and struggling with me, how can he regularize his status. And I'm like "but you already signed it with them, why did you sign it?" Because when you're in that meeting in that room, you feel like you don't have many options right? And rather than taking the form with him and being like, 'ok fine I'll come back', he actually signed it there and then and now he was struggling with what can he do about it (Asha, community-based lawyer).

The intimidation inherent in the encounter Asha described further challenges the voluntariness of the program. The option to participate in the AVRR was presented when migrants attended their first appointment with CBSA, a meeting that was laced with stress and intimidation. Having attended such appointments myself (as a frontline worker), I have witnessed the power imbalance, as CBSA officials ask pointed and accusatory questions from behind a glass window in a small room. The principal purpose for those appointments was to prepare people for removal. When offered the option of the AVRR, people were likely aware that the alternative to that meeting was regular removal. Therefore, agreeing to participate at that moment did not meet the UNHCR's definitions of voluntary return. The evaluation report, in fact, highlighted that the costs of the program were increased because the CBSA had not anticipated that people would withdraw from the program, despite that being part of the 'voluntariness.' As the report stated, "almost a third (1,384 or 29.4%) of those screened as eligible and interested would not leave under the pilot program" (Government of Canada, 2015). Moreover, "[s]ome potential participants [...] did not enroll in the pilot program after the CBSA had referred them to the IOM while others [...] withdrew after enrolling" (Government of Canada, 2015). The initial meeting described above offers one window onto reasons migrants may withdraw from a 'voluntary' program after agreeing to participate.

CBSA also determined that the program offered sustainable and desirable return for participants based on the small number who afterwards attempted to return to Canada. The evaluation report stated that only three participants tried to return to Canada (Government of Canada, 2015). Therefore, without any other evaluation mechanism or measure, the CBSA's Program Evaluation Division deemed the program successful, and that participants had effectively reintegrated in their country of origin, so long as the participants did not try to return to Canada. However, this does not factor in the many reasons migrants may not try to return, including strict visa requirements, lack of funds or the assumption that their entry would be rejected, nor does it consider whether migrants moved again to other third countries. The only apparent concern for CBSA appears to be keeping the migrants who participated in the AVRR out of Canada. Therefore, the imposition of a deportation order challenged the entire premise of 'voluntariness', as did the ongoing criminalization and exclusion of refugee claimants.

Summary

This chapter explored the spectrum between voluntary and involuntary return in theory and practice, highlighting both migrants' agency and the myriad of ways that discourse, policies, state officials and civilian soldiers work to exclude migrants socially, economically and physically. By nuancing the spectrum, and adding forced voluntary return, the tensions become clearer. Migrants' experiences of return along this spectrum are importantly impacted by gender, as it intersects with other identity constructs. Socially-constructed expectations regarding gender, racialization and class, and the ways these are expected to interlock, therefore have material implications. Migrants face social, economic and legal exclusion based on varying aspects of their identities and are

195

encouraged to leave in gendered, racialized and classed ways. By exploring self-deportation policies, including the Assisted Voluntary Return and Reintegration program, through an intersectional lens, the subtleties of forced voluntary return have been highlighted in order to clarify deportation as a process rather than a particular event.

<u>Chapter Six - Conclusion</u>

My dissertation research was undertaken to learn from the lived experiences of migrants and frontline service providers within the migrant-serving sector in order to better understand *forced voluntary return* in Canada. With little literature available on this specific topic, I undertook the research without clear ideas of what I might find. I began to answer the research questions in this dissertation in chapter 1, by providing an overview of the methodological frameworks and individual methods I used, as well as my social location. I approached the research from an epistemological perspective of Feminist Standpoint theory and drew on Intersectionality, particularly McCall's (2005) conceptualization of the intercategorical complexity approach to ground my analysis. In chapter 2, I provided a literature review with the breadth and depth of literature on state sovereignty and migrant illegalization to highlight the research that exists on migrant precarity and how that applies to the Canadian context. I also indicated some of the gaps in the literature which have presented voluntary and involuntary return as distinct binary experiences. Then in Chapter 3, I drew on participant responses, policy documents and government statements to outline some of the changes to Canadian immigration and refugee policy from 2008-2015, offering an overview of the shift in atmosphere that increased migrant exclusion. This led, in Chapter 4, to the analysis of multilayered criminalization, exclusion and loss of hope experienced by migrants. Finally, in Chapter 5, I explored participants' conceptualizations of forced voluntary return. I also offered an analysis of the now-terminated Assisted Voluntary Return and Reintegration (AVRR) program, a pilot project implemented in the Toronto Region, as it related to FVR. All of the aforementioned allowed me to address my research questions: 1) What factors push

197

migrants to make decisions on the spectrum of *forced voluntary return*? 2) How does gender, as it intersects with other identities and social relations, influence migrants' experiences of *forced voluntary return*? 3) What does the addition of *forced voluntary return*, a non-binary concept, offer to current research on voluntary and involuntary migration?

Regarding my first question, this dissertation research drew on a necessarily small sample of participants who experienced FVR, and who all indicated that for them FVR was closely tied to feelings of being criminalized and excluded, and to an overwhelming loss of hope for their future in Canada. The exclusion expressed by participants was manifested in the ways migrants experienced relationships and spaces in which they lived their lives in Toronto, which allowed me to address my second research question. The relationships were often different based on intersecting identities and had clear gendered and racialized impacts. Migrant participants identified interactions within their communities, including a controlled access to services, which resulted in experiences of feeling distrusted as migrants and racialized persons. The exclusionary spaces identified included schools, healthcare and workplaces, housing/shelters, as well as immigrant detention centres. Limited and unsafe access to the above places had important impacts on migrants based on their gender, class, race, age and ability, which came together in ways that pushed some to leave. My findings suggested that the environment created through these exclusions is built on patriarchal, racist and ableist power relations. Both migrant and service provider participants indicated that migrants vulnerable to these oppressive power relations would be less likely to lose hope and leave if they could access the various forms of support they needed. A loss of hope was therefore related to

198

the perceived impossibility of a meaningful future in Canada, characterized by increased inclusion, decreased experiences of criminalization, a possibility for family reunification and the elimination of time spent incarcerated in immigration detention. Participants identified loss of hope as one of the primary factors that pushed them to leave 'voluntarily', so as to relieve the pain associated with staying.

My dissertation research also offered an analysis of the limited Assisted Voluntary Return and Reintegration (AVRR) program piloted in the GTA by the International Organization for Migration (IOM) in collaboration with the Canadian Boarder Services Agency (CBSA). This program offered an interesting case study, as the contradiction between voluntary and involuntary return is clear in the way the program targeted migrants. While selected migrants could voluntarily participate in the program, these same migrants were already subject to removal orders and would be expected to leave Canada regardless.

The third question concerning the addition of *forced voluntary return* to current research on voluntary and involuntary migration became increasingly relevant throughout my research. While the questions of factors that pushed migrants to make decisions on the spectrum of *forced voluntary return* were likely to be context specific, the addition of FVR to the study of migration offered the possibility of conceiving of a spectrum between voluntary and involuntary departure that may reflect people's lived experiences, including from gendered perspectives. The consideration of this spectrum of return challenged the binary that has been dominant in current research since there are many reasons for return that are not fully voluntary or involuntary. This spectrum also added to discussions of border enforcement, securitization and state sovereignty as migrants are

discursively and materially targeted in various ways that urge them to leave. While the focus on migrant agency in research, as well as in the migrant-serving sector in Toronto, has largely emphasized the strategies migrants use to remain as safe in this city as they can, this focus may overlook the experiences of migrants that leave for various reasons.

Toronto also offered a philosophically interesting backdrop for this research because of a motion that was passed by City Council in March of 2013 that declared Toronto to be a 'sanctuary city', the first of its kind in Canada.[13] As a result, an estimated 200,000 non-status residents (Keung, 2013a) should have access to municipal services such as libraries, recreation, shelters and subsidized childcare regardless of their immigration status. While this motion was an important victory, its implementation has been uneven, and at best can only cover a limited range of services (Hudson et al., 2017). While I initially believed the policy might contribute to feelings of inclusion and mitigate migrants' experiences of criminalization and loss of hope, nearly all participants (both migrants and frontline workers) disagreed.

Building on the Literature

In order to explore and answer my research questions, I drew on two key theoretical frameworks, feminist transnationalism and intersectionality throughout my research and analysis. These frameworks were best suited for this work because they offered theoretical groundings to understand the structural and societal relations that intersect to produce power relations and oppressions on multiple scales, from the macro

---

[13] Several other cities have also declared themselves Sanctuary Cities, including: Hamilton (Ontario), London (Ontario) and Montreal (Quebec); Vancouver (British Columbia) has adopted an access without fear policy; Calgary (Alberta), Ottawa (Ontario), Regina (Saskatchewan), Saskatoon (Saskatchewan), and Winnipeg (Manitoba) are considering passing similar declarations.

(international) to the micro (individual), which therefore allows for a richer

understanding of state sovereignty and bordering policies and practices. Feminist

transnationalism demanded an understanding and deconstruction of global power

(Ahmed, 2000; Glick Schiller, 2010; Grewal, 2005; Mohanty, 1988), which also provided

theoretical validity to challenge the reified constructions of the nation-state and its

borders, and understandings of mobility and immobility, that involve multi-sited

relationships and power relations (Ahmed, 2000; Glick Schiller, 2010; Glick Schiller et

al., 1995; Nolin, 2006). I used intersectionality in conjunction with transnationalism to

conceptualize the ways inequalities, discrimination and oppressions intersect and overlap

systemically and at the individual level. This approach provided tools to problematize the

dichotomization, division and compartmentalization of identities, instead understanding

these social constructs as relational and interconnected. In accounting for dominant

societal power relations, these frameworks allowed me to investigate the ways

exclusionary policies and discourses pushed migrants onto the spectrum of forced

voluntary return, and the ways in which intersecting identities and social relations

impacted these experiences.

A review of the pertinent literature on state sovereignty, securitization, borders,

migrant illegalization, detention, deportation and voluntary departure provided a

grounding for my research within the theoretical and empirical work of scholars both

internationally and within the Canadian context. Starting with state sovereignty, I drew

on literature that elaborated the ways the state and its mechanisms were re/produced and

enacted by government actors, as well as official and unofficial gatekeepers (McLennan

et al., 1984; Mountz, 2010; Orr, 2004; Spire, 2008). Boundaries and borders were thus

ontologized to enable strategic inclusion and violent exclusion (Anzaldúa, 1987; Bosniak, 2006; Brown, 2010; Macklin, 2002; Mountz, 2010). This literature provided an important foundation for understanding the climate in which the Canadian Conservative government of 2008-2015 created a discourse and policies that contributed to migrant exclusion and forced voluntary return. The literature on migrant illegalization built on the concept of manufactured exclusions that resulted in enforced vulnerabilities, both through exploitative inclusionary exclusion and the full exclusion of deportation (De Genova, 2002; Goldring & Landolt, 2011, 2013a; Magalhaes et al., 2010; Ngai, 2004; Villegas, 2015a), all of which had gendered implications (Bhuyan et al., 2014; De Regt, 2010; Magalhaes et al., 2010). This literature helped to contextualize the 'hardships' faced by precarious status migrants and some of the factors that amplified exclusion and criminalization, which may have contributed to the forced voluntary return spectrum explored in this dissertation. The literature on deportation and voluntary return, situated at the two ends of the spectrum of forced voluntary return, complicated these end-points as not only events, but also as evolving processes (Cassarino, 2004; Coutin, 2015). Finally, the literature was related to the Canadian settler-colonial context to better contextualized the site of research for this dissertation. Drawing on these bodies of literature, and offering feminist analyses through the theoretical frameworks chosen enabled me to conceptualize Forced Voluntary Return in nuanced ways that may further contribute to discussions within the fields of critical border studies and deportation studies.

Limitations

This dissertation research had some limitations, as identified in the chapter on research methods (chapter 1). My sample size of migrants who engaged in forced voluntary return was relatively small and tied to a particular organization. The specific reasons for this, as outlined in chapter 1, included the difficulty in reaching this population, their vulnerability, and the limited amount of time they may have had to talk about their experience before engaging in FVR. Additionally, frontline workers who I interviewed were purposefully selected to deepen and extend my knowledge of the issues related to forced voluntary return. Speaking to service providers, including lawyers, settlement workers and a doctor, from across Toronto with different clients from various countries of origin, socio-economic status and immigration status provided a breadth of knowledge about their experiences assisting migrants, as well as about the migrants themselves. While service providers brought their personal perspectives about migrants' experiences, they were also able to reflect more broadly on multiple cases in addition to individual experiences. Their diverse experiences and perspectives enriched my knowledge of forced voluntary return.

Implications for Future Research

Limited research investigates migrant return from a perspective that complicates the in/voluntary binary to include experiences on the spectrum between the two. Comparative experiences to that of Toronto in other geographical and social contexts, as well as from the perspectives of migrants located in different phases of migration may offer a deeper understanding of motivating factors for forced voluntary return. Moreover, this dissertation explored gendered experiences primarily within female/male binaries with no nuance for the experiences of migrants who identify their gender differently.

Further research could focus on the FVR experiences of trans and gender non-binary migrants.

Finally, while this research offered an analysis of the ways migrants in Toronto experienced criminalizing exclusion and loss of hope under a near-decade of Conservative rule in Canada, these experiences may vary under different governmental regimes. Increasing an understanding about how different political landscapes, policy directives and civilian soldier engagements may impact forced voluntary return can add to understandings of the return spectrum and draw out commonalities to better understand and support the experience.

References

Aberman, T. (2014). Gendered Perspectives on Refugee Determination in Canada. *Refuge: Canada's Journal on Refugees*, *30*(2), 57-66.

Abji, S. (2013). Post-nationalism re-considered: a case study of the 'No One Is Illegal' movement in Canada. *Citizenship Studies*, *17*(3–4), 322–338.

Abrams, L. S. (2010). Sampling 'Hard to Reach' Populations in Qualitative Research: The Case of Incarcerated Youth. *Qualitative Social Work: Research and Practice*, *9*(4), 536–550.

Adamali, A., Kim, J., & Rupra, A. (2008). *Family Violence against Immigrant & Refugee Women: Community Development Strategies* (Resource Manual). Ontario Council of Agencies Serving Immigrants.

Adichie, C. N. (2014). *Americanah*. New York: Anchor.

Agamben, G. (1998). *Homo Sacer: Sovereign Power and Bare Life*. (D. Heller-Roazen, Trans.). Stanford: Stanford University Press.

Agier, M. (2011). *Managing the Undesirables: Refugee Camps and Humanitarian Government*. (D. Fernbach, Trans.). Cambridge: Polity.

Ahmed, S. (2000). *Strange Encounters: Embodied Others in Post-Coloniality*. London: Routledge.

Ahmed, S. (2004). Affective Economies. *Social Text*, *22*(2), 117–139.

Akers Chacón, J., & Davis, M. (2006). *No One is Illegal*. Chicago: Haymarket Books.

Alboim, N., & Cohl, K. (2012, October). Shaping the future: Canada's rapidly changing immigration policies. Maytree. Retrieved November 21, 2016, from https://maytree.com/wp-content/uploads/shaping-the-future.pdf

Alexander, M. J., & Mohanty, C. T. (2013). *Feminist Genealogies, Colonial Legacies, Democratic Futures*. New York: Routledge.

Amadahy, Z., & Lawrence, B. (2009). Indigenous Peoples and Black People in Canada: Settlers or Allies? In A. Kempf (Ed.), *Breaching the colonial contract: Anti-Colonialism in the US and Canada* (pp. 105–136). Dordrecht: Springer.

Anderson, Benedict. (1983). *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. London; New York: Verso Books.

Anderson, B., Sharma, N., & Wright, C. (2009). Editorial: Why No Borders? *Refuge: Canada's Journal on Refugees*, *26*(2), 5–18.

Andrijasevic, R. & Walters, W. (2010). The International Organization for Migration and the International Government of Borders. *Environment and Planning D: Society and Space*, *28*(6), 977–999.

Anzaldúa, G. (1987). *Borderlands: la frontera*. San Francisco: Aunt Lute.

Arat-Koc, S. (1999). Neo-liberalism, state restructuring and immigration: Changes in Canadian policies in the 1990s. *Journal of Canadian Studies*, *34*(2), 31–56.

Arat-Koc, S. (2005). The disciplinary boundaries of Canadian identity after September 11: Civilizational identity, multiculturalism, and the challenge of anti-imperialist feminism. *Social Justice*, *32*(4), 32–49.

Arnett, A. K. (2005). One Step Forward, Two Steps Back: Women Asylum-Seekers in the United States and Canada Stand to Lose Human Rights Under the Safe Third Country Agreement. *Lewis & Clark L. Rev.*, *9*, 951-979.

Ashutosh, I., & Mountz, A. (2011). Migration management for the benefit of whom? Interrogating the work of the International Organization for Migration. *Citizenship Studies*, *15*(1), 21–38.

Atak, I., Hudson, G., & Nakache, D. (2018). *The Securitisation of Canada's Refugee System: Reviewing the Unintended Consequences of the 2012 Reform* (SSRN Scholarly Paper No. ID 2977986). Rochester: Social Science Research Network. Retrieved April 6, 2018, from https://papers.ssrn.com/abstract=2977986

Banks, A. M. (2012). The Curious Relationship between Self-Deportation Policies and Naturalization Rates. *Lewis & Clark L. Rev.*, *16*, 1149–1214.

Bannerji, H. (2000). *The dark side of the nation: Essays on multiculturalism, nationalism and gender*. Toronto: Canadian Scholars' Press.

Barnes, S. (2013). *The real cost of cutting the interim federal health program* (Policy Paper) (p. 19). Toronto: Wellesley Institute. Retrieved May 5, 2016, from http://www.wellesleyinstitute.com/wp-content/uploads/2013/10/Actual-Health-Impacts-of-IFHP.pdf

Béchard, J., Elgersma, S., & Nicol, J. (2015). *Bill S-7: An Act to Amend the Immigration and Refugee Protection Act, the Civil Marriage Act and the Criminal Code and to Make Consequential Amendments to Other Acts*. Library of Parliament.

Benhabib, S. (2004). *The rights of others: Aliens, residents, and citizens*. Cambridge: Cambridge University Press.

Bernard, H. R. (2013). *Social Research Methods: Qualitative and Quantitative Approaches* (2nd edition). Thousand Oaks: Sage Publications Inc.

Betts, A. (2010). Survival migration: A new protection framework. *Global Governance: A Review of Multilateralism and International Organizations*, *16*(3), 361–382.

Bhabha, J. (2004). Demography and rights: Women, children and access to asylum. *International Journal of Refugee Law*, *16*(2), 227–243.

Bhuyan, R. (2012). Negotiating Citizenship on the Frontlines: How the Devolution of Canadian Immigration Policy Shapes Service Delivery to Women Fleeing Abuse. *Law & Policy*, *34*(2), 211–236.

Bhuyan, R. (2013). "People's Priorities Change When Their Status Changes": Negotiating the Conditionality of Social Rights in Service Delivery to Migrant Women. In L. Goldring & P. Landolt (Eds.), *Producing and Negotiating Non-Citizenship: Precarious Legal Status in Canada* (pp. 238–257). Toronto: University of Toronto Press.

Bhuyan, R., Osborne, B., Zahraei, S., & Tarshis, S. (2014). Unprotected, Unrecognized Canadian Immigration Policy and Violence Against Women, 2008-2013. University of Toronto. Retrieved April 2, 2018, from http://www.migrantmothersproject.com/wp-content/uploads/2012/10/MMP-Policy-Report-Final-Nov-14-2014.pdf

Bhuyan, R., & Smith-Carrier, T. (2012). Constructions of migrant rights in Canada: Is subnational citizenship possible? *Citizenship Studies*, *16*(2), 203–221.

Bill C-31 (Historical): Protecting Canada's Immigration System Act An Act to amend the Immigration and Refugee Protection Act, the Balanced Refugee Reform Act, the Marine Transportation Security Act and the Department of Citizenship and Immigration Act. (2012, May 17). [Parliamentary debate]. Retrieved April 8, 2018, from https://openparliament.ca/bills/41-1/C-31/?page=8

Blitz, B. K., Sales, R., & Marzano, L. (2005). Non-Voluntary Return? The Politics of Return to Afghanistan. *Political Studies*, *53*(1), 182–200.

Bloch, A., Sigona, N., & Zetter, R. (2014). *Sans papiers: The social and economic lives of young undocumented migrants*. London: Pluto Press.

Boehm, D. A. (2011). US-Mexico Mixed Migration in an Age of Deportation: An Inquiry into the Transnational Circulation of Violence. *Refugee Survey Quarterly*, *30*(1), 1–21.

Border Security. (n.d.). Retrieved April 2, 2018, from http://natgeotv.com/ca/border-security

Bosniak, L. (2006). *The citizen and the alien: Dilemmas of contemporary citizenship*. Princeton: Princeton University Press.

Bosworth, M., & Slade, G. (2014). In search of recognition: Gender and staff–detainee relations in a British immigration removal centre. *Punishment & Society*, *16*(2), 169–186.

Brah, A. (1996). *Cartographies of Diaspora: Contesting Identities*. New York: Routledge.

Brown, W. (2010). *Walled States, Waning Sovereignty*. New York: Zone Books.

Butler, J. (1999a). From Interiority to Gender Performatives. In F. Cleto (Ed.), *Camp: Queer Aesthetics and the Performing Subject : a Reader* (pp. 361–368). Ann Arbor: The University of Michigan Press.

Butler, J. (1999b). *Gender Trouble* (2nd edition). New York: Routledge.

Butler, J. (2004). *Precarious life: The powers of violence and mourning*. London; New York: Verso Books.

CARL. (2016, July). BRIEF: Reform Proposals for Canada's Inland Refugee Determination System and Other Aspects of the Immigration System. Retrieved June 21, 2017, from http://www.carl-acaadr.ca/sites/default/files/CARL%20brief%20FINAL_July2016.pdf

Carling, J. (2015, September 16). Refugees are also Migrants. All Migrants Matter. Retrieved April 6, 2018, from https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2015/09/refugees-are-also

Cassarino, J.-P. (2004). Theorising return migration: The conceptual approach to return migrants revisited. *International Journal on Multicultural Societies*, *6*(2), 253–279.

CBC News. (2009, July 14). Canada defends visa change for Mexicans, Czechs. *CBC News*. Retrieved April 2, 2018, from http://www.cbc.ca/news/world/canada-defends-visa-change-for-mexicans-czechs-1.787601

CBC News. (2016, July 25). Immigration detainees on hunger strike for 14 days demand meeting with Goodale. *CBC News*. Retrieved May 21, 2018, from http://www.cbc.ca/news/canada/toronto/immigration-detainees-hunger-strike-ralph-goodale-1.3693631

CCR. (2009, July). Visas on Mexico and Czech Republic close the door on refugees. *Canadian Council for Refugees*. Retrieved April 2, 2018, from http://ccrweb.ca/en/bulletin/09/07/14

CCR. (2013a, February). Refugee Health Care: Impacts of recent cuts. *Canadian Council for Refugees*. Retrieved April 2, 2018, from http://ccrweb.ca/sites/ccrweb.ca/files/ifhreporten.pdf

CCR. (2013b, March). KEY REFUGEE AND IMMIGRATION ISSUES FOR WOMEN AND GIRLS. *Canadian Council for Refugees*. Retrieved April 2, 2018, from http://ccrweb.ca/en/key-issues-women-and-girls-2013

CCR. (2013c, June). Definition of dependent children Comments on the proposed change to the Immigration and Refugee Protection Regulations as published in the Canada Gazette, Part I, 18 May 2013. *Canadian Council for Refugees*. Retrieved April 2, 2018, from http://ccrweb.ca/sites/ccrweb.ca/files/family-changes-comments-age-dependency-jun-13.pdf

CCR. (2013d, December). New refugee system – one year on. *Canadian Council for Refugees*. Retrieved April 2, 2018, from http://ccrweb.ca/sites/ccrweb.ca/files/refugee-system-one-year-on.pdf

CCR. (2014, July). Federal Court ruling on refugee health cuts affirms Canadian values of fairness and humanity. *Canadian Council for Refugees*. Retrieved April 8, 2018, from http://ccrweb.ca/en/federal-court-ruling-refugee-health-cuts-affirms-canadian-values-fairness-and-humanity

CCR. (2015, October). Conditional Permanent Residence: Failure in Policy and Practice. *Canadian Council for Refugees*. Retrieved March 26, 2018, from http://ccrweb.ca/sites/ccrweb.ca/files/cpr-report-2015.pdf

CCR. (2017, March). Family reunification for all. C*anadian Council for Refugees*. Retrieved May 21, 2018, from http://ccrweb.ca/en/family-reunification-all

Charmaz, K. (2017). The Power of constructivist grounded theory for critical inquiry. *Qualitative Inquiry, 23*(1), 34–45

Chris Alexander defends Canada's response to refugee crisis. (2015, September 3). *CTV News*. Retrieved April 3, 2018, from https://www.ctvnews.ca/canada/chris-alexander-defends-canada-s-response-to-refugee-crisis-1.2547357

CIC. (2012a, 7 - 1 1). ENF 34 Assisted Voluntary Return and Reintegration Pilot Program. *Citizenship and Immigration Canada*. Retrieved June 6, 2016, from http://www.cic.gc.ca/english/resources/manuals/enf/enf34-eng.pdf

CIC. (2012b, October 26). "The Jig is Up on Marriage Fraud," says Minister Kenney [news releases]. *Citizenship and Immigration Canada*. Retrieved April 7, 2018, from https://www.canada.ca/en/news/archive/2012/10/jig-up-marriage-fraud-says-minister-kenney.html

Code, L. (1995). How do we know? Questions of method in feminist practice. In S. D. Burt & L. Code (Eds.), *Changing Methods: Feminists Transforming Practice* (pp. 13-44). Peterborough: Broadview Press.

Cole, D. (2015, December 17). Opinion | Non-status residents need police protection, too: Cole. *Toronto Star*. Retrieved April 1, 2018, from https://www.thestar.com/opinion/commentary/2015/12/17/non-status-residents-need-police-protection-too-cole.html

Cooley, S. (2015, October 12). Thousands vowing to vote with their faces covered. *Ottawa Sun*. Retrieved March 25, 2018, from http://ottawasun.com/2015/10/11/thousands-vowing-to-vote-with-their-faces-covered/wcm/deefee54-6639-4cec-9f5a-8aa0452c33ea

Coutin, S. B. (2015). Deportation studies: Origins, themes and directions. *Journal of Ethnic and Migration Studies*, *41*(4), 671–681.

Crawley, H., & Skleparis, D. (2018). Refugees, migrants, neither, both: categorical fetishism and the politics of bounding in Europe's 'migration crisis.' *Journal of Ethnic and Migration Studies*, *44*(1), 48–64.

Crenshaw, K. (1989). Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics. *The University of Chicago Legal Forum*, *140*, 139–167.

Crépeau, F., Nakache, D., & Atak, I. (2007). International Migration: Security Concerns and Human Rights Standards. *Transcultural Psychiatry*, *44*(3), 311–337.

Das Gupta, T. (1999). The politics of multiculturalism:" Immigrant women" and the Canadian state. In E. Dua & A. Robertson (Eds.), *Scratching the surface: Canadian anti-racist feminist thought* (pp. 187–206). Toronto: Women's Press.

Das Gupta, T. (2003). Teaching Anti-Racist Research in the Academy. *Teaching Sociology*, *31*(4), 456-468.

Davis, A. (2008). A vocabulary for feminist praxis: on war and radical critique. In R. L. Riley, C. T. Mohanty, & M. B. Pratt (Eds.), *Feminism and war: Confronting US imperialism* (pp. 19–26). London: Zed Books.

De Beauvoir, S. (1974). *The Second Sex*. (H. M. Parshley, Trans.). New York: Random House.

De Genova, N. (2002). Migrant "Illegality" and Deportability in Everyday Life. *Annual Review of Anthropology*, *31*(1), 419–447.

De Genova, N. (2005). *Working the boundaries: Race, space, and "illegality" in Mexican Chicago*. Durham: Duke University Press.

De Genova, N. (2013). Spectacles of migrant 'illegality': the scene of exclusion, the obscene of inclusion. *Ethnic and Racial Studies*, *36*(7), 1180–1198.

De Regt, M. (2010). Ways to come, ways to leave: Gender, mobility, and il/legality among Ethiopian domestic workers in Yemen. *Gender & Society*, *24*(2), 237–260.

Donato, K. M., Gabaccia, D., Holdaway, J., Manalansan, M., & Pessar, P. R. (2006). A glass half full? Gender in migration studies. *International Migration Review*, *40*(1), 3–26.

Dua, E. (1999). Beyond diversity: Exploring the ways in which the discourse of race has shaped the institution of the nuclear family. In E. Dua & A. Robertson (Eds.), *Scratching the surface: Canadian anti-racist feminist thought* (pp. 237–259). Toronto: Women's Press.

Enloe, C. (2004). *The Curious Feminist: Searching for Women in a New Age of Empire*. Berkeley: University of California Press.

Fassin, D. (2010). Inequality of Lives, Heirarchies of Humanity: Moral Commitments and Ethical Dilemmas of Humanitarianism. In I. Feldman & M. Ticktin (Eds.), *In the Name of Humanity: The Government of Threat and Care* (pp. 238–255). Durham; London: Duke University Press.

Filindra, A. (2012). The Myth of Self-deportation-How Behavioral Economics Reveals the Fallacies behind "Attrition through Enforcement." *Policy Report. Immigration Policy Center, American Immigration Council, Washington, DC*.

Fonow, M., & Cook, J. A. (2005). Feminist methodology: New applications in the academy and public policy. *Signs: Journal of Women in Culture and Society*, *30*(4), 2211–2236.

Fortier, C. (2013). No One is Illegal Movements in Canada and the Negotiation of Counter-National and Anti-Colonial Struggles from Within the Nation-State. In L. Goldring & P. Landolt (Eds.), *Producing and Negotiating Non-citizenship: Precarious Legal Status in Canada*. (pp. 274-290). Toronto: University of Toronto Press.

Fragoso, J. R. (2013). The Human Cost of Self-Deportation: How Attrition through Enforcement Affects Immigrant Women and Children. *Wis. JL Gender, & Soc'y*, *28*, 69-100.

Gabriel, C., & Macdonald, L. (2007). Migration and citizenship rights in a new North American space. In I. Studer & C. Wise (Eds.), *Requiem or Revival: The Promise*

of North American Integration (pp. 267–288). Washington: Brookings Institution Press.

Gatenby, B., & Humphries, M. (2000). Feminist participatory action research: Methodological and ethical issues. *Women's Studies International Forum*, *23*(1), 89–105.

Giles, W. (2008). The Gender Relations of Home, Security, and Transversal Feminism: Refugee Women Reclaiming their Identity. In M. Hajdukowski-Ahmed, N. Khanlou, & H. Moussa (Eds.), *Not Born a Refugee Woman: Contesting Identities, Rethinking Practices* (pp. 55–66). New York: Berghahn Books.

Gilroy, P. (1993). *The Black Atlantic: Modernity and Double-Consciousness*. London: Verso Books.

Gimenez, M. (2001). Marxism and Class, Gender, Race: Rethinking the Trilogy. *Race, Gender & Class*, *8*(2), 23–33.

Glaser, B., & Strauss, A. (1967). *The Discovery of Grounded Theory: Strategies for Qualitative Research*. New Brunswick: Aldine Transaction.

Glick Schiller, N. (2010). A global perspective on migration and development. In N. Glick Schiller & T. Faist (Eds.), *Migration, Development and Transnationalization: A Critical Stance.* (pp. 22–62). New York: Berghahn Books.

Glick Schiller, N., Basch, L., & Szanton Blanc, C. (1995). From Immigrant to Transmigrant: Theorizing Transnational Migration. *Anthropological Quarterly*, *68*(1), 48-63.

Golash-Boza, T., & Hondagneu-Sotelo, P. (2013). Latino immigrant men and the deportation crisis: A gendered racial removal program. *Latino Studies*, *11*(3), 271–292.

Goldring, L., Berinstein, C., & Bernhard, J. K. (2009). Institutionalizing precarious migratory status in Canada. *Citizenship Studies*, *13*(3), 239–265.

Goldring, L., & Landolt, P. (2011). Caught in the Work–Citizenship Matrix: the Lasting Effects of Precarious Legal Status on Work for Toronto Immigrants. *Globalizations*, *8*(3), 325–341.

Goldring, L., & Landolt, P. (2013b). The Conditionality of Legal Status and Rights: Conceptualizing Precarious Non-Citizenship in Canada. In L. Goldring & P. Landolt (Eds.), *Producing and Negotiating Non-Citezenship: Precarious Legal Status in Canada* (pp. 3–27). Toronto: University of Toronto Press.

Goodman, L.-A. (2014, October 17). Kenney on Twitter defends ban on niqabs at citizenship ceremonies. *CBC News*. Retrieved April 14, 2018, from http://www.cbc.ca/news/politics/jason-kenney-defends-niqab-ban-at-citizenship-ceremonies-on-twitter-1.2803642

Government of Canada. (2011, July 21). Wanted by the CBSA. Retrieved April 2, 2018, from https://www.cbsa-asfc.gc.ca/wc-cg/menu-eng.html

Government of Canada, C. B. S. A. (2015, January 9). Evaluation of the Assisted Voluntary Return and Reintegration Pilot Program - Final Report. Retrieved April 9, 2018, from https://www.cbsa-asfc.gc.ca/agency-agence/reports-rapports/ae-ve/2014/avrrpp-pparvr-eng.html

Grewal, I. (2005). *Transnational America: Feminisms, Diasporas, Neoliberalisms*. Durham; London: Duke University Press.

Gunew, S. (1997). Postcolonialism and multiculturalism: Between race and ethnicity. *The Yearbook of English Studies*, *27*, 22–39.

Hagan, J., Eschbach, K., & Rodriguez, N. (2008). U.S. Deportation Policy, Family Separation, and Circular Migration. *International Migration Review*, *42*(1), 64–88.

Hajdukowski-Ahmed, M. (2008). A dialogical approach to identity: Implications for refugee women. In M. Hajdukowski-Ahmed, N. Khanlou, & H. Moussa (Eds.), *Not Born a Refugee Woman Contesting Identities, Rethinking Practices* (pp. 28–54). New York: Berghahn Books.

Hall, S. (1979). The great moving right show. *Marxism Today*, *23*(1), 14–20.

Hall, S. (1986). Gramsci's Relevance for the Study of Race and Ethnicity. *Journal of Communication Inquiry*, *10*(2), 5–27.

Hall, S. (1999). Un-settling 'the heritage', re-imagining the post-nation Whose heritage? *Third Text*, *13*(49), 3–13.

Hari, A. (2014). Temporariness, Rights, and Citizenship: The Latest Chapter in Canada's Exclusionary Migration and Refugee History. *Refuge: Canada's Journal on Refugees*, *30*(2), 35-44.

Henríquez, C. (2014). *The Book of Unknown Americans*. New York: Knopf.

Hill Collins, P. (1999). *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment*. New York; London: Routledge.

Hill, L. (2015). *The Illegal*. Toronto: HarperCollins Publishers.

Hudson, G., Atak, I., Manocchi, M., & Hannan, C.-A. (2017). *(No) Access T.O.: A Pilot Study on Sanctuary City Policy in Toronto, Canada* (SSRN Scholarly Paper No. ID 2897016). Toronto: Ryerson Centre for Immigration and Settlement Working Paper Series. Retrieved April 3, 2018, from https://papers.ssrn.com/abstract=2897016

Hyndman, J. (2000). *Managing Displacement: Refugees and the Politics of Humanitarianism*. Minneapolis: University Of Minnesota Press.

Hyndman, J., & Giles, W. (2011). Waiting for what? The feminization of asylum in protracted situations. *Gender, Place & Culture*, *18*(3), 361–379.

Hyndman, J., & Giles, W. (2017). *Refugees in Extended Exile: Living on the Edge*. London; New York: Routledge.

IOM. (2011, January). Assisted Voluntary Return and Reintegration (AVRR) Leaflet. International Organization for Migration. Retrieved June 28, 2017, from https://www.iom.int/jahia/webdav/site/myjahiasite/shared/shared/mainsite/activiti es/regulating/AVRR-Leaflet-Jan-2011.pdf

IRB. (2016, May 13). Executive Evaluation Report of the Refugee Determination System of the Immigration and Refugee Board of Canada [Government]. Retrieved April 15, 2018, from http://www.irb-cisr.gc.ca/Eng/transp/ReviewEval/Pages/ExecEvalRep2016.aspx

IRCC. (2012, October 26). ARCHIVED – Backgrounder — Conditional Permanent Resident Status. Retrieved April 7, 2018, from https://www.canada.ca/en/immigration-refugees-citizenship/news/archives/backgrounders-2012/backgrounder-conditional-permanent-resident-status.html

IRCC. (2013, February 15). Operational Bulletin 440-G. Retrieved April 15, 2018, from https://www.canada.ca/en/immigration-refugees-citizenship/corporate/publications-manuals/operational-bulletins-manuals/bulletins-2013/440-april-17-2013.html

IRCC. (2017, December 4). Mandate — Immigration, Refugees and Citizenship Canada [Government]. Retrieved April 14, 2018, from https://www.canada.ca/en/immigration-refugees-citizenship/corporate/mandate.html

Janus, A. (2014, August 25). "Maternity tourism": Report recommends limiting citizenship by birth. *CTV News*. Retrieved April 2, 2018, from https://www.ctvnews.ca/canada/maternity-tourism-report-recommends-limiting-citizenship-by-birth-1.1974665

Jiwani, Y. (2005). 'War talk'engendering terror: race, gender and representation in Canadian print media. *International Journal of Media & Cultural Politics*, *1*(1), 15–22.

Judge, R. (2010). *Refugee advocacy and the biopolitics of asylum in Britain: the precarious position of young male asylum seekers and refugees* (Working Paper). Refugee Studies Centre, Oxford. Retrieved April 27, 2014, from https://www.rsc.ox.ac.uk/publications/refugee-advocacy-and-the-biopolitics-of-asylum-in-britain-the-precarious-position-of-young-male-asylum-seekers-and-refugees

Keung, N. (2013a). Toronto declared 'sanctuary city' to non-status migrants. *Toronto Star*. Retrieved April 1, 2018, from https://www.thestar.com/news/gta/2013/02/21/cisanctuarycity21.html

Keung, N. (2013b, January 25). Roma refugees: Canadian billboards in Hungary warn of deportation. *Toronto Star.* Retrieved April 2, 2018, from https://www.thestar.com/news/canada/2013/01/25/roma_refugees_canadian_billb oards_in_hungary_warn_of_deportation.html

Khosravi, S. (2009). Sweden: detention and deportation of asylum seekers. *Race & Class*, *50*(4), 38–56.

Kirby, S., Greaves, L., & Reid, C. (2006). *Experience Research Social Change: Methods Beyond the Mainstream* (2nd edition). Peterborough; Orchard Park: Broadview Press.

Kirby, S., & McKenna, K. (1989). *Experience, Research, Social Change: Methods from the Margins*. Toronto: Garamond Press.

Kissoon, P. (2013). Precarious Immigration Status and Precarious Housing Pathways: Refugee Claimant Homelessness in Toronto and Vancouver. In L. Goldring & P. Landolt (Eds.), *Producing and Negotiating Non-Citizenship: Precarious Legal Status in Canada* (pp. 195–217). Toronto: University of Toronto Press.

Kobach, K. W. (2007). Attrition through enforcement: A rational approach to illegal immigration. *Tulsa J. Comp. & Int'l L.*, *15*, 155-163.

Lakhani, S. (2008). Sporting the veil: Representations of Asmahan Mansour in the Canadian media. *Topia: Canadian Journal of Cultural Studies*, (19), 85–98.

Lamont, M., & Molnár, V. (2002). The Study of Boundaries in the Social Sciences. *Annual Review of Sociology*, *28*(1), 167–195.

Landolt, P., & Goldring, L. (2013). The Social Production of Non-citizenship: The Consequences of Intersecting Trajectories of Precarious Legal Status and

Precarious Work. In L. Goldring & P. Landolt (Eds.), *Producing and Negotiating Non-Citizenship: Precarious Legal Status in Canada* (pp. 154–174). Toronto: University of Toronto Press.

LaViolette, N. (2007). Gender-Related Refugee Claims: Expanding the Scope of the Canadian Guidelines. *International Journal of Refugee Law*, *19*(2), 169–214.

LaViolette, N. (2009). The UNHCR'S Guidance Note on Refugee Claims Relating to Sexual Orientation and Gender Identity. *The American Society of International Law, 13*(10), 8.

Lawrence, B. (2004). *"Real" Indians and others: mixed-blood urban Native peoples and indigenous nationhood*. Lincoln; London: University of Nebraska Press.

Lawrence, B., & Dua, E. (2005). Decolonizing antiracism. *Social Justice*, *32*(4), 120–143.

Levitz, S. (2016, January 28). Syrian refugees screened by Conservative government's "areas of focus". *CBC News*. Retrieved April 6, 2018, from http://www.cbc.ca/news/politics/syrian-refugees-conservatives-focus-religion-ethnicity-1.3423323

Lowry, M., & Nyers, P. (2003). Roundtable Report "No One Is Illegal": The Fight for Refugee and Migrant Rights in Canada. *Refuge: Canada's Journal on Refugees*, *21*(3), 66–72.

Luibhéid, E. (2002). *Entry denied: controlling sexuality at the border*. Minneapolis: University of Minnesota Press.

Lutz, H., Herrera Vivar, M. T., & Supik, L. (Eds.). (2011). Introduction. In *Framing Intersectionality: Debates on a Multi-Faceted Concept in Gender Studies* (pp. 1–24). Farnham; Burlington: Ashgate Publishing, Ltd.

Macklin, A. (2002). *Borderline Security* (SSRN Scholarly Paper No. ID 294321). Rochester: Social Science Research Network. Retrieved November 3, 2012, from https://papers.ssrn.com/abstract=294321

Macklin, A. (2013). A safe country to emulate? Canada and the European refugee. In H. Lambert, J. McAdam, & M. Fullerton (Eds.), *The Global Reach of European Refugee Law* (pp. 99–131). Cambridge: Cambridge University Press.

Magalhaes, L., Carrasco, C., & Gastaldo, D. (2010). Undocumented migrants in Canada: a scope literature review on health, access to services, and working conditions. *Journal of Immigrant and Minority Health*, *12*(1), 132–151.

Maharaj, R. (2010). *The Amazing Absorbing Boy*. Toronto: Knopf Canada.

Mahler, S. J., & Pessar, P. R. (2001). Gendered Geographies of Power: Analyzing Gender Across Transnational Spaces. *Identities*, *7*(4), 441–459.

Mainwaring, C., & Silverman, S. J. (2017). Detention-as-spectacle. *International Political Sociology*, *11*(1), 21–38.

Mattoo, D. (2017). *Race, Gendered Violence and the Rights of Women with Precarious Immigration Status*. Retrieved May 2, 2018, from http://schliferclinic.com/wp-content/uploads/2018/03/Race-Gendered-Violence-and-the-Rights-of-Women-with-Precarious-Immgration-Status.pdf.

May, A. (2016). Bittersweet. In T. Aberman, F. Villegas & P. E. Villegas (Eds.), *Seeds of Hope: Creating a Future in the Shadows* (pp. 78–84). Toronto: Life Cycle Books Ltd.

McCall, L. (2005). The complexity of intersectionality. *Signs: Journal of Women in Culture and Society*, *30*(3), 1771–1800.

McClintock, A. (1995). *Imperial Leather*. New York: Routledge.

McDonald, J. (2009). Migrant Illegality, Nation Building, and the Politics of Regularization in Canada. *Refuge: Canada's Journal on Refugees*, *26*(2), 65-77.

McLennan, G., Held, D., & Hall, S. (1984). *The Idea of the modern state*. Milton Keynes: Open University Press.

Menjívar, C., & Kanstroom, D. (2014). Introduction: Immigrant "Illegality": Constructions and Critiques. In C. Menjívar & D. Kanstroom (Eds.), *Constructing Immigrant "Illegality": Critiques, Experiences, and Responses* (pp. 1–35). New York: Cambridge University Press.

Moffette, D. (2014). Governing immigration through probation: The displacement of borderwork and the assessment of desirability in Spain. *Security Dialogue*, *45*(3), 262–278.

Mohanty, C. T. (1988). Under Western Eyes: Feminist Scholarship and Colonial Discourses. *Feminist Review*, (30), 61-88.

Mohanty, C. T. (2003). *Feminism Without Borders: Decolonizing Theory, Practicing Solidarity*. Durham; London: Duke University Press.

Molnar Diop, P. (2014). The "bogus" refugee: Roma asylum claimants and discourses of fraud in Canada's Bill C-31. *Refuge: Canada's Journal on Refugees*, *30*(1), 67–80.

Molnar, P., & Silverman, S. (2017, November 16). Opinion | Migrants are dying in detention centres: When will Canada act? *Toronto Star*. Retrieved April 27, 2018,

from https://www.thestar.com/opinion/contributors/2017/11/16/migrants-are-dying-in-detention-centres-when-will-canada-act.html

Morris, H., & Salomons, M. (2013). *Difficult decisions. A review of UNHCR's engagement with Assisted Voluntary Return programmes.* (POLICY DEVELOPMENT AND EVALUATION SERVICE (PDES)) (p. 28). Geneva: UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES. Retrieved April 15, 2018, from http://www.unhcr.org/research/evalreports/51f924209/difficult-decisions-review-unhcrs-engagement-assisted-voluntary-return.html

Mountz, A. (2010). *Seeking asylum: Human smuggling and bureaucracy at the border.* Minneapolis: University of Minnesota Press.

Mountz, A., & Hyndman, J. (2006). Feminist approaches to the global intimate. *Women's Studies Quarterly*, *34*(1/2), 446–463.

Ms. Deepa Mattoo (Staff Lawyer and Acting Executive Director, South Asian Legal Clinic of Ontario (SALCO)) at the Citizenship and Immigration Committee. (2014, March 4). [Government]. Retrieved April 7, 2018, from https://openparliament.ca/committees/immigration/41-2/15/deepa-mattoo-1/only/

Mulinari, D. (2007). Women Friendly? Understanding Gendered Racism in Sweden. In K. A.-B. R. Melby & C. Carlsson Wetterberg (Eds.), *Gender equality and welfare politics in Scandinavia: the limits of political ambition?* (pp. 167–182). Bristol: Policy Press.

Murdocca, C., & Razack, S. H. (2008). Pursuing National Responsibility in a Post 9/11 World: Seeking Asylum in Canada From Gender Persecution. In M. Hajdukowski-Ahmed, N. Khanlou, & H. Moussa (Eds.), *Not Born a Refugee Woman Contesting Identities, Rethinking Practices* (pp. 254–262). New York: Berghahn Books.

Murray, D. A. (2013). Becoming Queer Here: Integration and Adaptation Experiences of Sexual Minority Refugees in Toronto. *Refuge: Canada's Journal on Refugees*, *28*(2), 127-135.

Musarrat Akram, S. (2000). Orientalism Revisited in Asylum and Refugee Claims. *International Journal of Refugee Law*, *12*(1), 7–40.

Narayan, U. (2013). The Project of Feminist Epistemology: Perspectives from a Nonwestern Feminist. In C. McCann & S. Kim (Eds.), *Feminist Theory Reader: Local and Global Perspectives* (3 edition, pp. 370–378). New York: Routledge.

Neborak, J. (2013). *Family Reunification? A Critical Analysis of Citizenship and Immigration Canada's 2013 Reforms to the Family Class* (RCIS Working Paper

No. No. 2013/8).

Ngai, M. M. (2004). *Impossible Subjects: Illegal Aliens and the Making of Modern America*. Princeton: Princeton University Press.

Nolin, C. (2006). *Transnational ruptures: Gender and forced migration*. Aldershot: Ashgate Publishing, Ltd.

Nyers, P. (2006). The accidental citizen: acts of sovereignty and (un) making citizenship. *Economy and Society*, *35*(1), 22–41.

Nyers, P. (2010). No one is illegal between city and nation. *Studies in Social Justice*, *4*(2), 127–143.

Oliviero, K. E. (2013). The Immigration State of Emergency: Racializing and Gendering National Vulnerability in Twenty-First-Century Citizenship and Deportation Regimes. *Feminist Formations*, *25*(2), 1–29.

Orr, J. (2004). The militarization of inner space. *Critical Sociology*, *30*(2), 451–481.

Owens, P. (2010). Beyond "Bare Life": Refugees and the "Right to Have Rights." In A. Betts & G. Loescher (Eds.), *Refugees in International Relations* (pp. 133–150). Oxford: Oxford University Press.

Pabón Lopez, M., & Davis, R. A. (2011). Immigration Law Spanish-Style II: Spain's Voluntary Immigrant Return Plan and the New Push for Circular Migration. *Temple International & Comparative Law Journal*, *25*, 79–102.

Palys, T., & Lowman, J. (2000). Ethical and Legal Strategies for Protecting Confidential Research Information. *Canadian Journal of Law and Society*, *15*(01), 39–80.

Paoletti, E. (2010). *Deportation, non-deportability and ideas of membership* (RSC Working Paper No. 65) (p. 28). Oxford: Refugee Studies Centre. Retrieved April 5, 2018, from https://www.rsc.ox.ac.uk/files/files-1/wp65-deportation-non-deportability-ideas-membership-2010.pdf

Park, Y., & Bhuyan, R. (2012). Whom should we serve? A discourse analysis of social workers' commentary on undocumented immigrants. *Journal of Progressive Human Services*, *23*(1), 18–40.

Post Media News. (2014, May 7). Canada's 'Border Security' reality TV series filming third season despite CBSA concerns, public complaints. *National Post.* Retrieved April 15, 2018, from http://nationalpost.com/news/canada/border-security-canadas-front-line-third-season

Powers, L. (2015, October 2). Tories pledge new RCMP tip line to report forced marriage and other "barbaric practices". *CBC News.* Retrieved April 2, 2018, from http://www.cbc.ca/news/politics/canada-election-2015-barbaric-cultural-practices-law-1.3254118

Pratt, A., & Thompson, S. K. (2008). Chivalry, "Race" and Discretion at the Canadian Border. *British Journal of Criminology*, *48*(5), 620–640.

Pratt, A., & Valverde, M. (2002). From Deserving Victims to "Masters of Confusion": Redefining Refugees in the 1990s. *The Canadian Journal of Sociology / Cahiers Canadiens de Sociologie*, *27*(2), 135–161.

Puar, J. K. (2007). *Terrorist assemblages: Homonationalism in queer times*. Durham; London: Duke University Press.

Razack, S. H. (1998). *Looking white people in the eye: Gender, race, and culture in courtrooms and classrooms*. Toronto: University of Toronto Press.

Razack, S. H. (1999). Making Canada White: Law and the Policing of Bodies of Colour in the 1990s. *Canadian Journal of Law & Society / La Revue Canadienne Droit et Société*, *14*(01), 159–184.

Razack, S. H. (2007). Stealing the pain of others: Reflections on Canadian humanitarian responses. *The Review of Education, Pedagogy, and Cultural Studies*, *29*(4), 375–394.

Razack, S. H. (2008). *Casting out: The eviction of Muslims from Western law and politics*. Toronto: University of Toronto Press.

Regirousso. (2016). Welcome to Canada! In T. Aberman, F. Villegas & P. E. Villegas (Eds.), *Seeds of Hope: Creating a Future in the Shadows* (pp. 66–71). Toronto: Life Cycle Books Ltd.

Regulations Amending the Immigration and Refugee Protection Regulations: REGULATORY IMPACT ANALYSIS STATEMENT. (2013, May 18). [Government]. Retrieved April 8, 2018, from http://www.gazette.gc.ca/rp-pr/p1/2013/2013-05-18/html/reg1-eng.html

Rehaag, S. (2008). Patrolling the borders of sexual orientation: Bisexual refugee claims in Canada. *McGill LJ*, *53*, 59-102.

Reuters. (2009, July 13). Canada imposes visa rule on Mexico, Czech Republic. *Reuters*. Retrieved, April 5, 2018, from https://ca.reuters.com/article/domesticNews/idCATRE56C6E720090713

Richmond, A. H. (2001). Refugees and racism in Canada. *Refuge: Canada's Journal on Refugees*, *19*(6), 12–20.

Riley, R., Mohanty, C. T., & Pratt, M. B. (2013). *Feminism and War: Confronting US Imperialism*. London: Zed Books Ltd.

Rocha, R. R., Hawes, D. P., Fryar, A. H., & Wrinkle, R. D. (2014). Policy Climates, Enforcement Rates, and Migrant Behavior: Is Self-Deportation a Viable Immigration Policy? *Policy Studies Journal*, *42*(1), 79–100.

Rousseau, C., Crépeau, F., Foxen, P., & Houle, F. (2002). The Complexity of Determining Refugeehood: A Multidisciplinary Analysis of the Decision‑making Process of the Canadian Immigration and Refugee Board. *Journal of Refugee Studies*, *15*(1), 43–70.

Said, E. W. (1979). *Orientalism*. New York: Vintage.

SALCO. (2014, November 18). Perpetuating Myths, Denying Justice: "Zero Tolerance for Barbaric Cultural Practices Act." Retrieved April 5, 2018, from http://www.salc.on.ca/FINALBILLS7STATEMENT%20updated%20nov%2018.pdf

Schrover, M., van der Leun, J., Lucassen, L., & Quispel, C. (2008). Introduction: Illegal migration and gender in a global and historical perspective. In M. Schrover, J. van der Leun, L. Lucassen, & C. Quispel (Eds.), *Illegal migration and gender in a global and historical perspective* (pp. 9-37). Amsterdam: Amsterdam University Press.

Schuster, L., & Majidi, N. (2013). What happens post-deportation? The experience of deported Afghans. *Migration Studies*, *1*(2), 221–240.

Sharma, N. R. (2000). Race, Class, Gender and the Making of Difference: The Social Organization of "Migrant Workers" in Canada. *Atlantis: Critical Studies in Gender, Culture & Social Justice*, *24*(2), 5–15.

Sharma, N. R. (2006). *Home economics: Nationalism and the making of 'migrant workers' in Canada*. Toronto: University of Toronto Press.

Shevel, O. (2011). *Migration, refugee policy, and state building in postcommunist Europe*. Cambridge: Cambridge University Press.

Shire, W. (2015, December 4). Globe poetry: Home by Warsan Shire. *The Globe and Mail*. Retrieved April 15, 2018, from https://www.theglobeandmail.com/opinion/home/article27608299/

Showler, P. (2006). *Refugee sandwich: Stories of exile and asylum*. Montreal; Kingston: McGill-Queen's Press.

Silverman, S. J. (2014). In the wake of irregular arrivals: Changes to the Canadian immigration detention system. *Refuge: Canada's Journal on Refugees*, *30*(2), 27–34.

Smith, D. E. (2005). *Institutional Ethnography: A Sociology for People*. Lanham: AltaMira Press.

Soguk, N. (1999). *States and strangers: Refugees and displacements of statecraft*. Minneapolis: University of Minnesota Press.

Spire, A. (2008). *Accueillir ou reconduire: Enquête sur les guichets de l'immigration*. Paris: Raisons D'Agir.

Suárez-Navaz, L. (2004). *Rebordering the Mediterranean: Boundaries and Citizenship in Southern Europe*. New York; Oxford: Berghahn Books.

The Canadian Press. (2015, January 5). Canada border agency's 'wanted' list leads to 51 deportations. *Toronto Star*. Retrieved April 2, 2018, from https://www.thestar.com/news/canada/2015/01/05/canada_border_agencys_wanted_list_leads_to_51_deportations.html

Thobani, S. (2007). White wars: Western feminisms and theWar on Terror'. *Feminist Theory*, *8*(2), 169–185.

Torre, M. E., & Ayala, J. (2009). Envisioning participatory action research entremundos. *Feminism & Psychology*, *19*(3), 387–393.

Travis, A. (2013, October 31). "Go home" vans resulted in 11 people leaving Britain, says report. *The Guardian*. Retrieved April 8, 2018, from https://www.theguardian.com/uk-news/2013/oct/31/go-home-vans-11-leave-britain

Truong, T.-D. (2011). The Governmentality of Transnational Migration and Security: The Making of a New Subaltern. In T.-D. Truong & D. Gasper (Eds.), *Transnational Migration and Human Security* (pp. 23–37). Berlin: Springer.

Tuhiwai Smith. (1999). *Decolonizing Methodologies : Research and Indigenous Peoples*. London: Zed Books.

UNHCR. (1996). HANDBOOK VOLUNTARY REPATRIATION: INTERNATIONAL PROTECTION. United Nations High Commissioner for Refugees. Retrieved April 3, 2018, from http://www.unhcr.org/publications/legal/3bfe68d32/handbook-voluntary-

repatriation-international-protection.html

UNHCR. (2007, January). Advisory Opinion on the Extraterritorial Application of Non-Refoulement Obligations under the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. UNHCR. Retrieved April 3, 2018, from http://www.unhcr.org/4d9486929.pdf

UNHCR. (n.d.). Convention and Protocol Relating to the Status of Refugees. Retrieved May 26, 2018, from http://www.unhcr.org/protection/basic/3b66c2aa10/convention-protocol-relating-status-refugees.html

Vasta, E. (2011). Immigrants and the paper market: borrowing, renting and buying identities. *Ethnic and Racial Studies*, *34*(2), 187–206.

Villegas, F. J. (2014). *The Politics of "Access": Undocumented Students and Enrollment in Toronto Schools* (Doctor of Philosophy). University of Toronto, Toronto. Retrieved May 1, 2018, from https://tspace.library.utoronto.ca/bitstream/1807/68161/1/Villegas_Francisco_J_201411_PhD_thesis.pdf

Villegas, P. E. (2013a). Assembling a visa requirement against the Mexican 'wave': migrant illegalization, policy and affective 'crises' in Canada. *Ethnic and Racial Studies*, *36*(12), 2200–2219.

Villegas, P. E. (2013b). Negotiating the Boundaries of Membership: Health Care Providers, Access to Social Goods, and Immigration Status. In L. Goldring & P. Landolt (Eds.), *Producing and Negotiating Non-Citizenship: Precarious Legal Status in Canada* (pp. 221–237). Toronto: University of Toronto Press.

Villegas, P. E. (2014). 'I can't even buy a bed because I don't know if I'll have to leave tomorrow': temporal orientations among Mexican precarious status migrants in Toronto. *Citizenship Studies*, *18*(3–4), 277–291.

Villegas, P. E. (2015a). Fishing for precarious status migrants: surveillant assemblages of migrant illegalization in Toronto, Canada. *Journal of Law and Society*, *42*(2), 230–252.

Villegas, P. E. (2015b). Moments of Humiliation, Intimidation and Implied 'Illegality': Encounters with Immigration Officials at the Border and the Performance of Sovereignty. *Journal of Ethnic and Migration Studies*, *41*(14), 2357–2375.

Walia, H. (2010). Transient servitude: migrant labour in Canada and the apartheid of citizenship. *Race & Class*, *52*(1), 71–84.

Walia, H. (2013). *Undoing Border Imperialism*. Oakland: AK Press.

Webber, F. (2011). How voluntary are voluntary returns? *Race & Class*, *52*(4), 98–107.

Wheatley, C. (2011). Push back: US deportation policy and the reincorporation of involuntary return migrants in Mexico. *The Latin Americanist*, *55*(4), 35–60.

Wherry, A. (2012, July 16). "Bogus refugee claimants receiving gold-plated health care benefits". *Mcleans*. Retrieved April 8, 2018, from http://www.macleans.ca/politics/ottawa/bogus-refugee-claimants-receiving-gold-plated-health-care-benefits/

Willen, S. S. (2007). Toward a critical phenomenology of "illegality": State power, criminalization, and abjectivity among undocumented migrant workers in Tel Aviv, Israel. *International Migration*, *45*(3), 8–38.

Wright, C. (2003). Moments of emergence: Organizing by and with undocumented and non-citizen people in Canada after September 11. *Refuge: Canada's Journal on Refugees*, *21*(3), 5–15.

Wright, C. (2013). The Museum of Illegal Immigration: Historical Perspectives on the Production of Non-citizens and Challenges to Immigration Controls. In L. Goldring & P. Landolt (Eds.), *Producing and Negotiating Non-Citizenship: Precarious Legal Status in Canada* (pp. 31–54). Toronto: University of Toronto Press.

Young, J., & Bernhard, J. K. (2013). Confidentiality and "Risky" Research: Negotiating Competing Notions of Risk in a Canadian University Context. In L. Goldring & P. Landolt (Eds.), *Producing and Negotiating Non-Citizenship: Precarious Legal Status in Canada* (pp. 305–316). Toronto: University of Toronto Press.

Yuval-Davis, N. (2011). *The politics of belonging: Intersectional contestations*. Los Angeles: Sage.

Zetter, R. (1991). Labelling refugees: Forming and transforming a bureaucratic identity. *Journal of Refugee Studies*, *4*(1), 39–62.

Zetter, R. (2007). More labels, fewer refugees: Remaking the refugee label in an era of globalization. *Journal of Refugee Studies*, *20*(2), 172–192.

Appendices

Appendix A: Interview Guide for Migrants

Interview Questions:
Researcher: Tanya Aberman
Participants: Uprooted Torontonians with various forms of precarious immigration status (or no status), who have decided to 'self-deport' or remain in Canada.

Note: Some changes and addition to these proposed questions will occur during and between the interviews.

Demographic Questions

- Gender

- Age
- Country of origin
- Race/Ethnicity/Cultural background
- Education
- Employment/income
- Number of people in the household

1. Questions about the experiences before migration

1. Can you tell me about your life before you came to Canada?
2. Did you have a job? If so what kind of job? If not, how did you support yourself?
3. Did you go to school?
4. Can you tell me about your family?
5. Can you tell me about your community?
6. Where were you living? What were the living conditions like?

2. Questions about the experiences of migration

1. When did you decide to come to Canada? Can you tell me about that decision?
2. How did you come to Canada?
3. Who did you come with (relatives/broker)?
4. How long did it take you to migrate?
5. How did you feel about coming to Canada?
6. Can you describe your arrival in Canada?
7. Can you tell me about your experiences with Canada Border Services Agency officials when you arrived? Was it difficult for you to enter? In what ways?
8. How do you feel about CBSA?
9. Did you make any immigration applications when you first arrived?
10. Have you made any applications since? Which ones? When? Did you have help?
11. Why did you make those applications? Can you tell me about your experiences making these applications?

12. Did anyone help you to make them?
13. Where they accepted?
14. Do you intend to make more applications in the future? If so, which ones and why?

3. Questions about experiences in Canada

1. Can you tell me about your experience living in Canada?
2. How has your lifestyle changed since you arrived in Canada? What have been the biggest changes?
3. How long have you lived in Canada?
4. Have you made many friends? Where have you made friends primarily? Do you have family here? Do you feel supported?
5. Are you working? If so, what kind of work? If not, by what means are you supporting yourself?
6. How do you feel about your employment situation in Canada?
7. Do you feel hopeful for your future in Canada? Why/Why not?
8. Can you tell me about any groups or organizations you may have become involved with in Canada? What has your involvement consisted of? Do you enjoy it?
9. Have you ever needed to see a doctor in Canada? Can you tell me about that/those experience(s)?
10. Can you tell me abut any experiences you have had with the school system in Canada for high school/university?
11. Can you tell me about how you feel about the idea of going home?
12. Has Immigration Canada ever asked you to leave? If they did, would you? Why/Why not?
13. Have you been offered the Assisted Voluntary Return and Resettlement Program? If so, can you tell me about that experience? Did you accept it?
14. Are you aware that Toronto is a sanctuary city? How did you become aware?
15. What does that mean to you?
16. Have you been able to access city services?
17. Does it make a difference for you? Does it affect your decision?

Planning to return:

Why are you planning to return? (health, school, job, family...)

What would you be going back to?

Appendix B: Interview Guide for Service Providers

Interview Questions:
Researcher: Tanya Aberman
Participants: Settlement Workers who work with Uprooted Torontonians with various forms of precarious immigration status (or no status), who have decided to 'self-deport' or remain in Canada.

Note: Some changes and addition to these proposed questions will occur during and between the interviews.

Demographic Questions

- Organization

    1. How long have you been working in the immigration sector?
    2. How long have you been working in this particular organization?

Questions about community served

    3. What community would you say that you primarily serves?
    4. Is there a catchment area formally or informally? If so can you tell me about it? (size, diversity, socio-economic status)
    5. Have your clients generally been in Canada for some time or are they primarily new to the country?
    6. Can you tell me about the immigration applications that they primarily make? Which do you spend the most time working on?
    7. Can you tell me abut your experiences working on these applications?
    8. Do you have a sense of the rates of acceptance?
    9. Can you tell me about how your clients chose to make their applications?
    10. Do people make applications that have little chance of being accepted?
    11. Are your clients generally employed? In school? On social assistance?
    12. Do your clients generally access other organizations for services? If so which ones?
    13. Do your clients generally have community support or are they generally fairly isolated?

Questions about Immigration Policies

    14. Considering all the changes in the last few years, have you found it challenging to keep up?
    15. Can you tell me about how the immigration changes have affected your work?
    16. Can you tell me about how the changes have affected your clients?
    17. Which changes would you say have had the most impact, why? How?
    18. Have you noticed a difference because of the changes to health coverage for refugees?

19. The shortened refugee process?
20. Bans on H&C?
21. Bans on PRRA?
22. What have clients expressed to be their main obstacles and frustrations?
23. Have you worked with clients in detention?
24. Does their experience of the process seem very different? Are their many more challenges?
25. Have clients said that being in detention affects their choices with regards to immigration processes?

Questions about other obstacles

26. Can you tell me about other barriers affecting your clients? Can you elaborate?
27. Have your clients talked to you about facing discrimination or racism?
28. What overall view of Canada have they expressed to you?
29. Have you heard of the concept of self-deportation?
30. Have you had clients come to you to talk or ask about going home?
31. About how many?
32. Did they say why they wanted to go home? Can you tell me about it?
33. What emotions/influences speed up or slowdown that decision?
34. How do their emotions/outlook change once they make that decision? What impact does it have?
35. Have you noticed an increase or decrease in terms of the number of people wanting to go home?
36. Are you familiar with the AVRR?
37. What was your experience with the AVRR?
38. Did you have many clients who used the AVRR? How many would you say?
39. Did clients initially ask you about the AVRR or were they informed by CBSA?
40. Did the clients benefit from the program?
41. Are you familiar with Toronto's Sanctuary City Policy?
42. How do you feel about the policy?
43. How does the policy impact your clients? Have you seen any impacts?
44. Would you say that your clients are generally hopeful for their future in Canada? Why/why not?

<u>**Appendix C: Informed Consent Form**</u>

Informed Consent Form

Study name: Self-Deportation in a Sanctuary City: Experiences of Precarious Status in Toronto:
Researcher: Tanya Aberman (Doctoral Candidate, Graduate Program in Gender, Feminist and Women's Studies, York University, Toronto, ON, Canada)

Purpose of the research: to investigate the ways 'self-deportation" is encouraged in current Canadian immigration policies and the intersectional impacts this has had on uprooted people.

What you will be asked to do in the research: is to share your experiences and interactions 1) with the Canadian immigration system and the Assisted Voluntary Return and Reintegration Program (if applicable) and 2) your reasons behind staying in Canada or leaving. The interview that I will be conducting with you will be of approximately one hour (or a maximum of two hours).

Risks and discomforts: Some of the topics we discuss may be difficult or upsetting. You may pause or stop the conversation at any time, or choose not to discuss certain things at any time in the interview. I have knowledge of and can provide suggestions of various support services that are available in the area or region where you are located if you feel they would be beneficial.

Benefits of the research and benefits to you: Your answers will enable you to share your valuable thoughts and ideas about the current Canadian Immigration system and its impacts on people's lives. It will increase knowledge about why people stay or leave, and be used to recommend changes to immigration policies. The results of this study will be shared with the aspiration that it could be useful for information/advocacy by settlement agencies and uprooted people.

Voluntary participation: Your participation in the study is completely voluntary and you may choose to stop participating at any time. Your decision not to be interviewed will not influence the relationship you may have with the researcher or study staff or the nature of your relationship with York University either now, or in the future.

Withdrawal from the study: You can stop participating in the study at any time, for any reason, if you so decide. Your decision to stop participating, or to refuse to answer particular questions, will not affect your relationship with the researcher, York University, or any other group associated with this project. In the event you withdraw from the study, all associated data collected will be immediately destroyed wherever possible.

Confidentiality: The interview will be recorded to ensure that your words are remembered accurately. The recording will be done on a password-protected device and kept in strict confidence. All recordings and transcriptions will be securely stored, using encryption software, on my password-protected computer until the completion of my dissertation oral defense (August 2016). After my degree is completed, data will be permanently removed from my computer and archived in an external hard drive that will

be kept under lock and key in a filing cabinet in my home office for a period of three years. Only a made up name for each participant will appear in the final transcripts of the interviews; **your real name will not be identified in any written account of the research.** While aspects of the interview data will be included in the dissertation and may be published, **your identity will always be kept in confidence and will not be shared with anyone.** Confidentiality will be provided to the fullest extent possible by law.

Questions about the research? This research has been reviewed and approved by the Human Participants Review Sub-Committee, York University's Ethics Review Board and conforms to the standards of the Canadian Tri-Council Research Ethics guidelines. If you have any questions about this process, or about your rights as a participant in the study, please feel free to contact the Office of Research Ethics.

I,_____, consent to participate in "Self-Deportation in a Sanctuary City: " conducted by Tanya Aberman. I have understood the nature of this project and wish to participate.

Signature _____ **Date** _____

Participant

Signature _____ **Date** _____

Principal Investigator

Due to the precarious immigration status of many of the participants involved in my research, written consent may not be possible. Uprooted people may not be willing to identify themselves in writing, since their presence in Canada may not be legally recognized or may be precarious. In order to ensure increased anonymity and accommodate participation for people in these precarious situations, oral consent will be requested. The same consent form will be shared with these participants, which can be read orally or by the participant, and each will be asked to consent verbally before the interview begins. As a result, no written record of the participant's identity will be created.